

Fighting for the U.S. Cattle Producer!



R-CALF United Stockgrowers of America
P.O. Box 30715
Billings, MT 59107
Fax: 406-252-3176
Phone: 406-252-2516
Website: www.r-calfusa.com
E-mail: r-calfusa@r-calfusa.com

March 20, 2009

The Honorable David Scott
Chairman, House Committee on Agriculture
Subcommittee on Livestock, Dairy, and Poultry
1301 Longworth House Office Building
Washington, D.C. 20515-6001

Re: R-CALF USA Post-Hearing Testimony Regarding Review of Animal Identification Systems

Dear Chairman Scott and Subcommittee Members:

The Ranchers-Cattlemen Action Legal Fund – United Stockgrowers of America (R-CALF USA) appreciates this opportunity to submit additional views regarding the U.S. House of Representatives, Committee on Agriculture, Subcommittee on Livestock, Dairy, and Poultry's (Subcommittee's) Review of Animal Identification Systems. R-CALF USA is a national, non-profit organization that represents thousands of U.S. cattle producers on domestic and international trade and marketing issues and is dedicated to ensuring the continued profitability and viability of the U.S. cattle industry.

As discussed in R-CALF USA's pre-hearing testimony in this matter and in testimony provided before the Subcommittee, R-CALF USA believes it is both possible and important to improve disease traceability in our U.S. livestock herds, but the National Animal Identification System (NAIS) proposed by the U.S. Department of Agriculture (USDA) Animal and Plant Health Inspection Service (APHIS) is *not* an appropriate nor workable solution to accomplish this important objective.

It is important for the Subcommittee to know that USDA began designing, developing, and promoting NAIS more than six years ago and, yet, the Subcommittee's March 2009 hearing was the *first* meaningful opportunity for the actual producers of livestock to provide information to Congress regarding this radical, sweeping proposal certain to impose significant costs on the U.S. livestock industry each year. R-CALF USA is, therefore, grateful for this *first* opportunity to address the tremendous amount of misinformation surrounding NAIS. This misinformation, as evidenced by statements made and questions asked by Subcommittee members during the hearing, is now deeply entrenched in both Congress and industry circles due to USDA's unrestrained, aggressive, multiple-year and multi-million dollar NAIS promotional campaign, which included not only direct payments to States and Tribes, but also, direct payments to the National Cattlemen's Beef Association's National Cattlemen's Foundation, National Milk Producers Federation, and the National Pork Board.¹ In addition, the American Veterinary

¹ See About NAIS: Industry Partnerships, USDA APHIS, available at http://animalid.aphis.usda.gov/nais/about/industry_partnerships.shtml; see also USDA Announces Plans to Expand

Medical Association (AVMA) represents veterinarians “employed in key positions within state and federal governments . . . such as the U.S. Department of Agriculture’s Animal and Plant Health Inspection Service (APHIS) Food Safety Inspection Service (FSIS) and Agricultural Research Service.”² Clearly, the witnesses called by the Subcommittee that represent the interests of these USDA/NAIS-obligated federal agencies and nonprofit organizations are mere extensions of USDA itself and cannot and should not be relied upon to provide any meaningful, critical analysis of USDA’s NAIS.

Below, R-CALF USA will address the issues raised at the hearing that have contributed to widespread misapprehension regarding the application, scope, purpose, and probable effects of USDA’s NAIS.

I. THE UNITED STATES’ CURRENT PREPAREDNESS TO ADDRESS LIVESTOCK DISEASE OUTBREAKS

A. The United State’s Success or Failure in Controlling *Actual* Livestock Diseases

NAIS proponents claim that because NAIS is not implemented, the U.S. is ill-prepared to control disease outbreaks in U.S. livestock. However, R-CALF USA provided the Subcommittee with documented evidence showing that preexisting U.S. livestock disease programs have functioned in a highly successful and highly effective manner to control and eradicate livestock diseases in the United States. R-CALF USA documented that with the preexisting system, the U.S. successfully controlled and/or eradicated such diseases as contagious bovine pleuropneumonia, foot-and-mouth disease (FMD), bovine babesiosis, classical swine fever, *Brucella melitensis*, porcine cysticercosis, bovine tuberculosis (bovine TB), brucellosis, and bovine spongiform encephalopathy (BSE or mad cow disease).³ This successful record of disease control and eradication is exemplary under world standards. For example, USDA states that FMD is widespread around the world and has been “identified in Africa, South America, Asia, and some parts of Europe,” and despite the occurrence of nine separate outbreaks, the U.S. eradicated FMD in 1929.⁴ The World Organization for Animal Health (OIE) provides data showing that both brucellosis and bovine TB also are widespread around the world,⁵ though the U.S. believes it has eradicated the former disease in the U.S. in all

