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Docket No. APHIS-2009-0091
RIN 0579-AD24
Regulatory Analysis and Development
PPD, APHIS, Station 3A-03.8
4700 River Road Unit 118,
Riverdale, MD 20737-1238

RE: Comments on *Traceability for Livestock Moving Interstate* (Docket No. APHIS-2009-0091; RIN 0579-AD24)

Texas Cattle Feeders Association (TCFA) has carefully evaluated and welcomes this opportunity to comment on the United States Department of Agriculture Animal and Plant Health Inspection Service's (USDA APHIS) proposed rule, "*Traceability for Livestock Moving Interstate*," (Docket No. APHIS-2009-0091). TCFA is an agricultural trade association representing 200 beef cattle feedyards in Texas, Oklahoma and New Mexico and approximately 5,000 cattle feeders across the United States. TCFA members feed and market around 6.5 million head of cattle annually, which equates to about 30% of the nation's fed beef.

Cattle identification in and of itself does not prevent disease. Rather, due to the hard work and dedication of generations of U.S. cattle producers and a previous substantive proactive federal investment in agriculture production research, the U.S. enjoys a very healthy and generally robust cattle population and industry. Development and implementation of a comprehensive, national animal identification and traceability system has been a challenging topic for the APHIS and our diverse industry. The complexity and uniqueness of our industry brings many opportunities, as well as challenges, in the context of cattle identification and requires flexibility in order to be successful without causing unintended harm to U.S. cattle producers.

Because of the diversity inherent in the cattle industry and the impasse generated by the previous USDA approach to this difficult topic, TCFA has been working with a group of cattle industry organizations representing the beef, dairy and marketing sectors. These independent groups came together as the Cattle ID Group (CIDG) to develop a consensus on industry-directed principles for a national cattle identification and traceability plan and to respond to anticipated USDA animal disease identification traceability initiatives. The CIDG, which has grown to include fourteen national, regional and state cattle industry organizations, while with different individual memberships and philosophies on this topic, agreed upon some general basic principles and the primary goal of cattle identification for cattle health purposes.

TCFA appreciates APHIS recognizing that the previously proposed National Animal Identification System (NAIS) was a top down, government intrusive, costly failure and that it had become a barrier to achieving meaningful animal disease traceability in the U.S. While much progress has been made in an overall and specific approach, this complicated topic demands USDA APHIS allow additional producer and State/Tribal active involvement as equal partners with APHIS in order to obtain a successful animal disease identification traceability system for animal health purposes. Also, not the entire APHIS stated "inadequacies in current disease tracing capabilities in the U.S. cattle industry" can be blamed on a lack of a national comprehensive animal disease traceability system. Improved APHIS and other federal government systems and collaboration as well as improved diagnostic tests, better and wiser federal

government technology investments, and a return to aggressive, targeted and industry priority driven federal government investments in research to provide the outstanding tools and scientific answers would significantly positively impact current disease tracing capabilities and successful eradication of the few domestic cattle industry U.S. diseases. It would also help in the ongoing effort for improved surveillance, preparation and potential eradication tools for foreign and emerging diseases.

TCFA has long been supportive of animal identification for animal health purposes. The goal of any identification program should be to enable the cattle industry, state and federal animal health officials to respond rapidly and effectively to animal health emergencies. Specifically TCFA policy advocates U.S. cattle identification to support disease surveillance and monitoring to achieve the following objectives: the complete eradication of brucellosis and tuberculosis and protection against the reemergence of these diseases; and to effectively monitor and track the emergence of foreign or emerging animal diseases and to respond appropriately in a timely manner. Additionally our industry currently utilizes identification to, and supports voluntary adoption of, individual animal identification programs to support genetic improvement and source verification programs, grid marketing programs, and other methods where individual animals are tracked through the production chain so as to enhance genetic improvement decision-making. Lastly, Beef Quality Assurance (BQA) and other good management programs that utilize individual animal identification have become more widely adopted across the country. In fact APHIS' own numbers indicate that currently over sixty percent of cattle in the U.S. are currently identified in some form. Any new federal or State/Tribal Animal Disease Traceability (ADT) program should not interfere with the successful cattle industry identification schemes currently being utilized. Access to the confidential information contained in any animal health databases should be restricted to producers and officials of federal and state animal health agencies related to efforts to prevent the introduction of diseases, their control, eradication and the reemergence of disease. Producers should be provided an opportunity to periodically review their individual data in a system. TCFA policy regarding any animal disease traceability program advocates for the following overarching principles:

