

If everyone is so distrustful of the government, why don't the individual groups maintain their own program with the understanding that if necessary they would co-operate with the government? Why does the government have to maintain a program over everyone?

Position Paper
by William Taylor Reil
for:
The NAIS "listening session" –
Harrisburg, Pennsylvania - May 14, 2009

My name is William Taylor Reil. I am 67 years old, retired and currently make my home in Elverson, County of Chester, Pennsylvania. However, the roots of my family tree, on my mother's sided, the Copes, reach back to a land-grant from William Perm in 1683 for property in today's Copesville, Pennsylvania which is located on Route 162 a few miles west of West Chester, Pennsylvania.

After honorably serving for 8 years in the United States Air Force, I attended and graduated from VPI&SU in Blacksburg, Virginia with a BS in Electrical Engineering. During most of my professional years after graduating from college, I worked as an Electrical Engineer and Data Communication Systems Sales and Marketing Manager.

While I am not an attorney, I have been intently studying and researching Constitutional Law, particularly Pennsylvania History and Law, for nearly 20 years. During this time period, I, have, among other things, passionately defended the Pennsylvania Constitution though litigation, the education of others, speeches and writings and lawful activism as an individual and as a member of several grass-roots organizations. I am currently on the Board of Directors of the Pennsylvania Independent Consumers and Farmers Association (PICFA), which I and others founded on March 1, 2008. One of PICFA's stated positions is, primarily for constitutional reasons, opposition to the NAIS. I am here today to personally again sincerely express my informed and lawful positions.

The USDA Newsroom website reports that prior today, Secretary of Agriculture Tom Vilsack has held two "roundtable discussions with a variety of stakeholders on the National Animal Identification System (NAIS)". These "listing sessions" were held in Washington D.C. on April 15, 2009 and in Fort Collins, Colorado on May 11, 2009. Today is apparently the USDA's third "in a series of listing sessions on the subject so the department can gather feedback and input that will assist the Secretary in making decisions about the future direction of the animal identification and traceability in the United States." Secretary Vilsack apparently, also "attended and delivered opening remarks at the White House Food Safety Working Group Listing Session" yesterday, May 13, 2009.

The USDA, NAIS Home Page states the following concerning "NAIS":

"National Animal Identification System (NAIS)

To protect the health of U.S. livestock and poultry and the economic well-being of those industries, we must be able to quickly and effectively trace an animal disease to its source.

When a disease outbreak occurs, animal health officials need to know:

- Which animals are involved in a disease outbreak.

- Where the infected animals are currently located.
- What other animals might have been exposed to the disease.

By choosing to participate in NAIS, you will join a National disease response network built to protect your animals, your neighbors, and your economic livelihood against the devastation of a foreign animal disease outbreak.

Take the first step - Register your premises today!"

Despite what may be stated in the may "listing sessions" or elsewhere by those in government and others, an objective examination of the NAIS and "Premise ID" discloses that these government created, intrusive "systems" or "tools" have very little to do with health and/or safety. They are clearly about control and revenue. However, the first issue which must be addressed and lawfully resolved in these matters, similar to all other actions by those in government, is: Does the USDA, or any other department in the State or federal governments, have constitutional authority and thus lawful jurisdiction to impose the NAIS and/or "Premise ID" on private individuals, private property, private business and/or private contracts?

While the NAIS may or may not be constitutional and applicable to corporations and other government created entities, in whole or in part; the application of, or any attempt to apply, this "System" and/or "Premise ID" to a private Pennsylvania farmer, his family or agent (private individuals all); their farm, the structures, equipment, **animals**, etc. thereon (private property), and/or the direct sale or exchange, by contact or otherwise, of the foods produced by them (private business) to a consumer, his family or agent (private individuals) anywhere is clearly in direct violation of several provisions of the Pennsylvania and United States of America Constitutions, particularly those found in their Declaration of Rights and the Bill of Rights, respectively.

