

Questions and Answers: Animal Disease Traceability Final Rule

Q. What is animal disease traceability?

A. Animal disease traceability, or knowing where diseased and at-risk animals are, where they've been, and when, is very important to ensuring a rapid response when animal disease events take place. Animal disease traceability does not prevent disease; yet, an efficient and accurate traceability system helps reduce the number of animals involved in a disease investigation and reduces the time needed to respond. Reducing the number of animal owners impacted by an animal disease event reduces the economic strain on owners and affected communities.

Q. Why is the U.S. Department of Agriculture (USDA) issuing this final rule on animal disease traceability?

A. USDA is issuing this final rule to improve our ability to trace livestock and poultry when there is a disease event. While existing animal disease programs provide USDA and its partners with pertinent traceability information, the tracing capabilities vary widely by species. Thus, these animal disease traceability regulations focus on those species, such as the cattle sector, where improved capabilities are most needed. That sector's inconsistent use of official identification coupled with the significant movement of cattle interstate warrants regulations that enhance the current traceability infrastructure. Certain other species – sheep for example – are already supported with adequate traceability through existing disease program requirements, such as the current scrapie eradication program. For those species, no additional traceability requirements will be needed.

Q. How are these regulations any different than the National Animal Identification System (NAIS)?

A. In 2006, under the previous Administration, USDA initiated the National Animal Identification System (NAIS). This voluntary program asked producers to register their premises and identify their animals with a national animal tracking database. After seeing low enrollment in NAIS, the Department launched

a series of efforts in 2009 to assess the issues and concerns which were preventing widespread acceptance of NAIS in the livestock community. Producers raised several serious concerns about the protection of proprietary information through premise registration and the program's overall lack of flexibility. As a result, NAIS was never fully implemented and eventually discontinued. The new animal disease traceability framework, announced today seeks a new and different approach with the following key principles:

- Allows for maximum flexibility for States, Tribal Nations, and producers to work together to find identification solutions that meet their local needs;
- Only applies to animals moving interstate;
- Will be owned, led, and administered by the States and Tribal Nations with Federal support focused entirely on animal disease traceability;
- Encourages the use of low-cost technology; and
- Ensures that animal disease traceability data are maintained at the discretion of the States and Tribal Nations.

Q. How does the final rule differ from the proposed rule issued in August 2011?

A. USDA kept the proposed rule open for comment from August 11 through December 9, 2011. During that time, 1,618 comments were received from a wide variety of commenters. When drafting the final rule, USDA took all of these comments into consideration. As a result, the final rule has several differences from the proposed rule. Some of these changes include:

- Accepting the use of brands, tattoos and brand registration as official identification when accepted by the shipping and receiving States or Tribes
- Permanently maintaining the use of backtags as an alternative to ear tags for cattle and bison moved directly to slaughter
- Accepting movement documentation other than an Interstate Certificate of Veterinary Inspection (ICVI) for all ages and classes of cattle when accepted by the shipping and receiving States or Tribes
- Clarifying that exemption to the regulation applies to all livestock moved interstate to a custom slaughter facility
- Exempting chicks moved interstate from a hatchery from the official identification requirements

Beef cattle under 18 months of age, unless they are moved interstate for shows, exhibitions, rodeos,

or recreational events, are exempt from the official identification requirement in this rule. Additional traceability requirements for this group will be addressed in separate rulemaking in the future, allowing more time for APHIS to work closely with industry to ensure the requirements are effective and can be implemented.

The Supplementary Information section of the final rule provides the complete explanation of these changes.

Benefits

Q. How does this rule benefit producers?

A. The animal disease traceability final rule will benefit producers in several ways. Low levels of official identification in the cattle sector require more herds and cattle—often thousands of animals—to be tested during animal disease investigations than necessary, drastically increasing an investigation's duration. For example, bovine tuberculosis disease investigations frequently now exceed 150 days. This means USDA and State investigative teams spend substantially more time and money in conducting tracebacks.

As a result of the rule, accurate traceability information will be more readily available, enabling USDA to shorten investigation timelines, more quickly control the spread of certain diseases, and reduce the number of quarantined or disposed of animals. All of these improvements will help make animal disease outbreaks less costly for producers and help interstate animal movements continue.

Development and Implementation

Q. Did you gather feedback on the framework for animal disease traceability?

A. Yes. In spring and summer of 2010, USDA hosted eight public meetings to discuss Secretary Vilsack's new framework for animal disease traceability. In these meetings, USDA provided additional details about the new framework and learned from States, Tribes, and industry representatives, and producers how best to develop workable traceability systems. The final rule was developed not only through feedback collected from these meetings but also through input from a State-Tribal-Federal working group, Tribal consultations, and additional discussions with producers and industry.

