

HB 5776 and the National Animal Identification System (NAIS)

The Illinois Legislature has not adopted any law authorizing implementation of the National Animal Identification (NAIS). Despite the lack of statutory authority, the Illinois Department of Agriculture (IDOA) has adopted a requirement that anyone exhibiting a livestock animal at any county, state, 4-H or FFA fair in Illinois must have a NAIS premises registration number.

Background

The NAIS was initially developed by large agribusiness and technology companies. The U.S. Department of Agriculture (USDA) has issued guidance documents and provided grants to the state to implement NAIS. NAIS is designed to identify all livestock animals, horses, and poultry and track them as they commingle with other animals. If made mandatory, NAIS would require:

1. Premises registration: Every person who owns any livestock animal would have to register the property where the livestock is held. This includes horses, chicken and other poultry, cattle, hogs, sheep, goats, bison, deer and elk, alpacas and llamas, and others.
2. Animal identification: Most animals in the program would need to be individually identified with an internationally unique 15-digit number. Animals would either be implanted with a microchip or tagged with a radio frequency device, or otherwise physically identified. In practice, only large confinement operations could meet the requirements for, and be able to use, group identification.
3. Animal tracking: Every time a tag is applied, an animal is killed or dies, or an animal is missing, the event would have to be reported to a database within 24 hours. “Commingling events” will have to be reported, including both public and private sales, regional shows and exhibitions.

HB 5776 would reverse the IDOA’s policy and bar it from making NAIS mandatory for participation in fairs. The last clause of the bill, “without first receiving approval for such a requirement from the governing board of the fair or exhibition”, should be stricken to prevent the re-instatement of the IDOA’s policy. We also request an amendment to allow people to withdraw from NAIS. We ask that you support HB 5776, with the requested amendments.

Issues

The NAIS is not necessary to address animal health in Illinois. It does not address prevention or treatment of disease, nor is there any scientific evidence that it is a significant improvement on existing animal disease programs. In the context of fairs, participants are required to have health papers and the names and contact information of all participants are already collected, so premises registration adds nothing to the state’s ability to contact registrants in case of an outbreak.

While not improving our animal health system, the NAIS will cause a variety of problems:

- **Massive intrusion into people’s lives:** individuals will have to provide detailed information about their property, businesses, and their own movements to government and private databases;
- **Burden on property rights:** the premises registration number will attach to the land forever, and people’s rights to manage their land and animals will be restricted;
- **High costs:** registration, tagging, and reporting all carry costs in both time and money;
- **Loss of small farmers and ranchers:** many will be unable to afford the program, or unwilling to accept the government intrusion;
- **Damage to the economy:** businesses that rely on small farmers, such as sales barns, supply stores, and even tourism, will be harmed;

- **Reduced food choices and increased costs for consumers;**
- **Violation of many Americans' religious beliefs; and**
- **Increased government bureaucracy and waste of taxpayer dollars.**

Neither the USDA nor the IDOA has performed a cost analysis of the program. Costs for similar programs in other countries are estimated to average \$37/head to \$69/head. According to the USDA census and an equine study, Illinois citizens own approximately 1.3 million cattle, 80,000 sheep and goats, and 200,000 horses, the majority of which are on small farms. The NAIS will likely cost Illinois citizens tens of millions of dollars.

The NAIS will not provide benefits to justify these costs. The stated purpose of the NAIS is to provide 48-hour traceback to address animal disease. But the NAIS does not address the critical issues for disease prevention and control, such as:

- the causes of disease, especially differences in management;
- the vectors of disease transmission, including wild animals, insects, and imports;
- testing for disease, including tests for Mad Cow and other food-safety issues; and
- the unique issues posed by each species and each disease

The agency is also ignoring the existing methods for providing traceback. For example, at the fairs, participants are required to have health papers, which provide contact information if anything were to occur.

The NAIS will not protect against bio-terrorism. Terrorists are unlikely to target hobby animal owners and small farmers. Microchips are vulnerable to cloning, computer viruses, and reprogramming. The large databases will provide an easy target for hackers. Indeed, even without intentional tampering, the large databases will be unmanageable, as has already been found in Australia.

The NAIS is *not* a food safety program. Under NAIS, tracking ends when the animal is killed at the slaughterhouse. Most food-borne illnesses occur because of contamination from poor practices after slaughter. NAIS will do nothing to address these issues. Food safety needs to be addressed by increased standards and inspection of food processing facilities, including testing for Mad Cow Disease.

The NAIS is not necessary to improve our export market. There are alternative, and better, ways to address exports. If tracing is a market benefit, let the market implement it. The USDA already has a "Process Verified Program," which allows qualifying suppliers to market age- and source-verified meats. Any such program should be voluntary, non-coercive, allow for true competition, and paid for by the participants so that it does not distort market forces.

There are more effective alternatives for improving animal health. These include: (1) developing educational programs for animal owners, addressing disease prevention through animal management and biosecurity; (2) improving training for veterinarians in recognizing foreign and emerging animal diseases and develop a protocol for the use of rapid diagnostic tools in the field. (recommended by the U.S. Government Accountability Office in GAO-05-214 (Mar. 2005)); and (3) increasing inspections of animals and agricultural products entering into Illinois.

