

FARM AND RANCH FREEDOM ALLIANCE

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1-866-687-6452

Top 10 Myths About NAIS

The National Animal Identification System (NAIS) was originally developed by large industrial-ag and technology companies in the 1980s and 1990s. In 2002, the U.S. Department of Agriculture became involved, and has since spent over \$84 million in pilot programs and initial implementation.

The NAIS applies to every person who owns even one livestock animal or poultry, including horses, chickens, cows, goats, sheep, swine, turkeys, guineas, bison, elk, and deer. If it is made mandatory, each person would be required to:

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

1. **MYTH:** NAIS is voluntary

FACT: The USDA has stated that it does not intend to adopt regulations making NAIS mandatory at the federal level at this time.¹ But USDA continues to provide federal funds to state programs and continues to state that it wants a “complete record of all locations, or premises, in the United States,” and identification of all animals that “enter commerce or commingle with animals at other premises.”² The cooperative agreements with the states include provisions requiring the states to reach specified performance goals.³ The federal funds thus encourage states to adopt mandatory programs, and several states have done just that.⁴ States with apparently voluntary programs have also used coercive or prejudicial methods to increase registration.⁵ Until and unless the federal and state legislatures adopt statutes preventing mandatory and coercive programs, NAIS cannot be considered a voluntary program.

2. **MYTH:** NAIS won't apply to when you sell a chicken to your neighbor/ when you take your horse to a show/ whatever other exemption you have heard

FACT: We do not know what will and will not have to be reported because USDA has avoided addressing the issue clearly. USDA's original plan called for **no exceptions**. USDA's Draft Plan and Program Standards listed codes for the following “events” to be reported: **animal moved onto a premises, animal moved off of a premises**, animal id tag distributed, tag applied, tag lost and new tag applied, replaced tag or re-tagged, animal slaughtered at slaughterhouse, animal died on the farm, animal missing. There was even a code for “sighting”, defined as “animal has a confirmed sighting at a location, no movement has occurred (ex: veterinarian sighting).”⁶

USDA's latest User Guide lists a few narrowly limited circumstances that would not be considered reportable events: (1) moving livestock within a single operation, such as to different pastures on the same premises; (2) animals accidentally wandering off the property; (3) going on a trail ride with a neighbor; (4) moving an animal from its birthplace direct to customer slaughter for one's personal use.⁷ The logical conclusion is that, aside from these listed exceptions, the events listed in the 2005 documents are reportable events. The new User Guide then creates a hierarchy of the importance for reporting, classifying events as “high” or “low” importance. “High” importance events include such things as private sales of animals, public sales, and regional shows and exhibitions.⁸ The USDA states that its “focus” will be on the high-importance events, but explicitly allows for its focus to widen.⁹ And since the program has now been delegated to the states, we do not know what each state might decide to require.

3. MYTH: NAIS will protect us against Mad Cow disease.

FACT: Mad Cow is not contagious, takes years to develop, and is completely preventable. NAIS is designed to do only one thing: provide 48-hour traceback of animal movements. This is simply not relevant to protecting our food supply from Mad Cow disease.¹⁰ Moreover, the USDA has stated that it estimates that there are only four to seven (4 – 7) cows in the entire U.S. who have BSE or Mad Cow Disease,¹¹ and that it's not even necessary to conduct testing to protect our food supply. Indeed, the USDA refuses to allow a U.S. company, Creekstone Farms & Premium Beef, to voluntarily test all of its cattle for BSE, in order to satisfy its customers' wishes. If BSE is not enough of a threat to justify (or even allow) testing, then certainly it cannot be the basis for requiring millions of animals to be electronically tagged and every move tracked.

