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March 11, 2009

Regulatory Analysis and Development
PPD, APHIS, Station 3A-03.8, 4700
Animal and Plant Health Inspection Service
U.S. Department of Agriculture
River Road Unit 118
Riverdale, MD 20737-1238.

Re: Docket No. APHIS-2007-0096 - Official Animal Identification Numbering Systems

Dear Sir or Madam:

I am writing on behalf of the American Veterinary Medical Association (AVMA), established in 1863 and the largest veterinary medical association in the world. As a not-for-profit association established to advance the science and art of veterinary medicine, AVMA is the recognized national voice for the veterinary profession. The association's more than 78,000 members comprise approximately 84% of U.S. veterinarians, all of whom are involved in myriad areas of veterinary medical practice including private, corporate, academic, industrial, governmental, military, and public health services.

The AVMA appreciates the opportunity to provide comments on the proposed amendments to the domestic livestock regulations that will require, after finalization of this rule that: all official animal identification numbers (AINs) must begin with the 840 prefix for all AIN tags applied to animals 1 year of age or more; all new premises identification numbers (PINs) must use the proposed seven-character alphanumeric code format; official ear tags that use a premises-based numbering system issued after a 1-year phase-in period will be required to use the seven-character alphanumeric code format; and, the changes must be made pertaining to the use of the U.S. shield on official ear tags, numbering systems that use such ear tags, and the correlation of those numbering systems with the PIN.

We agree that these changes will achieve greater standardization and uniformity of official numbering systems and ear tags used in animal disease programs and enhance animal traceability. In addition, we strongly encourage APHIS to consider three items:

- 1) that this uniform numbering system apply to *all* technologies used (not just ear tags), *all* species, and *all* production premises (from aquaculture to zoos);
- 2) that APHIS encourage and assist individual States to develop state programs that support an effective NAIS, and recognize and accept compatible state programs that meet NAIS standards; and,
- 3) that APHIS establish a time-line for NAIS implementation and the promulgation of regulations to support a mandatory NAIS.

We believe that a uniform system applied to all identification technologies, livestock species, and premises is fundamental to an effective and efficient NAIS. We compliment APHIS for emphasizing this in the APHIS-VS Memorandum 575.19 of December 22, 2008.

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We believe that if APHIS encourages, assists, *and recognize and accepts* individual states programs that compliment, are compatible with, and meet NAIS standards, using guidance already developed, this action would expedite NAIS implementation and would be an important step towards protecting the U.S. livestock industries from catastrophic animal disease outbreaks. This action would also provide a strong incentive for individual states to consider the promulgation of appropriate state regulations that would support an integrated NAIS. While additional guidance documentation will be needed, we believe that guidance already developed would be of great assistance in initiating a State-Federal cooperative effort include, for example: the 2005 (and subsequently revised) “National Animal Identification System (NAIS) Program Standards and Technical Reference”; the 2008 “Business Plan to Advance Animal Disease Traceability”; and, the 2009 “Veterinarian’s Toolkit.”

We very much appreciate that APHIS has been very accommodating and heeded much advice provided by numerous stakeholders and others in developing the outline for implementing an effective NAIS. However, we believe it is time to now promulgate federal regulations, such as the proposed mandatory official animal identification and premise identification numbers (AINs/PINS) – Docket No. APHIS-2007-0096. We believe that this approach is supported by the 2007 General Accounting Office Report that addressed: the effectiveness of USDA in implementing the NAIS; the key issues identified by livestock industry groups, market operators, state officials, and others; how USDA has distributed cooperative agreement funds to help states and industry prepare for NAIS and evaluated the agreements’ results; and what USDA and others estimate are the costs for USDA, states, and industry to implement NAIS.

Indeed, we believe the GAO findings demand that APHIS move rapidly in implementing a mandatory NAIS that can be implemented with the assistance of individual states. As GAO concluded:

“Several key problems hinder USDA’s ability to implement NAIS effectively:

- **USDA has not prioritized the implementation of NAIS by species or other criteria. Instead, the agency is implementing NAIS for numerous species simultaneously, causing federal, state, and industry resources to be allocated widely, rather than being focused on the species of greatest concern.**
- **USDA has not developed a plan to integrate NAIS with preexisting USDA and state animal ID requirements. As a result, producers are generally discouraged from investing in new ID devices for NAIS.**
- **USDA has not established a robust process for selecting, standardizing, and testing animal ID and tracking technologies.**
- **USDA does not clearly define the time frame for rapid trace back, possibly slowing response and causing greater economic losses.**
- **USDA does not require potentially critical information to be recorded, such as species or age, in the NAIS databases.”**

As you are aware, the AVMA recently provided testimony to the U.S. House of Representatives, Committee on Agriculture, Subcommittee on Livestock, Dairy, and Poultry. In that testimony we emphasized the following points and sincerely hope that Congress will support this approach. That:

- The AVMA believes the U.S. cannot afford to wait for a devastating animal disease outbreak to make the NAIS a reality – the NAIS needs to be a mandatory program to ensure timely implementation.
- The information needed for identifying livestock production premises to make the NAIS fully functional is not much more than what is already in publicly accessible sources, such as phone

books, and individual animals' identification systems are used daily by livestock producers for other purposes. In short, the privacy concerns raised by the opponents of NAIS are unwarranted.

- Compared to the costs associated with a widespread outbreak of a potentially devastating disease that is not contained due to lack of an identification system, the cost of implementing the NAIS is minimal.
- An effective NAIS would help the U.S. livestock industry and state and federal government agencies track and more quickly contain/eradicate a disease outbreak, minimizing the number of animals affected and thereby reduce the amount of animal pain, suffering and destruction.
- International standards that directly affect animal trade are moving toward the direction of traceability "from farm to fork" – if the United States is to remain competitive or grow export markets, an effective NAIS will be required.
- An effective NAIS will significantly enhance the ability to rapidly track, control and eradicate endemic livestock diseases, thereby increasing overall productivity for livestock owners and associated industries.

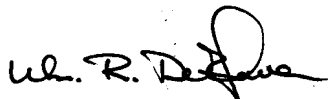
In addition, in 2006 the AVMA updated its policy supporting NAIS that now states:

"The American Veterinary Medical Association (AVMA) supports an effective National Animal Identification System (NAIS) that contains the following key elements:

1. USDA implementation of all species working group reports that were submitted to the NAIS Subcommittee of the Secretary's Advisory Committee on Foreign Animal and Poultry Diseases.
2. USDA development of minimum standards for a NAIS.
3. Rapid implementation of a mandatory NAIS.
4. Implementation benchmarks and timelines established in federal regulation to achieve the NAIS goals identified in the strategic plan.
5. Implementation that continues to engage all stakeholders in providing input through the NAIS Subcommittee of the Secretary's Advisory Committee on Foreign Animal and Poultry Diseases and other designated forums.
6. Database(s) that are accessible 24 hours a day and 7 days a week by animal health officials.
7. System cost does not detract from effective implementation.
8. A system that is workable for producers of all sizes.
9. Exception from freedom of information disclosure laws for data collected in support of the NAIS."

We thank you for the opportunity to provide input on this important matter. Should you have additional questions please feel free to contact me or Dr. David Scarfe (dscarfe@avma.org; 847-285-6634).

Most sincerely,



W. Ron DeHaven DVM, MBA
Executive Vice President, CEO

AALC/ADS