1. Additional costs to the beef and dairy industry must be minimized allowing low cost visual or electronic official tagging devices paid for by federal or state funds, if possible.
2. Any information relative to cattle identification information should be under the control of state animal health officials and kept confidential and strongly protected from disclosure.
3. The system must operate at the speed of commerce.
4. The priority animal for participation in the framework is the individual identification of adult cattle. Cattle herd movement between adjoining states on pasture-to-pasture permits should be allowed to continue at the discretion of the state animal health officials involved.
5. Producers must be protected from liability for acts of others after cattle have left their control.
6. The purpose of the animal disease traceability system should be solely animal disease surveillance, control, and eradication. The only data required to be collected should be that necessary to accomplish this goal.
7. Support the flexibility of using currently established and evolving official identification methods for cattle moving across state lines only, with encouragement to producers that any official identification be applied at the herd of origin if destined for interstate movement.

8. The animal data management system does not replace or impede existing state brand inspection activities.

In the context of these eight main TCFA principles we submit the following specific comments on the proposed ADT rule:

Main Comment Issues Areas:

A phased-in approach: TCFA had advocated for a species specific and phased-in approach with an objective, robust assessment of the over 18 month program before moving forward with inclusion of any cattle under 18 months. We appreciate the agency partially doing a phased in approach but request a clearer phased in process that allows for increased public discussion and better ability to apply lessons learned (and subsequent modifications) from the initial phase. Additionally, the phased in process should allow more input from affected industry and States/Tribes. The process and decisions made regarding potential inclusion of cattle less than 18 months of age will need careful review and much discussion within our industry and with States and with APHIS.

The proposed rule does not provide for a separate proposed rulemaking process for the less than 18 month old cattle ADT program. Because of the increased complexity, volume of cattle, logistics and cost for this group of cattle, as well as the technical and financial challenges of collecting and recording identification at slaughter, the agency needs to revisit how they plan to proceed for this age group and allow for a separate rulemaking. Additionally, while we have made great progress as evidenced by the differences between NAIS and this proposed ADT, there remains a very large concern on this age group of cattle. We request that these discussions take place before any further rulemaking on this group of cattle.

The Cattle Industry strongly opposes the implementation of the ADT requirements for “all cattle” in Phase 2 by *Federal Register* notice rather than through separate rulemaking. Experience from other countries that are further progressed in their cattle identification systems, as well as common sense, demonstrates that we cannot know at this point what adaptations will be needed to Phase 1 that could dramatically affect the program for younger cattle and what modifications that will need to be made. It is unreasonable for the cattle industry to accept the introduction into the ADT program of 20-plus million cattle of less than 18 months of age by a simple notice in the *Federal Register*. Introducing that many cattle of a different class and various business/management models, presents a whole set of unique and significant considerations, such as increased complexities of identifying and tracing young cattle, the addition of huge numbers of cattle moving interstate, the potential for slowing the speed of commerce throughout the cattle production and marketing chain, managing the logistics of a multi-faceted feeder industry, the appreciably greater costs involved, and perhaps numerous as yet unknown factors of substantive concern.

Also, APHIS previously has indicated that there will be various and numerous technical and financial challenges involved in collecting and recording identification at slaughter for this class of cattle. If APHIS’ purpose of ADT is to improve upon the “current inadequacies in disease tracing capabilities in the cattle industry”, then a methodical, risk based, truly phased-in approach is imperative. What is the risk-based disease surveillance, control and eradication improvements associated with this group of cattle that ADT, as currently written, would provide? It is for these very important reasons as well as others yet to be known, that the entry of this very large group of cattle into the ADT system be done through separate rulemaking. Separating Phase 2 from the current proposed rule will assure that necessary identified changes to the ADT program from Phase I can be scrutinized and adopted in a transparent process; that the cost, benefits and viability of Phase 2 can be thoroughly vetted by the industry and States/Tribes in real time; and that all affected stakeholders have the opportunity to review and comment on this important next step in the ADT program.