Conclusion

Illinois should focus its attention and resources on less costly and more effective means for addressing animal health. **We ask that you support HB 5776.**

For more information, contact the Farm and Ranch Freedom Alliance
Judith McGeary, Executive Director, 866-687-6452, or Ron Freeman, Director, 217-473-7692

Below is a requested amended version of HB 5776. New language is shown underlined, and deleted language is shown struck through.

Sec. 205-26: Fairs; premises ID numbers. The Department shall not require a premises identification number or electronic identification under the National Animal Identification System to exhibit or enter livestock, poultry, or horses at any fair or exhibition in Illinois, unless required by federal law or regulation ~~without first receiving approval for such a requirement from the governing board of the fair or exhibition.~~ The Department shall develop a process for persons to withdraw from the National Animal Identification System registration, and such process shall provide for the removal of the person's information from the Department's database. The Department shall also cooperate with the United State Department of Agriculture to provide a procedure for people to withdraw from the federal database.

Reasons for requested changes:

1. Deleting “without first receiving approval for such a requirement from the governing board of the fair or exhibition”
 - a. It is very likely that the governing board of the fair would agree with the Department to implement NAIS. Deleting this clause is necessary to make the bill effective in preventing children from being coerced into NAIS.
 - b. The USDA has provided federal funding to the Department to implement NAIS, and the Department can use some of that money to pay other entities to promote NAIS. In several states, the Extension Service has been the recipient of such grants.
 - c. In addition, the national FFA has been awarded a \$600,000 contract directly from the USDA to implement NAIS.
2. Adding a provision to allow people to withdraw from the program
 - a. Since this bill cannot change the policy for the 2008 county and state fairs, thousands of people will have been faced with the choice to register their property or not compete in the fairs, at both a financial and a personal loss.
 - b. Those who felt coerced into registering their property should be allowed to withdraw from this allegedly voluntary program.
 - c. Although it should be obvious that people can withdraw from a voluntary program, those who have sought to withdraw from NAIS in other states have faced various delays and barriers created by both USDA and their state agriculture departments.
 - d. A very similar provision was recently adopted by Nebraska, as part of LB 632.
3. Adding “poultry”: The NAIS includes poultry as well as livestock and horses
4. Prohibiting the Department from requiring electronic identification
 - a. In addition to requiring premises registration for all people who exhibit livestock, the Department is also requiring electronic identification for sheep wethers and beef steers. The current tags are not part of the NAIS program, but it would be best to address the issue now.
 - b. Electronic tags are unnecessarily expensive and violate some people's religious beliefs.
 - c. Once an animal is tagged with a NAIS-compliant electronic tag, federal regulations prohibit the removal of the tag.
 - d. In order to obtain a NAIS-compliant tag, the individual has to register their property (premises). Thus, as long as the Department can require electronic tagging, it can effectively require premises registration.
5. Adding the phrase “the National Animal Identification System”: This clarifies that the statute is addressing the state's implementation of a federal program

Illinois Coalition to Stop the National Animal Identification System (NAIS)

The Illinois Coalition to Stop the National Animal Identification System (NAIS) asks that you support HB 5776, the Fairs-Premises ID-Livestock bill, and future bills to stop the implementation of NAIS in Illinois. HB 5776 would reverse the requirement that participants in county and state fairs register their premises under the NAIS. The Coalition also requests that amendments be introduced to strengthen HB 5776.

The Coalition is made up of a wide range of Illinois citizens. We represent cow/calf operators, horse owners, dairy goat and meat goat owners, poultry farmers, 4-H and FFA families, livestock-related businesses, and citizens concerned with our property rights and the food supply.

Several national organizations with members in Illinois have taken positions opposing NAIS. Nationally, these organizations have over 20,000 members.

- The Farm and Ranch Freedom Alliance (FARFA) represents non-corporate agriculture and animal owners, from homesteaders to horse owners to full-time ranchers. FARFA's mission is to promote and protect independent agriculture.
- The Weston A. Price Foundation (WAPF) is dedicated to restoring nutrient-dense foods to people's diet through education, research and activism. It supports a number of movements that contribute to this objective including organic and biodynamic farming, pasture-feeding of livestock, community-supported farms.
- The Ranchers-Cattlemen Action Legal Fund, United Stockgrowers of America (R-CALF USA) represents cattle producers on domestic and international trade and marketing issues. R-CALF is dedicated to ensuring the continued profitability and viability of the U.S. cattle industry.

Position statements from FARFA, WAPF, and R-CALF USA are attached. These position statements reflect the opposition of national agriculture and consumer organizations to NAIS, although the Illinois Coalition to Stop NAIS does not claim to speak for those organizations.