At a minimum, the NAIS and "Premise ID" violate Article I, sections 1, 2, 3, 8, 11, 17, 25, & 26 of the Constitution of the Commonwealth of Pennsylvania and Articles 1, 4, 5, 9, 10, 13 and "14" of the "Bill of Rights" in the Constitution for the United States of America.

All individuals in government are bound, directly or indirectly, by a constitutional "oath of office" to always strictly support, obey and defend the fundamental and supreme law of the land document(s). For those in the federal government this document is primarily the Constitution for the United States of America. For those in the Pennsylvania government the documents are Constitution of the Commonwealth of Pennsylvania, and where applicable, the Constitution for the United States of America. A violation of the "oath of office" is a very serious crime and is justification for removal from office and civil and/or criminal prosecution. Tricking an individual to accept and become involved in these "Systems" by deception and misrepresentation is fraud. This is another very serious crime.

True Pennsylvania and United States of America history and law are rich with evidence to support these statements and positions.

Unless explicit written, lawful proof to disprove the statements made herein above can be provided by the USD A and the PDA, I strongly recommend that all of those involved in attempting to apply the NAIS and/or "Premise ID" to private individuals, private property, private business, and/or

private contracts immediately stop any and all such actions and efforts.

Respectfully and sincerely submitted this 14th day of May in the year of our Lord and Savior, Jesus the Christ, 2009.

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William Taylor Reil

Pennsylvania Association for Sustainable Agriculture (PASA)
NAIS Listening Session - talking points
Harrisburg, PA; May 14, 2009

1. PASA is, as far as we know, the largest sustainable agriculture organization in the United States, and certainly one of the most respected. We have been in existence since 1992, and have a very diverse membership of over 5,000 individuals, many of whom are concerned about the direction the government may take through new laws and/or regulations to "secure" the food supply in a variety of ways, including national animal ID. We wish to be heard on this issue, not only on behalf of our farmers, but also the many dedicated customers and communities they serve.
2. "Thank You" to the organizers for this extraordinary opportunity to have input to the process.
3. On the issue of safe and secure food systems, the most important thing anyone - whether a farmer, government official or mere "eater" - can do to achieve this ideal situation is to make the food system as locally based as possible. A safe food system is built on trust, and trust is built on actual relationships, which are harder to maintain the larger and more diffuse the food system becomes.
4. There is certainly a legitimate role for government in helping to assure a safe food system for all, particularly on behalf of those who may not have the time, financial resources or proximity to a local food supply to do so on their own, and we therefore support the efforts of USDA and PDA to do a better job than they have in the past in this regard.
5. Any approach to food safety should be based on the risk imposed by certain farm practices or marketing approaches, and subsequent efforts to management of that risk. **By far, the greatest risk in our food system occurs when two factors are combined: a) "food anonymity" and b) broad distribution patterns. The most important solutions, therefore, are not only to keep the distribution systems as local and/or regional as possible, but also to put the farmer's face back on the food. In an ideal scenario, both would occur.**
6. **We therefore acknowledge that in food systems where neither of the natural solutions are present or possible, where the food is to be distributed widely and cannot easily be traced to the farm of origin, something like a nationally-based ID program is needed, whether for cows or carrots.**
7. However, there are many things that can be done to avoid some of this risk in the first place and, indeed; many farmers have already been doing them for years or even decades in response to their own concern about the food system. **We strongly believe that USDA should support such efforts, not do things to thwart them.**
8. As a priority, we recommend that **national animal ID should not be imposed on farmers who sell product directly to the public**, i.e. to the individual consumers who will actually benefit from the product.
9. Furthermore, we recommend that in situations where a farmer is selling "**identity preserved**" products through a more complex value-chain involving processing, distribution and/or retail

markets, such farmers should be allowed to work through appropriate, private, third-party entities (e.g. organic/sustainable certifiers, co-ops, breed associations, etc...) to establish a system for clearly identifying the sources of such products.

