



**Summary Minutes of the  
U.S. Department of Agriculture  
Secretary's Advisory Committee on Animal Health  
Public Teleconference  
March 4, 2011**

<b>Committee</b>	<ul style="list-style-type: none"><li>• Mr. Maximiliano A. Fernandez</li><li>• Dr. John R. Fischer</li><li>• Dr. Andrew E. Goodwin</li><li>• Ms. Vicki E. Hebb</li><li>• Dr. Howard Hill</li><li>• Dr. Donald Hoenig</li><li>• Mr. Morris Johnson</li><li>• Mr. John C. Kalmey</li><li>• Dr. Charles Massengill</li><li>• Ms. Judith McGeary</li><li>• Mr. David L. Meeker</li><li>• Dr. Boyd H. Parr</li><li>• Ms. S. Genell Pridgen</li><li>• Dr. Willie Reed (absent)</li><li>• Mr. Charles R. Rogers</li><li>• Dr. Philip A. Stayer (absent)</li><li>• Mr. Gilles Stockton</li><li>• Mr. Brian Thomas</li><li>• Dr. Elizabeth Wagstrom</li><li>• Dr. Cindy Wolf (absent)</li></ul>
<b>Date and Time</b>	March 4, 2011, 12 noon to 5 p.m.
<b>Location</b>	Multisite teleconference. Accessed through public and Committee telephone numbers with separate passcodes. Nationwide participants.
<b>Purpose</b>	<ul style="list-style-type: none"><li>• Update on animal disease traceability framework (Mr. Neil Hammerschmidt), after which the Committee deliberated on various aspects of animal disease traceability (ADT) pending publication of the proposed rule</li><li>• Veterinary Services (VS) budget projections (Ms. Kimberly Williams)</li><li>• Update on aquatic animal health subcommittee (Dr. Jill Rolland)</li><li>• Emergency Preparedness and Response (Dr. Darrel Styles)</li></ul>
<b>USDA</b>	<ul style="list-style-type: none"><li>• Dr. John Clifford (Deputy Administrator, VS)</li><li>• Mr. Michael Doerrer (Designated Federal Officer (DFO))</li><li>• Ms. R. Jeanese Cabrera (Deputy DFO)</li><li>• Ms. Janette Grimes (Facilitator)</li></ul>
<b>Public Presenter(s)</b>	None. Public participation was limited to listen-only telephone access. All were invited to submit comments and questions to the Committee before the teleconference.

The discussion followed the issues and general timing as presented in the meeting agenda (Attachment A).

### **Opening of Public Teleconference**

Mr. Michael Doerrer, the DFO for the Secretary's Advisory Committee on Animal Health (Committee), opened the meeting and introduced the facilitator, Ms. Janette Grimes, who introduced Dr. Donald Hoenig, the Committee Chair, and Ms. Judith McGeary, the Vice Chair.

Ms. Grimes reviewed the agenda and schedule for the remainder of the call. She confirmed that all Committee members received feedback on ADT topics for deliberation, which would continue until complete. As time allowed, the deliberations would be followed by the aquatic animal health subcommittee update, the VS budget projections, and the Emergency Response and Preparedness presentation on foot-and-mouth disease (FMD).

Dr. Clifford's opening remarks described the primary purpose of the teleconference, which is to consider several traceability subtopics that stakeholders considered burdensome or that caused significant concerns.

Mr. Hammerschmidt, staff officer and member of the VS traceability team, followed with an update to the presentation on the regulatory framework he gave during the Committee's first meeting on January 20, 2011. The proposed rule is in the final stages of clearance; one adjustment has been made regarding performance standards and tiers. The Animal and Plant Health Inspection Service's intent was to make the standards and tiers clearer through supplemental documentation. However, since performance standards would impose additional movement requirements, it would have been necessary to include them in the final rule. As there are currently no measures for compliance, performance standards will not be included in the proposed rule. The proposed rule will contain placeholders for the standards and tiers, and the preamble will explain concepts and intents.

Within the first year of implementing the framework, VS will conduct baseline studies to evaluate tracing capability. The Agency would then recommend timelines for achieving performance standard activities and possibly add another proposed rule to insert these specifics into the traceability regulation.

