ANIMAL IDENTIFICATION: A CHRONOLOGY

By Ray Hoyt

2001 - 2002

The issue of approved or official animal identification for goats traveling interstate came to the attention of NPGA in July 2001. Then NPGA President Bobbie Montgomery attempted to get an answer from USDA on their acceptance of NPGA's tattoo and microchip systems as official identification for interstate travel. The written responses from USDA which followed were signed off on behalf of USDA by Diane Sutton, the USDA National Scrapie Program Coordinator. An email dated 11/5/01 from Sutton and an undated letter from Sutton (presumably shortly thereafter) granted NPGA's requests that both its tattoo and microchip systems could be used as official identification for movement of registered pygmy goats interstate. This approval extended only to those goats included in the Scrapie Flock Certification Program (SCFP).

With respect to the microchip approval, the letter stated: "Microchips are permitted for use in the SFCP. The herd owner must have a chip reader and provide the EID information in writing to buyers of these animals. Microchips may not be used by herds not participating in the SFCP for interstate movement." As is readily apparent, there was no stipulation on the type of EID system, whether or not the system was ISO-compliant, the configuration of the ID numbers, etc.

2003

An organization surfaced known as the United States Animal Health Association which apparently began to take the lead in a movement which ultimately morphed into the National Animal Identification System (NAIS). At the USAHA's annual meeting in October 2003, they adopted a resolution which called upon the USDA-APHIS (Animal and Plant Health Inspection Service) to "finalize and implement standards associated with the development and administration of the premises identification system and the animal identification numbering system in a timely manner, and develop the information systems necessary to support them." It also called on USDA-APHIS to coordinate the organization of species specific groups to determine the final design, implementation process and oversight methods necessary for the NAIS for their respective species. The USAHA Goat Working Group began as a result of this move by USAHA.

USDA-APHIS-VS (Veterinary Services) in Washington, D.C. circulated an internal memo to all VS Regions, Area Veterinarians in Charge, Veterinary Medical Officers and State Veterinarians regarding the approval of Electronic Implant Devices (EIDs) for use as official identification in the Scrapie Eradication Program. The text of that memo is quoted here:

> "Goats registered with national associations that allow the use of electronic implants for official registry identification may use EID as official identification as defined in *9 Code of Federal Regulations* Part 54 and 79 if the following conditions are met:
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> - The goats are registered with a national goat registry association;
> - The electronic implant number is recorded on the registration certificate accompanying the animal; and either the animal is accompanied by an implant reader that can read the implant in the animal or a certificate of veterinary inspection that lists the implant numbers and a statement that they were read and checked against the registration certificates by the accredited veterinarian signing the certificate of veterinary inspection;
> - An implant reader that can read the implant in the animal is available at the exhibition for use by Animal and Plant Health Inspection Service or State authorities; and
> - The movement is either for exhibition purposes or sale with transfer of the registration papers to a new owner who has a reader that can read the implant in the animal.
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> Such goats moved in interstate commerce to a market or for sale without registration papers must be identified with visible official identification such as an official ear tag or tattoo."

2004

Contact was established with Neil Hammerschmidt, the USDA Animal Identification Coordinator at USDA headquarters. He advised me in an email that USDA does not plan to retract any approval of ID that is currently official which is inclusive of NPGA tattoos or microchips.

USDA announced the framework for implementing the NAIS animal identification and tracking system that will be used in all States and that will operate under national standards.

2005
"Working Groups," as previously initiated by USAHA, became operational at USDA. They came into existence for the various species of livestock to be impacted by NAIS. The Goat Working Group began with approximately 20 members representing industry, registries, veterinarians, goat supply businesses, educators and USDA (I was a charter member of this Goat Working Group.)

2006
Regarding the Animal Identification portion of NAIS, the Goat Working Group collected policies, rules and requirements currently in place by the various registries and organizations. I assembled and sent to the Goat Working Group chair (Linda Campbell from Virginia) the NPGA information.

