

*Fighting for the U.S. Cattle Producer!*



**R-CALF**  
*USA*

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March 4, 2011

The Honorable Tom Vilsack  
Secretary of Agriculture  
U.S. Department of Agriculture  
1400 Independence Ave., S.W.  
Washington, D.C. 20250

**Sent via facsimile, E-mail, and U.S. Mail: 202-720-6314**

**Re: USDA Proposals to Include Feeder Cattle and Delist Brands, Along with Its Failure to Address Disease Reintroduction from Foreign Countries in the Proposed Animal Disease Traceability Framework Are Deal Breakers**

Dear Secretary Vilsack:

The membership of R-CALF USA greatly appreciated your Feb. 5, 2010, announcement that the U.S. Department of Agriculture (USDA) would revise its prior policy, known as the National Animal Identification System (NAIS), and offer a new approach to achieving animal disease traceability. R-CALF USA has since worked diligently and in the spirit of cooperation to assist USDA in proceeding with its newly named program – the Animal Disease Traceability Framework (ADTF). Toward that end, our organization continues working with two separate industry coalitions that represent stakeholders in the ADTF issue.

Recently, we informed USDA that two components contained in its proposed ADTF are fundamental deal breakers for our organization. We also expressed our ongoing concern for USDA's failure to address the continual reintroduction of bovine tuberculosis (bovine TB) from Mexico. We have not heard from USDA regarding its willingness to reconsider those two components or to address the ongoing disease reintroduction, so we are extending the courtesy to inform you directly about our grave concerns, which include our belief that USDA has reneged on the very principles you set forth to encourage our participation and support in the ADTF process.

Our first grave concern involves the inclusion in the ADTF of a trigger mechanism that would require feeder cattle, as opposed to breeding cattle, to be subject to the proposed ADTF at some future point in time, after certain operational thresholds have been met in the identification of breeding cattle. We have repeatedly expressed to your agency our willingness to support improvements to our nation's disease traceback capabilities within our breeding herd. In addition, we have expressed our willingness to consider whether there would be even a need to augment our current forms of identification of feeder cattle *after* improvement to USDA's disease traceback capability is achieved in breeding cattle. USDA's plan to include – in the initial proposed rule to implement the ADTF for breeding cattle – a trigger mechanism to include feeder cattle is unacceptable and would force us to work aggressively with all known stakeholders to undo what has so far been accomplished under USDA's new ADTF.

Our second grave concern is intrinsically tied to the first. While we have agreed in principle to augment the use of hot-iron brands on breeding cattle with another form of identification device (i.e., the low cost brucellosis-type ear tag) under certain circumstances, we strenuously oppose USDA's proposal to delist the brand as an official animal identification device or method. Because a trigger mechanism for feeder cattle is proposed in the ADTF, this delisting of the brand likewise would affect feeder cattle. The delisting of the brand constitutes a broken promise and repudiates the core principles you outlined on Feb. 5, 2010, to encourage organizations like R-CALF USA to participate in the development of a new ADTF.

For example, in your Feb. 5, 2010, factsheet regarding the new ADTF, your agency emphatically states that among the core principles is the intent to allow for maximum flexibility to producers, States, and Tribal Nations. More specifically, your factsheet states USDA "will maintain a list of official identification devices, which can be updated or expanded. . ." And, your agency expressly includes brands as among those identification devices: "There are many official identification options available, such as branding, metal tags, RFID, just to name a few."

The effect of delisting brands from the current list of official identification devices is to reduce, not maximize, flexibility to producers, as it *eliminates* from official purview one of the longest standing and most effective means of identifying cattle. Further, the effect of delisting brands is the opposite of updating or expanding the list of identification devices currently available, as it reduces the number and type of options a producer, State, or Tribal Nation might choose. And worse, delisting brands can be construed as a deliberate, broken promise to producers, as they were led by your agency to believe that brands will be maintained on the list of official identification devices. If this were not true, your agency would not have expressly listed "branding" as among the options available to producers and others.

If USDA were to revoke the brand as an official animal identification device, it likely would trigger an immediate de-emphasis of brands throughout the nation and result in the defunding of State programs that currently oversee brand laws. Moreover, brands have been successfully and effectively used for decades in conjunction with USDA's animal disease programs to eradicate and control disease outbreaks. It is not the reduction of branded cattle that USDA cites as justification for its desire to improve animal disease traceback, but rather, it is the reduction in the number of cattle participating in complementary identification systems (e.g., the brucellosis program). There is no justification for USDA's attack on our nation's oldest, most permanent, and most effective means of identifying the origin of cattle in interstate commerce.

USDA's about-face on the foregoing two issues rekindles our concern that USDA's entire effort to implement a new form of animal identification system is driven not by a genuine desire to prevent and control livestock disease outbreaks, but rather, by a desire to conform to international trade standards. Evidence persists that this is the case. For example, while USDA claims bovine TB is a flagship disease that necessitates improved traceback capabilities for *both* breeding cattle and feeder cattle, USDA continually refuses to implement any meaningful border interdiction to prevent the continual reintroduction of bovine TB in imported Mexican cattle. USDA's own data show that

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during the past seven years (2003 – 2009), an incredible 67 percent of all bovine TB cases detected at U.S. slaughter plants were found in cattle originating from foreign countries, primarily Mexico.<sup>1</sup>

Until and unless USDA begins to demonstrate a sincere effort to prevent the continual reintroduction of dangerous livestock diseases like bovine TB from foreign countries by implementing appropriate border restrictions – an action USDA can readily accomplish at no expense to U.S. cattle producers, U.S. cattle producers – and R-CALF USA in particular – have no reason to trust that USDA’s loyalties lie anywhere but with international traders who want the U.S. cattle industry to shoulder the costs of foreign animal disease problems.

For the reasons stated above, we implore you to exclude from any proposed rule a trigger mechanism to capture feeder cattle under the auspices of a new traceability system and a delisting of the brand as an official animal identification device. In addition, we urge you to take decisive action to halt the inexplicable, continual reintroduction of foreign animal diseases at our borders *before* any rule is issued that would impose *any* duty on U.S. cattle producers to begin individually identifying their livestock.

Sincerely,

A handwritten signature in black ink, appearing to read "Bill Bullard", written in a cursive style.

Bill Bullard, CEO

Cc: Edward Avalos, Under Secretary, USDA  
John Ferrell, Deputy Under Secretary, USDA  
Cindy J. Smith, Administrator, APHIS  
Dr. John Clifford, APHIS

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<sup>1</sup> See Bovine Tuberculosis, infected cattle detected at slaughter and number of affected cattle herds, United States, 2003-2009, U.S. Department of Agriculture, Animal and Plant Health Inspection Service, available at [http://www.aphis.usda.gov/animal\\_health/animal\\_diseases/tuberculosis/downloads/tb\\_erad.pdf](http://www.aphis.usda.gov/animal_health/animal_diseases/tuberculosis/downloads/tb_erad.pdf), downloaded Feb. 25, 2011.