National Animal Identification System Cooperative Agreements to Nonprofit Organizations, USDA APHIS, news release, February 2, 2007, available at <http://www.aphis.usda.gov/newsroom/content/2007/02/NAISRFP.shtml> (“USDA will make up to \$6 million available for the cooperative agreements [with nonprofit organizations]”).

² The National Animal Identification System, Testimony of W. Ron DeHaven, DVM, MBA, CEO, American Veterinary Medical Association, Before the House of Representatives Committee on Agriculture, Subcommittee on Livestock, Dairy, and Poultry (hereafter “AVMA Testimony”), March 11, 2009, at 4.

³ See R-CALF USA Hearing Testimony, Review of Animal Identification Systems, March 11, 2009 (hereafter “R-CALF USA Hearing Testimony”), at 4, 5 (for all diseases other than BSE); at 12 (for BSE, but also, the Subcommittee should take note that USDA is so confident that it has eliminated the risk of BSE that it has both *reduced* government surveillance for BSE and it has *prohibited* private meatpackers from conducting voluntary BSE testing of cattle at slaughter (see *Creekstone Farms v. USDA*, No. 06-CV-0544-JR, Order (March 29, 2007)).

⁴ APHIS Factsheet: Foot-and-Mouth Disease, USDA APHIS Veterinary Services, February 2007, available at http://www.aphis.usda.gov/publications/animal_health/content/printable_version/fs_foot_mouth_disease07.pdf.

⁵ See World Animal Health Information Database (WAHID) Interface, Disease Information, Disease Distribution Maps, World Organization for Animal Health (OIE), Paris, France, available at <http://www.oie.int/wahis/public.php?page=home>.

but the wildlife population in the Greater Yellowstone Area and the U.S. was able to designate 49 states as “TB Free” in 2007, with wildlife populations and Mexican cattle imports continuing to served as reservoirs for the disease.⁶ Regarding BSE or mad cow disease, the USDA was so confident that it had eliminated the risk from BSE that within months of detecting the second, “atypical strain” of BSE, this time in a 10-year-old cow in Alabama, USDA significantly curtailed its national surveillance for BSE,⁷ aggressively fought and ultimately won a court battle to prevent any private meatpacker from conducting their own surveillance for BSE,⁸ and promulgated a rule (which went into effect on Nov. 19, 2008) to allow cattle with a heightened BSE risk to enter the United States from Canada, *even when USDA’s base-case risk assessment predicted that the U.S. would import 19 BSE infected cattle over the next 20 years under the rule.*⁹

In fact, NAIS proponents fully acknowledge that *preexisting* U.S. livestock disease programs have been highly effective. USDA stated “Now, with successful eradication of many diseases, the need for and level of vaccination and testing is low – as is the percentage of uniquely identified animals and premises in the United States.”¹⁰ Emphasis added. In his testimony before the Subcommittee, USDA’s Chief Veterinary Officer, Dr. John Clifford, stated, “While certainly not the modern, standardized system we envision with NAIS, those [preexisting animal identification] systems did provide us with a solid base for traceback.”¹¹ Emphasis added.

USDA and other NAIS proponents offer not a shred of evidence to support the position that the structural and operational components of preexisting USDA disease programs were not highly effective in controlling and eradicating livestock disease, including preexisting disease identification systems, recording systems, surveillance and monitoring systems, and disease program methodologies. Only the AVMA has attempted to denigrate preexisting diseases systems by characterizing them as “outdated premises and disease monitoring systems,” but it failed to provide even a scintilla of evidence in support of its unfounded assertion.¹²

The evidence reveals the obvious – that the structural components and functionality of preexisting disease programs are time-proven and highly effective at controlling and eradicating livestock diseases in the United States. The success and effectiveness of preexisting systems do

⁶ See R-CALF USA Hearing Testimony, at 5.

