

# The Government's Doublespeak on the National Animal Identification System

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The USDA's implementation of the National Animal Identification System, or NAIS, has taken government doublespeak to a new level. For newcomers, NAIS is an agribusiness-government plan to require every person who owns any livestock animal to submit to extensive government regulation and surveillance. The NAIS would cover anyone who owns even one chicken, horse, cow, sheep, goat, pig, turkey, guinea, elk, deer, bison, or other livestock or poultry. The first step is registration of one's property with the state and federal governments. The next phases of NAIS call for tagging each animal with a 15-digit identification number, in most cases using electronic identification, and reporting their movements to a database within 24 hours. Large factory farms would be able to avoid most of the labor and expense by using group identification. But the burdens for small farmers, in both time and money, would drive many grass-based farmers out of business, and consumers would lose much of their access to nutrient-dense animal foods.

The USDA's original plan for NAIS, released in May 2005, called for the program to become mandatory after an initial voluntary period. In fact, the first two stages – premises registration and animal identification – were supposed to become mandatory in January 2008, followed by animal tracking in January 2009. When a public outcry ensued, the USDA changed the timeline and called for “100% voluntary participation,” an absurd concept. Chastised yet again by animal owners, the USDA then stated, in November 2007, that NAIS was “voluntary at the federal level.” At the same time, the USDA issued guidelines for funding states that implemented NAIS. The USDA stated that it would fund mandatory state programs, data mining efforts, and other non-voluntary methods of getting people into NAIS. Throughout this process, USDA officials have made statements along the lines of: “People are overreacting. You shouldn't rely on what the documents say, you should ask us what we meant.”

In the course of the last two years, the USDA's mis-use of the word “voluntary” has been amply demonstrated. Wisconsin and Indiana have openly mandated premises registration, while other states have used creative coercive tactics. Tennessee and North Carolina state agriculture departments denied drought-stricken farmers disaster relief if they were not registered in NAIS. Children were kicked out of the Colorado state fair for not being registered. Ranchers in Idaho found themselves registered in NAIS without their knowledge or consent after filling out paperwork to keep their rights to their brands, while horse owners in New York were similarly registered after taking their horses in for routine disease testing.

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In Michigan, the USDA and Michigan Department of Agriculture pushed ahead with the second stage of NAIS. Michigan has an active tuberculosis (TB) program, due to a recurring TB problem that most government authorities attribute to continued re-infection from wild animals. But USDA decided that the answer was to change the form of identification used for cattle. Under pressure from USDA, and using federal funding, the MDA made a policy determination in 2007 that the only form of identification that would be allowed under its existing tuberculosis program was NAIS-compliant radio frequency identification devices (RFID). And since such RFID tags are only sold to people who have registered their property in NAIS, the agency effectively mandated the first two stages of NAIS without any new statutes, rules, or opportunity for public involvement. The Farm-to-Consumer Legal Defense Fund filed suit against USDA and MDA in the district court in the District of Columbia in September of this year.

The USDA took another step along its twisted path this fall, issuing a memo to its Veterinary Services Management Team that requires NAIS premises registration for various disease program activities. The memo includes activities such as vaccinations, testing, and applying official ear tags, for programs for every livestock species, ranging from brucellosis to scrapies to equine infectious anemia. Under this memo, people who refuse to have their farms registered *would be registered against their will*. Animal owners who take government-required steps, such as testing and vaccinating their animals, would find themselves enrolled in the NAIS premises registration database with or without their consent.

USDA has failed to follow any of the administrative procedures required to create enforceable regulations when it issued this new step in NAIS. And, indeed, even the proponents of NAIS have apparently realized the lack of authority for this latest step. The U.S. Animal Health Association, while supporting a mandatory NAIS, has passed a resolution calling on the USDA to show its legal authority for the memo. The American Horse Council, another NAIS proponent, has tried to reassure horse associations that the memo doesn't really mean what it says. The AHC claims the memo was about what would happen in the future – despite the clear, present tense of the memo's language. Some USDA field offices and state animal health authorities have claimed ignorance of the memo's contents, while others have said that it will not be enforced.

