

Secretary's Advisory Committee on Animal Health November 2011 Report

The Secretary's Advisory Committee on Animal Health met on November 1-2, 2011, to discuss the proposed rule on Animal Disease Traceability, emergency preparedness, the tuberculosis and brucellosis framework, and other topics. Below is the majority report from the Committee. Two dissenting opinions are provided separately.

Recommendations on Proposed Rule on Animal Disease Traceability (ADT)

The Committee made two recommendations in April 2011 based on the framework documents for animal disease traceability:

- 1) Extend the public comment period to 120 days. (This recommendation was accepted and implemented.)
- 2) Incorporate concrete provisions into the proposed rule to ensure the program will not result in an unfunded mandate on producers, States, and others. (The Agency has not yet responded to this recommendation.)

During the November 2011 meeting, the Committee discussed and raised specific issues presented by the Proposed Rule on Traceability for Livestock Moving Interstate. The Committee submits the following recommendations:

1. The USDA should substitute the poultry provisions in the proposed rule with the statement that poultry are governed by National Poultry Improvement Plan (NPIP) It should further state that there will be no new regulatory requirements imposed by this rule. Additionally, the Committee encourages USDA to continue with low-cost options for education and outreach to poultry owners about the NPIP and consider other options for diagnostic services and disease control. (*A minority dissent is attached.*)
2. USDA should add a new Section 90.4(a) (1) (iii) under official identification as follows: Brand and/or tattoo will be considered official identification only when mutually agreed upon by two or more State or tribal animal health officials.
3. USDA should remove the provisions for feeder cattle (Phase 2) from the proposed rule. Feeder cattle should be addressed in a separate rulemaking process. (*A minority dissent is attached.*)
4. USDA should include additional language or a provision that allows producers to acquire a duplicate AIN tag once lost.
5. As long as the linkage between numbers is maintained to protect traceability, the provisions for a second form of official identification or replacement tags, the USDA should not impose additional requirements beyond those necessary to maintain the integrity of the traceability.

6. USDA should provide a specific and clear definition for what constitutes “dairy” cattle in plain language so that producers understand the distinction.
7. Should the USDA opt to keep feeder cattle in traceability rule, the criteria for Phase 2 should be more specific. Criteria should state that the trigger for Phase 2 will be associated with the ability to timely trace a percentage of officially identified cattle as determined through epidemiology. Criteria should also include an evaluation of ability to trace animals to their herd of origin. Furthermore, the USDA should establish a process for stakeholder input on the criteria and the results.
8. The Committee believes that the concepts underlying the Proposed Rule on Traceability for Livestock Moving Interstate will provide—after due consideration of all public comments and Committee recommendations—an important foundation upon which a system may be formed to protect U.S. domestic animal, wildlife, and human health. Until there is a federal rule that provides for a uniform and effective national system, we will be unable to effectively control and eradicate the diseases encountered or new and emerging diseases. The Committee recommends that stakeholders remain involved in the process of finalizing the rule. The Committee also recognizes that a rule is only the first step in a comprehensive system of traceability and recommends that the USDA move forward publishing rules that define other aspects of the system. (*A minority dissent is attached*).

The Committee also made a recommendation on an issue related to animal traceability generally, although not specifically the proposed rule.

9. The Committee recognizes that the National Animal Health Laboratory Network (NAHLN) is a critical element of safeguarding animal health in this country and is a priority for funding. The Committee, therefore, recommends that the USDA support adequate and sustainable funding for the NAHLN in order to ensure food safety and security, animal health, public health, and the stability of the U.S. economy.

Other Recommendations

During the second day of the meeting, the Committee made several recommendations on other issues related to animal health, specifically emergency management, research, and the proposed tuberculosis/brucellosis framework.

10. The Committee urges the USDA to continue foreign animal disease (FAD) preparedness as a priority for the Agency, involving all stakeholders in the planning process. Preparedness should include response and communication plans for producers and consumers.
11. The Committee recommends the USDA prioritize FAD research--specifically the development of vaccines, immunological management tools, and other countermeasures

for preventing, diagnosing, and controlling foot-and-mouth disease (FMD) and other FADs.

12. The Committee recommends that the USDA outline an indemnification appeal process for its the tuberculosis/brucellosis framework. Provisions must be made for valuing animals of higher-than-average market value and differences among production systems is also a factor for consideration.
13. The Committee recommends that tuberculosis/brucellosis rule include specific provisions (terms and conditions) for approved feedlots.

