

Position Statement on NAIS by the Texas Organic Farmers & Gardeners Association

Position Statement: The National Animal Identification System and the Proposed Texas Regulations

The Texas Organic Farmers and Gardeners Association opposes the TAHC's proposed regulations for mandatory premises registration.

There is a common misconception that Texas is required by federal law to begin implementing the national animal identification system ("NAIS"). To the contrary, the USDA has proposed only a draft plan; there are no final, or even proposed, regulations. Further, no federal statute authorizes premises registration or the other stages of the NAIS. The Animal Health Protection Act, which the USDA claims provides authority, addresses only exports, imports, interstate movements, quarantined areas, and related programs. Congress has introduced, but failed to adopt, multiple bills that would have amended the Animal Health Protection Act to establish a national animal identification system. No federal law or regulation requires Texas to implement this program.

There are many reasons why Texas should not move forward with this program. First, the TAHC has failed to consider the constitutional barriers to the NAIS. By forcing individuals to register their homes and their animals in a permanent database, and by allowing that information to be released under a wide variety of unspecified circumstances, the proposed regulations violate individuals' due process rights. The NAIS may also violate the constitutional provisions for equal protection, religious freedom, restrictions on searches, and restrictions on the taking of property.

Second, the system imposes a tax on livestock ownership. While the amount for premises registration (\$20 biennially) may seem insignificant, for some people, even this amount will be burdensome. More importantly, the TAHC has significantly underestimated the implementation costs, making it inevitable that either the fees will increase or the program will become an underfunded, understaffed disaster. And that does not even consider the costs of the next two stages of the program. Microchipping or tagging livestock is expensive. Reporting every birth, death, missing animal, and every time an animal enters or leaves the property for any reason will be expensive, time-consuming and, for many people, simply not feasible.

The result of this program will be to discourage people from owning animals for pleasure and to drive many farms and ranches out of business. This will have far-reaching effects on the Texas

economy.

The stated basis for this program is the tracking of animal disease. Yet the TAHC has failed to show that existing programs do not adequately address the issue. The TAHC has also failed to address the significant distinctions between commercial and non-commercial operations with respect to disease, and whether less burdensome and intrusive methods would serve. The secondary reason for this program is to improve the export market. A voluntary program would allow companies that wish to export animals to other countries, or to seek a premium in the domestic market, to provide source verification. There is simply no need to create a mandatory program that burdens every individual who owns even one livestock animal.

The TAHC should table its proposed regulations until the Texas Legislature has had the opportunity to review all of these issues in depth and adopt new legislation. Such legislation should specifically limit the TAHC's authority to a purely voluntary program.

Steve Bridges, Executive Director, is available at (512) 929-3700 or steve@tofga.org