

Suggestions for getting your county to adopt
a resolution opposing NAIS

1. Get the contact information for your county commissioners and county judge. This is available in the “Government offices—county” section of your phone book and, in many cases, online (use google to find your county’s website).
2. Email or mail the proposed resolution to all of the commissioners and the county judge. Introduce it with a short note saying that you think this is an important issue to many people in the county, and that you would appreciate their consideration.
3. Follow up with a phone call to the commissioner who represents you. If you are not sure which commissioner represents you, you can call the main number for the county and ask.
4. Below is a document that provides support for each and every “whereas” in the proposed resolution. If your commissioner is concerned about any of the issues, go through the support for that issue.
5. Be polite and friendly. Do not assume that your commissioner is “against you” just because he or she does not immediately agree. Talk calmly about your concerns and why you oppose the program.
6. Be prepared to address their concerns. To many people, NAIS sounds good initially, as a way to protect Americans from disease concerns. You may have to explain why NAIS will not actually do that, and what all of its bad side-effects will be. In addition to the document below that goes through each “whereas,” you might want to print out some of the articles of disease issues from our website, www.farmandranchfreedom.org. NAIS will **not** address disease problems.
7. You can also ask for an in-person meeting, and go with a small group. The goal is *not* to intimidate your commissioner, so don’t show up with a large, angry crowd. Be calm, and select someone as your main spokesperson.
8. Accept that the commissioners may want to modify the resolution. They may want to make it stronger, or they may want to delete some of the “whereas” points. The important thing is the conclusion: a statement that the county is against a mandatory animal identification program and that any voluntary program must include full disclosure.
9. Talk with you neighbors, the local feed store and sales barns, and friends. Ask them to email or call the commissioners, supporting the resolution.
10. And, at the same time, have everyone call and write their state and federal legislators. We need to fight this at every level!!

For more information about NAIS, go to our website: www.farmandranchfreedom.org. If you need help tailoring the proposed resolution to your state, please contact Judith McGeary at judith@farmandranchfreedom.org

WHEREAS the United States Department of Agriculture (USDA) is proposing a mandatory National Animal Identification System (NAIS), the stated purpose of which is to safeguard animal health by providing 48-hour traceback of all animal movements;

* The USDA published two key documents on April 25, 2005: the Draft Strategic Plan (“Plan”) and Draft Program Standards (“Standards”) and Draft Strategic Plan (“Plan”).

* The USDA published additional documents on April 6, 2006. While these documents claim that NAIS is “voluntary,” they set the following goals for January 2009: 100% of premises registered, 100% of animals under the age of 1 individually identified, and 60% of animals under the age of 1 with complete tracking information.

* While the USDA announced that the NAIS is “voluntary at the Federal level,” it continues to state that it wants every location at which animals are kept to be registered, maintaining its goal of 100% participation.

* The plans for this system began long before, in 2002, with a non-government entity. The National Institute for Animal Agriculture (NIAA) developed the initial idea and established a task force. While NIAA may sound like a public interest organization, its membership is dominated by large industrial agriculture and technology companies, including entities such as Cargill Meat, Monsanto, National Pork Producers Council, Global Vet Link, Micro Beef Technologies, and Digital Angel. The list of NIAA members is available at <http://animalagriculture.org/aboutNIAA/members/memberdirectory.asp>.

* The members of NIAA stand to profit from NAIS, whether from increased exports, sale of microchips and radiotags, provision of electronic service (including maintenance of databases), or the increased size and power of state agencies (many of which are also members).

WHEREAS the USDA has stated that the program is voluntary at the federal level, but is continuing to fund mandatory and coercive State programs;

* The USDA’s draft plan notes that the program would initially be voluntary, but would be transitioned into a mandatory program. (Plan, pp.8-9.) This approach – initially voluntary, but eventually mandatory – was again confirmed in the documents released on April 6, 2006.

* On November 22, 2006, the USDA released a User Guide and an Announcement of the availability of funds for cooperative agreements for the implementation of the NAIS. The user Guide states that the NAIS is “voluntary at the Federal level.” (User Guide, p.4.) At the same time, the User Guide does not rule out mandatory State programs. The User Guide and Announcement also expressly sanction methods for increasing participation that are not truly voluntary, such as:

* requiring people to obtain NAIS premises registration numbers to participate in existing programs (User Guide, p. 8)

* “Pulling” data from existing databases without the individuals’ consent (Announcement, p. 12)

* The Announcement notes that, “based upon percent premises registration to date,” many states will have a portion of the federal funds withheld until they prove they can meet “measurable

outcomes.” This conditional funding creates incentives for states to implement either mandatory programs or use coercive measures to increase the registrations.