Discussions on Day 1 of the Meeting

Issue: Poultry

Committee members raised concerns that the Proposed Rule on Traceability for Livestock Moving Interstate provisions for identifying poultry could cause significant hardships among small-scale poultry producers, pastured poultry producers, and urban poultry owners.

Several Committee members expressed support for the National Poultry Improvement Program's (NPIP) effectiveness. In addition, the Committee heard from Dr. Fidelis Hegngi, Senior Staff Veterinarian, Poultry Health Programs, discussed measures that have been taken to address poultry disease in the live bird marketing system. The presentation included a discussion on options for identifying poultry that had been considered and rejected during that process, and the lack of cost-effective options for individual identification that are sufficiently reliable. The Committee considered the following notions:

- 1) additional regulatory requirements for poultry owners could lead to an increased black market, thereby increasing the risk of disease rather than decreasing it;
- 2) proposals to use a "dynamic group ID" could impose paperwork requirements that would burden small-scale producers and backyard owners;
- 3) traceability for poultry has been achieved through epidemiological methods rather than animal identification;
- 4) whether the States have the ability to require individual testing or adherence to the NPIP;
- 5) poultry is unique with extremely small profit margins, and diversity/frequency of movements, such that any poultry provisions in the proposed rule should not be considered a statement on livestock traceability, generally.

The following background statement was drafted prior to adopting the recommendation:

- The proposed rule requirements are not feasible for small-scale poultry producers.
- There are a variety of diverse situations that pose challenges:
 - The shipment of day-old chicks across state lines from NPIP-certified flocks that may then be commingled together and frequently have individual or small numbers of birds moved in or out many times over several years;
 - The movement of poultry across state lines for slaughter at USDA-certified slaughter establishments for sale (which is not covered by the proposed exemption for custom slaughter for personal consumption);
 - The movement of poultry across state lines as part of the live bird marketing system.
- As written, the proposed rule's provision for group/lot ID does not address this situation and changing the definition to cover such a diverse range of possibilities would be very difficult.
- The NPIP, a voluntary program, has widespread participation and has proven very effective at addressing disease.
 - NPIP includes regular testing for diseases, including avian influenza.

- States can choose to mandate that people comply with NPIP as part of their import requirements, and some have done so.
- Some States provide cost sharing or cover costs associated with NPIP, creating an additional incentive for participation.
- In addition, the USDA and States have successfully worked together on provisions to address disease in the live bird marketing system.
 - In researching the options for identifying poultry, there does not appear to be a workable option for individual identification within this marketing system at this time.
- Additional regulatory requirements create the risk of increased black market activity. Complicated regulatory requirements are likely to have the same effect due to confusion.
 - The value of individual birds is very low, and the profit margins are even lower, such that any additional cost creates disincentive for compliance.
- Poultry are livestock animals and should be considered as part of USDA's livestock provisions.

Recommendation: The poultry provisions in the proposed rule should be substituted with the statement that poultry are governed by NPIP. There should be no new regulatory requirements imposed by this rule. Additionally, the Committee encourages USDA to continue to provide low-cost options for education and outreach to poultry owners about NPIP and other options for diagnostic services and disease control.

The recommendation was adopted by a vote of 13 Yes – 4 No – 2 Abstentions. A dissenting minority opinion is attached.

Issue: Brands and Tattoos

The Committee discussed the concerns expressed by livestock owners who use brands or tattoos to identify their animals. Brands are widely used in large cattle-producing States. In particular, the Tribes, Western, and Pacific Northwest States want to continue the use of the brand. Brands cannot be lost, unlike brite (metal) tags. If the brand is not given official recognition, there will be widespread opposition to the rule.

The possibility of creating an “opt out” approach, where brands and tattoos would be official ID unless the State or Tribe took affirmative action, was discussed. Opinion was divided, and several Committee members expressed concern with requiring State governments to go through the rulemaking process, with its expense and delay, in order to opt out.

The issue of the logistics of State agreements was also raised; in particular, the ability of multiple States or Tribes to form multilateral/regional agreements. On a related topic, the Committee considered the difference in language in the proposed rule for State agreements regarding the movement of horses. One Committee member posited that the difference is an attempt to maintain the current multi-State agreements for equine “passports.” The Committee did not see

the need to adopt a separate recommendation on the issue of multi-state agreements, but incorporated language in the brand & tattoo recommendation (below) that recognizes that option.

