



Wyoming Livestock Board

"Safeguarding Wyoming's Livestock Industry Today and for the Future"



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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 Livestock Board (WLSB) appreciates the opportunity to comment on United States Department of Agriculture Animal and Plant Health Inspection Service (USDA, APHIS) proposed traceability rule for livestock moving interstate.

The WLSB is a seven member gubernatorial appointed board composed of livestock producers. Our purpose is to protect the health and ownership of Wyoming livestock. The WLSB appoints a Director and State Veterinarian who oversee agency operations necessary to implement state statutes, and board rules and policies, regarding animal health and the Wyoming brand program. The WLSB recognizes the value of an improved livestock traceability system which will enhance the livestock industries' ability to identify, control and mitigate disease concerns. However, to create a successful program, it must be practical, cost effective, and actually improve identified shortcomings.

The WLSB's comments and recommendations to improve the proposed rule are as follows:

1. Issue a Guidance Document.

The WLSB strongly supports USDA, APHIS's assertion that the "new approach will be owned, led and administered by the States and Tribal Nations..." As such, it is counter-intuitive for USDA, APHIS to propose rules which restrict the options available to States and Tribal Nations, and most importantly, the livestock industries, to collaborate and develop the very programs which USDA, APHIS claims are necessary.

Therefore, the WLSB opposes the adoption of traceability rules per se and instead requests USDA, APHIS issue a traceability guidance document, based on comments received, which encompasses best management practices by which traceability will be enhanced. Once issued, this guidance document will provide States and Tribal Nations an effective roadmap and timeline from which they could work with livestock producers and each other to develop a practical and effective traceability system. If any rule

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changes are necessary, they should only be adopted in support of expanding the avenues available for producers, States and Tribal Nations to create a better traceability system.

2. Expand official identification options.

The WLSB commends USDA, APHIS for suggesting that the *“new approach would allow maximum flexibility... to find identification solutions...”* However, the proposed rule eliminates brands from the definition of official identification. This is inconsistent with an assertion of *“maximum flexibility”* and we strongly oppose this change.

We recommend USDA, APHIS serve both industry interests and traceability improvements by expanding the options available to producers, States and Tribal Nations, not restricting them. The most practical solution is to allow all forms of identification, including those utilized in existing disease control and eradication programs, which the state of origin can support and the state of destination will accept. This effectuates an opt-out system, instead of an opt-in system. For Wyoming cattle producers, this has practical implications as current identification programs recognized by Wyoming and our trading partners would be accepted, including brands and the existing Wyoming green tag system. For sheep producers, the scrapie program would continue to provide a solid traceability platform. The scrapie program also includes the concept of premises’ identifiers, which could be voluntarily expanded to other species if more latitude were provided.

Placing more tools in the toolbox will allow producers, States and Tribal Nations to more effectively choose the correct one for the task at hand.

3. Recognize infrastructure constraints.

One of the stated goals of the new approach is to *“achieve basic, effective disease traceability... without over-burdening producers.”* Unfortunately, there are numerous areas within the proposed traceability rule where this goal is not attained and where the result may both diminish traceability and burden producers.

First, there are physical restraints which will impact compliance with proposed traceability requirements. For example, in many circumstances there are not adequate and safe livestock handling facilities available to perform some of the activities proposed. Such is the case with future requirements for requiring and recording identification on feeder cattle.

Secondly, the availability of accredited food animal veterinarians to provide services within the current interstate health program is stretched in many areas and thus expanding those responsibilities should be approached cautiously. Although the WLSB supports that animals moving interstate be inspected for the presence of infectious and/or contagious disease by an accredited veterinarian, we do not believe the benefit of recording individual IDs on the interstate certificate of veterinary inspection outweighs the associated costs.

Third, the success of any program is ultimately in the hands of the livestock producers, not the States, Tribal Nations or the federal government. Thus, requirements that complicate their operations will decrease willingness to participate and thereby undermine traceability. One such requirement is the proposed requirement to record and correlate existing identification when an additional identifier is applied. For example, this may serve to impede the addition of an electronic device to breeding cattle which already have an official calthood vaccinate tag for brucellosis. The requirement is unnecessary,

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impractical and, in all likelihood, counterproductive. Having multiple identifiers creates natural redundancies, which for all practical purposes, improves traceability success.

Fourth, much of the proposed traceability rule is focused on information collection. However, for this gargantuan amount of information to be effectively utilized it must be placed in a retrievable database. Wyoming does not have an adequate number of staff nor the technologic features in place to implement such a task. Additionally, the recording of several, much less hundreds, of individual identification numbers on paper documents may have little practical value for most States and Tribal Nations. Therefore, States and Tribal Nations should be allowed to elect the level of identification they require to meet their traceability needs and technology infrastructure limitations. For some this may include the recording of individual identification, while for others, a premise identifier may be appropriate. Additionally, the proposed rule includes a records retention requirement of five years. This is burdensome for producers and any records retention requirement should only apply to States and Tribal Nations. Additionally, the five year requirement is arbitrary and, in some cases, it would be excessive, while in others, possibly not long enough.

Finally, there are financial implications to every aspect of the proposed rule and nearly all of them will be borne exclusively and directly by livestock producers. These range from the relatively small cost associated with the tags to the much higher costs associated with adequate handling facilities and greater labor requirements, including securing appropriate veterinary services needed for complying with many of the proposed components of the rules. The WLSB is concerned that inadequate analysis has been done to characterize the costs producers will incur to comply with the proposed rules. Until this is appropriately examined, and a cost to benefit analysis is completed, it is premature to even suggest burdening producers with additional requirements.

The Wyoming Livestock Board respectfully requests USDA, APHIS consider and incorporate our comments on the proposed traceability rule. Our recommendations will improve traceability and are sensitive to the business, management, and marketing realities of producers and the industry. What looks good on paper may not be feasible on the ground, and in some cases, could prove counterproductive. Most importantly, livestock producers are the foundation of successful traceability and therefore, they must be convinced that the purpose and implementation of a traceability program is sincere, practical and ultimately protects the health and marketability of livestock. The proposed rule has not gained such confidence from the WLSB. As such, we again request USDA, APHIS adopt a traceability guidelines, not rules; expand identification options, not restrain them; and in moving forward, make sensible accommodations for infrastructure constraints.

Respectfully submitted,

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CC: Governor's Office

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