10. The essential element here is not that there is some theoretical distinction between "good" farmers and "bad" farmers, but a firm acknowledgement that SOME farmers have chosen to stand behind their products, by name and reputation, all the way to the point of final consumption. These farmers should be encouraged to exercise such responsibility voluntarily and in ways that do not involve excessive government intrusion or expense to either the farmer or American taxpayers.

Thurs., May 14, 2009

I would like to address the necessity of the NAIS program, and in particular how it will affect the small farmer and private citizen who chooses to keep a few animals.

First, I would like ask how having a National Animal Identification System is really going to make a difference with animal disease. I understand the supposed benefit of being able to track where diseased animals have been, but I do not believe this will make a real difference in stopping the spread of any disease outbreak, after the fact. It seems that addressing unnatural and unhealthy animal husbandry would have a far greater impact on the spread, or lack thereof, of animal disease.

But more importantly I am concerned for the plight of the small farmer, and the private livestock animal owner.

The way I see it, *real* food safety can only come from small, local family farms. When animals are raised the way nature intended (on clean, well managed pasture), as many of our small farmers do, disease is simply not an issue. Furthermore, if the farmer is putting the same food on his table that I am seeking to put on mine, I am assured of the utmost quality and safety. Please do not answer this concern with statistics of disease outbreaks which are contrived or manipulated to place undue blame upon the small fanner. This is a real factor in food safety! Disease comes not from the small, traditionally managed farm, but from the very unnatural, confinement farms. This must be addressed!

The extreme burden that implementing NAIS upon the small farms and homesteads of our country is great. Many, if not most, of these farms are already struggling to survive. They do not need yet another costly burden added to their load! And the reporting that must be done for animal movements, as well as required record keeping, creates a grave disadvantage and hurdle to the farm's success.

Our family keeps several animals on our property for food, as well as a horse for pleasure. We are financially strapped, which is one motivating factor for keeping our livestock animals. Were we to be forced to implant chips into each of our animals, and especially in our small (50-60) flock of chickens, we would be forced to either give up, or break the law! We can not do this!

Furthermore, we find the forced implementation of the program unconstitutional. Clearly, it is against our right to privacy in the very least, and will prohibit many people from the pursuit of life, liberty, and happiness. This simply can not be—this is America, after all!

Please keep these thoughts in mind as you pursue implementation of this very onerous program.

Respectfully,

George & Maureen Diaz

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Testimony of
Joyce A. Bupp
Dairy Farmers of America and National Milk Producers Federation

Before the
U.S. Department of Agriculture
National Animal Identification System Listening Sessions
Harrisburg, Pennsylvania
May 14, 2009

Good morning. My name is Joyce Bupp. My husband and I operate a 180-head dairy herd in nearby York County. I serve as a director on the corporate board of Dairy Farmers of America.

Thank you for the opportunity to share comments on the proposed National Animal Identification System, on behalf of Dairy Farmers of America and the National Milk Producers Federation.

Last year, the U.S. had about 9.3 million dairy cows on more than 57,000 commercially licensed dairy farms. They produced nearly 190-billion pounds of milk, generating an estimated \$38-billion in dairy-related income. We dairymen have an estimated \$110-billion invested in our businesses. A mandatory animal identification program is a form of insurance program to help safeguard our assets and our markets.

The National Milk Producers Federation and its member cooperatives strongly support the establishment of a mandatory animal ID program at the earliest possible date. We support adoption of ISO-compliant radio frequency ID-device ear tags and one centrally-managed national database to facilitate tracking by animal health authorities in the event of a cattle health crisis.

In 2005, six major dairy groups, including Jersey and Holstein associations, DHIA and National Milk Producers Federation, formed Idairy to work toward a national system of animal identification. Idairy believes that a national system can both protect farmer confidentiality and providing quick access to critical information in the event of a cattle health crisis.

In 2007, National Milk, on behalf of Idairy and working with USDA, formed a cooperative effort to promote premise identification. It's estimated that nearly 75% of dairy-producer premises are already registered. Numerous dairy-intensive states, including here in PA, have 90% of our premises registered. But if a crisis develops somewhere among the remaining 25%, we are all at the serious risk of having to halt cattle movement and suffering the likely costly economic fallout.