Committee Chairs asked about the order of all ADT topics. The Committee agreed to proceed with the list as submitted.

1. Branding was the first topic. The Traceability Regulations Working Group considered standardizing the definition of official identification (ID) by species and using official ID methods available nationwide. A preemption clause in the regulation would stipulate that all States must accept all forms of official ID as defined in the regulation. Since not all

States have brand inspection authorities, the proposed rule does not list brands as an official ID method for cattle.

The regulations will state that other methods of ID may be use, including brands, when the ship from and ship to State or Tribe agrees. If brands were listed as official ID for cattle, the 36 States without brand inspection would be required to implement brand programs to accept branded cattle. This approach follows the flexibility laid out in the AD framework allowing States and Tribes to administer options that work best for them at the local level.

Under the proposed rule, National Uniform Eartagging System (NUES) tag, commonly referred to as “bright tags” will continue to be official ID. However, to expand their availability, a State or Tribe may elect to issue the tags directly to producers. USDA plans to provide NUES tags at no cost to producers pending the availability of funds, otherwise they could be provided to producers for approximately 7 to 10 cents per tag. This aligns with the ADT principle of encouraging the use of low cost identification options.

While there are concerns relative to branding, the Committee has no recommendation for changing the current approach that outlines how other methods of identification, including branding, may be used as agreed upon between the shipping and receiving States.

2. Cost as a burden to States and producers was discussed next and considered a critical topic to be raised with the Secretary. The Committee discussed the impacts on States that will not have additional resources for database management and recordkeeping requirements that will support ADT. Congress had not yet passed the fiscal year (FY) 2011 budget. The Agency is committed to work with the States to fund basic infrastructure through cooperative agreements. Producers will not have to enter information on tag distribution or register animals; they need only obtain and apply tags.

The States, with the assistance of Area Veterinarians in Charge, will be responsible for recordkeeping. USDA has requested \$14 million for traceability in FY 2012. Information technology would be funded under certain conditions (excluding building State databases). States will be offered certain kinds of support, e.g., connectivity. There was support for the Committee’s request that language be included in the rule that ensures it will not be an unfunded mandate. Requirements for recording tag distribution will be an issue if funding is inadequate. The regulation does not mandate veterinarians to record

data electronically. The Committee's Vice Chair will draft language on behalf of the Committee that will be included as a recommendation in an advisory to the Secretary.

3. Official ID requirements for feeder cattle were discussed. The Committee determined that the rule is neutral on States that will continue to have authority to establish their own requirements. Concerns were expressed about the timing for tagging feeder cattle or the ability to tag feeder cattle. There were also concerns about tracing disease if feeder cattle have a continual pass on ID requirements.

Additional information was requested on justifying the burden of tagging feeder cattle on producers, e.g., the track record on success or failure of tracebacks with a cost/benefit analyses.

An opposing point of view centers on the need for identifying all cattle because of traces on diseases like tuberculosis (TB) and bovine spongiform encephalopathy that failed to trace back hundreds of reactors. Dairy industry and renderer industry representatives agreed with the broad ID of animals. State systems may be unable to trace an entire State to stop movement; both swine and cattle industries are in jeopardy.

A motion to vote in favor of a framework that requires phase-in for feeder cattle was tendered and seconded. Thirteen members were in favor of keeping feeder cattle in the framework as presented.

The Deputy Administrator noted that the rule will not require recording official eartag numbers on interstate certificates of veterinary inspection (ICVIs) for feeder cattle.

4. Information security and confidentiality remains a concern relative to how States' Attorney Generals might interpret sunshine laws. An issue was raised concerning security among States and Tribes and the discussions that will take place to address concerns. The Agency reaffirmed its commitment to protect confidential information.
5. The Committee discussed the proposed rule publication and the comment period. Many stakeholders believe additional time beyond the standard 60 days public comment period is needed for the public to thoroughly review the rule. April and May are busy times for farmers and ranchers, leaving little time to review. Concerns were raised that extending the comment period would adversely impact the schedule for publishing the final rule in April 2012.

The maximum time requested was 6 months for the comment period beyond publication

of the proposed rule; others requested 3 months. Most Committee members favored a 90- to 120-day period. A motion to vote for extending the comment period to 120 days was tendered and seconded. A majority voted to advise the Agency to extend the comment period for 120 days beyond the date of publication.

