



**National Farmers Union**

**Hearing Follow-Up Questions**

**Before the  
U.S. House Agriculture Subcommittee on  
Livestock and Horticulture**

**Concerning  
National Animal Identification System**

**Tuesday, October 11, 2005  
Washington, D.C.**

### **Rep. Peterson Questions**

#### **Do you support mandatory animal identification? Explain**

Establishing a NAIS is necessary to protect our nation's food supply from naturally occurring disease outbreaks or deliberate attacks on our food system. In order for the program to work, it must be a mandatory system that is funded and controlled entirely by the federal government.

#### **Do you support real-time identification information access for USDA? Explain**

Without real-time access to all of the data collected under NAIS, USDA will not be able to execute its mission and stated goals of the program. We do not believe it is realistic to expect USDA to be able to complete a 48-hour trace-back in light of an animal disease outbreak if they have to contact up to 50 or more private database systems to gain access to information. Multiple database sites controlled by multiple entities will no doubt slow the efforts to put NAIS into action during a disease outbreak.

### **Rep. King Questions**

#### **How would a voluntary program compel participation to 100% participation?**

Part of the definition of voluntary includes the phrase, "not forced or compelled". Given the independent nature of livestock producers and the overwhelming number of producer concerns surrounding a NAIS, it is difficult to expect 100 percent participation under a voluntary program.

#### **Is a producer-driven independent entity structured under federal guidelines a public or private system?**

That would be a private system. It is important to include producer input and involvement in the development and maintenance of a NAIS, however allowing private entities control over any portion of the system should not be allowed.

#### **Do you support a system that is operated by producers?**

Producer input and involvement in the development of a NAIS is vital. However, the varying interests between independent producers and others involved in the industry are vast. At this point it is not at all clear unanimity can be achieved in adopting one single system to serve the needs of everyone. It is important that all interests are respected, but there must be a mediator and NFU believes that role must be fulfilled by the federal government.

#### **Do you support federal funds to establish infrastructure and user fees to operate a producer run system?**

National Farmers Union supports federal funds to establish the NAIS infrastructure and operate the system. The intent of the system is to protect our livestock herds and the American public from animal disease outbreaks or attacks. Every American will be a beneficiary, and therefore we believe the federal government should absorb the financial

burden associated with all aspects of the system. We believe this cost would be minimal if existing infrastructure is utilized with existing database systems and management.

**Do you believe that a private system would be immune to confidentiality and litigation concerns?**

No. Both USDA officials and members of Congress have already stated that a privately held database system will not be immune to confidentiality and litigation concerns. These two issues along with the anticipated cost of the system are the largest looming questions and concerns held by producers across the country. A private system does not guarantee that producer information will not be sold to the highest bidder. With no legal or regulatory control over the system producers would be left completely exposed to potential predators.

**Is a privately held database safer from a confidentiality perspective than a quasi-government database with statutory protection from FOIA?**

A privately held database offers no safeguards, legal or regulatory, to protect producer information. A database fully controlled and funded by the federal government that includes statutory protection from FOIA and other statutory safeguards such as producer liability would ensure producer information is safe.

**Do you believe that packers will voluntarily mandate livestock identification as a condition to sale?**

Unfortunately, yes. Vertical integration within the beef industry has resulted in packers controlling over 80 percent of the market. With overwhelming control over the market, packers are able to dictate to producers what conditions must be met as a condition of sale. Given the current structure of livestock markets, it is unrealistic to expect independent producers to succeed in the absence of protection from unfair competitive practices, including forced participation in a voluntary NAIS.

**What do you like and/or dislike about the Livestock Opportunity and Marketing Opportunities Act, H.R. 3170? If you dislike portions of the legislation, how would you change it?**

Any Livestock Identification Board must be operated and controlled by USDA. The role of the board should be one of consult and advisement.

Technology- Determination of official identification technology must be done on a competitive basis at the lowest possible cost. Current available technologies and the number of current species identification programs are vast. The legislation includes no protocol in establishing the “official ID technology”.

Fees - The power of the board to prescribe and collect fees is too broad. The lack of language identifying whom the board would assign fees to and in what amount is concerning.

Voting members- Producers should be allowed to have input on whom is represented on the board. Allowing the Secretary in “consultation” with Congress is not enough to ensure independent producer’s will have a voice at the table.

Premise identification - The proposed language does not take into consideration the work that has taken place thus far with premise identification across the country. Will the board require producers to reenroll their premises under the guidelines of the board?

Release of information- Section 7 (c)(2) is unclear and does not provide a set of guidelines under which the board could determine release of information. The release of producer information to the Attorney General, Secretary of Homeland Security or foreign governments does not fit the intentions of the system, which is to identify and contain animal disease outbreaks for purposes of containment. The definition of a “criminal act” is unclear; the definition of “purpose of national security” is unclear, as is releasing information to foreign governments.