TCFA also is deeply concerned that USDA's cost-benefit analysis may be flawed and not adequately represent the total cost to the cattle industry of Phase 1 and most particularly of Phase 2 of the program. Having the experience of Phase 1 should give us valuable cost-benefit information for Phase 2 that will need to be assessed and commented upon in a separate rule implementing Phase 2 of the ADT program. Lastly, the yet to be determined Traceability Performance Standards will have significant implications for what the states will have to do within their intrastate jurisdictions in order to meet the interstate performance standards, which in turn affects how this larger more complicated cattle group is to be introduced into the ADT system.

We agree that under a disease risk-based approach, targeting older animals in the first phase of a risk-based animal identification/traceability program for animal health purposes makes the most sense. It is less clear where the currently exempted less than 18-months of age cattle rank in a risk-based approach, or even if there is a compelling reason to include all the less than 18 month of age cattle in stages or all at one time. Given the myriad issues yet to be determined with the inclusion of young cattle in the ADT program, the Cattle Industry strongly urges USDA to reconsider embarking on Phase 2 by notice of this critical class of animals into the ADT system and instead embark on a separate rulemaking for Phase 2-all cattle at the appropriate time.

APHIS states that the purpose of this rulemaking is to improve the agency's ability to trace certain livestock moving interstate in the event a disease is found. The ability to evaluate and apply lessons learned from Phase 1, a risk-based phased-in and overall methodology, and a thoroughly evaluated cost/benefit approach is necessary to achieve this purpose without causing unintended harm to cattle ranching families and the overall U.S. beef industry.

If APHIS does not initiate "Phase 2" (less than 18 month of age) cattle as a separate rule-making process, then TCFA cannot be supportive of this proposed rule as currently written. It would be a disservice to the tremendous progress that has been made for the agency not to reconsider their approach regarding this very important area.

Advisory group: The proposed rule mentions an advisory group with representatives from APHIS, States/Tribes and industry that will offer advice and recommendations. TCFA requests that our association be an active participant. Active and equal status representation by affected cattle industry organizations from the beginning is needed for an improved program with less unintended consequences. The failure of NAIS has proven that when affected industry is not at the table and involved throughout the entire process, the outcome is not productive for anyone. A more recent example would be the failed State/Tribal Performance Working Group. Industry had requested a seat at the table, and at the very least, to be in the room to provide active input. Both Federal and State/Tribal regulations and performance standards directly affect our industry. Therefore we should be a participant of equal standing at the table for both the advisory group and for future discussions on the States/Tribes Performance Standards.

States/Tribes Performance Standards: In February 2010, APHIS indicated performance standards that states would be required to meet and if they could not, APHIS would initiate additional requirements. The initial performance standards drafts were unrealistic and would have had a negative impact on states and producers. Further, placing additional requirements on states for non-compliance would directly and negatively impact producers in those states, through no fault of their own. APHIS did not indicate any assessment, evaluation or help to states who did not meet their performance standards. With most of the states struggling with significant declining budgets and subsequent declining manpower and technology resources, it would be prudent for the Federal government to first ascertain why a state/tribe was not meeting

the proposed performance standards before punishing them and the producers of that state with more requirements. APHIS indicates they will publish State Performance Standards under a future second rulemaking. The cattle industry believes the lack of affected industry involvement at the table in previous USDA State/Tribal performance standards working group deliberations directly impacted its failure.

