

## **National Animal Identification System (NAIS): Part 11: Questions And Answers (II)**

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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? Because our government has not been forthcoming at all with those much-needed answers about the NAIS and its collateral issues, below **I have compiled a second list of frequently asked questions** and attempted to answer them based on what I have learned about the NAIS ...

QUESTION #12: I have no animals myself, but my neighbors graze their cattle on my land. Will the NAIS affect me? ANSWER: Under the “Animal Tracking” provisions of the NAIS (scheduled for 2007), you would have to report the “sighting” of every NAIS-registered animal that enters your land. Reporting of animal movements requires that you have (or obtain) a U.S. Premises Identification Number (US-PIN) even though you are not a producer.

QUESTION #13: I would like to buy a horse that is tagged with a U.S. Animal Identification Number (US-AIN). Do I have to get a U.S. Premises Identification Number (US-PIN) for my farm? ANSWER: Yes. Without a US-PIN, the seller would not be able to report the sale of the horse to you. Thus the “movement” of the horse to your premises would go unrecorded and defeat the NAIS.

QUESTION #14: I am told that my farm’s registration in the NAIS will have a positive effect on the dollar value of my product. Is this claim true? ANSWER: This is pure speculation since no credible evidence exists to support this claim.

QUESTION #15: I am being ordered to tag my animals with the new NAIS numbers which goes against my deeply-held, religious beliefs. What can I do? ANSWER: Exercise your right to “non-participation” in the NAIS. Your position would be in full compliance with the very provision the USDA has published in the Federal Register, Vol. 69, No. 215, on Page 64647. (Note: For your convenience, this provision is reproduced – in annotated form – in my book’s “Appendix F-2”).

QUESTION #16: Can my state’s Department of Agriculture demand, or order me, that I obtain and provide a US-PIN even though I do not move or sell my animals? ANSWER: According to the USDA’s published regulations, the use of a US-PIN is voluntary (see also #15, above). The same regulation also preempts any state or local regulations to the contrary, such as a demand that appears to make the number’s use mandatory in your state.

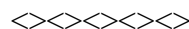
QUESTION #17: I operate a state-licensed dairy. I do not sell or move animals and only produce milk for the market. My state's Department of Agriculture has made a demand that I obtain and provide a US-PIN. If I do not comply, I was threatened with "enforcement action" on my dairy license. Do I need to comply? ANSWER: The USDA's published regulations neither permit nor prevent a state from demanding a US-PIN for non-NAIS purposes. Moreover, the official NAIS documents (which carry no legal weight!) do not provide an answer, either. However, you have a duty to inform your Department of Agriculture whether or not you plan to participate in the NAIS (see also #15 and #16, above).

QUESTION #18: Because I am not participating in the NAIS, can I remove the tag with the US-AIN from an animal I just bought? ANSWER: On one hand, the USDA's official regulations for the US-AIN say that it is unlawful to remove that tag. On the other hand, the same regulations are silent about your status as a "non-participant" and your right to complete, unimpeded ownership of your animal. Therefore, your recourse would be to seek professional (legal) advice before removing the US-AIN from your animal.

QUESTION #19: Without really knowing all the essential facts until now, I signed up for a US-PIN. Is there a way to nullify that number and terminate my participation in the NAIS? ANSWER: The USDA's official regulations for the US-PIN state that this number runs with the land forever thus cannot be nullified, or expunged. Moreover, the official NAIS documents published to date do not provide a process, or procedure, how to terminate your participation in the NAIS. Therefore, your recourse would be to seek professional (legal) advice about how to rescind the contract you unknowingly entered into with the NAIS.

QUESTION #20: I am involved in 4-H. My animal is already tagged with an approved tag, but not with the new US-AIN. Do I have to switch tags and get the new US-AIN? ANSWER: No, you do not need to re-tag your animal. Older, "official" tags are grand-fathered into the NAIS for the time being, a provision that could be rescinded at any time by the USDA.

QUESTION #21: I am involved in 4-H and my animal is pastured with a neighbor. When I am going to submit my show entry form to the County Fair next year, could I be asked to provide the US-PIN of my neighbor's pasture? Because my neighbor does not participate in the NAIS and will not obtain that US-PIN, could the County Fair refuse my entry? ANSWER: As long as participation in the NAIS is "voluntary", your show entry cannot be rejected by the County Fair for not providing a US-PIN on your entry form.



*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)*