Recommendation: Add a new Section 90.4(a) (1) (iii) under official identification: Brand and/or tattoo only when mutually agreed upon by two or more States and Tribes.

The recommendation was adopted unanimously.

Issue: Inclusion of Feeder Cattle in the Proposed Rule

The Committee discussed that there is general acceptance among most cattle-related groups for a program for identifying cattle over 18 months of age (“breeding herd”). The attitude towards cattle under 18 months of age (“feeder cattle”) is quite different, however. Some groups are urging a permanent exemption for cattle less than 18 months of age.

Under the proposed rule, feeder cattle would be included as Phase 2, after an assessment by APHIS.

The Committee discussed the option of taking feeder cattle out of the proposed rule, so that they would be addressed in a separate rulemaking process. Opinions were divided as to whether feeder cattle should be permanently exempted, and it was agreed that the Committee was not voting on that substantive issue. Rather, the issue at hand was procedural: how would the decision be made regarding feeder cattle?

The issues on feeder cattle are significantly different from those on the breeding herd. There is concern that, by putting both groups into the same proposed rule, it is difficult for people to provide useful, substantive comments. A separate rulemaking process would allow for more focus on the issues of feeder cattle, so that they are not prematurely included.

While the proposed rule does provide for an evaluation process prior to the feeder cattle phase, this is not the same as a full rulemaking process. Several Committee members expressed concern that the threshold for starting the Phase 2 process (70% compliance with Phase 1) would be reached very quickly, thus not providing sufficient time prior to the consideration of feeder cattle.

The Committee noted that, under the preemption provision of the proposed rule, individual States will be able to move forward with tagging feeder cattle if they so choose and in fact some states already do require identification of this class of cattle.

Recommendation: Remove the provisions for Phase 2 in the proposed rule and address feeder cattle in separate rulemaking.

The recommendation was approved by a vote of 9 Yes – 6 No – 3 Abstentions.

Issue: Replacement and duplicate tags

Discussion

The Committee discussed concerns raised by dairy stakeholders who wish to be able to maintain the same unique animal identification number (AIN) for each animal. In some cases, the industry is using the AIN as the breed registration number. The proposed rule states that an AIN cannot be re-used. While there is a process to have an 840-tag reissued with the same number, this is not clearly permitted under the proposed rule.

The Committee also discussed concerns that had been raised with respect to whether an AIN could be issued without being linked to a premises identification number, particularly in those states which are not continuing with PIN registration. Since the proposed rule provides for the alternative of location identifiers (LIN), the Committee decided no comment was needed on this issue.

Recommendation: The rule should include additional language/provision to allow producers to get duplicate AIN tag if one is lost.

The recommendation was adopted unanimously

Issue: Multiple Forms of Official Identification

If brands and tattoos are recognized as official identification, as recommended by the Committee, the provision in the proposed rule that allows only one form of official ID to be used could be a significant problem.

In addition, the proposed rule includes barriers to using replacement tags or a second form of official identification, requiring that the second form of identification be specially approved and that records be kept for 5 years on the date the second device was added, the reason for the second device, and the official identification numbers on both devices. In contrast, an 840-tag may be added to an animal that already has official identification simply by recording the existing tag and the new one.

The Committee discussed the concern that individuals sometimes add a second device to an animal simply to avoid the problems associated with reading and recording the existing device. While recognizing the need to avoid such a problem, a simple requirement that both numbers (old and new) be recorded would prevent this behavior.

Recommendation: While maintaining the linkage between numbers to protect traceability, the provisions for second form of official ID or replacement tags not impose additional requirements beyond those necessary to maintain the integrity of the traceability.

The recommendation was adopted unanimously

Issue: Dairy Cattle

The Committee discussed the proposed rule's definition of dairy cattle, which includes all cattle "that are of a breed(s) typically used to produce milk or other dairy products." This definition could create confusion and uncertainty for people who own dual-purpose breeds, cross-breeds, and rare dairy breeds. The Committee expressed doubt about its ability to provide a recommendation on a specific, appropriate definition, recognizing the need for consulting with those who specialize in dairy. An appropriate definition might list specific breeds and/or be based on production/ the type of facility.

Recommendation: The USDA should provide a specific and clear definition for "dairy" cattle sufficient for producers to understand.

The recommendation was adopted unanimously.