TCFA, other cattle industry organizations and state animal health officials need to be actively included and engaged prior to rulemaking on this in order for it to be successful. Additionally, it is preferred that the proposed rule should not be finalized until State and Tribal Performance Standards are established through rulemaking. As much of the successful implementation of the proposed ADT rule is predicated on the level of performance reached by the States and Tribes in the identification and traceability of cattle moving interstate, it is inconceivable that the two can be separated or adopted independently of each other. Also, USDA will need the information gleaned from USDA's traceability "roadmap" exercise currently being carried out by State/Tribe animal health officials and expected to be completed in late 2011 or early 2012, before Traceability Performance Standards can be established. Thus, we strongly recommend that USDA complete the "roadmap" exercise and rulemaking on the Traceability Performance Standards before proceeding with final publication of the ADT rule for Phase 1.

Assessment: APHIS needs to clearly define a target and develop a formula to prove successful implementation of ADT for cattle over 18 months of age before proceeding to Phase 2 of the proposal. An assessment must be accurate, objective and robust in order to be useful. Workability of the initial phase of ADT is extremely important before proceeding further.

Industry stakeholders remain confused, after repeated attempts to get clarity on the issue from USDA APHIS officials, as to what the 70% trigger actually represents in determining compliance with the ADT requirements for the purpose of moving into Phase 2. The Phase 1 assessment process therefore should not be based on some arbitrary compliance number, especially if that number is open to interpretation. If the 70% is not clearly understood by all, then the process should begin after a reasonable period of time in which stakeholders and service providers are given ample opportunity to implement the ADT program and sufficient time has passed allowing for its maturity in the marketplace. It is also recommended that the Phase 1 assessment process be repeated periodically in order to gauge the program's ongoing level of performance at the state and federal level in light of likely system and/or programmatic changes. Of equal importance in insuring stakeholder confidence and acceptance of the ADT program in general and most specifically the Phase 1 assessment process, the methodology and analysis of the assessment data must be performed in an open and independent manner by a credible non-biased federal agency or independent contractor acceptable to all directly affected stakeholders. Transparency and clarity throughout the entire process is paramount to its success.

In assessing Phase 1 to determine if the goals of the program are being met before moving onto the identification of all cattle, reasonable and useful measurements for tracing identified animals back through the marketing and production chain will be needed to test the core functionality of the system in a way that will resonate strongly with all stakeholders. The core assessment questions should be: (1) how many animals are identified, and (2) how many of them can be traced to some point in the production and marketing chain, within a reasonable period of time, that mimics a real world scenario when an actual animal disease event occurs. This approach will evaluate the varying components of the system by testing the core performance areas and will do so in a manner that will create a very marketable message as to the maturity and performance of the overall ADT system. Additional specific comments will be submitted once more information is provided by the agency but it is hoped that these general fundamental comments on the assessment are helpful to the agency.

Official Identification: Brands and tattoos should be retained as official identification methods, but noted that they are not sufficient forms of identification for interstate movement under ADT unless agreed upon by the shipping and receiving states and tribes. A new subsection providing for the recognition of brands and tattoos as official identification should be added as a new subsection (iii) to Section 90.4(a) (1) Official identification, to read: "(iii) Brands or tattoos when agreed upon by bilateral or multilateral agreement or memorandum(s) of understanding between or among agreeing shipping and receiving State(s) and Tribe(s) animal health officials."

Maintaining brands and tattoos as official identification would eliminate potential legal issues for states or tribes where the brand is currently considered an "official" method of identification for traceability and ownership. Also, it would clearly resolve the issue of forcing the brand, as an "official" identification method, onto states or tribes where the brand is not used or accepted as an official identification method thus making the federal preemption argument moot. While we recognize why APHIS unintentionally came to the conclusion that the agency would need to delist brands and tattoos as official identification, the current recognition of brands as an official identification method is working today, even among brand and non-brand states and tribes and there is no need to completely delist these. Thus, we urge USDA to recognize brands and tattoos as official identification devices or methods for interstate movement where there is agreement between or among State(s) or Tribe(s) animal health officials.

Also, if USDA is to allow brands and tattoos to continue to be listed as official identification methods/devices between or among agreeing states and tribes, then the current proposed ADT rule prohibition on a different second official device or method would preclude the addition of an official eartag in branded or tattooed cattle moving interstate into non-brand or non-agreeing states to the use of a brand or tattoo for interstate movement.