The Goat Working Group, in its report to USDA, recommended the following with respect to animal identification:

> "…the current forms of identification used in the Scrapie program be accepted for goats in the NAIS. That includes these optional forms of identification:
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> - Official scrapie tags:
> - Tattoos (legible individual registry tattoos issued by breed associations may also be used as official identification when the animal is accompanied by its registration certificate listing the tattoo); or
> - Electronic ID (if your goat breed registry recognizes electronic microchips as an authorized form of ID and the microchip number is recorded on the registration certificate)… "

The Goat Working Group's report with respect to Electronic implants (EID) described their increasing use by breeders, recognition by registries, lack of consistent site for implantation, lack of consistency among manufacturers (thus requiring different readers), and no visual ID component. The report stated that until EIDs have been fully tested under the range of managements and environments (whatever that means), identification methods currently accepted with the Scrapie program should be accepted for goat ID, as described above.

In June 2006, USDA published an 11-page document entitled: "The National Animal Identification System: A Guide for Small-Scale or Non-Commercial Producers." At the bottom of page 4, it states: "USDA is not mandating what technique or device should be used to identify animals. Appropriate means of identifying animals vary by species. What works for one species may not work for another. This is a decision best left to the producers themselves."

2007
USDA published a "User Guide" which emphasized that NAIS was a voluntary program rather than a stepping stone to a mandatory one. USDA also began providing an "opt out" procedure for people whose premises have been registered in NAIS. At the same time, USDA quietly began pouring money into states encouraging them to make the program mandatory at the state level.

2008
A number of states did, in fact, make the premise and animal ID portions of NAIS mandatory. The federal thrust of NAIS was quiet during most of 2008.

2009
USDA announced plans to amend its domestic livestock regulations in order to enhance the traceability of animals in the United States. USDA is proposing to recognize only animal identification numbers beginning with the 840 prefix, which represents the U.S. country code, as official for use on eartags applied to animals born on or after one year or more after the finalization of this rule. Animals already tagged would not have to be retagged. Other animal identification numbering systems currently authorized for use on official eartags would continue to be recognized as official

identification. Oddly, no mention was made of numbering systems in use on electronic implants. Since this proposed rule change did not delve into previously approved identification systems, such as those used by NPGA (tattoos and microchips), Linda Campbell (Goat Working Group chair) was contacted for her opinion on whether or not she thought NPGA would be affected by this rule change should it be approved by USDA. Her response: "They (USDA) are still honoring our request to keep the goat ID methods that we recommended in place… they are just transitioning from old tags/devices to the 840 AIN numbers…" If all of this held true, the proposed rule change would have no impact on NPGA's animal identification systems.

2010

NAIS officially scrapped in favor of a new program focused entirely on animal disease traceability. Secretary of Agriculture Tom Vilsack announced that USDA will develop a new, flexible framework for animal disease traceability in the United States. Its efforts will:

- Only apply to animals moved in interstate commerce;
- Be administered by the States and Tribal Nations to provide more flexibility;
- Encourage the use of lower-cost technology; and
- Be implemented transparently through federal regulations and the full rulemaking process.

2013

After an extensive period of rule writing, hearings, periods of public comment, etc., the USDA, on January 9, 2013, published in the *Federal Register* the final rule dealing with Animal Disease Traceability. It is a 37-page document which can be found on the internet by typing "Federal Register Vol. 78, No. 6, Part IV" into your search engine. The key portion is 9CFR86.4, which is found on page 35 in the middle column of the above referenced document, which states: "(4) Sheep and goats. Sheep and goats that are required to be officially identified for interstate movement under this part must be identified by a device or method authorized by part 79 of this chapter."

Part 79 is the portion of the Code of Federal Regulations that sets out the Scrapie program. Devices and methods of identification which have been authorized in part 79 will now be officially accepted for interstate movement of sheep and goats under the Animal Disease Traceability final rule. It should be emphasized that the Scrapie program remains voluntary; only the animal identification language from 9CFR79.2(a)(2) within the Scrapie program has been incorporated by reference into the Animal Disease Traceability regulation at 9CFR86.4.

