

NAIS UPDATE

Rapid Development at National & State Levels

by Judith McGeary

Federal developments. On April 6, 2006, USDA announced that it was decentralizing the NAIS, so that there would be multiple state and private databases that the federal government would access through a metadata portal. USDA also announced that the program was “voluntary,” using language that could have come directly from 1984. If 100 percent participation isn’t achieved by voluntary registrations by January 2009, USDA will start the rule making process for *mandatory* participation. You can find a detailed analysis of the USDA’s announcement at www.farmandranchfreedom.org/analysis_usda4606.html.

USDA contends that it has authority to adopt regulations making NAIS mandatory at any time. In addition, while USDA is delaying adoption of regulations, it continues to provide grants to states and companies to develop NAIS — using our tax dollars to push this program. Congressman Ron Paul from Texas is drafting legislation to abolish federal funding for the program. Write your Congressman and Senators today, urging them to stop federal funding for NAIS and explicitly limit it to a voluntary program!

On a related issue, hay farmers are being asked to register their farms and their hay. Specific regulations and statutory provisions are unclear. If a government official asks you to register, ask them to explain exactly what legal basis they have for these reports.

State developments. As public opposition to NAIS grows, multiple states have limited, or are considering limiting, their regulatory agency to a voluntary program only. While this is a good start, additional protections are needed. I have seen several instances where people registered their premises without understanding what the program is or because they were led to believe that it was mandatory.

Whatever state you live in, ask your legislators to adopt a voluntary program

that has the following additional protections: (1) requires full disclosure of the program to all participants; (2) offers those who already registered a chance to withdraw; and (3) prohibits any requirement that any person be involved in the animal identification system in order to obtain services related to the ownership, care, or management of their animals.

Many states appear to have “voluntary” programs in place already. Below is a list of states that we know have statutes and regulations addressing mandatory NAIS already passed or in the process of being developed. Find out what is happening in your state and let us know, so we can spread the word!

Alabama: The Legislature adopted HB 254, which establishes a voluntary animal identification program “consistent with” NAIS. The Alabama program will become mandatory immediately when NAIS becomes mandatory.

Indiana: The state agency has adopted regulations that make premises registration mandatory by September 1, 2006.

Maryland: Maryland is requiring registration of all poultry facilities required, starting with backyard flocks and moving to commercial flocks later. While the press releases state that this is not related to NAIS, it is obviously part of the same agenda. Contact your legislators to urge an immediate repeal.

Missouri: The Missouri Senate has adopted a resolution urging that NAIS be kept voluntary. (Senate Concurrent Resolution No. 31.) The House is considering an even stronger resolution, stating that the Missouri General Assembly would “strongly oppose any mandatory” NAIS. (House Committee Substitute for House Concurrent Resolution No. 33.) Section 6.075 of HB 1006 would forbid the use of state funds to implement NAIS.

North Carolina: While the Texas Animal Health Commission had repeatedly stated that North Carolina had already adopted mandatory premises registration, it appears that this is not true. Rather, North Carolina appears to have

no legislation and no regulations addressing NAIS.

Texas: The Texas Animal Health Commission has put off mandatory premises ID decision until 2007. Representative Bryan Hughes introduced HB 47 during the special session to limit TAHC to a voluntary program only.

Tennessee: Representative Frank Nicely is working on alternative legislation, HB 3297, which would limit the program to non-electronic tags. Legislation has been put in study committee.

Vermont: Hearings were held April 11, 2006. Vermont Agency of Agriculture will be making rule regarding premises registration public soon. Agency officials have said there will be three public comment hearings scheduled for June, and a final rule is expected to be brought to legislators for approval within six months. In meetings, the Agency has indicated that its rule will include fines in the \$5,000 range for each failure to comply.

Wisconsin: Wisconsin regulations already make premises registration mandatory.

It is not too late to stop NAIS. What has been done in Wisconsin and Indiana can be undone; we just have to bring enough pressure to bear on the legislature. We can prevent mandatory programs from being imposed in other states if we make our voices heard now! Visit the Farm and Ranch Freedom Alliance’s website at www.farmandranchfreedom.org to get more information about NAIS and what you can do to stop it.

Note: The information in this article should not be used as legal advice, which can only be given by an attorney licensed to practice law in the relevant jurisdiction, and who is familiar with the facts of an individual matter. The information is current as of April 30, 2006. Readers should examine the relevant statutes and rules.

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