The proposed rule would prohibit multiple official identification devices or methods on the same animal, with certain exceptions. This requirement, in the proposed rule, is unclear as currently written. As we currently understand, APHIS has indicated that multiple official identification devices of different types may be utilized and that the prohibition in the proposed rule to an animal having more than one official identification device or method refers to the presence of two of the same type of identifier. For example, the application of more than one official metal eartag would be one of the concerns addressed by this requirement. Based on APHIS latest clarification of this requirement, it then would appear to be permissible for an animal to be identified with an official metal tag using a Location-based number (LID) or National Uniform Eartagging System (NUES) number, an official RFID eartag with an AIN number for herd management or marketing purposes and a brand supported by agreeing states.

This requirement respective to presence of more than one official identification device or method on an animal needs to be reworded and made clear in the final rule and clearly stated as to the purpose of any prohibition on the presence of two or more official identifiers of the same type or of different types. The industry needs clarification on the following: if 840 tags may be applied to an already officially identified animal with another identification number, as the proposed rule seems to permit, can other identification devices or methods of a different type or purpose be utilized and under what circumstances? What is the purpose for the agency not allowing more than one official different identification device or method? The requirement also appears to require that a producer get clearance from the state or tribe animal health official to apply more than one different official device or method in an animal. This is unnecessary government intrusion into cattle producers' daily management practices and businesses, and it certainly does not improve cattle identification for cattle health purposes.

Given the many family operations of small and varying sizes that currently utilize cattle identification methods and devices that work for their regions and business/marketing models,

this prohibition would appear to cause potential disruption and harm without solving any apparent problem. Thus, we recommend APHIS allow more than one different official identification method or device at the individual cattle producer's discretion in cattle for interstate movement, with appropriate documentary linking of the multiple methods/devices in the individual animal as needed and no unnecessary additional regulatory approval requirement.

Other Tagging Issues: The proposed rule does not allow an option for an owner/shipper, who lacks adequate tagging facilities or equipment, when selling direct to a buyer in another state to have the cattle tagged at the receiving location with the owner/shipper's tags. Such an option should be permitted if the animals are accompanied by an owner/shipper statement for classes of cattle not required to have their individual identification recorded on the owner/shipper statement (see section 90.1). There is precedent for this option as USDA currently allows 840 AIN tags for USDA Agricultural Marketing Service's (AMS) process verified (PVP) and quality systems assessment (QSA) programs to be tagged at the receiving location with the owner/shipper's tags. Allowing producers, particularly small-size operators, to have their cattle tagged at their interstate destination with their tags, would provide greater flexibility to producers moving cattle directly across state lines and allow the smooth flow of commerce between and among states.

The use of backtags, as a "temporary" device for cattle 18 months of age or older moving direct to slaughter, would be phased out under the proposed ADT rule, once all cattle moving interstate are required to be tagged under Phase 2. APHIS has indicated that their decision to remove the backtag option for identifying adult cattle moving interstate direct to slaughter was based on their expectation that once all cattle are identified in Phase 2, most adult animals moving direct to slaughter will already be identified with an official eartag. However, USDA presents no solid evidence to support their assumptions in this regard. Nonetheless, all the good reasons for using the backtag for identifying 18 months of age or older cattle going direct to slaughter, such as reduced stress on the animals, optimum speed of commerce, animal handling/welfare, worker safety, low-cost efficient tagging, etc., remain once Phase 2 for all cattle is implemented. Properly applied, backtags are as good as other identification devices or methods for tracing adult animals going direct to slaughter.

Also, since small cattle operations typically use livestock markets to sell their adult cattle going direct to slaughter, the economic burden for requiring an eartag in adult animals that do not already have an official eartag would be placed directly on small production operations and livestock market operations. Without a better justification or rationale based on disease risk for eliminating the use of the backtag in Phase 2, USDA should allow the continued use of backtags in identifying cattle moving interstate direct to slaughter once all cattle are subject to the program.