⁷ See APHIS Factsheet: USDA’s BSE Surveillance Efforts, USDA APHIS, July 2006, available at http://www.aphis.usda.gov/publications/animal_health/content/printable_version/fs_BSE_ongoing_vs.pdf (“USDA will begin transitioning its enhanced BSE surveillance program to a level that is more commensurate with the extremely low level of risk in the United States.”).

⁸ See *Creekstone Farms v. USDA*, No. 06-CV-0544-JR, Order (March 29, 2007).

⁹ See 72 Federal Register, 1109 (“Using a base-case assumption . . . over the next 20 years, our quantitative model predicts the importation of a total of approximately 19 infected bovines over that period under the provisions of this proposes rule.”).

¹⁰ National Animal Identification System (NAIS) – A User Guide and Additional Information Resource, USDA APHIS, Version 2, December 2007, at 7, available at <http://animalid.aphis.usda.gov/nais/naislibrary/documents/guidelines/NAIS-UserGuide.pdf>.

¹¹ Review Animal Identification Systems, Testimony of Dr. John Clifford, Deputy Administrator for Veterinary Services, USDA APHIS, before the House Committee on Agriculture’s Subcommittee on Livestock, Dairy, and Poultry (hereafter “USDA Testimony”), March 11, 2009, at 2.

¹² AVMA Testimony, at 9.

not justify a radical new program as envisioned in the NAIS. Congress must flatly reject the NAIS' premise that preexisting U.S. livestock disease programs are broken.

B. The Weaknesses In Ongoing Disease Control Programs Would Not Be Resolved By NAIS

NAIS proponents assert that as a result of the successful control and eradication of livestock diseases under preexisting systems, fewer livestock producers and fewer livestock are participating in the animal identification systems incumbent to preexisting livestock disease programs.¹³ However, and importantly, the testimony of NAIS proponents reveals that this assertion *is not true for all livestock species*. USDA' Chief Veterinarian testified that:

The poultry industry . . . continues to have a high level of traceability – estimated at more than 95 percent today. . . The commercial swine industry utilizes group/lot identification exclusively, thus premises information alone provides a high level of traceability. . . [and] [a]n estimated 95 percent of sheep flocks are listed in the scrapie database.¹⁴

This testimony reveals that participation in animal identification systems incumbent to preexisting disease programs by the poultry and sheep industries already exceeds the 70 percent “critical mass level of participation” benchmark that USDA has established for NAIS,¹⁵ and participation by the hog industry *may* already exceed that benchmark as well. Thus, the argument that there is insufficient participation by poultry and sheep producers, and perhaps by hog producers, to ensure disease traceability in the event of a disease outbreak is meritless.

The concern that there are fewer producers and fewer livestock participating in animal identification systems incumbent to preexisting disease programs is applicable perhaps only to the U.S. cattle industry. But, it is both false and disingenuous to assert that a significant number of U.S. cattle are not already participating in official animal identification programs. In fact, USDA affirms that that, “For the past several years, approximately 25-30% of the cattle population has been officially identified,” most of which are identified through preexisting disease programs.¹⁶ Based on the size of the U.S. cattle herd – estimated by USDA to be 104 million head on July 1, 2007¹⁷ – approximately 26-31 million cattle in the U.S. herd are “officially identified.”

Based on information and belief, R-CALF USA asserts the percentage of identifiable cattle is *significantly* higher than USDA's estimate. As stated in R-CALF USA's pre-hearing testimony, there are 15 states that operate state brand programs, which require the permanent identification of individual cattle,¹⁸ some states require identification of breeding age cattle when

¹³ See R-CALF USA Testimony, at 17, fn 70.

¹⁴ USDA Testimony, at 7.

¹⁵ A Business Plan to Advance Animal Disease Traceability, USDA APHIS, Version 1.0, September 2008, at 2.

¹⁶ *Id.*, at 67.

¹⁷ *Id.*, at 16.