Position Statement Opposing the National Animal Identification System

The signatories of this position statement oppose the implementation, both on the state and federal level, of a mandatory national animal identification system (NAIS). The NAIS would apply to every person who owns even one livestock animal or poultry, including horses, chickens, cows, goats, sheep, swine, turkeys, bison, elk, and deer. Each person would be required to:

- register their property with the state;
- identify each animal with an internationally-unique 15 digit number; and
- track “events” and report them to a government-accessible database within 24 hours.

The sole official purpose of this program is to provide 48-hour traceback of all animal movements in case of disease outbreak. Additionally, the government and industry organizations have urged the program as a means to improve the export market.

While the USDA states that the program is currently voluntary at the federal level, it has been providing funds to the States to implement the program. With the encouragement of this federal funding, several States have implemented, or proposed implementing, mandatory programs. Moreover, several States have registered individuals in the program without their consent, or by using coercive measures, while claiming that the program remains voluntary.

The signatories oppose this program because:

1. The NAIS will not improve animal health. Any effective animal health program must take into consideration the specific species of animal and the specific disease, including its cause, prevention, transmission, and treatment options.
2. The government and industry already have established systems for tracking animals.
3. The NAIS will infringe upon the property and private affairs of individuals, in direct violation of our Constitutional rights, including the right to due process of law, equal protection, religious freedom, and freedom from unreasonable search and seizure.
4. The USDA is implementing the program without explicit Congressional authority or oversight.
5. The NAIS will create significant costs, in both time and money, for farmers and ranchers. These costs will drive many out of business and ultimately raise the cost of food for everyone.
6. The NAIS will increase the size of the government bureaucracy.
7. The USDA has not performed a cost analysis, nor a cost-benefit analysis, of the NAIS
8. There are many technological and practical barriers to implementing NAIS, including concerns about the security of electronic identification and databases and the sheer magnitude of the program.
9. The NAIS is likely to have serious, unintended consequences on everyone who owns even one animal, including small farms and thousands of private citizens who own animals for companionship, recreation, and subsistence. This in turn will impact related businesses, such as feed stores, auction barns, livestock supply stores, and the real estate market.
10. As a result, the NAIS could have a significant negative impact on the entire rural economy of the state and the country.
11. The market issues can, and should, be addressed through voluntary, participant-funded, market-driven programs.

Congress and the State legislatures should halt the implementation of the NAIS and investigate more effective and non-intrusive means of addressing animal health. At a minimum, the NAIS should be limited to a truly voluntary program, with no direct or indirect penalties for failing to participate, full disclosure and the right to withdraw from the program, and no government funding.

Signed: Farm and Ranch Freedom Alliance, Judith McGeary, Executive Director, 866-687-6452, judith@farmandranchfreedom.org, www.farmandranchfreedom.org

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R-CALF Resolutions Relating to the National Animal Identification System

2005. Resolution 7. MANDATORY ANIMAL ID

Be it resolved that R-CALF USA does not support a mandatory animal ID program.

Be it further resolved that R-CALF USA supports the existing animal identification methods in place, including but not limited to brand inspection.

2006. Resolution 1. ANIMAL IDENTIFICATION

R-CALF USA opposes a federally mandated national animal identification program.

R-CALF USA opposes a totally privatized, centralized database and/or a federally centralized database.

R-CALF USA supports a voluntary animal-health trace-back system that ensures the protection of individual data, and a system that is compatible with the National Animal Identification System (NAIS).

R-CALF USA shall continue to work with the federal government, state governments and Tribal governments, as well as the industry, to determine the feasibility, functionality, and benefit to the U.S. cattle industry of an animal health traceback system that incorporates existing systems, such as brand programs and the Intertribal Cattle Connect program, and vests the responsibilities and authority under the auspices of state animal health officials and Tribal governments.

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3. Animal ID Resolution No. 2

R-CALF USA recommends that USDA-APHIS continue the funding, ear tags, and traceback program used for Brucellosis (which is a proven program) as an animal health traceback identification program, in conjunction with state brand laws. All data would continue to be held by the states and APHIS, as it is currently.

4. Animal ID Resolution No. 3

Whereas, existing systems for identification of premises and cattle, including brands, are effective for disease control;

Whereas, changes to optimize existing systems can be accomplished by state authorities without implementation of the National Animal Identification System (NAIS);

Whereas, the implementation of the NAIS – whether by federal or state governments – raises concerns about the impact on private property, privacy and the ability to conduct business;

Therefore, be it resolved that R-CALF USA opposes any government action that funds or mandates premise registration and individual or industry participation in the NAIS.

5. Animal ID Resolution No. 4

Be it resolved that R-CALF USA opposes making premises registration or animal identification mandatory for 4-H and FFA, which are USDA-driven programs.

6. Animal ID Resolution No. 5

Whereas, current R-CALF USA policy passed in 2006.1 Animal ID Policy (p. 19, 3rd paragraph) states: “R-CALF USA supports a voluntary animal health traceback system that ensures the protection of individual data, and a system that is compatible with the National Animal Identification System (NAIS).” Therefore, be it resolved that R-CALF USA amend said policy by deleting “and a system that is compatible with the National Animal Identification System (NAIS).”