In PA, we have several dairy-intensive areas, including one of the very top dairy counties in the nation outside California. It has been estimated that a foot-and-mouth outbreak in California's South Valley could cost upwards of \$1 billion and cause destruction of 20-100% of the dairy herds. Such an outbreak in our neighboring dairy-intensive Lancaster County could have similar destructiveness to our own regional agriculture economy. It could easily wipe out the assets and livelihoods of hundreds of our family farms, which form the fabric of many of our rural communities.

Should an infected animal or herd go through one of our many sale barns, the economic fallout and

destruction of consumer confidence could multiply many times. It could have incredibly far-reaching impact not only on Pennsylvania's largest industry of agriculture, but on that of various surrounding states whose dairy and cattle producers routinely utilize our auction facilities. International markets, an important segment of dairy industry sales, would likely shut down overnight.

Cost is always a concern of new programs. Official 840-RFID ear tags cost about \$2 each, a potential cost to our dairy farm of more than \$400 a year. Premiums of most of the insurance programs we are obligated to carry are far higher than that in their cost to protect us against the unknowns of life and business. A national animal identification system is a critically-needed investment in insurance protection for our national dairy industry.

Privacy is another issue of concern. We are already identified by our social security numbers, our employer numbers, our drivers' licenses, our state dairy permits. Strangers with internet connections can look into our farmsteads via computer/satellite technology. Underlining producer confidentiality is a recent federal court ruling ruled that records collected through NAIS are protected by the U.S. Privacy Act.

I fear that – in a world increasingly shrinking through travel and trade – an outbreak of a serious cattle crisis is a matter of WHEN, not IF. Images of the flames of pyres of infected herds of cattle being destroyed during the foot-and-mouth outbreaks in Europe are still fresh in our minds. We need to be prepared for such a potential crisis in a manner to limit its economic, market, community and consumer fallout to as small a footprint as possible.

Thank you for this opportunity to share this viewpoint.

Joyce A. Bupp
Bupplynn Farms
Seven Valleys, PA 17630

FOR THE RECORD

First, I am an owner not a stockholder.

I've owned horses for 33 yrs and I know a pile of horse shit when I see it.

NAIS as proposed will never be acceptable because it violates the Bill of Rights, and those rights are non-negotiable.

By what authority does USDA, or even Congress, violate the and the 4th Amendment?

The Amish and similar groups cannot participate without violating their core beliefs. My private property is not a premises that can be entered without permission or a warrant. USDA has not given a satisfactory response to these concerns. In fact, they dance around the questions whenever they are brought up.

My horses are not guinea pigs or cash cows for microchip manufacturers, and I won't risk their health or my finances for a questionable technology that doesn't benefit me in any way. I've reviewed the so called benefits stated in the Cost Benefit Analysis and they are a joke.

I will not file tracking reports on my horses unless you pay me for my time and expenses, and I will not file reports on my client's horses when they travel to and from my farm, because I am not a spy.

The Cost Benefit Analysis is seriously biased and flawed. Funded by APHIS and compiled with the help of Neil Hammerschmidt and John Weimers who are among the architects of NAIS. It is full of assumptions that do not accurately represent the horse world in which I participate, and contains misleading and false statistics. The results quoted from the Penn State Equine NAIS survey that were presented needs to be publicly rescinded. It incorrectly stated that 47 % of horse owners favored NAIS and only 4% were opposed. The actual survey stated 24 % in favor and 48% opposed. That is a huge difference. If the rest of the CBA was written as carelessly, the entire project should be trashed and the taxpayers should get a refund. I would also like to point to another on line survey from *Western Horseman* magazine that showed 93 % of horse owners oppose NAIS. I believe this number to be closer to reality.

It is obvious from reading through it that the only real beneficiaries of NAIS are those businesses that are involved in imports and exports. In fact, individual livestock owners are dismissed as insignificant.

