



October 5, 2020

Docket No. APHIS 2020-0022
Regulatory Analysis and Development
PPD, APHIS, Station 3A-03.8
4700 River Road, Unit 118
Riverdale, MD 20737-1238

RE: APHIS 2020-0022, Use of Radio Frequency Identification Tags as Official Identification in Cattle and Bison

The National Cattlemen's Beef Association (NCBA) appreciates the opportunity to comment on a proposal by the United States Department of Agriculture (USDA), Animal and Plant Health Inspection Service (APHIS) to transition to radio frequency identification (RFID) tags as the official tags for use in the interstate movement of cattle and bison covered under 9 CFR, part 86. NCBA has long been supportive of traceability for animal health purposes and believes that the goal of any identification program should be to enable the cattle industry, state, and federal animal health officials to respond rapidly and effectively to animal health emergencies. NCBA's comments will reflect our support of the proposed transition to electronic identification to facilitate the timely traceability of cattle and bison covered under 9 CFR, part 86 as well as express our concerns for the challenges associated with this proposal by the agency.

NCBA is the oldest and largest national trade association representing cattle producers and feeders in the United States, through direct and affiliate memberships. NCBA's members are strongly committed to maintaining the optimal health and well-being of the cattle under their care as well as to ensuring the highest quality, safe, and affordable beef for consumers.

The Beef Cattle Industry's Commitment to Traceability

Recognizing that animal disease traceability (ADT) is an essential component for protecting the United States cattle herd during an animal disease outbreak event, NCBA supports the development and implementation of a nationally significant animal disease traceability system. In order to better continue the advancement of ADT, NCBA formed an internal Traceability Working Group comprised of representatives from all segments of the cattle industry and located in the various geographical regions of the United States. The NCBA Traceability Working Group meets to discuss key components of an enhanced ADT system. Using the guidance provided by NCBA's member-driven policies concerning



traceability and animal identification, the NCBA Traceability Working Group seeks to provide recommendations for moving forward to address enhanced traceability plans and proposals.

From 2018 to 2020, the U.S. beef industry worked to explore the use of RFID through three state pilot projects in Kansas, Florida, and Texas. We also note here that the state of Michigan has required RFID for all cattle prior to movement from any premise in Michigan since 2007. In Kansas, the CattleTrace pilot project used ultrahigh frequency (UHF) identification tags with the goal to collect the minimum necessary data (official animal identification number, GPS location of the readers, time, and date of recording) for disease traceability with a system that can operate at the speed of commerce and utilizes a private third-party data collection system. The pilot project in Florida aimed to demonstrate the feasibility of an economically justifiable traceability model with protected proprietary data, using low frequency (LF) RFID tags. The Texas pilot project utilized both UHF and LF tags to achieve the goal of disease traceability and the exchange of value-added information up and down the processing chain. The results from the three pilot projects, concluding in 2020, will provide important data for enhancing the current animal identification system using RFID ear tags. In January 2020, CattleTrace became U.S. CattleTrace Inc. to formally establish a multistate initiative to advance disease traceability.¹

NCBA's Policy Priorities for ADT

NCBA's support for the USDA proposal to transition to RFID technology tags as the official identification tags for all currently covered cattle and bison moving interstate is based upon the organization's member driven policies regarding traceability and animal identification. NCBA policy regarding any animal disease traceability program advocates for the following overarching principles:

1. Utilize low cost electronic official tagging devices paid for by federal or state funds, when possible.
2. Require that cattle identification information for disease traceability be kept confidential and strongly protected from inappropriate disclosure. Data collected should be only that data necessary to achieve the goal of ADT.
3. Operate at the speed of commerce.
4. Honor cattle movement between adjoining states in pasture-to-pasture permits, at the discretion of the involved states.
5. Protect producers from liability for acts of others after the cattle have left the producer's control.
6. Does not replace or impede existing state brand inspection activities.
7. Compatible with private sector animal identification and verification programs backed by USDA.
8. Built using infrastructure that supports other potential uses of identification.

¹ <http://uscattletrace.org>

9. Readily available adequate resources to state and federal agencies to facilitate the objectives of ADT.
10. Allows for a separate rule-making process for cattle under 18 months of age.

Additionally, NCBA's Traceability Working Group, operating under the guidance of current NCBA traceability policy, offered the following recommendations to the APHIS Administrator for consideration as the USDA works to develop a comprehensive animal disease traceability system:

1. USDA authorize the use of a ranch headquarters or farm main office for assigning a premise identification number (PIN) in cases where a cattle operation has more than one pasture among one or more states.
2. At which time USDA decides to move forward with the implementation of RFID ear tags for all currently covered cattle, the agency will provide flexibility by allowing cattle already tagged with official visual or metal tags to continue to use those tags as official identification throughout the animal's life. In addition, as stated in the 2013 ADT rule, USDA will continue to recognize other forms of official ID, such as brands.
3. USDA rely upon private and state databases for ADT information beyond the data points already collected through USDA programs to ensure data confidentiality and protection from disclosure.