Issue: The Standards for Phase 2 and Feeder Cattle

The Committee discussed the fact that the Secretary may choose not to adopt its recommendations. Given, there was concern about the provisions in the proposed rule for triggering Phase 2, the inclusion of feeder cattle. *The following discussion was based on the possibility that the Secretary might decide not to accept the Committee's recommendation to remove Phase 2 from this rule and consider feeder cattle in a completely separate rulemaking.*

The proposed rule provides that consideration of Phase 2 begin when 70% of the cattle required to be identified under Phase 1 have been successfully identified. The Committee discussed the difference between simply having animals identified and being able to trace them. Successful traces require that the federal and state agencies are able to do something with the identification. Traceability includes many factors beyond simply the tag on the cow, such as having accessible information, maintaining identification through the life of the animal, accompanying documentation, and more.

The Committee recognized that the proposed rule does not require tracing to the birth herd.

The Committee also discussed the appropriate level of traceability to justify beginning consideration of feeder cattle. There was no agreement on a specific number, but several concerns were expressed that 70% is too low to justify expansion of identification requirements.

Recommendation: If the Secretary opts to keep feeder cattle in traceability rule, the criteria for Phase 2 should be more specific. Criteria should state that the trigger for phase 2 be associated with the ability to timely trace percentage of officially identified cattle as determined on the basis of epidemiology. Criteria should also include an evaluation of the ability to trace animals to their herd of origin. Furthermore, USDA should establish process for stakeholder input on the criteria and the results.

The recommendation was adopted unanimously.

Issue: General Resolution

Discussion

The National Assembly of State Animal Health Officials (NASAHO) sent a letter to the Secretary expressing general support for the proposed rule, and the Committee discussed whether to adopt a similar statement.

The discussion began based on the statement from NASAHO, with the proposed recommendation initially being drafted to follow NASAHO's language.

The distinction between expressing support for traceability in general as opposed to the specific provisions of the rule was raised. There was discussion about USDA consideration of both the Committee's specific recommendations and all of the comments received from the public.

In addition, Committee members raised the fact that USDA plans to do a second rulemaking in the future to address the issue of the performance standards and States' role in traceability, such that the current proposed rule does not reflect what will be done with the traceability information, the consequences, or the requirements that will be placed on other parties.

Recommendation: The Committee believes that the concepts underlying the proposed Animal Disease Traceability rule will provide—after due consideration of all public comments and Committee recommendations—an important foundation upon which a system may be formed to protect U.S. domestic animal, wildlife, and human health. Until there is a federal rule that provides for a uniform and effective national system, we will be unable to effectively control and eradicate the diseases encountered or new and emerging diseases. The Committee recommends that stakeholders remain involved in the process of finalizing the rule. The Committee also recognizes that a rule is only the first step in a comprehensive system of traceability and recommends that the Secretary move forward publishing rules that define other aspects of the system.

The recommendation was adopted by a vote of 15 Yes – 2 No. A dissenting minority opinion will be included.

Issue: Group Identification

The Committee discussed the issue of group identification without adopting recommendations.

The issue of group identification was raised during the discussions about poultry, and expanded to the question of how group identification is currently used in the swine industry. The Committee noted that the language of the proposed rule does not explicitly include “dynamic group ID,” as it is currently used in the swine industry. Several Committee members expressed their view that the current model for group identification works well for the swine industry and they do not want to see any changes to it.

No recommendation was made or adopted.

Issue: National Animal Health Laboratory Network

Discussion

Last month, the United States Animal Health Association and the American Association of Veterinary Laboratory Diagnosticians adopted a resolution urging that Congress authorize \$30 million in annual funding for the National Animal Health Laboratory Network (NAHLN) through a stable funding mechanism. While this issue is not within the proposed rule on animal disease traceability, the Committee had previously heard presentations about NAHLN and agreed that NAHLN’s diagnostic capabilities were directly relevant to the issue of controlling a disease outbreak.

The Committee recognized that its jurisdiction is limited to making recommendations to the Secretary, not Congress. The Committee also discussed that, since it was not considering the USDA’s full budget, it would be inappropriate to recommend a specific dollar amount.

Recommendation: The Committee recognizes that the National Animal Health Laboratory Network (NAHLN) is a critical element of safeguarding animal health in this country and is a priority for funding. The Committee, therefore, recommends that the Secretary support adequate and sustainable funding for the NAHLN in order to ensure food safety and security, animal health, public health, and the stability of the U.S. economy.

The recommendation was adopted unanimously.

