



The Wyoming Department of Agriculture is dedicated to the promotion and enhancement of Wyoming's agriculture, natural resources and quality of life.

December 6, 2011

Docket No. APHIS-2009-0091
Regulatory Analysis and Development
PPD, APHIS, Station 3A-03.8
4700 River Road Unit 118
Riverdale, MD 20737-1238

To Whom It May Concern:

The Wyoming Department of Agriculture (WDA) appreciates the opportunity to provide comments on the proposed rule from the Animal and Plant Health Inspection Service (APHIS), United States Department of Agriculture (USDA), to establish minimum national official identification and documentation requirements for the traceability of livestock moving interstate.

Our comments are specific to our mission within state government: dedication to the promotion and enhancement of Wyoming's agriculture, natural resources, and quality of life. As this proposed rule has major impacts upon our agriculture industry, our natural resources and the welfare of our citizens, we believe it is important you continue to inform us of proposed actions and decisions and continue to provide us the opportunity to express pertinent issues and concerns.

The WDA is in strong support of a successful livestock traceability system to reduce possible future disease transmissions in an expeditious manner. There are a number of federal systems or statutes already in place including: the National Poultry Improvement Plan (NPIP), the Scrapie Flock Certification Program (SFCP), the National Animal Identification System (NAIS) and Title 9 of the Code of Federal Regulations. It appears APHIS is attempting to address an ineffective cattle and bison disease traceability issue while encompassing other livestock and poultry already covered by these programs.

The WDA does not support the proposed rule by APHIS as currently written. We offer the following comments regarding the proposed rule and general livestock traceability practices.

Provide More Detail Comparing Programs

The WDA believes APHIS needs to address why NAIS has failed prior to spending a considerable amount of time and energy on a new program. The "Question and Answers Factsheet" states the 2004 NAIS program was voluntary, but producers' concerns included: "one-size-fits-all approach, concerns about the protection of proprietary information and need for significantly more flexibility." We support voluntary, flexible programs, which provide privacy protection. However, the proposed rule does not address any of the producers' concerns, and instead of creating a voluntary program, APHIS creates a federally mandated, unfunded program.

Equal Opportunity in Employment and Services

BOARD MEMBERS

Jana Ginter, *District 1* • Jim Hodder, *District 2* • Shaun Sims, *District 3* • John Moore, *District 4* • Alison Jass, *District 5*
Bryan Brost, *District 6* • Jim Price, Jr., *District 7*

YOUTH BOARD MEMBERS

Patrick Zimmerer, *Southeast* • Dalin Winters, *Northwest* • John Hansen, *Southwest* • Bridget Williams, *Northeast*

APHIS

Traceability of Livestock

Proposed Rule

12/6/2011

Page 2 of 3

The WDA urges APHIS to take a different approach and consider how to make this program voluntary. We recommend utilizing a guidance document process instead of using the federal rule making process. A guidance document may contain Best Management Practices for livestock producers to use to improve record keeping and ultimately increasing traceability success. We also recommend APHIS explain in detail how this new program protects private information from the Freedom of Information Act.

Develop a More Comprehensive Cost and Benefit Analysis

APHIS provided a question and answer section regarding how the disease traceability rule benefits producers. We believe this section is lacking a more comprehensive and neutral approach. We support APHIS taking additional time to thoroughly compare programs along with developing an in-depth cost analysis.

For example, one question asked was: "Will USDA provide funding to States and Tribal Nations to develop their animal disease traceability approaches?" The answer provided states: "It is USDA's intent that animal disease traceability not be an unfunded mandate. As such, if available, USDA would provide Federal funding to assist States and Tribes to carry out activities that align with the scope of the new framework." An additional question asked, "What role will States and Tribes play in the implementation of the proposed rule?" The answer, "States and Tribes will be the primary administrators of the program under the proposed rule."

The WDA cannot support a program, or in this case a proposed rule, where funding may not be available and the States and Tribes may have to take on all responsibility. While APHIS has proposed to pay for the mandated ear tags, the cost is exponentially higher and beyond the scope of the ear tags. Some examples of expenses not considered or needing additional attention include:

- Cost for the Interstate Certificate of Veterinary Inspection (ICVI) to producers and veterinary clinics
- Cost for marketing the proposed rule
- Cost for staff to complete data entry of ICVI information
- Cost to educate data entry people for the database
- Cost of development of a database system
- Cost of handling paperwork for five years

Develop a Working Database System Prior to Implementation of the Rule

A key component of the success of any tracking system is the development of a computerized database to enter premise identification numbers, ear tags and replacements, type of livestock and numbers, etc. We insist APHIS develop, test and manage the database, not at the state level or at the state's expense. Additionally we insist APHIS pay to train staff on the use of the database system. APHIS should develop a nationwide database where states enter into the system and all information maintained is in one clearing house. We question whether or not APHIS has the financial capacity and manpower to handle such a large endeavor. In addition, we do not support the maintenance of paper copies by small veterinary clinics, livestock producers or processing plants for five years.

We question the five year timeline. There are two questions APHIS must answer before implementing the stated timeline:

APHIS

Traceability of Livestock

Proposed Rule

12/6/2011

Page 3 of 3

- Is five years adequate for breeding stock, whose lifespan exceeds the five years? Diseases can surface after five years.
- Is five years necessary to maintain data on processed livestock?

Reconsider the Exemptions Proposed

APHIS has proposed a number of exceptions and guidelines prior to implementation. While APHIS' intent seems to create a more widely accepted program, we question the program's practicality.

- How does a livestock producer or veterinary clinic keep track of what receiving states will accept?
- What if livestock are shipped well beyond neighboring states that use similar rules?
- How many producers will have all of the expected information for the ICVI, including: the address of animals' destination and names of the consignor and consignee and their addresses? The additional burden of finding this information will likely fall upon veterinary clinic staff.
- Is a livestock facility an appropriate exemption? Not all livestock sold in auctions are terminal.

We support new and innovative ways to improve existing systems, including tracking livestock testing positive for certain diseases. However, implementing a federally mandated rule without guaranteed funding is the wrong approach. We encourage APHIS to avoid implementing a program without having all the appropriate costs and manpower in place. We also encourage APHIS work closely with livestock producers and state livestock and agriculture departments prior to proposing rules such as the livestock traceability rule. We appreciate your consideration of our comments and appreciate you keeping us informed of the progress.

Sincerely,



Jason Fearneyhough
Director

JF/jw

CC: Governor's Policy Office
Wyoming Game and Fish Department
Wyoming Board of Agriculture
Wyoming Stock Growers Association
Wyoming Wool Growers Association
Wyoming Farm Bureau Federation
Wyoming State Grazing Board
WY Association of Conservation Districts