In addition, Secretary Vilsack established the Secretary's Advisory Committee on Animal Health, which has representation from States, Tribes, and industry. The committee has already met twice and

offered feedback on the new framework.

Moving forward, USDA will work collaboratively with State, Tribal Nation and industry representatives on implementation of the regulations.

Q. What role will States and Tribes play in the implementation of the final rule?

A. While animal disease traceability is a USDA cooperative program, the States and Tribes will be the primary administrators of the traceability activities. This approach to improving animal disease traceability allows States and Tribes to develop their own systems for tracing animals, designing what works best for them and for producers and others in their jurisdiction.

Basic Requirements for Interstate Movement

Q. Under the new regulation, what do I need to have to move my animal interstate?

A. Unless specifically exempted, livestock moved interstate would have to be officially identified and accompanied by an interstate certificate of veterinary inspection (ICVI) or other documentation agreed upon by the shipping and receiving States, such as an owner-shipper statement or a brand certificate. The regulations specify approved forms of official identification for each species, but would also allow livestock to be moved between the shipping and receiving States or Tribes with another form of identification, as agreed upon by animal health officials in the two jurisdictions.

Official Identification

Q. What is an official identification number?

A. The rule defines an official identification number as a nationally unique number permanently associated with an animal or group of animals. The official identification number would have to adhere to one of the following systems, most of which are already in use:

- National Uniform Eartagging System (NUES) (typically, metal eartags such as silver USDA tag);
- Animal Identification Number (AIN);
- Location-based number system (e.g., sheep scrapie tags); or
- Any other numbering system approved by the Administrator for the official identification of animals.

Q. How do I know what eartags are official? What types of eartags are recognized as “official” under the rule?

A. Official eartags are a common method of official identification of several species. Official eartags have one of the following official identification numbers imprinted on the tag:

- National Uniform Eartagging System (NUES).
- Animal Identification Number (AIN).
- Location-based number system.
- Flock-based number system.

The regulation also requires that the Official Eartag Shield is imprinted on the tag.

Q. How does this rule support the use of low-cost technology as a form of official identification?

A. Official identification is defined for each species. For cattle, the low-cost NUES (metal eartag) may be used. To encourage its use, USDA plans to provide these eartags at no cost to producers to the extent funds are available. While other producers may elect to use official eartags with radio frequency (RF), no State or Tribe may require official RF eartags for cattle moving into their jurisdiction. This ensures that all producers using the low cost official eartags may move their cattle to any other State or Tribal land using that method of official identification. This is a change to existing regulations in that a State or Tribe could currently require a specific method of official identification for livestock entering their jurisdiction.

Q. What happens if my animal loses its official identification eartag or other device?

A. If an animal loses its official eartag and needs a new one, the person applying the new one would have to record the following information and maintain the following information for five years:

- Date the new official identification device was added;
- Official identification number on the new device; and
- Official identification number on the old device, if known.

This recordkeeping requirement will aid State, Tribal, and Federal officials when it is necessary to trace animals.

Q. How do official eartags enhance traceability?

A. The required tag distributions records associate the official identification number with the person that received the device. Such records provide animal health officials with a specific starting point from which to trace diseased or potentially diseased animals, such as a traceforward. Without official identification,

animal health officials' ability to accurately trace an animal's movements can take months or may never be achieved. Official eartags provide the opportunity to conduct a disease investigation from two points of reference rather than just one.

The sheep industry has had tremendous success with official identification expediting traceability for scrapie. As part of the National Scrapie Eradication Program (NSEP), a cooperative State-Federal-industry program, 92 percent of cull breeding sheep bear an official identification tag at slaughter, primarily using flock identification eartags applied at the farm of origin. This identification made it possible in 2010 for USDA, as part of the scrapie surveillance program, to trace scrapie-positive sheep from slaughter to the flock of origin or birth 96 percent of the time, typically in a matter of minutes.

Q. How is the lack of official identification in the cattle sector hurting us?

A. Simply, low levels of official identification in the cattle sector require more herds and cattle—often thousands of animals—to be tested than necessary and drastically increase the time required to conduct investigations. For example, bovine tuberculosis disease investigations frequently now exceed 150 days, as USDA and State investigative teams spend substantially more time and money in conducting tracebacks. When animals cannot be traced to specific locations, epidemiologists often need to expand herd testing to ensure that cattle with any potential for exposure are tested. Also, expanded timeframes for tracebacks may cause longer, more encompassing quarantines and/or imposed limitations on animal movement. At the same time, the potential for disease spread increases.

Q. How will the traceability regulation help fix these problems?

A. Increasing the levels of official identification will help State and Federal animal health official more quickly identify animals that do not need to be held and tested during an animal disease investigation. This information will reduce the number of locations and animals tested, thereby decreasing the length of the investigation and the cost to producers and the government.