WHEREAS the NAIS would apply to every individual who owns even one horse, chicken, cow, goat, sheep, pig, elk, deer, or other livestock or exotic livestock;

WHEREAS the NAIS involves premises registration, animal identification and animal tracking;

* In April 2005, the USDA published a draft strategic plan and draft program standards for the NAIS. In November 2006, the USDA published a User Guide with revised plans for NAIS. The USDA has not yet adopted regulations for the NAIS. Based on the published documents, the NAIS is to be implemented in 3 stages:

- (1) Premises registration: every person who owns any livestock animal will have to register their premises, including the owner’s name, address, and telephone number, keyed to Global Positioning System coordinates, with the state and be assigned a nationally unique, 7-character premises identification number. (Plan, p.8.)
- (2) Animal identification: *Every animal* will have to be assigned a 15-digit ID number by the government. The form of ID will most likely be a tag or microchip containing a Radio Frequency Identification Device, designed to be read from a distance. (Plan, p. 10; Standards, pp. 6, 12, 20, 27-28.) The plan may also include collecting the DNA of every animal and/or a retinal scan of every animal. (Plan, p.13.) Despite the announcement that a federal mandatory database might be put off, USDA maintains detailed information on the structure of these 15-digit ID numbers as of mid-March 2006, ostensibly so that ID manufacturers could normalize their numbering systems.

Group or lot identification may be used for poultry and swine, but only in very narrow circumstances. Group identification can only be used where groups of animals are managed together from birth to death and not commingled with other animals. (Standards, pp.5-6.) Aside from the large, industrial agricultural facilities, few people manage their animals in ways that would meet the requirements for group identification. If animals do not meet the requirements for group identification, they will have to be individually identified.

- (3) Animal tracking: Every time a tag is applied, an animal is moved onto or off the premises, a tag is lost or replaced, an animal is killed or dies (whether at a slaughterhouse or on the farm/ranch), or an animal is missing, the event will have to be reported to the government within 24 hours. (Standards pp.12-13, 17-21.)

WHEREAS the USDA has not addressed the many technological and practical barriers to implementing the NAIS;

* The government has not addressed the following problems:

- the logistics of tagging every animal;
- the true costs of tagging every animal;

- the likelihood of human error in entering data;
- the vulnerability of microchips to being destroyed, whether by accident or intentionally;
- the susceptibility of radio frequency ID tags to being reprogrammed or infected with viruses;
- the problems inherent in trying to scan tags when handling large numbers of animals, as at sale barns, auctions, or moving animals among private premises;
- the problems of entering all of the data that will result from the identification and tracking;
- the problems of maintaining such a huge database;
- the problems of ensuring privacy against accidental release (as evidenced by USDA's recent release of thousands of farmers' social security numbers);
- the risks from hackers, whether domestic or terrorists.

WHEREAS the effectiveness of the NAIS in safeguarding animal health has not been evaluated and is in question;

* The government has not evaluated whether a new tracking system is even needed. There are multiple ways to track animals already, including branding, brucellosis and tuberculosis programs, scrapie program, sales records, and producers' records.

* The tracking of animal disease 48 hours later does little to address either the prevention of diseases or the safety of our food supply. For example, with respect to the concerns of BSE ("Mad Cow Disease"), the most effective protection would be a system of testing every slaughtered cow as is currently done in Japan. England and the European Union also test significantly more cattle than the U.S., which tests only about 1% of our slaughtered cattle, and the USDA has stated its intention to reduce that to 1/10 of 1%. Indeed, the USDA is preventing private companies from testing! Moreover, since BSE is caused by feeding animal products to other animals, we know exactly how to prevent it. The USDA has had a feed ban on feeding ruminant protein to ruminants since 1997; efforts should be focused on enforcing that feed ban and, if the science supports such a move, expanding the scope of prohibited feeds. Our limited state resources should be focused on prevention and ensuring the safety of our food supply, not a program that will simply aid in placing the blame after the fact.