The APHIS ADT General Standards Document Version 1.1 dated March 18, 2011, was published as supplemental material to the ADT proposed rule. The footnote in Table 1 on page 4 of this document states that APHIS intends on phasing out manufacturer coded tags (982, 985, etc). Specifically, "AINs with the alpha characters USA or the numeric code assigned to the manufacturer's ISO 11784/85-compliant identification device by the International Committee on Animal Recording may be used as alternatives to the 840 prefix until 1 year after the effective date of the final rule, APHIS Docket-2009-0091, 'Traceability of Livestock Moving Interstate'." Recognizing there are a number of cattle that are already identified for herd management and marketing purposes with manufacturer coded tags, we recommend that these tags continue to be allowed and recognized as official identification for interstate movement.

It is our understanding the agency intends to phase-out these manufacturer coded tags because there are no premises identification numbers (PINs) or location identification numbers (LIDs) associated with them. While that may be true for those manufacturer coded tags distributed

through channels such as feed stores, etc., that is not the case with those associated with AMS PVP and QSA voluntary programs. Many cattle have been successfully identified with these tags either through whole herd identification for management purposes or through such value-added marketing programs. Discontinuing use of these tags would economically harm many producers who have already invested significant resources in identifying their cattle with manufacturer coded tags for management purposes or to participate in the very successful voluntary PVP and QSA programs. For example: marketing programs for replacement heifer sales or heifers marketed through PVP Age and Source Verified sales. These heifers would enter the breeding herd as virgin heifers and grow into source verified individuals.

It seems contrary to a goal of the ADT program, flexibility in the identification of animals for interstate movement, to eliminate producers' ability to continue using manufacturer coded tags. It is understood that obtaining location data on the users of these privately issued tags for animal disease traceability is a concern and why. However, AMS programs provide more than appropriate location/owner information. Additionally, for those manufacturer coded tags distributed through feed stores or other venues, APHIS should consider allowing cattle producers who are not utilizing an AMS marketing program and wish to utilize manufacturer coded tags to provide appropriate information to their state and tribe animal health officials. There is precedent for this, as APHIS has indicated in the proposed rule they will leave it up to States/Tribes to determine how each distributes bright tags within their jurisdictions.

Specifically, manufacturer coded tags should continue to be considered official identification for interstate movement under the following circumstances:

- Cattle that have been enrolled in an AMS recognized PVP or QSA programs. (We recognize that this may require additional cooperation between AMS and APHIS).
- Producers using manufacturer coded tags for animal disease identification and traceability for interstate movement would provide a list of the tag numbers associated with their animals to their state or tribe animal health official and indicate the appropriate PIN or LID that is associated with those tags. For example, in the event of a traceback, an e-mail with the electronic identification in question could be sent to the state's or tribe's animal health official. The electronic format of these numbers would facilitate quick cross reference of these numbers and the livestock facility of record associated with them.
- Private organizations or marketing entities, in cooperation with state and tribe animal health officials, could coordinate application, recording and/or management of the manufacturer coded identification numbers.

The proposed rule also does not permit producers to obtain duplicate animal identification number (AIN)/840 tags to replace those that have been lost or are no longer viable. Because these tags are often used for management purposes in many dairies and some beef operations, the final rule should allow producers that have the necessary records to link a specific identification tag with a specific animal to obtain a duplicate AIN/840 replacement tag in order to maintain the viability and integrity of the national traceability system.

The proposed rule requires that tags be collected and made available to APHIS at slaughter. It does not require them to retire the tag number and record the retired tag or other identification methods for those states that would want the information. Before the proposed rule is finalized, APHIS must have a defined plan and agreement in place with the Food Safety Inspection Service (FSIS) and/or harvesting establishments relative to the collection and recording of retired tags at slaughter. Information from tags and brands are currently being lost and, in the

past, has hampered disease traceouts. Failure to retire and record tags at slaughter could severely complicate the traceout of an animal with a duplicate identification number or a mis-recorded identification number. This problem will be exacerbated with the implementation of each phase of the proposed ADT plan. Collection of tags and data entry at harvest will potentially require additional labor, increased funding and perhaps additional technology solutions as well as better communication between APHIS and FSIS and harvest establishments. None of this detailed information has been included in APHIS' ADT plan to date, including the proposed rule. Since this aspect of the program is a key component of a "bookend" traceability approach, we urge that it be given high priority in preparing for finalization and implementation of Phase 1 of the proposed rule.