NCBA appreciates the efforts of USDA, APHIS to achieve the overarching goals for advancing ADT and the agency's willingness to consider stakeholder feedback.

Transition to RFID Tags as Official Identification

After careful review of the proposal by USDA, APHIS to transition to RFID tags as the official identification for cattle and bison currently covered under 9 CFR, part 86, we would like to point out specific points of agreement as well as identify future challenges for the proposal. We commend USDA in providing the current flexibility to the initiative to transition to RFID technology as evidenced by the following points:

- For cattle and bison that have official USDA metal clips in place before January 1, 2023 APHIS will recognize the metal tag as the official identification device for the life of the animal.

NCBA requests clarification on this point regarding if **any** official identification device, not limited only to the metal tags, in place before January 1, 2023 will be recognized by the agency as official identification for the life of the animal. This would avoid the need for retagging large numbers of cattle.

- In 2020, APHIS is providing the States and accredited veterinarians with RFID LF ear tags as a no cost alternative to the metal clip tags currently available from APHIS for use in replacement heifers that are vaccinated against brucellosis, as well as for replacement heifers in those states and herds that do not vaccinate against brucellosis.
- APHIS will continue to accept alternate forms of identification, such as registered brands, tattoos, and other identification methods as acceptable to breed associations in lieu of an official ear tag.

- The APHIS proposal to transition to RFID technology will not alter the regulations in 9 CFR, part 86 and would not currently amend the classes of cattle required to have official identification under the regulations.

NCBA believes that separate rule-making is required to phase-in feeder cattle and an expansion to younger cattle is not warranted until all segments of the beef cattle industry can adjust to the new technology and establish the infrastructure needed to support the technology.

- Backtags can continue to be utilized as a means of identification for cattle going direct-to-slaughter.

The transition to RFID technology will facilitate rapid and accurate reading of animal identification and allow electronic transcription of identification numbers used for interstate health certificates or testing for regulated diseases, such as bovine tuberculosis or brucellosis. RFID tags will facilitate permitted movements of animals in the event of a foreign animal disease outbreak and enhance the ability of state and federal animal health authorities to respond to high impact diseases in cattle.

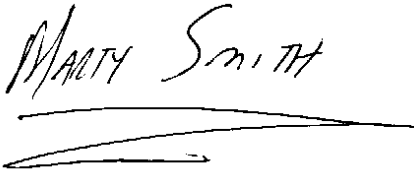
At the same time, challenges exist for the beef cattle industry to transition to mandatory RFID technology for use in official cattle identification. The increased costs of RFID ear tags and the associated infrastructure changes to install readers for the technology will not necessarily be equally shared across all segments of the cattle industry. The events of 2020, with significant market disruptions, volatility in the cattle markets, weather disasters and wildfires causing loss of property and livestock, leave cattle producers ill prepared to shoulder a new cost mandated by the federal government on cattle production. While we appreciate the technology neutral approach of the proposal, NCBA remains concerned about effective dual technology integration that will allow an efficient flow of cattle through the supply chain. Additionally, data confidentiality remains a priority for the cattle industry with any type of ADT system. NCBA requests that USDA rely upon private and state databases for ADT information beyond the data points already collected through USDA programs to better ensure data confidentiality and protection against inappropriate disclosure. NCBA recommends that data points collected be only those minimally necessary to achieve the goals of the ADT system.

Conclusions

NCBA supports the USDA proposal to transition to RFID ear tags as the official identification for currently covered cattle and bison moving interstate. NCBA requests a commitment by USDA for improvements in information systems to share traceability data between regulatory agencies and state animal health officials as well as the need to provide continued resources to states to support RFID technologies. With regard to the agency's timeline for implementation by January 1, 2023, NCBA advises a critical evaluation by USDA, APHIS to ensure that adequate resources are available to effectively execute their advanced technology proposal for cattle identification, to include cost-sharing proposals for cattle producers and continued resource support to the state animal health authorities. We further request that USDA, APHIS obtains and reviews successful performance data from the states before exploring expansion of the RFID technology proposal to include other classes of cattle.

NCBA looks forward to working with USDA, APHIS to implement the proposal for RFID technology for official identification of currently covered cattle and bison as well as working together to address the issues that we have raised in our comments. If you have any questions or concerns, please contact Dr. Kathy Simmons, NCBA's Chief Veterinarian or Allison Rivera, Executive Director of Government Affairs at (202) 347-0228 or at ksimmons@beef.org or arivera@beef.org respectively.

Sincerely,

A handwritten signature in black ink that reads "MARTY SMITH". Below the signature are two horizontal lines, the top one being longer and the bottom one shorter, both starting from the left and ending under the signature.

Marty Smith
President, National Cattlemen's Beef Association