



Oppose HB 2311 and SB 1233 Or Amend to Truly Limit the Agency's Power

While HB 2311 and SB 1233 appear to limit the Texas Animal Health Commission's (TAHC's) authority, the bills actually do the **opposite**. The bills authorize the state agency to impose federal regulations — intended only to apply to those moving animals across state lines — on people who own and move animals entirely **within** the state. This could burden people who own any type of poultry or livestock animal, whether as pets or on small farms.

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Oppose or Amend HB 2311/ SB 1233

The Legislature should not give the agency authority to adopt animal identification requirements unconnected to any disease control program. To the extent that the proponents disagree that the bill represents an expansion of power, **the solution is to make the limitations clear**:

- Limit the TAHC's authority to implementing the current federal Animal Disease Traceability Program, rather than providing open-ended authority for whatever federal regulations come next.
- Require that any animal identification requirement be connected to a specific animal disease or disease emergency.
- Do not allow the agency to impose standards that are even more stringent than the federal.

The agency lacks authority to require Animal ID at this time

- In 2005, the TAHC and industry groups claimed the agency needed authority to implement an animal identification program.
- At that time, Section 161.056 of the Agriculture Code addressed "Identification of **Exotic** Animals."
- In response to the need for new authority, the Texas Legislature amended Section 161.056 to apply it to animals generally and provide that the TAHC "may develop and implement an animal identification program **that is consistent with the United States Department of Agriculture's National Animal Identification System**" (NAIS).
- **Due to a massive outcry by organic farmers, family ranchers, animal owners, and concerned consumers across the country, the USDA formally withdrew the NAIS in February 2010.** The program does not exist anymore.
- **No other section of the Agriculture Code mentions any form of animal identification except as connected with disease control programs.**
- The TAHC's sole authority to implement an animal ID program is linked to the now non-existent NAIS program. At this time, the agency can only implement animal ID requirements that are connected to disease control programs.

Continued on the next page →

What the bill does

- Authorizes the agency to adopt an in-state animal identification program, as long as it is not more stringent than federal regulations. **This includes any and all future federal animal identification regulations issued by the federal government, regardless of their requirements.**
- Allows the agency to adopt even **more** stringent regulations with a 2/3 vote.
- Grandfathers the agency's existing overly broad regulations (Section 3 of the bill).

Federal regulations are extensive

- The USDA issued the Animal Disease Traceability (ADT) rule in January 2013. **The federal rule covers cattle, bison, sheep, goats, pigs, horses and other equines, and poultry.** 9 C.F.R. §86.1.
- One of the requirements of the ADT rule is that “poultry moving interstate **must be officially identified**” unless they come from a commercial hatchery. 9 CFR §86.4(b)(5). Even for hatchery chicks, there are recordkeeping requirements. *Id.* The poultry “must be identified by one of the following methods: **“sealed and numbered leg bands”** or group identification. 9 CFR § 86.4(a)(3). The requirements for group identification are such that they effectively apply only to large producers who handle their animals in isolated lots, not small farmers. **Applying this regulation on an in-state basis would seriously harm small poultry farmers and backyard poultry owners.**
- HB 2311/ SB 1233 is not limited to the current ADT rule, but gives the state agency authority to implement whatever federal animal identification program may be adopted in the future. **Based on the USDA's past proposal for NAIS, this could include electronic tagging and reporting of movements.**

Tagging requirements burden small farmers and animal owners

- The regulations involve far more than the cost of the tag. **The labor, time, and equipment involved in tagging animals can be extensive.** For example, tagging cattle requires “chutes” that can cost \$12,000 or more. If a small farmer does not have the equipment, he has to pay someone else to do it. There is also the risk of injury to people and animals during the process.
- Animals such as chickens are worth very little individually. **The cost of tagging and keeping records can completely destroy any profit margin for small farmers.**
- For people who own animals such as horses or poultry for pleasure, imposing new regulations could discourage animal ownership, hurting the many related small businesses.

The agency can already address disease issues

- This bill deals with requiring tracking of animals **with no connection to any specific disease or disease threat.** It is **not** about any disease control measures such as testing, vaccines, or quarantines.
- **The agency already has ample authority to address disease** under Chapters 161, 162, 163, 164, 165, 167, and 168 of the Agriculture Code. Various disease control programs cover every species
- The “commission may act to eradicate or control any disease or agent of transmission for any disease that affects livestock The commission may adopt any rules necessary to carry out the purposes of this subsection, including rules concerning testing, movement, inspection, and treatment.” (Texas Agriculture Code Section 161.041(b))
- The agency also has emergency powers under Agriculture Code sections 161.0415 (disposal of diseased or exposed livestock); 161.0416 (emergency management); 161.101 (vets' duty to report).
- The TAHC has been addressing animal disease for over 100 years, without having authority to adopt animal identification requirements unconnected to a disease control program. **This bill does not address disease – it just gives the agency authority to require tagging for the sake of tagging.**