

Let Those Who Have Ears Listen Very, Very Closely: USDA and State Agency Doublespeak on Mandatory Animal ID

*Pennsylvania Assistant Director of Animal Health Admits that Federal and State Governments
Plan to Track Individual Homes and Animals, Even Pets, by GPS Satellite Surveillance*

by

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In recent weeks, several high-level USDA officials have made statements that sometimes have been interpreted as “backing off” on mandatory animal ID. However, a careful observer will also note that, during the same time period: (1) individual states aggressively have begun to pursue “mandatory” programs; (2) the USDA has made clear its plans for a “meta-database” and has set up standards to guide manufacturers of high-tech animal ID devices; and (3) the USDA has continued the pursuit of “agreements” with entities such as states and breed associations, whereby the USDA can “access” their databases. The short story: the USDA’s **statements** have resulted in the mistaken impression that the danger of mandatory ID is receding, at the same time that the USDA’s **actions** bring us ever closer to that post 9-11 Orwellian future when everything will be tagged, tracked, and forever recorded.

I. The Decoy: USDA Statements Meant to Calm a Rising Opposition at All Costs?

During the latter half of 2005, the USDA was championing a single, private database for the huge collection of premises ID, animal ID, and animal tracking information that would result from any mandatory National Animal Identification System (NAIS). But in January 2006, the USDA abruptly began to change its tune. USDA/APHIS Chief Veterinarian Dr. John Clifford explained that the single private database would be abandoned in favor of a “meta-database”. Does that make you, as an animal owner, feel any safer from the prying eyes of the animal-health technocrats? Well, it shouldn’t, because all it means is that instead of having one giant database, the USDA, and others it may favor with access, will be able to root around in lots of smaller databases, particularly, those of the 50 states and the existing databases of the animal breed associations.

The USDA’s (dare we say coordinated) effort to sidetrack NAIS opposition continued with a major speech by Secretary Johanns to the National Cattlemen’s Beef Association on February 3, 2006. (Recall that the NCBA and its Big-Meat brethren, along with the manufacturers of high-tech animal ID systems, are the original instigators of NAIS.) Johanns reiterated that a “meta-data system” would replace one huge database. However, far from suggesting that the change would slow any progression toward NAIS, Johanns stated, “the

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[meta-data] system will not slow” the pace of the USDA initiative to secure “agreements” to get access to private databases – such as those of breed associations. In fact, Johanns said of NAIS generally, “we have to move as quickly as we can.”

Another USDA official to weigh in on the supposedly altered NAIS plans is Neil Hammerschmidt, the USDA’s coordinator for NAIS. (You may have been wondering why dairy farmers and others who get no benefit from the supposed beef-export enhancements of NAIS are nonetheless to be burdened by the plan’s vast complexity and huge expense. Hammerschmidt, before landing the job of NAIS coordinator, had been a high-ranking official with the Holstein Association.) Hammerschmidt was a featured participant in a panel discussion on NAIS on January 20, 2006, at the annual meeting of the Ranchers-Cattlemen’s Legal Action Fund (R-CALF). R-CALF is a sort of National Cattlemen’s Lite, a smaller rival organization of beef producers. All along, R-CALF’s major objection to NAIS has been the idea of one giant private database to be in the hands of its big rival, the NCBA. So long as the single private NCBA-related database is abandoned, R-CALF apparently could care less about small-scale animal owners and people who find NAIS abhorrent on philosophical, political, or religious grounds.

At the R-CALF meeting, Hammerschmidt sang the by-now-familiar tune about allowing multiple private databases. He stated that the USDA “will interface with multiple databases, both in the private sector and with the states.” Hammerschmidt further noted that the April 2005 Draft Strategic Plan for NAIS was just “a draft,” and stated that “today there is no one working on rules to implement a mandatory program.” Well, that statement wasn’t quite accurate, insofar as at that very moment Texas had a proposed **mandatory** state-level premises ID rule open for public comment; and numerous states had legislation pending, requested by their Agriculture Departments, to authorize rulemaking for mandatory ID programs.