¹⁸ See R-CALF USA Testimony, at 10, fn 38.

ownership is transferred,¹⁹ and many cattle producers voluntarily participate in export-eligibility programs that incorporate traceable animal identification devices on individual cattle.²⁰

NAIS proponents disingenuously allege that because of what they call an “outdated system of tracking outbreaks of animal diseases to their sources;”²¹ and a “lack of any official identification” with which to determine the “specific origin of the subject animal . . . [and] without movement data,”²² disease traceback investigations have taken too long to conduct. Both the AVMA and USDA cited the same statistics to support their allegations: AVMA stated, “Investigators spent an average of 199 days tracing the sources of animals infected with bovine tuberculosis between October 2005 and August 2007.”²³ USDA stated, “The average time spent conducting a traceback involving 27 recent bovine tuberculosis investigations was 199 days.”²⁴

Congress has trusted, independent resources available to ascertain particular problems encountered by Federal agencies when carrying out their respective Federal missions. The Government Accountability Office (GAO) and the USDA’s Office of Inspector General (OIG) are such resources. The OIG conducted an audit of USDA’s control over its bovine TB eradication program in September 2006. According to the audit, the OIG found that a lack of identification on individual animals was not the sole source of USDA’s problem in conducting its bovine TB investigations. In fact, the OIG found that over half of the investigations that were closed with an outcome of “untraceable” were animals that *were* identified with eartags, but the eartags either were not collected at the time of slaughter, had been removed by the feedlot prior to slaughter, or were unable to be traced because there was no requirement to maintain records.²⁵ Equally important, the OIG found that USDA’s disease eradication efforts were hampered because the agency was not using its oversight tools in a timely manner, i.e., not timely reviewing and responding to the annual and monthly summaries of program results submitted by States nor was it properly reviewing States for program compliance.²⁶ The OIG also found that USDA was not following Federal regulations for declaring affected bovine TB herds, which weakened the agency’s ability to contain and eradicate the disease and resulted in no additional controls being put in place for the majority of bovine TB cases detected in the past 5 years.²⁷ The agency was also cited for not timely downgrading the TB status of States after the agency knew that the disease was not isolated in one herd,²⁸ not having adequate controls to restrict the introduction of bovine TB in Mexican cattle,²⁹ not requiring slaughtering facilities to conduct surveillance at the recommended rate,³⁰ not monitoring high-risk herds and the corresponding

¹⁹ See, e.g., South Dakota Legislature, Administrative Rules, Chapter 12:68:05:02.

²⁰ For more information on export-eligibility programs, view USDA’s Bovine Export Verification procedures available at USDA’s Website.

²¹ AVMA Testimony, at 5.

²² USDA Testimony, at 3.

²³ AVMA Testimony, at 5.

²⁴ USDA Testimony, at 4.

²⁵ See Exhibit F – Reasons for Closing FY 2004 Investigations as “Untraceable,” Audit Report: Animal and Plant Health Inspection Service’s Control Over the Bovine Tuberculosis Eradication Program, September 2006, at 38.

²⁶ See Audit Report: Animal and Plant Health Inspection Service’s Control Over the Bovine Tuberculosis Eradication Program, Report No. 50601-0009-Ch, September 2006, at 5-9.

²⁷ See *id.*, at 11-14.

²⁸ See *id.*, at 16-17.

²⁹ See *id.*, at 19-21.

³⁰ See *id.*, at 22-24.

on-farm testing that is required;³¹ and not providing sufficient training to investigators so investigations could be completed in a timely manner.³²

This evidence demonstrates that NAIS proponents are disingenuous in characterizing NAIS as an end-all solution to weaknesses affecting the United State's ability to continue effective disease control and eradication. The systemic problems described above are internal management problems that impede disease control and eradication as well as disease investigations and would *not* be solved by implementing the NAIS.

C. The United States' Capacity to Address Future Disease Outbreaks

The OIG audit report referenced above is one of several OIG reports that reveal USDA is already experiencing significant difficulty in properly executing its preexisting disease control responsibilities, for reasons related more to management problems than to a lack of animal identification. R-CALF USA referenced another, a 2008 OIG report, in its prehearing testimony that describes USDA's failures to meet required health and safety regulations designed to prevent the introduction of BSE.³³ The Subcommittee should review these official evaluations as well as the investigative reports completed over the past several years by the GAO. For example, the GAO found in 2003 that USDA did not provide border inspectors guidance on FMD prevention activities in response to the 2001 European outbreak.³⁴ And, in 2007, the GAO found that management problems in USDA may leave U.S. agriculture vulnerable to foreign pests and diseases.³⁵ These official government reports do not provide assurance that USDA has the capacity to properly administer and effectively operate such a colossal program as envisioned by NAIS, and given the centralization of disease-related responsibilities inherent in the NAIS, failure to do so would significantly increase the risk of disease introduction and spread in the United States.