USDA is disingenuous when it says it wants to control the spread of disease. Why then are you lowering import restrictions to allow cattle over 30 months of age from Canada that have a higher risk of BSE, cattle from Mexico that have Bovine TB, trying to bring in cattle from Argentina which is known to have a reservoir of FMD, disallowing a private business from testing for BSE in response to their client's needs, not aggressively pursuing a cure for Johne's Disease, and moving a high security disease containment facility into the middle of cattle country? You have changed our import policy from zero tolerance to managed risk. We are already seeing the failures of that policy. NAIS is not disease control plan, it is a damage control plan to try to clean up the disaster you will create. You are opening up a Pandora's box .

Let's be honest about the real reason for NAIS. It is to comply with OIE regulations by 2010 and to Hell with the Bill of Rights and us "insignificant" people! I view USDA, the state Agriculture Dep'ts, and the pro NAIS legislators actions as traitorous. You are selling us out for profits for multinational corporations. You have fooled some of the people, but you haven't fooled all of them. WTO agreements do not

supercede the Constitution. I will not comply!

My recommendation to you is to scuttle NAIS and to use R-CALF USA's 8 point plan that actually makes sensible suggestions for protecting our livestock.

Barbara Steever
Barto, PA

**Testimony of
William Beeman, Board Member and Dairy Farmer Member
Dairylea Cooperative Inc.
Syracuse, NY**

**Before the
U.S. Department of Agriculture
National Animal Identification System Listening Session
Harrisburg, PA
May 14,2009**

Thank you for inviting the livestock industry to testify and present comments to you today. My name is William Beeman. My wife and I own and operate an 80-cow farm in Kingsley PA. I serve as First Vice President of Dairylea Cooperative Inc., I serve as a board member for the PA Dairy Stakeholders and I serve on the Executive Committee for the Northeast Dairy Leadership Team.

My comments today focus on the need for mandatory animal identification (ID) for the livestock industries. Animal ID is paramount in maintaining animal health in every dairy herd. While identifying animals and premises cannot prevent disease, any more than licensing automobiles can prevent accidents or theft, identification is essential to a speedy and timely response, minimizing the spread of diseases with potentially devastating consequences. It will be difficult to track and control the spread of a contagious disease without real-time knowledge about where animals are located and where they have been.

First, I want to provide you with a quick overview of the dairy industry to place in perspective our need for mandatory animal ID. In 2008, 57,127 commercially licensed dairy farms produced nearly 190 billion pounds of milk from 9.33 million dairy cows, generating nearly \$38 billion in dairy-related income. Additionally, dairy producers alone have more than \$110 billion dollars invested in their farms, including dairy cows, herd replacements, buildings, machinery, and land. Mandatory animal ID is a collective insurance policy for the dairy industry to protect our markets and our assets.

The dairy industry has taken a strong proactive stance in advocating for mandatory animal ID. Dairylea Cooperative's Universal Cattle Identification resolution supports a mandatory ID program.

"Whereas, when dealing with animal health and biosecurity issues, proper identification of animals for origin and tracking of their movement is extremely important, and Whereas, USDA has to date failed to implement a National Animal Identification Program. Therefore, be it resolved, that Dairylea support USDA's adoption of the US Animal Identification Plan (USAIP) and its provisions for an identification program assuring 48 hour trace back capability of the movement of cattle, and Be It Further Resolved, that Dairylea urge state and federal agencies to develop a state premise ID program and implement a mandatory animal identification program as soon as possible, and Be It Further resolved, that Dairylea encourage the use of public funds in the development of a National Animal identification program that would help to further protect our nation's food supply."

IDairy, a coalition of six dairy organizations that serve thousands of dairy farmers including NMPF, collectively believe that our industry will be best served when all dairy operations, and ultimately, all dairy

cows, are identified in a national central database. IDairy believes that a national animal identification system can both protect farmers' privacy, and also allow for immediate access of relevant information in the event of a food safety crisis that could endanger the entire dairy chain.

IDairy estimates that nearly 75 percent of dairy producers have registered their premises as part of the National Animal Identification System. However, until animal ID becomes mandatory, obtaining the last 25 percent participation will be difficult.