Hammerschmidt’s not-quite-accurate statements did, however, have the (desired?) effect. A Capital Press (Denver) article was headlined, “USDA Backs Off on Centralized Database and Mandatory ID.” Such headlines temporarily had the further desired effect of leading the growing NAIS opposition movements to consider whether they could let down their guard. But they couldn’t, as was completely obvious from NAIS cram-down maneuvers beginning to be taken by state agriculture departments. After Hammerschmidt’s remarks, R-CALF president Chuck Kiker crowed, “We won on ID.” But remember, folks, all R-CALF cares about is keeping the database out of the exclusive control of the NCBA. R-CALF doesn’t care about protecting citizens from constant government surveillance, upholding religious freedom, advancing sustainable agriculture, or avoiding that Orwellian, dystopian future to which NAIS is the perfect roadmap.

II. The Hunters in the Blind: State Agriculture Technocrats.

In September 2005, the National Institute for Animal Agriculture (NIAA), that unholy alliance of Big Meat and RFID/microchip pushers responsible for thinking up NAIS, held an Animal ID Expo in Chicago. One featured speaker was Dr. Bob R. Hillman, Executive Director of the Texas Animal Health Commission. Hillman’s talk egged on all state agriculture departments to get their enabling legislation passed so they could get mandatory ID rules on the books as soon as possible. Hillman also urged state officials “**to mandate . . . components of NAIS prior to the USDA proposed timeline**” and **to make sure the states had “authority to**

charge . . . fee[s]” to animal owners for premises ID, animal ID, and animal tracking programs. (Hillman Sept. 2005 presentation, from NIAA website, www.animalagriculture.org.)

Hillman is a man who practices what he preaches. In December 2005, the Texas Animal Health Commission (TAHC) published for public comment a proposed mandatory premises registration rule, to become effective on July 1, 2006. The TAHC met on February 16, 2006, no doubt intending to approve the rule. However, since over 600 written comments had been submitted against the rule, and since hundreds of angry farmers and ranchers showed up at the meeting, the TAHC voted to table the regulations, stating **on the record** that consideration of the rules would be delayed until the TAHC’s next meeting on May 4, 2006.

At that point, Hillman apparently decided to let the games begin. He issued a press release on February 28, 2006 saying that the rules would be considered at a special TAHC meeting on March 23 -- thus shaving some 6 weeks from the time opponents would have to mount their campaign. And Hillman also moved the meeting from Austin to Round Rock -- a more difficult location for opponents to get to. The opposition was still mounting fast and furious, with more and more organized associations of animal owners, religious groups, sustainable farming groups, and even Texas legislators taking public stances against NAIS and its state equivalents. So Hillman more recently has tried another switch. In a March 7 press release, Hillman announced that the March 23 meeting was cancelled. He also stated that “the agenda for [the May 4] meeting will not be developed until late April. It is too early to know whether the proposed regulations will be considered at that meeting.” In other words, Hillman just might blindside the opposition by announcing merely a few days in advance that premises registration will be on the May 4 agenda. Or maybe he will just schedule another meeting at an earlier date -- who knows. It is very sad when a handful of big meat-industry players and microchip pushers have openly hijacked our federal and state agriculture policy to enrich themselves. But it is downright pitiful that a “public servant” -- in this case Hillman -- would use continual bait-and-switch tactics actively to prevent citizens from having their say against an oppressive government scheme.

III. The Sitting Ducks: Rural Americans in the Sights as Big Government / Big Meat / Big Tech Gear Up to Conduct Satellite Surveillance of Homes and Animals.

The Texas example, while perhaps the most obvious instance to date of oppressive government action, is by no means isolated. Agriculture officials in many states -- e.g., Wisconsin, Vermont, Maine, Washington -- are aggressively pursuing mandatory programs.