Discussions on Day 2 of the Meeting

Issue: Emergency Management and Foot and Mouth Disease

The Committee listened to a presentation by Dr. Darrel Styles of the USDA on the issue of emergency management, foot and mouth disease, and the vaccination bank. Several members of the Committee expressed appreciation and support for the USDA's update of the Red Book, consideration of comments, and increased consideration of multiple options for addressing FMD, including the use of vaccines.

The Committee discussed concerns about uncommon genetics and providing a secure feed supply for farming operations in case of an outbreak. Issues such as rapid testing and laboratory capabilities and financing were touched upon briefly.

The Committee also discussed the issue of consumer messaging. One area of concern is how to convey that FMD is not a human health issue, unlike BSE. Another aspect is the consistency of the message to consumers with the agency's actions, because consumers are unlikely to believe that FMD doesn't pose a danger to them if the government is taking a "slash and burn" approach.

Recommendation: The Committee urges Secretary to continue FAD preparedness as a priority for the Agency, including involvement of all stakeholders in the planning process. Preparedness should include response plans and communication plans for producers and consumers.

The recommendation was adopted unanimously.

Issue: Agricultural Research Service

The Committee heard a presentation from Dr. Luis Rodriguez of the Agricultural Research Service on research on FMD vaccines as well as African Swine Fever and Classic Swine Fever. The Committee discussed the role of different types of vaccines and other interventions such as interferon. There was not a consensus as to how to prioritize the decision as to when to vaccinate. Nonetheless, the discussion reflected that research may lead to vaccination options that would at least reduce, if not eliminate, the need for depopulation.

Recommendation: The Committee recommends the Secretary prioritize foreign animal disease research, specifically the development of vaccines, immunological management tools, and other countermeasures for preventing, diagnosing, and controlling FMD and other FADs.

The recommendation was adopted unanimously.

Issue: Tuberculosis/ Brucellosis Regulatory Framework - Indemnity

The first issue discussed by the Committee with respect to USDA's proposed Tuberculosis/ Brucellosis framework was the question of indemnity using a "calculator." In essence, USDA is proposing to use a table to determine the value of animals that are to be depopulated. While not opposing the concept of a calculator, Committee members raised several concerns, including the value of purebred animals and the variation in productive life depending on production systems.

The Committee generally agreed that the process needs to take place quickly, but noted that the final determination of value could in fact take place after depopulation if necessary.

The Committee raised, but did not address, the question of damages for wildlife that are depopulated.

Recommendation: Committee recommends that an indemnification appeal process be outlined in the TB/brucellosis framework and that provisions be made for valuing animals of higher than average market value and for consideration of differences in production systems.

The recommendation was adopted unanimously

Issue: Tuberculosis/ Brucellosis Regulatory Framework – Approved Feedlots

The Committee next took up the question of how producers can market animals in a test-and-remove situation. Farmers face significant hardship during quarantines, even though the vast majority of their animals are likely to be uninfected. The test-and-remove process may take three to five years, and the farmers have to be able to do something with their calves. The example of Michigan's approved feedlots was discussed.

The Committee discussed keeping the establishment of such feedlots a state-by-state issue, but with USDA guidelines.

Recommendation: Committee recommends that TB/brucellosis rule include specific provisions (terms and conditions) for approved feedlots.

The motion was adopted unanimously.

Tuberculosis/ Brucellosis Regulatory Framework - Wildlife

The Committee considered the issue of when to define wild animals as "captive." The current regulations, free ranging cervids are considered captive as soon as they're a rope or a fence or a

trailer around them. Once released, they are back under the State wildlife agency's jurisdiction. The Committee considered whether to recommend encouraging the Secretary to promote collaboration between the fish and wildlife management agencies and the animal health agencies to mitigate the risks involved with the movement of animals and to reduce the potential risk of disease introduction to a level that's acceptable to everyone.

The Committee decided to place the wildlife issue on the agenda for a more in-depth discussion at a future meeting.

Tuberculosis/Brucellosis Regulatory Framework - Test and removal

In response to APHIS's request for feedback on whether stakeholders supported the agency's proposal for "test and remove," the Committee discussed this issue. Members raised concerns about access to markets for selling calves, both for beef herds and for male calves from dairy herds; the need for a credible matrix to make the decision about depopulation versus test-and-remove; the impact on neighboring farms and state resources; and whether there would be compensation for reductions in value when marketing cattle to an approved feedlot or other production losses.