*The NAIS fails to recognize the critical issue of different production systems. The susceptibility of animals to disease and the likelihood of transmission differ greatly depending on the conditions under which the animals are kept; the health problems caused by confinement or industrial management systems have been well documented in the scientific literature. (See, for example, the list of scientific references at <http://www.eatwild.com>.) TAHC's own history provides evidence of this fact. In the 2004 outbreak of avian flu in Gonzales County, the disease was found in a 6,600 bird flock in commercial poultry operation; but despite testing more than 350 nearby non-commercial flocks, no infected birds were found in non-commercial flocks. (News Release, Texas Animal Health Commission (Apr. 1, 2004).) A recent report indicates that the spread of avian flu, including the greatly-feared H5N1 virus, is due to the conditions in confinement poultry operations. (Genetic Resources Action International ("GRAIN"), Fowl Play: The Poultry Industry's Central Role in the Bird Flu Crisis (Feb. 2006) (hereinafter "GRAIN Report").) But the NAIS makes no distinction between the backyard poultry owner with 10 chickens living on pasture and a commercial operation with 10,000 chickens living in a crowded building. The farmer raising a few sheep or cattle on carefully-tended pastures is treated the same as the feedlot with hundreds of

animals crowded into small pens. This program is precisely the opposite of what is needed to prevent and control disease.

* The program will increase the risk of disease outbreaks by creating a black market in livestock. Some people will refuse to comply with NAIS, whether for religious reasons, economic reasons, or unwillingness to allow the government intrusion. Third parties, such as veterinarians, will be required to report "sightings" of animals. (Standards, p. 25.) In other words, if a farmer or rancher calls a vet to their property to treat an animal, and the vet finds any animal without the mandatory 15-digit computer-readable ID, the vet may be required to report that non-compliance. So individuals will be far less likely to seek a veterinarian's help should a disease problem arise. The TAHC notes that the "first 24 hours are the most important for stopping a disease of pest" and urges people to contact their veterinarian at the "first sign of animal disease." (*See* Emergency Management, <http://www.tahc.state.tx.us/emergency/index.shtml> (last checked Mar. 3, 2006).)

* The program fails to address the wide range of vectors of disease transmission. Foot and Mouth is an air-borne disease that is carried by pigs; given the feral hog problem in Texas, if Foot and Mouth were to come to this country (a speculative event), tracking all of our domestic animals would not stop the spread of the disease. Similarly, if the theory that avian flu is spread by wild birds is correct, then tracking everyone's chickens and turkeys will not stop the spread of avian flu (the alternative theory, that avian flu is spread by the conditions in, and practices of, commercial poultry operations also argues against the effectiveness of NAIS).

WHEREAS the NAIS would impose significant costs, in both time and money, on animal owners;

* For premises registration, the TAHC plans to require each person to pay a \$20 biennial fee. Because the TAHC has significantly underestimated the need to hire additional people to handle the hundreds of thousands of premises registrations, that fee will almost certainly increase.

* The next phase, animal identification, will be far costlier. First, there is the cost of the microchip or radiotag. While the chips themselves cost only a few dollars, one must also consider the equipment necessary to apply them (or the need for a veterinarian's help). The cost can range anywhere from \$15 to \$50 per animal. Then there will be the continuing costs of updating computer systems if the owner wishes to file the requests for animal identification numbers electronically (or the cost in time of filling out the paperwork by hand). The agency has also completely ignored the cost in terms of time and effort to physically tag all of the animals.

* The last phase, animal tracking, will add yet more costs. There will be the costs of reading devices. There will be the lost money and time because the animals will have to be forced to move in single file, so that their tags can be scanned. And there will be the time and expense of actually filing all of the reports.

WHEREAS the NAIS is likely to have many unintended consequences on small farms, related businesses, the companion-animal industry, and thousands of private citizens who own animals for companionship, recreation, and subsistence;

* The financial burden of the program, combined with the government intrusiveness, will undoubtedly result in many animal owners selling their animals. This in turn will have a significant

impacts on businesses such as feed stores, livestock supply stores, and local slaughterhouses. The effects could then extend further, as more rural land is placed for sale.

* Over ninety percent of all Texas farms are owned by individuals, families, and sole proprietorships. (See Texas Industry Profile, Office of the Governor—Economic Development & Tourism (Dec. 2005) (citing the 2002 Census of Agriculture).) Most of these small and medium-sized operations cannot bear the costs that will be imposed by NAIS.

