

## **National Animal Identification System (NAIS): Part 10: Questions And Answers**

By Bruno Schmidt  
© 2006 by Schmidt Publications

Under the pretext of controlling or eradicating animal diseases, over 2.1 million farms, including 100s of millions of animals, will have “volunteered” to become “animal health surveillance targets” of the NAIS by January, 2009. As you saw from my previous articles, however, nothing is what it seems. The foregoing “pretext” is just that, a pretext; and the government’s rhetoric, promoting the NAIS, raises a lot more questions than it answers. What are those questions, and where can you find those answers?

If the phone calls and emails I have received, and the many questions that were raised during my presentations, are an indication, our government has not been forthcoming with those much-needed answers about the NAIS and its collateral issues. Therefore, below I have compiled a list of frequently asked questions and attempted to answer them based on what I have learned about the NAIS ...

**QUESTION #1:** I have no animals. Will the NAIS affect me? **ANSWER:** According to the official documents, you would not be affected. However, if a NAIS-controlled animal ever enters your property, you may become a NAIS subject, i.e. having to obtain a U.S. Premises ID (US-PIN).

**QUESTION #2:** I have a horse and go on trail rides. Will I have to get a U.S. Animal ID (US-AIN)? **ANSWER:** There is no “official” exception stated for your situation. That means that in order to go on a trail ride that crosses NAIS-controlled land, or venues (i.e. a park), you would first need to obtain as US-PIN and then tag your horse with a US-AIN.

**QUESTION #3:** I am a “small producer” of a few meat goats that I sell locally. Will the NAIS affect me? **ANSWER:** There is no “official” exception stated for your situation. Under an existing disease-control program (i.e. for Scrapie), or at the time of sale, you could be ordered by the State into “voluntary” NAIS participation.

**QUESTION #4:** I have a small flock of sheep, for wool production only. Will the NAIS affect me? **ANSWER:** Please refer to #3, above.

**QUESTION #5:** I have one milk cow and sell the milk to my friends. Do I have to tag my cow with a US-AIN? **ANSWER:** If you are located in states such as Michigan, Wisconsin, Minnesota (among others), you would have to tag your cow. Likewise, if you hold a “Dairy License” (or its equivalent) issued by your state, you could be ordered by the State into “voluntary” NAIS participation.

**QUESTION #6:** I have pets only – dogs and cats. Do I have to get a US-PIN? **ANSWER:** The State of Texas intended to make a US-PIN mandatory as of July 2006 which did include pets as

well. However, Texas but has suspended all further actions until 2007. It is too early to tell if other states will follow Texas' lead to require US-PIN / US-AIN for pets.

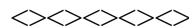
QUESTION #7: Even though I did not apply for it, I received a U.S. Premises ID card in the mail. How could this happen? ANSWER: A number of states have converted (or are in the process of converting) the existing, state-issued premises numbers to the new, Federal US-PIN. These conversions were done without prior notice to the affected farmer(s).

QUESTION #8: I completed and mailed my Premises Registration application to my State's Department of Agriculture. Because there were no terms and conditions stated on the form, am I nevertheless personally bound by the terms and conditions attached the NAIS? ANSWER: Yes, you are personally bound because the state took your information from the form and keyed it into the Federal system on your behalf where the NAIS terms and conditions are actually displayed. In addition, you have appointed your Department of Agriculture as your representative before the USDA.

QUESTION #9: Do I have to deal with this NAIS or is there a "loop hole", a way out? ANSWER: As far as I know of, there is no such thing. However, the USDA has published a perfectly legal (and as I've also shown, completely rational) provision that allows for your "non-participation". For your convenience, this provision is reproduced – in annotated form – in my book's "Appendix F-2".

QUESTION #10: My state (Michigan) has mandated bovine RFID tags based on the NAIS standard, by March 2007. I thought that participation in the NAIS is voluntary? ANSWER: Yes, you are correct, participation in the NAIS is voluntary. However, in its zeal to implement mandatory cattle identification, your State failed to mention two important facts to you: (1) your right to "non-participation" (see answer to #9, above); and (2) that the foregoing Federal provision, or rule, also preempts all state and local rules to the contrary.

QUESTION #11: Does the U.S. Premises ID Number (US-PIN) represent an "easement" on my land? ANSWER: In my opinion, this Federal number that "runs with the land forever", does have the effect of an unrecorded, Federal easement on the land. This is the question that I also have posed for over 3 years and have as yet received no official answer.



*Bruno Schmidt is co-author of the self-published "Farmer's Field Guide to the NAIS". He has spent in excess of 1000 hours over the past three years researching the National Animal Identification System. For more information and latest updates, please visit [www.FarmersFieldGuide.com](http://www.FarmersFieldGuide.com)*