

# FARM AND RANCH FREEDOM ALLIANCE

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November 10, 2008

Dr. Bob Hillman  
Texas Animal Health Commission  
P. O. Box 12966  
Austin, Texas 78711-2966

Dear Dr. Hillman:

The Texas Animal Health Commission (TAHC) recently “re-formed” an “animal identification working group” to “provide input into implementation” of the National Animal Identification System (NAIS) in Texas. The TAHC did not make a public announcement of the activation of this working group. Nor did the agency invite organizations or individuals who have expressed concerns about NAIS to be part of this process. This exclusionary approach to developing agency policy is entirely improper.

The list of participants invited to participate on the working group<sup>1</sup> exhibits a clear bias. Aside from government agencies, the invitees consisted of ten organizations that have either supported a mandatory NAIS or, at the least, not expressed significant public opposition to a mandatory program.<sup>2</sup> Several of the organizations have applied for government funding to promote NAIS in the past. In addition to these organizations, TAHC invited Temple Tag, a company that sells electronic tags for livestock and that has applied for a contract with TAHC to provide tags for NAIS.

Irrespective of their positions on NAIS, these entities do not represent the hundreds of thousands of people who would be impacted by the agency’s implementation of NAIS. The USDA’s plans for NAIS call for it to apply to every single livestock and poultry animal, regardless of what the animal is used for. This will impact hundreds of thousands, if not millions, of Texans. Based on the 2002 census of agriculture, the USDA estimates that there are 187,118 “premises” in Texas. Yet that is a severe underestimate of the number of people who would be impacted by NAIS. The census does not include recreational horse owners, homesteaders, people who own livestock as pets, or the many farmers and ranchers who simply failed to respond to the census. As just one example, the Texas Horse Council estimates that there are over 900,000 horses in Texas. With NAIS applying to every person who owns even a single horse, chicken, cow, sheep, goat, pig, turkey, llama, alpaca, or other

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<sup>1</sup> USDA-APHIS-VS-TX, Texas Parks and Wildlife Department, Livestock Market Association of Texas, Texas & Southwestern Cattle Raisers Association, Texas Cattle Feeders Association, Independent Cattlemen’s Association, Texas Pork Producers Association, Texas Poultry Federation, Texas Quarter Horse Association, Texas Sheep & Goat Raisers Association, Texas Farm Bureau, South Central Llama Association, and Temple Tag.

<sup>2</sup> The Texas Quarter Horse Association was the only organization among those invited to have submitted public comments implying any opposition to the NAIS. In its comments to the proposed mandatory premises registration rule in 2006, the TQHA stated: “Premises registration seems to be a necessary evil and eventually every state in the US will have to establish a system that meets with FDA guidelines. I congratulate the TAHC for being proactive. ....” All the other invited organizations either stayed silent or affirmatively supported adoption of the mandatory regulations.

poultry or livestock animals, it is clear that ten conventional agricultural organizations and one tag manufacturer cannot fairly represent all of the stakeholders.

The failure to include other points of view cannot be due to simple ignorance. TAHC is clearly aware of the numerous organizations that have raised concerns about the implementation of NAIS. During the 2007 legislative session, the following organizations testified in support of HB 461, which would have limited NAIS to a voluntary program only:

- ACLU
- Exotic Wildlife Association
- Farm and Ranch Freedom Alliance
- Texas Eagle Forum
- Texas Landowners Council
- Texas Organic Farmers and Gardeners Association

Other organizations submitted comments to TAHC on its proposed premises registration regulations, or testified at the hearing on February 6, 2006 on those proposed regulations, including: R-CALF, World Hunger Relief, Texas Thoroughbred Association, Bluebonnet Equine Humane Society, and the American Indian Horse Registry. Most recently, five Texas organizations signed a letter to Congress opposing the linking of mandatory NAIS to the School Lunch program, including the Davis Mountains Trans Pecos Heritage Association and the Wintergarden Sustainable Agriculture Coalition. Yet the agency did not contact even one of these organizations to participate in the working group.

Since TAHC chose to conduct the working group meeting behind closed doors, we are deeply concerned about the agency's intentions regarding the implementation of NAIS. The stated purpose of the meeting was to "review the immediate and short-term goals and strategies as outlined in the USDA's Business Plan." The Business Plan calls for various non-voluntary methods to be used to implement NAIS, such as by integrating it into existing disease control programs and breed registries, and creating either government or economic coercion to participate.

As a state agency, TAHC has a duty to involve all of the stakeholders, not simply those that agree with the agency. In 2005, after proposing mandatory premises registration, the agency received almost 700 comments from organizations and individuals, the overwhelming number of whom were opposed to NAIS. One of the repeated complaints at the 2006 hearing on the proposed regulations was the lack of information provided to the people who would be directly impacted by NAIS. It is past time for the agency to involve all of the people who would be impacted by NAIS and address our concerns, rather than pushing forward with plans developed behind closed doors. We ask that you expand the working group to include an equal number of organizations who have publicly expressed concerns about the implementation of NAIS.

Sincerely,

Judith McGeary  
Executive Director

Cc: Senate Natural Resources Committee  
House Agriculture and Livestock Committee