Regardless of its implementation or enforceability, however, the memo reveals USDA's plan for NAIS. Here are some excerpts:

- USDA is requiring NAIS premises registration “as the sole and standard location identifier” for activities relating to any disease regulated through the Code of Federal Regulations, for emerging or re-emerging disease, and for foreign animal diseases (p.1);
- People who refuse to voluntarily register their properties in NAIS will be registered against their will: “If the person responsible for the premises chooses not to complete the form to register his/her premises, either the animal health official or an accredited veterinarian will collect the defined data fields.” (p.2);
- The memo applies to federal animal health authorities, state animal health authorities, and private veterinarians who are accredited for federally regulated diseases (p.1);

- Any veterinarian who is accredited for a federally regulated disease is subject to the USDA's edict to involuntarily register his or her clients: "A PIN is required for activities performed at a premises by a State or Federal animal health authority or an accredited veterinarian for any disease that is regulated through Title 9 of the Code of Federal Regulations." (p.4);
- The listed disease programs for which a PIN will be required include programs that cover every species of animal, from tuberculosis and brucellosis programs in cattle to the scrapie program for sheep and goats to equine infectious anemia in horses (p.5); and
- The activities that will result in being registered in NAIS include vaccinations, diagnostic tests, certifications (other than certificates of veterinary inspection), and the application of official eartags or backtags (p.5).

As they have done throughout the implementation of NAIS, USDA officials and pro-NAIS industry groups are yet again saying: "We didn't really mean what the document says." First it's mandatory, then it's voluntary, then it's up to the states, then the states have to do what USDA says, then it's mandatory again, then it's voluntary. Over and over, the USDA issues documents, and then claims that the public is overreacting to what those documents clearly state. It is long past time for Congress and the President to rein in this agency.

In addition to seeking redress from Congress, the opposition to NAIS is seeking relief from state legislatures. Since the USDA's preferred method for implementing NAIS is through state legislatures, state laws barring a mandatory or coercive NAIS could significantly constrain the program. Four states have already passed laws that create roadblocks to NAIS. Arizona, Kentucky, Missouri, and Nebraska have all passed laws forbidding their state agencies from mandating or forcing anyone into NAIS. Kentucky's bill contains important additional provisions addressing coercive measures. An informal coalition of organizations is currently working on more bills in states across the country, and the 2009 legislative session promises to be busy.

The exact kind of bill that will be introduced varies from state to state. That's because each state is starting from a different position. In some states, pro-NAIS forces pushed through legislation to create a mandatory NAIS before most people were even aware of the issue. In those states, people face the prospect of their state agency implementing a mandatory program whenever it feels like it! In other states, the pro-NAIS forces weren't as organized, there is no law authorizing NAIS, and therefore the grassroots community has a little more breathing room. Each state also differs in the strength of its organics and local foods movement, as well as the strength of the pro-NAIS forces (the feedlots and meat packers, the technology companies, and the industrial agriculture associations). Depending on the existing laws and the strength of the pro-NAIS forces, the people of each state have to make a decision about the best strategy for their state at a specific point in time. Each state, however, is a critical part of this fight!

### Conclusion

Stopping NAIS is a long-term battle, and winning it will require the efforts of both consumers and farmers all over the country. Weston A Price sends out action alerts at many of the critical

moments, and it's important that everyone take action in response! You can also find out more information on what is happening at the federal level and in states across the country at [www.FarmAndRanchFreedom.org](http://www.FarmAndRanchFreedom.org) and [www.LibertyArk.net](http://www.LibertyArk.net). If you are willing and able to devote a little more time to helping in the fight, there are numerous things you can do to: (1) put out educational materials at your local farmers market, feed store, or riding stable; (2) send a letter to the editor of your local newspaper; (3) have a face-to-face meeting with your state legislators, and ask them to support a bill to stop NAIS; (4) organize a public meeting to educate your community. You don't need to do all of these things. What's important is to do something! You can find materials to help with all of these efforts at [www.farmandranchfreedom.org](http://www.farmandranchfreedom.org) or by calling 866-687-6452.