In February, the NPGA Central Office was contacted by Diane Sutton (Scrapie Coordinator for USDA) who wanted to confirm that NPGA wanted to continue having its registry approved by USDA/APHIS. For goat owners with animals registered by NPGA to participate in the Scrapie Flock Certification Program, the registry must have active USDA/APHIS approval. In connection with renewing this approval, NPGA Business Manager Dori Lowell asked Ms. Sutton to confirm that our use of microchips was still approved as a means of official identification. Ms. Sutton replied that microchips were still an option so long as the registration papers accompanied any animal and a scanner was available to read the microchip. There was no mention of only ISO-compliant microchips being approved to the exclusion of all others. (This response was consistent with the written notice she had sent NPGA in late 2001/early 2002.

On May 30, 2013, NPGA Business Manager Dori Lowell received a letter in the mail from Diane Sutton (USDA-APHIS-VS National Scrapie Program Coordinator) which stated that it has come to USDA's attention that some goat registries are allowing the use of RFID implants for registry purposes that are not compliant with ISO standards 11784 and 11785. She went on to say that "while APHIS does not regulate what registries may use to identify goats for registration, it does determine what devices can be used for official identification. Enforcement of this "regulation" was to be delayed until March 11, 2014.

Contact with Elsie McCoy of AVID reveals that she was also made aware of the decision by USDA to begin requiring the ISO-compliant implants. She informed me that she has the microchips and readers to read them. She also assured me that she will do "everything she can to make the transition as painless as possible. " For information, her company is one of just a handful who is a USDA authorized vendor to deal in official identification materials. The complete list can be viewed on the USDA-APHIS website.

This contention by Diane Sutton at USDA represents a significant departure from 1) assurances NPGA had been given for over 10 years that our USDA-approved animal ID systems (tattoos and microchips) would not be changed, and 2) regulations already in place in 9CFR 86.4 and 9CFR 79.2 that are not EID-specific. Sutton's allegation that USDA-APHIS can regulate what devices can be used for official identification flies in the face of documentary evidence to the contrary. Sutton clearly states in her letter that "implants need to comply with ISO standards in order to be used as official identification." There is no basis for that statement in either 9CFR 86.4 or 9CFR 79.2. Other purported "regulations" imposed on NPGA outside of 9CFR 86.4 and 9CFR 79.2 were never subject to the rule-making process (notice, opportunity for comment, hearings, etc.) prior to being foisted upon us. Moreover, the "stay of execution" for enforcement of their new regulation seems to have been determined arbitrarily and capriciously.
The reality of this situation is that USDA can likely say or do whatever it chooses to say and do, with little or no repercussions from organizations like NPGA. The federal bureaucracy would likely prevail regardless of whatever action or protests NPGA might initiate.

That being said, NPGA should take the following steps:

- NPGA should consider, probably at the Board of Directors level, directing some communication with Neil Hammerschmidt, the manager of the Animal Disease Traceability program at USDA-APHIS-VS to express the organization's displeasure with the way that this policy change was implemented. Since duly-enacted regulations were not part of this change, it appears that our organization is entitled to some kind of reasonable response. Whether USDA will comply with that request for a plausible explanation is unknown.
- Provide education to the membership that anyone who sees even a remote possibility that they would transport any of their pygmy goats across state lines will need to begin microchipping them with the ISO-compliant microchips. Holders of original generation microchip readers (clubs or individuals) should acquire an appropriate reader that will read the new microchips.
- The Central Office may have to initiate steps to enlarge the data field in order that 15-digit microchip numbers can be entered and printed onto Registration Certificates.
- It doesn't appear that any of NPGA's governing documents need amending. The identification of animals for registration and show purposes is not microchip system specific. The only eventuality in which official identification, as defined and regulated by USDA, comes into play is when goats are transported across state lines, presumably either for sale or exhibition.