Q. How does the final rule work with existing USDA disease programs, for example tuberculosis and brucellosis?

A. The final rule creates a new section of the Code of Federal Regulations (CFR) with species-specific identification requirements. The other sections of the CFR related to disease program requirements were

revised as necessary to be consistent with the final rule. These revisions recognize the different animal disease traceability needs of various animal species and build upon existing animal disease traceability successes. These revisions also clarify how our new framework for animal disease traceability works with existing disease control programs. While this rule establishes minimum traceability requirements, the disease program regulations may contain additional, or more specific, requirements necessary to control or eliminate livestock diseases. For instance, the traceability requirements of suspect, exposed, or reactor animals will be contained in the program regulations, not in the new traceability section. The disease program requirements supersede the minimum requirements of the traceability rule.

Interstate Movement Documentation

Q. What is an interstate certificate of veterinary inspection or ICVI?

A. An ICVI, often referred to as a health certificate, is an official document issued by a Federal, State or Tribal Animal Health Official, or accredited veterinarian for the animals that are being shipped interstate. The ship from and ship to locations are listed on the certificate. If the animal is not required to be officially identified, the person completing the ICVI would specify the exemption that applies. Under specific circumstances, the traceability regulation provides options other than ICVIs for the interstate movement of livestock.

Q. What documents are acceptable in place of an ICVI?

A. Movement documents other than an ICVI may be used when shipping and receiving States or Tribes agree to them; for example, an owner-shipper statement or a brand certificate.

Q. Why are movement documents necessary for traceability?

A. A key principle of the animal disease traceability framework is to minimize burden to producers. Therefore, producers will not have to report livestock movements on and off their farm or ranch as part of this final rule. Instead, producers can continue to use existing movement documents that are already widely used – ICVIs, owner-shipper statements, or brand inspection certificates. These documents will provide valuable information to help determine an animal's movements in a disease event.

Q. Why is there a recordkeeping requirement for ICVIs for approved livestock facilities?

A. USDA requires that approved livestock facilities

keep ICVIs, or alternate documentation used in lieu of an ICVI, for livestock that enter the facility on or after the effective date of the final rule. An approved livestock facility is defined as a stockyard, livestock market, buying station, concentration point, or any other premises under State or Federal veterinary inspection where livestock are assembled.

Because the lifespans of poultry and swine are relatively short, while other livestock, especially breeding cattle, typically live to be 5 or more years old, traceability information that fully supports disease control, eradication, and surveillance needs to be maintained for at least 2 years for poultry and swine and 5 years for all other livestock species.

Exemptions

Q. Are there any exceptions for animals moving interstate that are uniformly applied to all species?

A. There are two circumstances when traceability requirements would not apply to interstate movement of livestock of any species:

- The movement occurs entirely within Tribal land that straddles a State line, and the Tribe has a separate traceability system from the States in which its lands are located; or
- The movement is to a custom slaughter facility in accordance with Federal and State regulations for the preparation of meat.

Q. Will the size of my herd have any relation to the standards I must meet and who must participate?

A. The only threshold for participation is whether the producer has animals moving interstate. Producers who raise animals and move them within a State, Tribal Nation, and others that may move their animals interstate to a custom slaughter facility are exempt. Other exemptions are provided for through species specific situations.

Q. Are producers who only market or sell animals locally required to participate?

A. No, as long as the movement is within the State or Tribal land. Only producers whose animals move interstate will be covered by the Federal animal disease traceability framework.

Q. Can you explain more about the movement of livestock on Tribal land?

A. Under this rulemaking, Tribal lands, whether entirely within a State or straddling State lines, would be covered by the same traceability system as the State or States within which they are contained, unless the Tribal representatives choose to have their

own traceability system separate from the State(s). If a Tribe's land straddles a State line and does have a separate traceability system from the State within which it is contained, then, because of Tribal sovereignty, livestock movements taking place entirely within that Tribal land, even across State lines, would not be regarded as interstate movement. Therefore, the traceability requirements for interstate movement would not apply.

Cost

Q. What is compliance with the final rule going to cost the individual producer?

A. One of USDA's priorities when it designed the framework for animal disease traceability was to ensure that producers were not adversely impacted by the cost of the program by focusing on low-cost technologies. USDA plans to provide the NUES tags (metal eartags) available at no cost to producers to the extent funds are available. The final rule also allows for a variety of official identification methods that have been approved by APHIS, so the producer can choose a format that works best for their operation. Some of the choices can be used both for identification and herd management, minimizing the need to buy multiple tags.

