

About the National Animal Identification System (NAIS)

Part 18: “We hold these truths ...”

By Bruno Schmidt

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On Feb. 21, 2007, House Bill 1151, the bill I have referred to before as the “*Farmers’ Protection Bill*”, finally received its public hearing. Some of those who, at their own expense, made the trip to Olympia to provide testimony, however, came away feeling short changed by a system they thought provided equal representation. It would appear that some illusions about equality in America are just that, illusions, and these have now been dashed.

A bill that asks for no money, that asks for no existing laws to be repealed, but seeks only to reign in an executive agency, bent on implementing the “voluntary” National Animal Identification System (NAIS), received less attention than bills concerning wildlife management in Kittitas County; licensing of wildlife trapping; exemptions for mole and gopher traps; and the removal of wildlife from airports. Without minimizing the importance of these other bills, one would think that a bill providing protection for farmers would at least merit the same consideration. That, however, was not the case.

On the morning of the 21st, a public hearing of these five bills commenced at 8 a.m. The hearing room was packed. Over the next two hours, and while the farmers patiently waited their turn, the committee accepted testimony on the other four bills, busied itself with ancillary matters and even held an executive session discussing a number of other, unrelated bills. At about five minutes before the close of the session, HB 1151 finally came before the committee.

The chairman announced that this bill was only being heard because of a personal promise. Those who came prepared and were allowed to testify were given their allotted three minutes. Because this testimony extended past the time scheduled, many of the committee’s 15 members left to attend to other business, leaving only 3 legislators to hear the entire testimony. How then is this equal representation? The hearing ended with the committee taking no further action. Some of the farmers, more seasoned by our current legislative process, found this to be unfortunate, but they believed that their time spent in Olympia was nevertheless productive as they were able to meet with some of the lawmakers later that day.

What provisions in HB 1151 caused it to be given such minimal consideration at this hearing? A quick look (see sidebar) will

**Summary of
House Bill 1151**

1. Reaffirms the effectiveness of WSDA’s existing animal disease-control programs and its authority to control and eradicate such diseases
2. Reaffirms WSDA’s authority to oversee brand registration, brand inspections and animal identification required by existing disease-control programs
3. Protects farmers from any discrimination, or retaliation, regarding their participation or non-participation, in the NAIS or any similar program
4. Preserves farmers’ rights to participate in, or withdraw from the NAIS or any similar program, and to have any information expunged upon withdrawal
5. Reserves to the private sector the right to establish and participate in voluntary registration systems for premises, animals and their movement
6. Bars WSDA from having any role, or participation, in the NAIS or any similar program used for the registration of premises and/or identification and/or tracking of animals
7. Cancels all NAIS-related, USDA-funded “Cooperative Agreements”, or any similar contracts, WSDA has entered into, and prohibits the use of public funds for any such purposes

show that this bill only reaffirms the state's existing programs for disease control, animal registration and inspection as prescribed by law, and preserves a farmer's right to choose whether or not to participate in any private-sector animal identification system without fear of discrimination. Had there been no one to testify in favor of HB 1151; had there been no written testimony submitted for the Record, would this bill then have "died in committee"? Perhaps so.

By comparison, between this bill's introduction on Jan. 11, and its public hearing on Feb. 21, the committee took up over 50 newly introduced bills, scheduled and held many public hearings, and took executive action on at least 20 of those bills. It was only due to the widespread support by farmers and livestock owners, the persistence of many, and then only as a result of a personal promise, that this bill was even scheduled for a public hearing. How far then have we as citizens come in our compromising that we now have to bargain with our fundamental right to petition?

After the hearing, some of those present got together to discuss a "what's next" plan. There were those who expressed disappointment with a legislative process that does not seem to work equally for all. Could this however be a different kind of "win"? Having it confirmed that merely electing representatives does not necessarily assure representation demonstrates what we may have known all along: that it is not only our right but also our duty to be vigilant in holding our representatives accountable to ensure that our freedoms will be safe guarded.

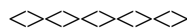
It also became apparent that diverse livestock owners – of cattle, horses, sheep, goats and many other species – can and will come together to share concerns and ideas, and work towards a common goal. This also must be considered a definite "win".

What has transpired since? HB 1151 was struck out completely and replaced with an unrelated "substitute bill", authorizing WSDA to appoint a broader livestock advisory committee to discuss NAIS-related issues. Meanwhile, WSDA will continue with implementation of the NAIS according to the 2007 State/Federal Cooperative Agreement.

In spite of what happened that day and since, something within us still wants to believe that

"... governments shall be instituted among men deriving their just powers from the consent of the governed, ..." (Thomas Jefferson, from the original Declaration of Independence, 1776)

and that we, as the governed, have some hope of being heard.



Bruno & Charlene Schmidt are co-authors of the self-published "Farmer's Field Guide to the NAIS". They have spent in excess of 1500 hours over the past four years researching the National Animal Identification System including applicable laws, regulations and rules. For more information and latest updates, please visit

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