



## POSITION PAPER

### **NATIONAL ANIMAL IDENTIFICATION SYSTEM**

The National Animal Identification System (NAIS) is a program of the US Department of Agriculture that is supposedly designed to identify and track all livestock animals, including poultry, horses, cattle, goats and sheep for the purpose of disease containment. The proposed NAIS national system requires the use of RFID (Radio Frequency Identification) and GPS (Global Positioning Satellite) technology to track the location of animals as part of the concept that all such animals in the US are part of a “national herd.” It requires every farm, private home or other “premises” having these types of animals to be registered with government agencies, even if that private home or premises contains only a single animal that might be just a family pet. While NAIS’s stated goal of disease containment appears on the surface to be beneficial, the requirement for American citizens to register privately-owned property for tracking and monitoring purposes has very serious implications for Americans’ privacy rights, freedoms and liberties.

The NAIS program was created as the result of extensive lobbying from large corporate agribusinesses and RFID chip manufacturers. It is really designed to protect the large corporate farms against possible legal liability when some sort of animal epidemic occurs. Agribusiness giants also want the federal government to create a livestock database and provide free industry data. But small and independent livestock owners would face a costly mandate if NAIS was to become law. While the federal program is supposed to be voluntary, money given to some states from the US Department of Agriculture, through cooperative agreements and funding, has been used to make some or all of the NAIS provisions mandatory in those states.

Although the initial NAIS plan covers only livestock, provisions of the plan call for the registration of farms, private homes and other premises into a federal database even if it contains just one horse, one goat, etc. All pet owners should also be aware that dogs, cats, rabbits and all other domestic pets are not specifically excluded from any expansion of the NAIS program. Under NAIS, all livestock animals must be RFID chipped, and the owners of these animals would be required to report all transfers, sales, births, deaths etc. of these animals. The real danger here is that with the RFID chips in place, the US government will be able to track the movements of the tagged animals and the American citizens who are transporting them.

In a landmark ruling on June 4, 2008, (in Mary-Louise Zaroni v. United States Department of Agriculture), Federal District Judge for the District of Columbia, Emmet Sullivan, suspended the implementation of the NAIS program indefinitely. Although the program has not been declared unconstitutional and may return in a new form, the decision effectively keeps the USDA from using the 1974 federal Privacy Act to place severe limitations on access to the national NAIS database by members of the public, as well as the livestock owners and other individuals whose personal and business information might have been included in the database without their knowledge. The information in question is a list of farms and ranches collected through voluntary premises identification and through other means including information supplied by state Agricultural agencies, state veterinarians, avian flu records and even entry lists of animal entries from county fairs. It would appear that the USDA was collecting data on thousands of American citizens, whose farms or other private properties were added to the NAIS registry database without their knowledge or permission.

The NAIS program is not about preventing mad cow or other diseases since most contamination happens in the processing plants after the animals have been sold and tracing them back to the farm or ranch that sold them won't help find the sources of the suspected disease. It's about helping big corporate agribusinesses and RFID chip manufacturers make bigger profits at the expense of the small family farmers and ranchers. Besides, states already have some sort of animal identification systems in place. Protecting America's food supply and preserving the country's livestock's resistance to diseases can best be protected by the continued decentralization of our nation's food production and processing.

The implementation of any NAIS-type program would place small American family farmers and ranchers at an economic disadvantage against big agribusiness and overseas competition. Under the proposed NAIS program, larger livestock operations would be allowed to tag whole groups of animals with one ID device, while smaller ranchers, farmers and even some pet owners, would be forced to tag each individual animal, at a cost of anywhere from \$3 to \$20 per head. Should a NAIS-type program ever be implemented in the US, livestock owners would be forced to comply with the burdens of additional paperwork and new monitoring rules and regulations. American livestock owners would literally be paying for an assault on their own property and privacy rights.

The current US Department of Agriculture NAIS program means bigger government, more government intrusion, more regulations, more paperwork, more fees and taxes and more federal spending. It will only result in less privacy, less freedom, less liberty and less property and 4<sup>th</sup> Amendment rights for American citizens. It's exactly the kind of unconstitutional federal program every American citizen and their elected federal representatives should oppose.

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