Animal identification is extremely important in reducing the effects of a foreign disease outbreak in the U.S. cattle population. For example, the cost to the dairy industry of an outbreak of Foot and Mouth Disease in the U.S., based on recent epidemiological studies, would likely be quite serious. A 2007 study published in the *Journal of the American Veterinary Medical Association* demonstrated that an outbreak spread through a sale barn or state fair could be multiplied by 10- or 20-fold, as would the dairy industry's cost, to as much as \$30 billion or more. Finally, even a quickly contained foot-and-mouth disease outbreak could close overseas markets to U.S. dairy export sales. International sales were worth nearly \$4 billion in 2008, and the loss of these sales would have an additional, disastrous impact on U.S. milk prices.

There has been much press given to small groups that are vehemently opposed to protecting our nation's livestock through a mandatory animal ID program. I believe it is a great injustice to let this small minority stifle the efforts of hard working dairy producers to engage in mandatory animal ID to protect the collective assets of the industry.

Those opposed to a mandatory animal ID program note the cost of such a program and data privacy issues. The cost of official 840-RFID ear tags is approximately \$2 each or less than 40 cents per year during the lifetime of a dairy cow. I believe this small cost of doing business is an important part of the dairy industry's collective insurance policy. I share concerns over privacy of data, but I believe that this data is sufficiently protected as the USDA has developed protocols to protect farmers' privacy.

I believe the key to an effective animal ID system is to have all producers involved, and to do so it must be mandatory. Because of the importance of animal ID as a collective insurance policy for the dairy industry, I respectfully request that mandatory animal ID become a priority for USDA. If this is to truly be a New Era of Responsibility, we need to be mindful that preparing for a quick and effective response to emergencies lies at the heart of a responsible animal health system.

Thank you for providing me with the opportunity to comment on the need for a mandatory National Animal Identification System.

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Testimony of
The Pennsylvania Dairy Stakeholders

Before the
U.S. Department of Agriculture
National Animal Identification System Listening Session
Harrisburg, Pennsylvania
May 14, 2009

Thank you for inviting the livestock industry to comment on the important issue of a National Animal Identification System. My name is Alan Bair and I am the facilitator for the Pennsylvania Dairy Stakeholders. We are an industry-wide dairy organization which represents all aspects of the Pennsylvania dairy industry from producers to consumers. Our mission is to be the catalyst that unites all dairy industry segments and creates a profitable and expanding industry.

The subject of a national animal identification system fits perfectly into our mission because our members, across all aspects of the industry, are in agreement and support mandatory animal identification for the livestock industries.

It is our belief that the benefits of a mandatory National Animal Identification System far outweigh the associated costs. There is a forceful argument that the potential cost of not having such a system could be devastating to our industry, our nation's food supply, our economy, and even national security.

Disease control is a huge concern for our animal industry. We have a full appreciation of the vulnerability of our livestock populations to potential outbreaks of foreign and domestic diseases. There is a great deal of movement within our cattle population; without the ability to trace that movement, we have removed one of the most effective tools in controlling disease outbreak. The issue of disease control has enormous implications for national security as well as the national and world economy.

Consumer confidence in our nation's food supply is vital to our industry and should be positively impacted with the implementation of a mandatory national animal ID program. Farmers have a good public image, but consumers want to know where their food came from and how it got from farm to plate. Animal ID and traceability will enhance our consumer confidence and support our remarkable record of food safety.

The availability of export markets is vital to all food animal species in this country. Our current milk price crisis is, in part, a product of world markets and our inability to effectively compete by

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exporting dairy products. This current crisis serves as an example of the importance of those world markets to price and stability of the entire industry. Whether it is the whim of our foreign trading partners to demand we have a viable animal ID program or the scientific necessity driven by a national or worldwide animal disease outbreak, we cannot afford to jeopardize our ability to export dairy and animal products.