Interstate Movement with an Interstate Certificate of Veterinary Inspection (ICVI): The recording of individual identification numbers on the ICVI or other approved shipping/shipper documents is not required, under the proposed rule, for sexually intact cattle or bison under 18 months of age, or steers or spayed heifers, except for sexually intact dairy cattle of any age or cattle or bison used for rodeo, exhibition, or recreational purposes. The cattle industry strongly supports exempting, under Phase 2 of the proposed rule, the recording of individual identification numbers on the ICVI or other approved owner/shipper documents for sexually intact cattle under 18 months of age or steers or spayed heifers; with the exception of sexually intact dairy cattle of any age or cattle or bison used for rodeo, exhibition or recreational purposes, which are required to be individual identified on the ICVI in Phase 1.

Exemptions to ICVI requirements: Cattle less than 18 months of age may be moved interstate with documentation other than an ICVI, e.g. a brand inspection certificate, as agreed upon by state or tribe animal health officials in the shipping and receiving states or tribes. This exemption would not apply to sexually intact cattle or bison 18 months of age or older. The use of alternative shipping documents to the ICVI should be permitted for all ages of cattle and bison where there is agreement between or among state and tribe animal health officials.

In recognition of the declining availability of veterinary coverage in many areas of the country to write ICVIs, other documents, such as a spreadsheet or other user-friendly, easily transmittable documents, should be permitted between agreeing states and tribes. This practice already exists and is currently working well between and among states and tribes. Permitting other, possibly yet defined animal health movement documents for all cattle, including sexually intact cattle over 18 months of age, allows the states and tribes greater flexibility in determining what works best for them in the transfer of animal movement information as well as would likely impose less of an economic burden on small livestock businesses.

The proposed rule indicates that the use of an electronic ICVI in tracking interstate cattle movements is not required but is permitted where available. The establishment of a fully functional uniform national electronic ICVI system is critical to the successful implementation of the ADT program, particularly in Phase II and the interstate movements associated with the introduction of 20 plus million feeder cattle into the program. It is strongly recommended that a fully electronic ICVI system be in place in all the states and tribes as a prerequisite to moving onto the identification and traceability of all cattle. A uniform national electronic ICVI system would facilitate the recovery of traceability information upon the finding of an animal disease of importance as well as provide a level of traceability performance by the states and tribes necessary to move onto the identification and traceability of all cattle in Phase II.

USDA has requested comments on the ICVI requirements, in particular the benefits of veterinary inspection in the cases where it is to be used. Also, the agency asks to receive comments on whether veterinary inspection, especially of large herds, will yield substantial benefit, and whether it will impose costs on businesses, particularly small or very small

businesses. It is widely established that there is a growing critical shortage of available accredited veterinarians to write health papers for interstate movement.

Livestock markets, in particular, are currently finding it increasingly difficult to maintain veterinary coverage, as currently required by APHIS, to check for disease, write health papers and provide other critical veterinary services. As a result, the economic burden of maintaining required veterinary coverage is becoming so great as to threaten the economic viability of many livestock marketing businesses as well as cattle production operations in the marketing of cattle in interstate commerce. While there has been much discussion recently relative to the declining number of proficient large animal veterinarians and some limited measures taken to reverse course in that regard, there is little prospect that those number will appreciably change anytime soon. Any additional veterinary inspection requirements will assuredly impose costs on businesses of all sizes so there needs to be a specific purpose and benefit to animal disease traceability and maintaining the health of the national herd.

Economic Analysis: APHIS has requested data for comprehensive analysis of the effects of ADT on small entities and especially in determining the number and kind of small entities that may incur benefits or costs as well as feedback on the proposed information collection and recordkeeping requirements. We would remind APHIS of the above discussion of the diversity and uniqueness of the U.S. beef industry. Any additional cost to the system ultimately affects all. At this time we do not have enough information to accurately provide such information. Several major items that would affect this information remain outstanding, such as the State/Tribal Performance Standards.

