

Role of Consultation in Tribal Jurisdictions

Overview:

The hallmarks of USDA's new animal disease traceability framework are transparency and flexibility. USDA is committed to working with the States and Tribes to develop the traceability solutions that work best for them. Moreover, as we move forward with the rulemaking process, USDA will be actively reaching out to the Tribes and States to get input, ideas, and feedback, as we are in the forum. This discussion group will focus on USDA's engagements with Tribes in particular. Specifically, this group will focus on how USDA and the Tribes can engage in the most productive consultations possible.

Possible discussion points:

1. What does the idea of "engagement" mean to Tribes? How would you define it?
2. How can USDA engage most productively with Tribes on traceability?
3. Which issues related to traceability are of greatest concern to Tribes?
4. What kinds of engagements would Tribes call for? Where should they be held? When? How?
5. On what traceability issues is consultation with Tribal leaders most necessary?

Liability

Overview:

Many producers throughout the country are concerned about liability as it relates to traceability. For example, if human illness is traced to e. coli in a slaughter plant, and animals that went into that plant could be traced back to producers, producers worry that they could be held legally and financially liable for that illness. Even if they won in court, producers worry that they could potentially be bankrupted by litigation costs. This discussion group will focus on how to lessen the impact of potential liability.

Possible discussion points:

1. What could USDA do to limit the liability of producers?
2. What sort of investment would producers be willing to make to limit their liability?
3. What could producers do to limit their own liability?
4. What role, if any, could States and Tribes play in limiting the liability of producers?

Interstate Movement and Jurisdictional Issues

Overview:

USDA's new framework for animal disease traceability would mandate that all animals moving interstate be traceable. However, USDA is committed to affording maximum flexibility to the States and Tribes in determining how to achieve traceability. This discussion group will focus on how to ensure that the interstate movement of animals will continue as each State and Tribe chooses specific methods for achieving traceability.

Possible discussion points:

1. What factors need to be in place in order for a State/Tribe to confidently accept animals into their states/onto their lands?
2. How can State and Tribes work together to reconcile potential differences in their approaches to traceability so that those differences don't unnecessarily interfere with the movement of animals?
 - What role could USDA play to facilitate State/Tribal collaboration on this issue?
3. Would a State-Tribal status system, defined by USDA (such as "consistent"/ "inconsistent" status) be a viable way to facilitate movement?

IT Infrastructure

Overview:

USDA is committed to maintaining IT infrastructure to support their animal disease traceability needs as well developing and supporting software applications that States and Tribes may use if they choose to do so. This discussion group will focus on what IT solutions would most help the States and Tribes meet their immediate traceability systems needs. Additionally, the group will elaborate on opportunities that could be considered for long-term, cost effective IT solutions that meets broad animal health programs as well as specific traceability needs.

Possible discussion points:

1. Related to IT infrastructure, what could USDA do that it hasn't done already to support the States and Tribes?
2. How could the States and Tribes ensure that their data could be shared in a timely manner?
3. What could USDA do to facilitate that?
4. What traceability-related IT needs do the States and Tribes have today? What could USDA do to help meet those needs?
5. How should States, Tribes and USDA collectively approach long-term IT solutions for animal disease traceability and broad animal health issues?

Record Keeping

Overview:

As the States and Tribes develop and implement their traceability plans they will have to determine how best to collect, receive, maintain records internally and how to best obtain on-farm records during a disease traceback. They will also have to ensure that the necessary information is available in a timely manner when responding to a disease event. This discussion group will focus on how the States and Tribes might best approach their record keeping needs and obligations and on what USDA can do to support the States and Tribes in that. Likewise, what records should producers maintain to support animal health official in a traceback investigations. How can we help producers understand these record needs and what can States and Tribes provide to producers and industry organizations to facilitate adequate herd recording keeping at the farm/ranch level to support animal disease traceability?

Possible discussion points:

1. What record keeping systems are in place right now; could they be used / modified / updated to meet record keeping needs for State and Tribes?
2. What concerns do the States and Tribes have regarding record keeping? What records should be maintained in their offices and what information could be maintained by the producers.
3. What needs do States and Tribes have regarding the administration of these records? How can USDA support the record keeping activities of the States and Tribes?
4. What activities and information materials can be developed to inform producers of recording keeping needs to support animal disease traceability.
5. Can the States and Tribes ensure that their records are complete, accurate and quickly available?
6. How can the States, Tribes, and USDA work to address the confidentiality concerns of producers?

Resources

Overview:

USDA's new animal disease traceability framework is not an unfunded mandate. While States and Tribes will be responsible for developing the traceability systems that work best for them, USDA is committed to supporting the States and Tribes as they do that, This focus group will focus on the resources needs of the States and Tribes.

Possible discussion points:

1. What resources are available from USDA to enhance traceability systems?
 - Confirm those that have been available for state use and scan still be used;
 - Discuss additional resources being made available now
 - Ask what other/different resources states/Tribes would like USDA to make available.
2. What strategies have States and Tribes employed to prioritize their limited resources today to establish and enhance their traceability systems under USDA's new framework?
 - How are States/Tribes leveraging resources of industry/other groups?
3. What criteria should USDA use to prioritize its allocation of resources to the States and Tribes?
4. How could traceability cooperative agreement best be structured to support the States and Tribes as they establish and enhance their traceability systems?