4. MYTH: NAIS will protect us against the H5N1 avian flu

FACT: Only 148 people have died from the H5N1 virus worldwide since 2003, all in third-world countries where people are often malnourished and live in unsanitary conditions with their animals.¹² The concern about H5N1 is *if* it becomes human-human transmissible. At this time, as the CDC states, "it is important to remember that H5N1 avian influenza is almost exclusively a disease of birds."¹³ In the unlikely event that H5N1 were to become human-human transmissible, tracking poultry would be entirely irrelevant! If we are concerned about the spread of infection in poultry, we should focus on the commercial confinement operations, where thousands of birds are kept at high density in unsanitary conditions, the prime breeding grounds for disease. A recent report indicates that the spread of the H5N1 virus is due to the conditions in confinement poultry operations.¹⁴

5. MYTH: NAIS will protect against bioterrorism.

FACT: The ISO technology that is the stated preference for both Radio Frequency Identification (RFID) tags for cattle and microchips in horses can be easily reprogrammed. A terrorist could reprogram hundreds of the tags to read the exact same number, making tracking impossible. RFID technology is also susceptible to computer viruses, being cloned, and outright destruction.¹⁵

Further, no database is truly secure, and NAIS will provide a list of the locations of every single person who raises animals, vulnerable to every hacker.

6. MYTH: NAIS will increase food safety

FACT: Most food-borne illnesses are from bacteria such as salmonella, e. coli, and campylobacter, or a specific group of viruses called the Norwalk viruses.¹⁶ These organisms contaminate food due to poor practices at slaughterhouses or in food handling.¹⁷ NAIS will do nothing to protect against these problems. Moreover, the tracking ends at the time of slaughter, so it will not add to the government's ability to trace contaminated meats once they are in the food chain.

7. MYTH: NAIS is a market-driven program/ cattle producers will obtain premiums for doing the tracking / we need NAIS to protect our export market

FACT: NAIS is being funded by our tax dollars, as USDA gives millions of dollars of grants to states and to private companies to develop the systems to implement it. In other words, companies are being paid by the government to develop a system under which they will later profit, when animal owners are required by the government to tag and track their animals, paying fees for the upkeep of these databases. This is not the free market at work!

Premiums are only available for things that some people do and some people don't do. If NAIS is made mandatory, so that everyone has to tag and track their animals, there will be no premiums. Only a handful of large companies will profit from the export market. Meanwhile, the costs of the program will drive small producers out of business, enabling large companies to increase their control of agriculture and contributing to higher prices for consumers as competition is eliminated.¹⁸

8. MYTH: NAIS will not be expensive

FACT: The cost of microchips and radio tags varies depending on the quantity used, and can be very expensive for small lots. And that is just the beginning of the cost. The farmer and rancher will have to pay for the injectors to implant the tags (or pay a veterinarian to do it), for scanners to read the tags, for computers (many do not have computers), and for frequent updates so that they can file their reports. They will also have to install the equipment necessary to handle each animal individually for the tagging process.

There is also the cost in time. Animals will not neatly line up and walk through to be tagged and chipped; they will have to be caught and handled, a time-consuming process. And then there's the time involved in filing reports every time an animal leaves or enters the property. And there will be fees associated with the reporting; after all, someone has to pay for the upkeep of the database.

The government has not tried to quantify any of these costs before trying to force this program on millions of animal owners.

9. MYTH: NAIS will protect us against foot and mouth disease/brucellosis/ whatever other disease is popular

FACT: At best, all NAIS will do is provide 48-hour traceback of animal movements. It will not address the causes of disease. It will not stop the spread of disease across our borders. It will not address the spread of disease by wild animals.

NAIS proponents also ignore that we already have well-established means of tracking animals: brands, tattoos, sales records, the scrapie program (for sheep). While it may take a bit longer than 48 hours, there is no epidemiological basis that makes 48 hours a magic number. Our existing tracking and quarantine methods have served us well.

Disease is a fact of life. Are you willing to trade your freedom in return for a government bureaucracy that can't even deliver any real protection?