* The equine industry alone is a significant part of the Texas economy. A 1998 study found that Texas is home to over 1 million horses and there are 288,839 Texas horse owners. (THE TEXAS HORSE INDUSTRY QUALITY AUDIT INITIATIVE, TEXAS AGRICULTURAL EXTENSION SERVICE, REPORT ON THE TEXAS HORSE INDUSTRY at 2 (Jan. 1998).) The majority of participants associate with horses for “quality of life” reasons. (*Id.* at 2 & 5-8.) Government intrusion and burdensome regulations will negatively impact horse owners’ quality of life, causing many to sell their animals. The equine industry contributes \$3.8 billion annually to the Texas economy in direct effects; combined with indirect effects, the 1998 report estimated that the total impact of the horse industry to the Texas economy ranged from \$11 to \$17 billion annually. (*Id.* at 2 & 18-19.)

WHEREAS the USDA has not performed a cost-benefit analysis of the NAIS or of mandatory premises registration;

* The benefits of NAIS have not been quantified

* The costs have been almost entirely ignored. No attempt has been made to estimate the costs of the databases, the labor involved in tagging and tracking, nor the growth in the government bureaucracy.

WHEREAS the USDA’s legal authority to implement the NAIS is in question;

* Although state officials have repeatedly said that NAIS is a “federal mandate,” this is simply wrong. The USDA itself lacks statutory authority to adopt an animal identification plan. The USDA has stated that the Animal Health Protection Act is the source of its authority. (Plan, p.9.) But that statute addresses only import and export of animals, interstate travel, quarantines areas, and related programs. (See Animal Health Protection Act, 7 U.S.C. §§ 8301-8320 (Supp. 2005).) The statute contains no provisions that mention registration of every livestock owner’s farm or a nationwide or intrastate animal identification and tracking program, nor are there any provisions that would provide authority for such a program.

* There were multiple bills introduced in the 108th Congress to amend the statute to provide for an animal identification system and limit disclosures of the information collected under the Freedom of Information Act, and none were adopted. (See HR 3787, HR 3822, HR 3961, S 2070 & S 2008, 108th Congress (2004-05).) There are three bills that have been introduced during the current Congressional session for the same reasons. (See HR 1254, HR 1256 & HR 3170, 109th Congress (2005-06).) Congress has not given USDA authority to implement NAIS.

WHEREAS the constitutionality of the NAIS is in question;

* First Amendment guarantee of freedom of religion issues: For some groups, such as the Old Order Amish, the program violates their religious beliefs. These groups believe that they are prohibited from registering their farms or animals in the proposed program due to Scriptural prohibitions. The way of life of these groups requires them to use horses for transportation and raise animals for their family's own food. The proposed plan would thus place them in the position of violating one or another of their religious beliefs.

* Fourth Amendment protections against search and seizure issues: Some of the technology being proposed as part of NAIS would allow surveillance of private homes from a distance. For example, some RFID technology would allow animals' tags to be read from the street, allowing government officials to conduct warrantless searches, aided by electronic technology.

* Fifth and Fourteenth Amendments protections of property rights and the right to privacy issues: deprivation of property without due process of law and burdening the fundamental right to raise food. NAIS would force individuals to provide detailed information on themselves, their property, and their businesses, without protecting the privacy of this information.

WHEREAS the State Legislature is considering a statute to implement NAIS in _____;

* Check if your state legislature has adopted, or is considering, a statute to authorize the State Agriculture Department to implement NAIS. Also mention anything that the Agriculture Department is doing, whether it has adopted regulations or is implementing a program without any regulations.

WHEREAS the NAIS would require hundreds of thousands of people and businesses to register their property and homes;

* As discussed above, the NAIS applies to every person who owns even one livestock animal.

WHEREAS the NAIS will negatively impact individuals, businesses, rural communities, and the entire state;

* See the points discussed above. In brief, the NAIS will place significant burdens on many people and businesses and have many unintended negative consequences. NAIS will not protect Americans against animal diseases and will not provide any significant benefits to offset the costs of the program.

BE IT RESOLVED that the County of _____ opposes the implementation of any portion of a mandatory national animal identification system, including mandatory premises registration, in the State of _____.