No analysis or evaluation has been conducted to determine if USDA has the capacity to implement the far-reaching NAIS, nor whether the NAIS is even likely to accomplish what proponents claim. Nevertheless, NAIS proponents offer no cogent explanation as to why an entirely new system of livestock disease control and eradication is needed rather than the more conservative and reasoned approach of continuing to build on the time-proven successes of preexisting systems, e.g., by taking steps to increase the use of preexisting animal identification devices within each of the 50 States to increase the numbers of identifiable livestock. Instead, NAIS proponents have employed tactics that both understate our nation's current disease preparedness and overstate what, at best, can only be responsibly described as an unknown effectiveness of the NAIS.

³¹ See Audit Report: Animal and Plant Health Inspection Service's Control Over the Bovine Tuberculosis Eradication Program, Report No. 50601-0009-Ch, September 2006, at 28-29.

³² See *id.*, at 22, 25, 28.

³³ See R-CALF USA Testimony, at 3, fn 6.

³⁴ See Bioterrorism: A Threat to Agriculture and the Food Supply, U.S. Government Accountability Office (formally U.S. Government Accounting Office), GAO-04-259T, November 19, 2003.

³⁵ See Agricultural Quarantine Inspection Program: Management Problems May Increase Vulnerability of U.S. Agriculture to Foreign Pests and Diseases, U.S. Government Accountability Office, GAO-08-96T.

As previously stated in R-CALF USA prehearing testimony, USDA must refocus its efforts to prevent the introduction of foreign animal diseases by reinstating recently relaxed preventive measures. It is a contradiction for USDA and other NAIS proponents to claim that U.S. cattle producers must shoulder the burden of an entirely new disease program to protect the U.S. cattle industry from diseases while they simultaneously support the dismantling of U.S. disease prevention measures, as is evidenced by the USDA's over-30-month rule that allows animals of high-risk for BSE to enter the United States, the USDA's refusal to restrict the importation and movement of Mexican cattle that continue to reintroduce bovine TB into the United States, and the USDA's proposal to relax important FMD restrictions for Argentina.³⁶

By working to improve the management-related deficiencies identified by both the OIG and GAO, and by following the recommendations R-CALF USA made in its prehearing testimony to improve the United States' ability to continue its historical successes in preventing, controlling, and eradicating livestock diseases, the U.S. will be well-prepared to effectively address future disease risks.

D. Misapprehensions Abound Regarding the Need for Improving U.S. Livestock Disease Prevention, Control, and Mitigation Strategies

During the Subcommittee's hearing, only a few livestock diseases and their respective epidemiologies were discussed. Members of the Subcommittee raised specific concerns, however, for diseases that would spread from livestock to humans, known as zoonotic diseases. FMD was discussed in the context of being perhaps the flagship zoonotic disease that would most justify NAIS. This is unfortunate as the underlying premise is false. According to USDA, "FMD is *not* recognized as a zoonotic disease."³⁷ Emphasis added.

Also during the hearing, allegations were made that the United States is behind other countries in implementing a NAIS. The AVMA claimed that Australia, the EU, Brazil, Argentina and Canada all lead the United States in beef traceability systems, implying that a lack of NAIS alone would disadvantage the U.S. vis-à-vis international trade.³⁸ This proposition is absurd. In 2008, for example, the USDA Foreign Agriculture Service (FAS) reported that Brazil had only 6,780 cattle farms registered in Brazil's new traceability system as eligible for exports to the EU.³⁹ However, the EU did not have confidence in Brazil's oversight of its registered farms and temporarily banned Brazilian beef imports.⁴⁰ Moreover, with the single exception of Australia, each of the listed countries has had chronic, widespread outbreaks of infectious diseases including FMD and BSE, indicating that the veterinary infrastructure, disease mitigation programs, and livestock husbandry practices in those countries were inadequate. Improved traceability in those countries, therefore, was deemed necessary as a substitute to their preexisting disease strategies, which failed to protect against disease epidemics. The U.S., on the

³⁶ See R-CALF USA Testimony, at 18.