10. MYTH: Small farms and ranches pose the same, or even greater, threat of disease as large, commercial operations.

FACT: Scientific evidence establishes that animal management is critical in whether animals are susceptible to disease and how likely disease is to spread.¹⁹ Independent farms and ranches raise their animals on pasture, which is a more natural and healthier environment. Sunlight kills bacteria and viruses, and the low density of animals means that there is less chance that an illness would mutate to a highly pathogenic form and spread.²⁰

In contrast, confinement facilities and feedlots raise animals in entirely unnatural and unhealthy conditions. The damp, manure-infested environment is the perfect breeding ground for mutating diseases, while the high density of animals means that illness can spread like wildfire.²¹

If we want to address disease, we need to address the causes of disease in the large commercial facilities, not unnecessarily burden our small and medium-size farmers and ranchers.

By: Judith McGeary

¹ USDA, National Animal Identification System (NAIS): A User Guide and Additional Information Resources (Draft Version, November 2006) (hereinafter “User Guide”).

² User Guide at 5-6.

³ *See, e.g.*, USDA, Announcement of Cooperative Agreements for Implementation of the National Animal Identification System (NAIS) (Nov. 22, 2006) (hereinafter “Cooperative Agreement Announcement”) at 1 (“Applications must present well-defined measurable outcomes and total allocation of funding will be dependent upon achieving projected results with a mid-year assessment.”).

⁴ Wisconsin and Indiana have implemented mandatory premises registration. *See* Wis. ATCP Rule 17.02; 345 IAC 1-2.5. The Texas Animal Health Commission proposed regulations to make premises registration mandatory. The relevant agencies in Vermont, Massachusetts, and Pennsylvania have all considered mandatory regulations.

⁵ For example, the Tennessee Department of Agriculture has made premises registration in NAIS a pre-requisite for participating in various farm assistance programs. Other states have “data mined” people’s information from existing databases, and enrolled them (in some cases without their knowledge, much less consent) in the NAIS database. USDA has expressly approved of such tactics. *See* User Guide at 8 (“in order for producers to obtain official identification devices, they first needed to register for a premises identification number. Accordingly, the success of the premises registration component would be achieved through the participation of producers in longstanding disease management programs and compliance with interstate movement regulations.”) USDA’s latest call for applications for cooperative agreements also allows for data mining. *See* Cooperative Agreement Announcement at 12. Numerous anecdotal reports have surfaced of individuals being told that the state program was mandatory (even when no regulations had been adopted), told that they had to register in order to attend a show or sell their animals at public auction, or other threats.

⁶ Draft Program Standards, United States Department of Agriculture, Animal and Plant Health Inspection Service (published Apr. 25, 2005) (hereinafter “Draft Program Standards”) at 13.

⁷ USDA, National Animal Identification System (NAIS): A User Guide and Additional Information Resources (Draft Version, November 2006) (hereinafter “User Guide”) at p.46-48.

⁸ User Guide at p.47.

⁹ User Guide at p.48 (“Again, it must be noted that, if certain animal disease issues are present in a given geographic area, the reporting of animal movement becomes more critical and may vary during the period when greater monitoring of the disease is being administered by animal health officials.”)

¹⁰ See our articles section at <http://www.farmandranchfreedom.org/jm4.24.2006.html> for a more detailed discussion of why NAIS will not address BSE.

¹¹ USDA Press Release Release No. 0143.06 (Apr. 28, 2006).

¹² http://www.who.int/csr/disease/avian_influenza/country/cases_table_2006_10_03/en/index.html (last checked October 9, 2006); *see also* Christian Nordqvist, Bird Flu Reported In 45 Countries So Far, Medical News Today (Mar. 22, 2006), at <http://www.medicalnewstoday.com/healthnews.php?newsid=40062> (website last checked May 10, 2006)

¹³ <http://www.pandemicflu.gov/news/birdfluinamerica.html>

¹⁴ Genetic Resources Action International (“GRAIN”), Fowl Play: The Poultry Industry’s Central Role in the Bird Flu Crisis (Feb. 2006) (hereinafter “GRAIN Report”).