Even some states that remain in a so-called “voluntary” phase are employing tactics that can only be called deceptive. For example, in August 2005, the New York State Department of Agriculture and Markets issued a press release about its “progress” in submitting premises registrations to the USDA. New York’s Agriculture Commissioner stated: “We are **utilizing existing data**, and gathering information on additional livestock premises to submit in a coordinated and consistent fashion to the NAIS.” The press release continued: “So far, **the Department has submitted** 1,027 horse farms and 6,500 cattle premises for NAIS premises registration. Following **the Department’s submission**, successfully registered premises will receive a letter of notification, registration certificate, and wallet-sized laminated card.” Several

calls asking the New York Department of Agriculture and Markets for further explanation about its premises registrations have brought no response. However, a careful reading of the above press release makes the process quite clear: New York must be taking **existing data**, such as dairy farm producer licenses, and handing them over wholesale to federal “voluntary” premises registration database -- **but this apparently is being done by Agriculture and Markets on its own initiative, without the consent or even the knowledge of the persons affected.**

Meantime, while USDA higher-ups make those comforting little noises about supposedly slowing down on mandatory NAIS, numerous under-the-radar activities are making certain that the system is ready to be crammed down at a moment’s notice. On March 1, 2006, a consortium comprised of the **U.S. Animal Identification Organization** (an entity formed specially by the NCBA to be its private NAIS-database maintainer), **ViaTrace LLC** (in its own words, “a leading developer of traceability software for government and industry”), and **Microsoft Corp.** announced the launch of a multispecies animal tracking database, compliant with NAIS guidelines, to record movements of livestock from birth to slaughter. On March 9, 2006, the USDA announced a plan for allocating official government animal identification numbers (AINs) to tag manufacturers for use in identification devices employing, e. g., implants, radio-frequency ID, and “biometrics.”

And of course, let’s not forget the USDA’s and states’ intent to use GPS satellite surveillance to assist in their mission of unrelenting attention to the daily activities of rural citizens. When the USDA first issued its Draft Strategic Plan for NAIS in April 2005, it appeared that the GPS coordinates of homes and farms were being demanded mostly so that the government bureaucrats could locate “premises” quickly. But some alert critics of the government plan began to surmise that GPS satellite surveillance, coupled with the requirement for RFID tags and/or microchips for individual animals, would allow the government, for example, to keep a constant head count of citizens’ animals or instantly to know if a citizen had moved an animal without the required reporting to the government database. Further, RFID equipment manufacturers frequently touted their ongoing efforts to develop devices readable at greater and greater distances -- which was taken to be another ominous sign.

Now the cat is out of the bag. According to a February 21, 2006 article, Dave Griswold, Assistant Director of Pennsylvania’s Bureau of Animal Health, explained that NAIS will cover everything from large commercial livestock operations to kids with a pet lamb: “[NAIS] will for the first time require even hobbyists or families that keep a couple of chickens or sheep to register with the federal database.” Though Griswold repeats the government line that only animals leaving a property will require individual identification tags, think about that -- if you get your animals from someplace else, or ever take your horse on a trail ride, or take your kid’s pet chicken to the vet, your animals will have to have RFID tags or readable microchips. And, Pennsylvania’s Griswold says, “**Animals with tags could then be tracked by a global positioning system, through the use of satellite surveillance.**” The government’s agenda was stated even more succinctly by Dr. Fidelis Hegngi, Senior Staff Veterinarian at USDA/APHIS: “**Our focus is on surveillance, surveillance, surveillance.**” (The News Journal, Wilmington, DE, Mar. 11, 2006.)

Oh, and don't forget, as of early 2006, the State Department started putting RFID chips in all United States passports, and the chips are also slated to become standard fare in many states' drivers' licenses. It seems the USDA isn't the only government agency that's obsessed with surveillance, surveillance, surveillance; and it's not only the cattle that might be tracked from birth to whatever.