6. Speed of commerce was discussed in the context of adding feeder cattle to the ID system. The Agency recognizes that having tags in animals at the beginning and end of the life cycle will enhance trace and tracking capabilities. The Agency also recognizes industry concerns about handling feeders multiple times (e.g., bruising and weight loss). The language of the proposed rule provides options for ICVIs through the use of other forms of movement documentation to lessen the burden or need for accredited veterinarians.
7. Technology requiring enhancing data entry systems could pose a financial burden on the States. The rule should indicate that this is not to be an unfunded mandate. Cooperative agreements have supported the core infrastructure. The Agency will not require the States to implement the rule without its support. The framework allows for paper options, and VS will assist in electronic recording. Electronic recording is not required. While performance standards are not in the proposed rule, the timeliness aspect of performance will ultimately spur moving toward more electronic systems.

A concern was raised that State data retrieval systems must be upgraded first, or the requirements will adversely impact producers. Systems must be able to handle an increased load of records. The Agency emphasized that this will be a continual improvement process and will seek additional funds to improve recordkeeping systems. Cooperative agreement funds will be needed.

The discussion moved to types of numbering systems and alignment of 840 tags. The Agency is creating opportunities for States to work with local industry to provide options that suit them.

8. Tribal sovereignty in relation to the States was discussed briefly. Several committee members will work with the Agency to clarify interpretation regarding the definition of livestock in the proposed rule and what that means with regard to farm-raised animals.

The Intertribal Bison Cooperative seeks assurance that the rule will not subject Tribes to ID requirements for bison that member Tribes take as wild animals.

9. A concern was raised that the Department's intent was not obvious in the current version of the framework. It will be important for the USDA to clarify the objectives of the rule, including what issues the system is designed to address.

The Committee was given a presentation on the proposed budget for FY 2012 that focused on line item restructuring and targeted reductions. The restructuring consists of moving to 29 animal health line items (down from 49 disease line items). It will give the Agency more flexibility to shift resources from eradication and response to surveillance. Increased funding has been sought for traceability. Reductions in other programs were chronic wasting disease, Johne's disease, pseudorabies, TB, aquaculture, and avian diseases. The Agency is bound by Congressional resolution or reductions and does not have latitude to weigh in on priorities.

The Emergency Preparedness and Response unit gave a presentation on FMD and vaccination. The global FMD situation is the worst in 50 years, primarily in Southeast Asia and Africa. Bioterrorism remains a threat. There has been a steady increase in the mobility of people, livestock, and commodities, along with factors such as inadequate border security and urban agriculture. Emergency Preparedness and Response also referred to the "Red Book," the FMD Preparedness and Response Plan, which will be made public through the Committee's Web site. EPR's PowerPoint presentation will also be made available through the Web site.

The Committee requested other materials for review to advise the Department on emergency management and implementation. EPR will provide a gap analysis to the Committee as a starting point for making recommendations that will be useful to USDA.

The Committee will recommend that the Secretary extend the comment period on the proposed rule on traceability to 120 days beyond the publication of the proposed rule and recommend that the rule contain language that ensures it will not become an unfunded mandate. The Committee Chair will produce the report. Another administrative meeting may be planned for the Committee before the next public call in 2 months.

The DFO adjourned the meeting at approximately 4:15 p.m.

Respectfully submitted:

A handwritten signature in black ink that reads "Michael Doerrer" followed by the date "5/9/11". The signature is written in a cursive, flowing style.

Michael Doerrer  
Designated Federal Officer

I hereby certify these summary minutes of the March 4, 2011, Secretary's Advisory Committee on Animal Health meeting are true and correct to the best of my knowledge.



Donald E. Hoenig  
Chair

11 May 2011

**Note and Disclaimer:** The minutes of this public meeting are a summary only. There is no recorded transcript for this meeting. However, an audio recording of this meeting has been uploaded to the Committee Web site. The reader is cautioned to not rely on the minutes to represent the final, approved, consensus advice and recommendations offered to the Agency. Such advice and recommendations may be found in the final advisories, letters, or reports prepared and transmitted to the USDA from the Committee Chair(s).