¹⁵ There are numerous articles about the problems with RFIDs in general, and the ISO technology in particular. For some more information, read Annalee Newitz, The RFID Hacking Underground,

http://www.wired.com/wired/archive/14.05/rfid_pr.html (website last visited May 8, 2006); John Markoff, Study Says Chips in ID Tags Are Vulnerable to Viruses, NY Times (March 15, 2006); The Controversial ISO 11784/11785 Standard, ISO 11784/85: A Short Discussion (http://www.rfidnews.com/iso_11784short.html) (website last visited February 18, 2005).

¹⁶ See Centers for Disease Control and Prevention, http://www.cdc.gov/ncidod/dbmd/diseaseinfo/foodborneinfections_g.htm#mostcommon (website last checked May 8, 2006). Campylobacter, salmonella, and e. coli are all found in the intestines of animals, so that contamination occurs during the slaughter process. The Norwalk viruses are believed to spread primarily from one infected person to another, through handling of food by infected kitchen workers or fishermen.

¹⁷ See Centers for Disease Control and Prevention, http://www.cdc.gov/ncidod/dbmd/diseaseinfo/foodborneinfections_g.htm#mostcommon (website last checked May 8, 2006). “Meat and poultry carcasses can become contaminated during slaughter by contact with small amounts of intestinal contents. Similarly, fresh fruits and vegetables can be contaminated if they are washed or irrigated with water that is contaminated with animal manure or human sewage. ... Later in food processing, other foodborne microbes can be introduced from infected humans who handle the food, or by cross contamination from some other raw agricultural product.”

¹⁸ This is commonly referred to as the “vertical integration of agriculture,” where the big companies own the entire system of producing meat, so that they can control the market. The poultry and swine industries are almost entirely vertically integrated already, but the cattle, sheep, and goat raisers have so far resisted the pressures to consolidate.

¹⁹ The health problems caused by confinement or industrial management systems have been well documented in the scientific literature. See, e.g., Cravener, T.L., W.B. Roush, and M.M Mashaly, *Broiler Production Under Varying Population Densities*, POULT. SCI. 71(3):427-33 (1992); M.R. Baxter, *The Welfare Problems of Laying Hens in Battery Cages*, VET. REC. 134(24):614-19 (1994); D. Herenda and O. Jakel, *Poultry Abattoir Survey of Carcass Condemnation for Standard, Vegetarian, and Free Range Chickens*, CAN. VET. J. 35(5):293-6 (1994); T.G. Nagaraja and M.M. Chengappa, *Liver Abscesses in Feedlot Cattle: A Review*, J. ANIM. SCI. 76(1):287-98 (1998); T.G. Nagaraja, M.L. Galyean, and N.A. Cole, *Nutrition and Disease*, VET. CLIN. N. AM. FOOD ANIM. PRAC. 14(2):257-77 (1998); D.H. Tokarnia, J. Dobereiner, P.V. Peixoto, and S.S. Moraes, *Outbreak of Copper Poisoning in Cattle Fed Poultry Litter*, VET. HUM. TOXICOL. 42(2):92-5 (2000)

²⁰ See Exotic Newcastle Disease, Information from the Texas Animal Health Commission (Apr. 2004) (“In close confinement, such as commercial operations, the disease can spread like wildfire. ... **However, the virus is destroyed rapidly by dehydration and by the ultraviolet rays in sunlight.**”) (emphasis added).

²¹ During the Exotic Newcastle Disease outbreak in California, for example, the American Veterinary Medical Association noted that the “virus can be spread by vaccination and beak trimming crews, manure handlers, and poultry farm employees. It can also survive for several weeks in a warm, humid environment on birds’ feathers, manure, and other materials.” R. Scott Nolen, *Emergency Declared: Exotic Newcastle Disease Found in Commercial Poultry Farms*, JOURNAL OF THE AMERICAN VETERINARY MEDICAL ASSOCIATION NEWS (Feb. 15, 2003).