³⁷ APHIS Factsheet: Foot-and-Mouth Disease, USDA APHIS Veterinary Services, February 2007, available at http://www.aphis.usda.gov/publications/animal_health/content/printable_version/fs_foot_mouth_disease07.pdf.

³⁸ See AVMA Testimony, at 7.

³⁹ See EU Suspends Brazil Beef Imports; At Least Temporarily, GAIN Report, EU-27, Livestock and Products, 2008, USDA Foreign Agriculture Service, GAIN Report No. E48016, February 1, 2008, available at <http://www.fas.usda.gov/gainfiles/200802/146293595.pdf>.

⁴⁰ See *Ibid.*

other hand, has a well-developed veterinary infrastructure, highly effective and time-proven disease mitigation programs, and it continues to practice sound livestock husbandry practices.

It is also important to note that among the listed countries, only the U.S. and EU are not wholly dependent on exports to maintain the economic viability of their domestic cattle industries. Countries such as Australia, Brazil, Argentina and Canada each produce far more beef than is consumed within their respective countries.⁴¹ The U.S. continues to under-produce beef for the domestic market and in 2008 it under-produced by 294,000 metric tones, the equivalent of about 648 million pounds of beef.⁴² This explains why, in 2004, when U.S. beef exports fell to a 19-year low, prices paid to U.S. cattle producers for their cattle increased to the highest levels in history (not adjusted for inflation). As the chart in Appendix 1 clearly shows, beef exports have not historically driven prices paid to U.S. livestock producers. Congress must consider this important fact when, as here, USDA and other NAIS proponents erroneously claim that NAIS is essential to ensuring the economic viability of the U.S. cattle industry because it helps to maintain export markets. Though export markets are indeed important, R-CALF USA understands that the export market is a secondary market to the U.S. cattle industry and can and should be maintained through continued *voluntary* producer participation in beef export programs. NAIS is *neither* necessary *nor* appropriate for this purpose.

II. NAIS IS A RADICAL DEPARTURE FROM PREEXISTING U.S. DISEASE PROGRAMS

A. Preexisting Disease Programs Did Not Require Participation in NAIS' New Premises Registration Scheme

Contrary to assertions made by NAIS proponents, the NAIS envisions a radical new location identifier for determining the locations where livestock originate and a radical new registration process. The assertion made by the AVMA, for example, that “the information that will uniquely identify livestock premises is the same that is found in any phone book,” is false.⁴³ The new USDA NAIS-driven regulations, made final in 2007, changed the preexisting definition of premises from one that identified an epidemiologically distinct livestock production unit, as determined by the State animal health official or local veterinarian, to one that is a geographically distinct location associated with an address, geospatial coordinates, and/or other location descriptors. This new location is no longer determinable by the local veterinarian, but rather, by the State, Tribal, and/or Federal animal health authority.⁴⁴ USDA states that at a minimum the following pieces of information would be maintained by States/Tribes:

1. Premises identification number (PIN);
2. Name of entity;
3. Contact person for premises;

⁴¹ See Beef and Veal Summary Selected Countries, USDA Foreign Agricultural Service, available at <http://www.fas.usda.gov/psdonline/psdReport.aspx?hidReportRetrievalName=Beef+and+Veal+Summary+Selected+Countries&hidReportRetrievalID=49&hidReportRetrievalTemplateID=7>.

⁴² See *Ibid.*

⁴³ AVMA Testimony, at 8, 9.

⁴⁴ See R-CALF USA Testimony, at 9, 10.

4. Street address, city, state, and zip or postal code (or latitude/longitude coordinates) of the premises;
5. Contact phone number;
6. Operation type;
7. Date activated, date retired, and the reason retired (to determine whether animals still exist at the location); and,
8. Alternative phone numbers.⁴⁵

Pursuant to new NAIS dictates, some States are now requiring the legal description of a producer's property be provided on the premises registration application form.⁴⁶ Obviously, this information is far more extensive than what would be found "in any phone book." R-CALF USA is additionally concerned that the authority of local veterinarians, who work closest with individual livestock producers to successfully prevent and control diseases, have been effectively stripped of their historical authority to determine appropriate location identifiers under NAIS.

