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March 16, 2009

Docket No. APHIS 2007-0096
Regulatory Analysis and Development
PPD, APHIS, Station 3A-03.8
4700 River Road, Unit 118
Riverdale, MD 20737-1238

Re: Comments on **Docket No. APHIS-2007-0096**

To Whom It May Concern:

The United States Cattlemen's Association (USCA) is pleased to offer comments on the proposed rule for official animal identification numbering systems. USCA is a national cattle producer organization representing cow-calf producers and independent backgrounders and feeders.

USCA appreciates USDA's effort to achieve greater standardization and uniformity of official numbering systems and ear tags used in animal disease programs and to enhance animal traceability. USCA has commented on previous Federal Register documents pertaining to the National Animal Identification System that the system should build on existing systems and remain voluntary. While we appreciate the spirit of this document to achieve those goals we feel the document is vague, contradictory, and somewhat confusing.

One of the areas where we feel USDA could incorporate NAIS as a useful tool is through APHIS and their efforts to mitigate and eradicate animal diseases in the United States. Animal ID has been an integral part of disease mitigation in the U.S. that producers are accustomed to and have utilized in their operations. This proposed rule appears to work to that end; however, there is still considerable concern out in the country over the incorporation of premises identification numbers (PINs).

USDA still has not addressed concerns over assigning a premise number to property and the ramification to property rights or conveyance of rights to the federal government. The issue of tenant ranchers has not been addressed with premise numbers being assigned to property not owned by leaseholders and changes in leaseholders.

While USCA understands that the voluntary aspect of NAIS utilizes PIN numbers and approximately thirty percent of producers have signed up for PIN numbers, animal identification in disease mitigation and eradication by APHIS is not voluntary. Because of producers' concern over mandatory NAIS and PIN numbers and the negative history of USDA's efforts to implement NAIS in the United States, we urge USDA to utilize the personal identification

numbers once assigned to producers by APHIS during disease events. APHIS will have access to the producers address and can designate pastures where that producer runs cattle with geospatial coordinates and/or location descriptors which provide a verifiable unique location.

USCA feels like the success of any national ID system is contingent on USDA building confidence in the agency and the system by the producers who will be utilizing the system. We feel like it is premature to force producers into having premise numbers before the system has been up and running and the system has some successful workable history by voluntary participants.

Part of the vagueness and confusion referred to earlier in these comments concerns the purpose of this proposed rule, which is to amend the domestic livestock regulations to require that when animal identification numbers (AINs) are used, only those numbers beginning with the 840 prefix will be recognized as official for use on all AIN tags applied to animals one year or more after the date on which this proposed rule is finalized. This proposed rule goes on to describe several other numbering systems, i.e., National Uniform Ear Tagging System and Premises-based number system. The rule also describes a Flock Identification Number (FIN), which is not consistent with the numbering system used for premises identification.

While USCA appreciates the flexibility this proposed rule gives USDA there needs to be more clarity regarding what APHIS programs will require the AINs and the assignment of PINs. Specifically: We need clarification on whether or not producers participating in brucellosis vaccination programs will be assigned a PIN and what tag and numbering system will be required? Are official back tags used in sale barns going to have to be AINs and require a premise number if the animals are tested for brucellosis or vaccinated for brucellosis? If the AINs with 840 numbers are going to be required, who is going to be responsible for paying for the tag and specifically what types of tags can be used? USCA appreciates USDA not requiring official tags already in cattle to be replaced with the AINs with the new 840 numbering system.

USCA's previous comments have always supported utilizing existing systems, yet it seems this rule does away to some degree with systems utilized by state animal health officials. We would like to see the state animal health commissions manage the data base for their respective state if they choose to and provide their information in a standardized format as requested by USDA to the national data base. If a state has a premise identification system in place they can continue to utilize that system and correlate their state numbers to a compliant USDA PIN number. We have learned producers have more confidence in their state animal health officials and are more comfortable and more likely to participate in a national ID program if they have some ownership through their state animal health agencies.

There is virtually no discussion on how this rule will affect the cost of identifying animals for disease related events and if APHIS will continue to pay the costs of animal identification for disease control and mitigation. In previous comments on the National Animal Identification System USCA has requested USDA do a cost benefit analysis and to date there has not been one done. We reiterate that request and point out that USDA is continuing to fail to do even the minimal analysis of the economic impact as required by the Regulatory Flexibility Act and justifies this by stating their alternative to the proposed rule would have been to leave the

regulations unchanged limiting the effectiveness of USDA's disease control programs. As a result, USDA contends the no-action alternative was rejected.

USCA feels this thought process is unacceptable. USDA has an obligation to consider the economic impact on the producers their rules affect. Insufficient funding of fever tick programs along the Mexican border and the lack of control of animal diseases in wild game, particularly on public lands, has also resulted in limiting the effectiveness of USDA's disease control programs. USDA has taken the no-action approach on these issues.

This proposed rule is designed to enhance animal traceability. There has always been an issue with producers having to record all movements of cattle, particularly from one premise to another when both premises are part of one operation. Requiring that animals only be officially recorded when they enter commerce would make this a more plausible system.

USCA feels working to achieve greater standardization and uniformity of official numbering systems and ear tags used in animal disease programs and to enhance animal traceability is well worth the effort, but this proposed rule goes a little farther than that. This rule mandates the assignment of Premise Identification Numbers involuntarily on producers who inadvertently become involved in an animal disease event or animal disease mitigation, eradication effort. We feel USDA should incorporate the numbering system in the tags and get those into commerce. All manufacturers should have the opportunity to participate in the manufacture and distribution of compliant tags and support equipment so as to maintain competitiveness in the market place. We suggest that you utilize Premise Identification Numbers with producers who believe in the system and have voluntarily signed up for them and prove the utility of PINs with those producers first. APHIS should be able to utilize whatever individual identifiers have been used in the past for producers in disease events and utilize the same numbering scheme used for PINs without tying that number to property other than the address of the producer.

USCA appreciates the opportunity to comment on this proposed rule and your consideration of our views and concerns.

Sincerely,

A handwritten signature in black ink, appearing to read "Jon Wooster", with a stylized flourish at the end.

Jon Wooster, President