The Committee did not reach any conclusions, and plans to take the issues up at a future meeting. The Committee requested information about the statutes, regulations, and policies governing indemnification.

Tuberculosis/Brucellosis Regulatory Framework - Mitigation of risk of disease transmission under a test and removal plan

In response to APHIS's request for feedback on options for mitigating risks of disease transmission while allowing continuity of operation in the herd, the Committee discussed this issue. In Minnesota, the state paid for stack yard fences to keep deer out of livestock hay and to RFID tag at the time of testing. The State also used passports for movements and zoning. In that case, the State bought almost all of the affected or exposed herds and paid for the lost calf crops.

The Committee considered whether to propose that the USDA consider measures such as those used in Minnesota. The Committee decided not to make a recommendation at this time due to concerns about the availability of funding and the need to make decisions on a case-by-case basis based on sound epidemiology.

Issue: Wildlife Services

The Committee heard a presentation from Dr. Thomas Deliberto on the role and duties of the Wildlife Services division. The Committee made no recommendations at this time, but agreed to take up issues related to Wildlife Services in more depth at a future meeting.

**This is the end of Committee Majority Report.
Three minority dissents follow.**

Minority Dissent - Poultry Identification

Introduction

Committee discussion identified the following three issues that presented challenges to identification of poultry.

- 1) Transport of day-old chicks (requirements on receiver)
- 2) Transport of chickens across State lines for slaughter/sale
- 3) Transport of chickens across State lines to live bird markets

The resolution, as passed, reads:

The poultry provisions in the proposed rule should be substituted with the statement that poultry are governed by NPIP, with no new regulatory requirements imposed by this rule. Additionally, the Committee encourages USDA to continue to work on low-cost options for education and outreach to poultry owners about NPIP and other options for diagnostic services and disease control.

Dissenting Opinion:

The above recommendation was passed by the Committee to address three situations making identification of poultry difficult. The concerns addressed in the discussion included statements to the effect that if the rule required any identification effort of small/backyard/urban poultry flocks it would not be complied with and thus should not be implemented. The group dissenting on this recommendation would like to put into the record their concerns about this decision.

1. Every species covered by the Animal Disease Traceability rule will have situations that are complex and make mandatory identification difficult. If in each of these cases the default is to exempt that group from the rule U.S. agriculture will be returning to a voluntary identification program and be no further ahead in safeguarding than prior to the rule.
2. While the commercial poultry industry is uniformly enrolled in the NPIP program and has demonstrated the effectiveness of the NPIP program, the current proposed Animal Disease Traceability Rule would codify the traceability achieved under NPIP. However, NPIP is a voluntary program. By suggesting that NPIP become the official identification program of poultry effectively all poultry not voluntarily enrolled in NPIP will not meet the traceability outcomes codified in the proposed Animal Disease Traceability Rule.

3. The population of producers the group felt would have the most difficult time implementing a mandatory identification scheme is also the group that may be at the most risk of exposure to infectious diseases such as Avian Influenza that could put not only the commercial poultry flock in question, but also could impact the US swine herd and result in trade restrictions such as occurred during the 2009 H1N1 pandemic. As an illustration of this concern, from the USDA's Biosecurity for the Birds website the following biosecurity recommendations are made:
 - a. Keep an "all-in, all-out" philosophy of flock management.
 - b. Protect poultry flocks from coming into contact with wild or migratory birds
 - c. Keep poultry away from any source of water that may have been contaminated by wild birds
4. The group asked for small/backyard/urban poultry flocks to be exempt from the rule, in part, because of the difficulty of maintaining the group/lot identification throughout the preharvest production chain when a group of day old chicks were co-mingled with other birds already on, or subsequently entering the premise, and then eventually leaving the premises to travel interstate to slaughter. Rewording the rule to allow for development of dynamic groups or lots on the receiving premises would effectively address the first two concerns raised by the group, at minimal to no expense to the producer. The group dissenting to the recommendation believes that this would be the responsible and proactive approach to address the three situations of concern rather than to request exemption.
5. While the situation identifying poultry moving to live bird markets is more difficult, and in many cases has been addressed by mandatory disease testing, it is well documented the live bird markets represent a high risk for avian influenza. Again – the recommendation passed by the Committee exempts those producers involved in high risk agricultural practices. The group dissenting to this recommendation believes that workable solutions should be sought to encourage compliance to the Animal Disease Traceability rule rather than to exempt these producers from the rule.