B. Preexisting Disease Programs Did Not Infringe Upon the Rights and Privileges of U.S. Livestock Producers

What is perhaps the most successful of all preexisting disease programs – the program that eradicated brucellosis from all but a remaining wildlife reservoir – did not require livestock producers to participate in any form of national premises registration that required the assignment of a nationally unique number to their real property. Instead, the program focused on identifying individual animals with a unique number that visibly identified the State from where the animal originated as well as the local veterinarian that vaccinated and/or identified the animal. Records maintained at the State level enabled traceback to the owner of the animals and the particular production unit where the animal had been vaccinated and/or identified.

R-CALF USA believes the NAIS scheme that envisions mandatory premises registration, mandatory registration of each animal, and subsequent reporting requirements for animal movements is an unnecessary, over-the-top and highly intrusive Federal scheme that violates the rights and privileges of U.S. livestock owners. Not only does the NAIS scheme violate the expectation of privacy that every citizen enjoys, but also, R-CALF USA believes it constitutes the very type of government excess that is prohibited by the U.S. Constitution.

C. The Primary Identification System Envisioned Under NAIS Would Significantly Weaken U.S. Disease Traceability

The NAIS proposes to completely phase-out preexisting official numbering systems, including the highly successful numbering system used to eradicate brucellosis in all but a known wildlife reservoir, and supplant them with only the NAIS "840" numbering system.⁴⁷

⁴⁵ National Animal Identification System (NAIS) – A User Guide and Additional Information Resource, USDA APHIS, Version 2, December 2007, at 77, available at <http://animalid.aphis.usda.gov/nais/naislibrary/documents/guidelines/NAIS-UserGuide.pdf>.

⁴⁶ See, e.g., State of Nebraska Premises Identification Registration Form, available at http://ne.locatein48.com/pdfs/Ag_RegForm.pdf

⁴⁷ See A Business Plan to Advance Animal Disease Traceability, USDA APHIS, Version 1.0, September 2008, at 18.

This would be a colossal mistake as the “840” numbering system, unlike the preexisting brucellosis numbering system, would preclude the initiation of a domestic disease traceback investigation until and unless animal health authorities could first access the NAIS database. This is because the only visible location identifier contained on the “840” eartag is the 840 number that denotes a U.S. country-of-origin. This visual information is useless for domestic disease traceability and only if animal health officials can gain access to the NAIS database would they be able to ascertain even the State from which the animal originated. Under the preexisting brucellosis numbering system, each State is uniquely and visually identified on the animal’s eartag. In the event of a disease outbreak, an animal health official could immediately and visually identify the State from which a suspect animal originated and could contact the appropriate State animal health authority to immediately initiate quarantine procedures or other disease control strategies – even in the event of a natural disaster that could delay access to the NAIS database.

The NAIS, therefore, constitutes a centralization scheme that effectively puts all the eggs in one basket and relegates complete dependency on an unproven electronic database, which is inherently susceptible to errors and outages, for initiating disease traceback investigations. The use of the “840” numbering system eliminates the prudent redundancy incumbent to preexisting numbering systems that allows for the visual segregation of animals-of-interest in a disease outbreak – based on which of the 50 States the animal originated. The use of a numbering system that does not provide a visual means of narrowing a disease traceback within the continental U.S., in the event that access to the NAIS database is even temporarily untenable, is a fundamental and fatal flaw inherent to the NAIS that could likely lead to a failure to control an otherwise controllable disease outbreak.

III. THE RELATIONSHIP BETWEEN ANIMAL HEALTH AND FOOD SAFETY

U.S. livestock producers have long understood that safe and healthful meat originates with healthy livestock. This is why U.S. family farmers and ranchers have long supported and practiced sound animal husbandry practices and participated in livestock disease control and eradication programs, such as the brucellosis and bovine TB programs. And, this is why USDA’s actions of knowingly increasing the risk of introduction of zoonotic diseases such as BSE and bovine TB are found so incongruous by livestock producers and consumers alike. The examples provided by R-CALF USA describing these incongruent actions – allowing high-risk Canadian cattle to comingle with the U.S. herd despite USDA’s own base-case risk assessment that predicts the U.S. will import 19 BSE infected cattle from Canada over the next 20 years, and not restricting Mexican cattle from entering the U.S. although they are a known source of bovine TB – remain an unexplained phenomenon that directly undermines the efforts of family farmers and ranchers who endeavor to raise and produce healthy livestock. The NAIS would not rectify these high-risk policies and R-CALF USA seeks Congress’ help to reverse them.