I would also respectfully request that public funding be used for the continued establishment and implementation of the systems necessary for premise ID and animal tracking ID. Its importance to the common good cannot be overstated, and public funding will ensure that the process is not deterred because of costs to individual producers.

In summary, The Pennsylvania Dairy Stakeholders are in strong support of mandatory animal ID and respectfully request that it become a priority for USDA. Thank you for the opportunity to express our encouragement for the implementation of this important program.

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INDEX

4th Amendment	11
840	10, 14
Alan Bair	16
Amish	11
Animal ID	13, 16
APHIS	11
Argentina	11
Barbara Steever	12
Barto, PA	12
biased	11
Bill of Rights	3, 11, 12
Blacksburg, Virginia	2
Bovine TB	11
BSE	11
Bupplynn Farms	10
California	10
Canada	11
cash cows	11
confidentiality	9, 10
Constitution	3, 4, 12
Constitution for the United States of America	3, 4
Constitution of the Commonwealth of Pennsylvania	3, 4
constitutional	2, 3, 4
Constitutional Law	2
Copesville, Pennsylvania	2
corporations	3, 12
Cost Benefit Analysis	11
crime	4
Dairy Farmers of America	9
Dairylea Cooperative Inc.	13
deception	4
Declaration of Rights and the Bill of Rights	3
DHIA	9
disease	3, 7, 11, 13, 14, 16, 17
distrustful	1
domestic	16
Elverson, County of Chester, Pennsylvania	2
Europe	10
expense	6
exports	11
financially strapped	7
flawed	11
Foot and Mouth Disease	14

foot-and-mouth	10, 14
foreign	3, 14, 16, 17
Fort Collins, Colorado	2
George & Maureen Diaz	7
guinea pigs	11
Harrisburg, Pennsylvania	2, 9, 16
Idairy	9
IDairy	14
identification	2, 9, 10, 13, 14, 16
identity preserved	6
imports	11
infected	3, 10
intrusion	6
John Weimers	11
Johne's Disease	11
<i>Journal of the American Veterinary Medical Association</i>	14
Joyce A. Bupp	9, 10
Lancaster County	10
listing sessions	2, 3
litigation	2
mandatory	9, 13, 14, 15, 16, 17
Mexico	11
misrepresentation	4
multinational	12
NAIS	2, 3, 4, 5, 7, 10, 11, 12
national animal identification system	14
National Animal Identification System	2, 3, 7, 9, 13, 14, 15, 16
National Milk Producers Federation	9
Neil Hammerschmidt	11
New Era of Responsibility	14
Newsroom	2
NMPF	14
Northeast Dairy Leadership Team	13
oath of office	4
OIE	12
oppose	11
Orrtanna, Pa	7
outbreak	3, 7, 10, 14, 16, 17
overseas	14
PA Dairy Stakeholders	13
PASA	5
Penn State Equine	11
Pennsylvania and United States of America Constitutions	3
Pennsylvania Association for Sustainable Agriculture	5
Pennsylvania Constitution	2
Pennsylvania History and Law	2

Pennsylvania Independent Consumers and Farmers Association (PICFA)	2
<i>premise ID</i>	13, 17
Premise ID.....	3, 4
privacy.....	7, 14
Privacy	10
prosecution	4
public funding	17
R-CALF	12
rescinded	11
RFID.....	10, 14
Seven Valleys, PA.....	10
small farmer	7
spy	11
stockholder	11
survey.....	11
sustainable	5, 6
Syracuse, NY	13
taxpayers	6, 11
The Pennsylvania Dairy Stakeholders	16, 17
Tom Vilsack	2
traitorous.....	12
Tricking.....	4
<i>US Animal Identification Plan (USAIP)</i>	13
USDA	2, 3, 5, 9, 11, 12, 13, 14, 17
Vilsack.....	2
violation	3, 4
VPI&SU	2
Washington D.C.....	2
West Chester, Pennsylvania.....	2
<i>Western Horseman</i>	11
White House Food Safety Working Group.....	2
William Beeman	13, 16
William Taylor Reil.....	2, 4
York County	9