

TIM JOHNSON  
SOUTH DAKOTA

RAPID CITY OFFICE: (605) 341-3990  
PO BOX 1098, RAPID CITY, SD 57709

ABERDEEN OFFICE: (605) 226-3440  
PO BOX 1554, ABERDEEN, SD 57402

SIOUX FALLS OFFICE: (605) 332-8896  
PO BOX 1424, SIOUX FALLS, SD 57101

## United States Senate

WASHINGTON, DC 20510-4104

March 19, 2009

WASHINGTON OFFICE:  
136 HART SENATE OFFICE BUILDING  
WASHINGTON, DC 20510-4104  
(202) 224-5842

TDD: (202) 224-8279

TOLL FREE  
1-800-537-0025

E-MAIL: [tim@johnson.senate.gov](mailto:tim@johnson.senate.gov)  
WEB SITE: <http://johnson.senate.gov>

The Honorable Tom Vilsack  
Secretary  
United States Department of Agriculture  
1400 Independence Avenue SW  
Washington DC 2050-002

Dear Secretary Vilsack:

I write to discuss with you my concern for the manner in which the proposed National Animal Identification System (NAIS) has thus far been planned and implemented. Given the resources that have been dedicated to this system, I am concerned that NAIS fails to take into account the needs of the very farmers and ranchers who would be saddled with program implementation.

The NAIS has absorbed \$128,000,000 in Congressional funding, and this most recent Fiscal Year 2009 Omnibus Appropriations measure included \$14,500,000 for the initiative. We still, however, have not been given a general estimate for cost or a projection on timeframe for implementation from the United States Department of Agriculture's (USDA) Animal and Plant Health Inspection Service (APHIS). I applaud your efforts to gather farmer, rancher, and organizational input within this most recent comment period. Under the Bush Administration, USDA failed not only to reconcile farmer and rancher concerns or incorporate their valuable suggestions, but also failed to even invite these same people to the table for discussion. It is my understanding that you have started to engage in those discussions, and I would urge you to continue to meet with grassroots farming and ranching organizations on this issue.

I recently requested and received comments on NAIS from livestock and producer organizations in the state of South Dakota. The suggestions offered by groups in the state are remarkably similar, and I have summarized some of those suggestions in this letter. I am also including all of the suggestions I've received from organizations in South Dakota for your review, which offer detailed feedback in farmers' and ranchers' own words.

Existing disease management and tracking programs in many instances already accomplish the task of identifying livestock. Just as I have long pushed for the incorporation of state food labeling programs into a broader, national Country of Origin Labeling program, existing animal disease programs must be recognized. As the American Sheep Industry Association (ASI) pointed out in its comments to my office, for example, the national scrapie database has effectively identified over 90% of the locations where sheep are present. This program functions to offer up cost-efficient, government funded metal tags for livestock, collects nothing more than basic information, and is achieving disease eradication in a species-specific manner that works well for the sheep sector. Additional livestock handling impacts a farmer or rancher's bottom line, and mandating either the replacement of existing tags or the addition of redundant new tags is ridiculous.

Secretary Tom Vilsack  
March 19, 2009  
Page two

What is also concerning is the difference in the amount of money USDA projected would be needed for the scrapie program and which USDA has requested from Congress. APHIS provided a cost estimate of \$170,259,083 in 2000 for the program. As evidenced in USDA's requests for Congressional funding for Fiscal Year 2009, APHIS only requested \$17,487,000 for scrapie program implementation, and Congress ultimately exceeded USDA's funding request by appropriating \$17,733,000 for the program. As outlined by ASI, an increase of \$11.2 million is genuinely needed to ensure the program functions efficiently. Why is USDA requesting funding for NAIS efforts when more attention and funding must, and should, be paid to existing programs?

As pointed out by the South Dakota Stockgrowers Association, the South Dakota Cattlemen's Association, R-CALF, the South Dakota Animal Identification Advisory Committee, Immediate Past President of the National Association of State Animal Health Officials Dr. Sam Holland, and Acting South Dakota State Veterinarian Dr. Dustin Oedekoven, identification of the cattle breeding herd is appropriate. In South Dakota, the identification of beef breeding age females is required when ownership of the cattle changes, and this system relies upon official tags and tattoos which include the species-specific Bangs tag issued through Brucellosis vaccination.

The existing Brucellosis program has achieved a Brucellosis-free status in many states. Farmers and ranchers work with their local veterinarians to vaccinate cattle and use a simple, official Bangs metal tag and an ear tattoo to identify animals at the time of vaccination. Just about 330,000 heifers in South Dakota in 2008 were vaccinated, and that number has been consistent over the past five years. The program has been remarkably successful, eventually achieving a Brucellosis free status in all fifty states. It is the wildlife population that has continually made retaining a Brucellosis-free status challenging, not the mismanagement of cattle.

There is nothing currently to prohibit the incorporation of custom tags into an operation should a farmer or rancher decide their use is appropriate, but I am concerned that mandating the use of technology will put a massive economic hardship on small, grassroots producers. As discussed in a Kansas State University research paper entitled, *Summary of Electronic Animal Identification Systems at Livestock Auction Markets: Adoption Rates, Costs, Opportunities, and Perceptions*, the estimated cost of an RFID system per animal was markedly different based on the size of an operation. Also, brands are a very integrated piece of cattle management in South Dakota and many other states. I recognize that differences in brand registration exist on a state-by-state, and even in some instances, a county-by-county basis, but incorporating the brand into any additional animal disease efforts is important.

It was virtually unanimous that any data collected for any animal disease mitigation measures must be retained on a state level. While allowances must be made for state, Tribal, and federal communication in emergency circumstances, it is clear that maintaining disease eradication data within a State's Animal Industry Board is preferable to a national, federal database. This would help to answer one of the largest concerns farmers and ranchers have with such a program, which is that producer confidentiality is not protected under this proposed national system.

Secretary Tom Vilsack  
March 19, 2009  
Page three

As articulated by virtually every organization who submitted comments, tracking each animal movement is exceedingly difficult, particularly given the production practices on acres in Western States, and would generate a substantial burden for ranchers and farmers. Movement between states has required, appropriately, additional documentation in accordance with the uniform recognition of livestock health requirements, but it makes little sense to me to track the recorded movement of animals on very minute levels.

Ultimately, no animal disease mitigation efforts will be successful without ensuring that proper policy is put in place with respect to trade and the importation of livestock and product. In light of proposals concerning the importation of fresh meat and livestock from Argentina, a country which has yet to attain the same FMD-free status without vaccination as the U.S.; the importation of over thirty month (OTM) cattle from Canada, a country which has observed numerous Bovine Spongiform Encephalopathy (BSE) cases even after a feedban was put into place; or Tuberculosis cases which are traced back to Mexican feeder cattle, I question why U.S. producers are being saddled with additional animal disease management responsibilities when the USDA has proposed and has put in place policy which directly contradicts these efforts?

I thank you in advance for your prompt attention to this important request.

Sincerely,



Tim Johnson  
United States Senator