The regulatory impact analysis for this rule shows that most producers already identify their livestock and move them interstate with documentation. For them, the cost of compliance is negligible. By allowing flexibility for States and Tribes to recognize alternative forms of identification and movement documentation that fit the needs of their producers, the cost to producers is minimized. The costs of the program are expected to vary by both operation preference and whether traceability would be by individual animal or by lot or group.

Q. Will USDA provide funding to States and Tribal Nations to develop their animal disease traceability approaches?

A. It is USDA's intent that animal disease traceability not be an unfunded mandate. As such, if available, USDA would provide Federal funding to assist States and Tribes to carry out activities that align with the scope of the new framework.

Q. USDA spent a lot of money on the National Animal Identification System. What did you do with the money? Did it go to waste?

A. U.S. taxpayers made a significant investment in USDA's past animal disease traceability efforts, and the money invested in NAIS will not go to waste.

USDA will be fiscally responsible and use some elements from NAIS in the new approach. Elements, such as IT infrastructure and the unique location identifier process, have been updated to work with the traceability regulation, and remain available for the States and Tribal Nations to use. The 840 tags also remain available for producers who wish to use them.

Funding was also provided directly to the States and Tribes through cooperative agreements. Through these agreements, they were able to conduct pilot projects and field tests, enhance their communication infrastructure, and develop industry working groups. These activities have helped the States and Tribes develop their tracing capabilities, which they can leverage as appropriate for their producers moving forward.

Performance Standards

Q. What is the current thinking on the traceability performance standards?

A. USDA, through the new approach to animal disease traceability, is not prescribing the methods or systems that States and Tribes must use in order to trace animals. This outcome-based approach to improving traceability allows States and Tribes to develop systems for tracing animals that work best for them and for producers and others in their jurisdictions.

Through cooperative efforts, USDA, State and Tribes will measure our tracing capability by evaluating activities that animal health officials would typically conduct during an investigation of livestock that have moved interstate. The establishment of actual traceability performance standards, however, can only be done following review and analysis of actual data compiled from animal movement records after these regulations have been implemented. Without such information, the establishment of performance standards would be too subjective. Therefore, USDA will establish the traceability performance standards at a later date to ensure necessary data is available to objectively define and establish those performance standards. As the rule is implemented, USDA will continue to work with States and Tribes to measure tracing capabilities. Comparing the results obtained earlier on and over time will help document the progress being made.

Q. What is the General Standards Document?

A. The Animal Disease Traceability General Standards Document provides specific detail on, among other things, numbering systems, official identification devices, and ICVIs and other animal movement

documents. The document is available online at www.aphis.usda.gov/traceability/.

Confidentiality

Q. Who will hold the information needed to conduct traces? How will USDA gain access to this information when a disease event occurs?

A. Under the framework traceability, information is maintained at the discretion of the States and Tribal Nations, though USDA will continue to assist States and Tribal Nations as requested. The information systems used to support animal disease traceability follow secure data standards to ensure compatibility of databases, so information can be provided to USDA and other States/Tribes when needed for animal disease programs.

Q. How will animal disease traceability information be maintained?

A. Animal disease traceability information will be maintained at the discretion of the State and Tribal Nations.

Q. What will USDA do to keep my information confidential?

A. These regulations uphold and build on existing USDA disease program regulations, under which confidentiality has always been maintained. USDA believes that producer information gathered through animal disease traceability efforts should be treated as information maintained under existing disease program regulations and, therefore, is exempt from provisions of the Freedom of Information Act.

Food Safety

Q. How does the final USDA rule relate to food safety?

A. The final rule is specifically focused on controlling animal diseases; it is not a food safety initiative. USDA's traceability regulations will assist animal health officials in quickly finding out where diseased animals have been and identify other at-risk animals.

Q. Will animal disease traceability allow USDA to trace an animal back to a package of meat?

A. No. USDA's Animal and Plant Health Inspection Service (APHIS) is the lead Federal agency for animal disease traceability. This type of pre-harvest traceability is focused on animal health and allows for the tracing of an animal's movements during its lifespan. Currently, animal disease traceability ends when an animal is slaughtered. USDA's Food Safety and Inspection Service (FSIS) is the lead agency

dealing with food safety in meat and poultry. They have a wide range of programs designed to ensure food safety.

Q. How will traceability protect consumers?

A. Food security involves dependability in terms of supply and quality, among other attributes. Should there be an animal disease event, including zoonotic disease concerns, animal disease traceability as outlined in the final rule would allow for efficient traceback of infected animals and the rapid quarantine of potentially exposed animals. This ensures that healthy animals can continue to move freely to processing facilities, providing a dependable and affordable source for consumers as well as protecting producer's livelihoods. At that point, FSIS' methods for quality assurance take over and assure further safety and security of the food supply.

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