The group presenting this dissenting opinion strongly urges the Secretary to continue working to safeguard all of U.S. agriculture by not allowing exemption of producers involved in high risk agricultural practices from mandatory animal traceability.

Signed:

Dr. Elizabeth Wagstrom

Dr. David Meeker

Dr. Boyd Parr

Dr. Howard Hill

Minority Dissent – Feeder Cattle

EXCLUSION OF BEEF CATTLE LESS THAN 18 MONTHS OF AGE IN THE ANIMAL DISEASE TRACEABILITY (ADT) RULE

The dissenting opinion is based on the following premises.

The ADT rule is intended to serve a disease traceability function, not an animal identification function. The exclusion of cattle less than 18 months of age from the rule would disregard the purpose of the rule. Less than 15% of the adult beef cattle are culled each year. In contrast, more than 80% of the beef cattle less than 18 months of age enter commerce each year. Exclusion of the young animals would severely disable disease traceability when the rule is fully implemented. The difficulty and delay associated with addressing young cattle in a “new” rule would unnecessarily impede and effectively nullify the benefits gained by the effort and expense invested in the identification and traceability of cattle over 18 months of age and other cattle included in the ADT Phase 1.

However, we agree completely that the requirement for individual identification of cattle less than 18 months of age in the ADT program should not occur until the ADT system has been proven to be effective and efficient in cattle over 18 months of age and other cattle included in Phase 1. We are in complete support of the delay of inclusion of beef cattle under 18 months of age in the ADT program until the system has been tested and proven to accomplish the described outcomes of that phase of the program.

Signed:

Dr. Donald Hoenig
Dr. Chuck Messengill
Dr. David Meeker
Dr. Boyd Parr
Dr. Howard Hill

Minority Dissent – General Recommendation

The Advisory Committee adopted the following recommendation:

The Committee believes that the concepts underlying the proposed Animal Disease Traceability rule will provide—after due consideration of all public comments and Committee recommendations—an important foundation upon which a system may be formed to protect U.S. domestic animal, wildlife, and human health. Until there is a federal rule that provides for a uniform and effective national system, we will be unable to effectively control and eradicate the diseases encountered or new and emerging diseases. The Committee recommends that stakeholders remain involved in the process of finalizing the rule. The Committee also recognizes that a rule is only the first step in a comprehensive system of traceability and recommends that the Secretary move forward publishing rules that define other aspects of the system.

While we agree with the statement that stakeholders should remain involved, **the undersigned dissent from this recommendation.**

We urge the Secretary to recognize that moving forward with the proposed rule is not necessarily “progress.” Unless some fundamental problems are addressed, the proposed rule will impose significant, unnecessary burdens on both animal owners and related businesses. This will not help in the controlling disease, but will further alienate the public from the agency and harm both rural and urban communities.

Several of the assumptions in the Committee’s recommendation are contradicted by the actual experience of disease control in this country. The U.S. has in fact been very successful in several efforts to control and eradicate diseases. To the extent that we have had problems, it is far from clear that the problems can be solved by increasing requirements for identification of livestock. The agency has provided anecdotal examples of cases where trace backs have failed, but has not provided the sort of comprehensive analysis that would allow the public to form a judgment as to where the problems lie. The proposed rule takes a novel, unproven approach, separating the concept of traceability from the methods that have proved successful in programs such as tuberculosis and brucellosis.

The language of the final sentence of the recommendation could be interpreted as encouraging USDA to impose additional requirements on livestock and poultry owners. The Committee’s discussions clarify that this was **not** the intent, but rather to encourage USDA to move forward on provisions that have been discussed with respect to setting the rules for States and performance standards. However, one of our key concerns with the proposed rule is the existing

lack of these provisions and the recommendation does not cure that problem. In effect, the agency is asking producers to provide it with a “blank check,” signing on to a program when the consequences are unknown.

That blank check could be expensive. The agency has not accurately evaluated all of the direct and indirect costs of the proposed rule to producers and sale barns, such as the costs in time and potential injuries to both people and animals. In addition, the costs to States remain unknown, an issue of deep concern at a time when many State agencies are facing dramatic cuts to their budgets.

We recommend that the Secretary consider all of the stakeholder input and either withdraw the rule or make significant changes in order to prevent unnecessary burdens on family farmers and ranchers.

Signed:
Judith McGeary
Genell Pridgen