Additionally, the economic analysis APHIS provided along with this proposed rule simply does not provide enough depth and information for agriculture economists and the cattle industry to be able to evaluate and provide constructive feedback. There also seems to be flaws in the information APHIS has supplied as part of their economic analysis. For example, the proposed rule document states, "The primary benefit of the proposed regulations would be the enhanced ability of the United States to regionalize and compartmentalize animal health issues more quickly, minimizing losses and enabling reestablishment of foreign and domestic market access with minimum delay in the wake of an animal disease event." The proposed rule also names bovine tuberculosis (TB), bovine brucellosis and bovine spongiform encephalopathy (BSE) as examples in the context of potential gains and cost savings potentially derived from the proposed rule. APHIS also states that TB cases are increasing in the U.S. We are unsure how APHIS reached these conclusions and assumptions and how they in turn affect an accurate economic analysis and cost/benefit of the proposed ADT rule.

According to National Agriculture Statistical Service (NASS) and APHIS statistics, the number of TB cases are not increasing, and while it is frustrating for industry that we have not yet eradicated TB, the U.S. enjoys an extremely low incidence rate of less than 0.001% TB in our cattle herd. Also, the agency, experts and industry agree that the primary challenges we have in completely eliminating TB from the US is due to current testing methodology limitations, lack of control in wildlife in certain areas and lack of scientific answers of the organism that would enable better tools to completely eradicate the disease. We request that APHIS please provide detailed information regarding TB traceouts in the last 5 years, exactly how identification has contributed to successful or unsuccessful traceouts, and all the factors associated with failed traceouts, including identification obtained but then not kept/supplied to APHIS by FSIS. This information is especially important since APHIS has not provided enough information in this proposed rule as to how identification and information will be collected at slaughter and utilized and what the costs associated with this will be for Phase 1 or Phase 2. Based on our current knowledge, the information on many cattle that already have identification now is being lost once they are slaughtered and processed.

Regarding brucellosis, it is endemic in the wildlife in the Greater Yellowstone Area (GYA). A lack of a national cattle identification system has nothing to do with the ongoing, frustrating cases that occasionally happen in cattle in the GYA due to the wildlife and political problem and everything to do with the federal government agency in charge of appropriately managing this wildlife of failing to do so. Additionally, we are unaware of any foreign market access loss due to the few TB and brucellosis cases the U.S. historically or currently experiences. Can APHIS please provide the information that underpins this assumption? Also, BSE market losses were political in nature and unscientifically founded. Identification alone will not rectify this situation.

Compartmentalization as it is currently defined by the World Organization of Animal Health (OIE) does not seem to be an option for the U.S. cattle industry. Can APHIS please provide more information regarding their thinking on this and how it could be a benefit and contribute to an economic analysis in the context of cattle identification? Similarly, APHIS was able to regionalize the GYA states for brucellosis using our existing industry and state identification methods, so it is unclear how ADT would affect regionalization in the context of the cost/benefit economic analysis. More information from the agency regarding this would be helpful.

TCFA would like to provide more detailed information regarding the cost/benefit analysis of the proposed rule, but we are unable to do so until the above questions are answered. We encourage APHIS to provide additional information and work with beef industry experts and agriculture economists in order to accurately assess the economic impact to producers of all sizes throughout the entire beef industry. This will be helpful, especially since declining federal and state budgets will demand wiser use of appropriated funds for any ADT program and the agency, States/Tribes and industry will need to prioritize funding.

TCFA commends APHIS for its recent efforts to listen to concerns of US cattle producers in developing the ADT program. TCFA encourages the agency to continue working with industry leaders on this and all animal health issues. Thank you for the opportunity to provide input on this important proposed rule. TCFA will continue to be a leader on this challenging issue and collaborate with our like-minded cattle industry colleagues in order to best represent our membership. We look forward to working with APHIS on the issues we have raised in our comments.

Sincerely,

A handwritten signature in black ink that reads "Ross Wilson". The signature is written in a cursive, flowing style.

Ross Wilson
President