As R-CALF USA stated in its prehearing testimony, the legitimate food safety concerns evidenced by increased recalls of massive volumes of meat would likewise not be remedied by NAIS. These recalls are the result of the contamination of meat by pathogens during the slaughtering process, and the source of this contamination is the slaughtering facilities where

livestock are slaughtered, not livestock producers. R-CALF USA strongly encourages Congress to require food traceability for meat products so meat consumed by consumers can be traced back to the actual source of contamination.

IV. CONCLUSION

R-CALF USA greatly appreciates this opportunity to include its post-hearing testimony in the official record of the March 11, 2009, Subcommittee hearing on “Review of Animal Identification Systems.” Further, R-CALF USA respectfully encourages the Subcommittee to adopt the recommendations R-CALF USA made in its pre-hearing testimony to improve disease prevention, control, and mitigation practices in the United States.

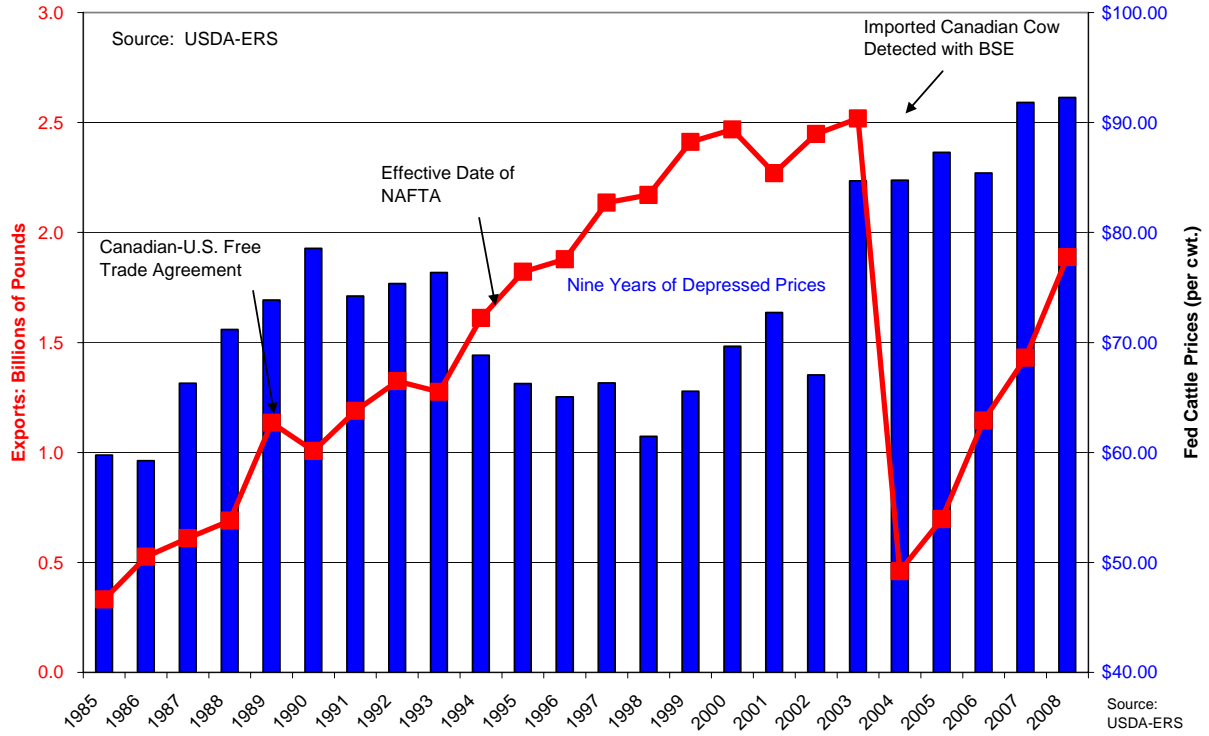
Sincerely,

A handwritten signature in cursive script that reads "R. M. Thornsberry DVM". The signature is written in black ink and is positioned below the word "Sincerely,".

R.M. (Max) Thornsberry, D.V.M.
R-CALF USA President of the Board

APPENDIX 1

Relationship Between Export Volumes and Fed Cattle Prices



Key: The bar graphs represent fed cattle prices
 The line represents export volumes