

MINUTES OF THE SENATE COMMITTEE ON AGRICULTURE

The meeting was called to order by Chairman Mark Taddiken at 8:30 A.M. on January 25, 2005 in Room 423-S of the Capitol.

Committee members absent: Ralph Ostmeyer- excused

Committee staff present: Amy VanHouse, Kansas Legislative Research
Lisa Montgomery, Office of Revisor of Statutes
Jacqui Jones, Committee Secretary

Conferees appearing before the committee: George Teagarden, Livestock Commissioner of the Kansas Animal Health Department (KAHD)

Others attending: See attached list

Mr. Teagarden provided copies of his testimony to members of the Committee (Attachment1).

Commissioner Teagarden informed the Committee that in 2004 KAHD asked for authority to implement a national animal identification program as it is developed by the United States Department of Agriculture (USDA) thus **HB-2593** became law.

Commissioner Teagarden remarked that the National Animal Identification System (NAIS) is in the early stages of being implemented by USDA. Species included in the group to be identified includes cattle, bison, swine, sheep, goats, horses, camelids, domesticated deer and elk, poultry(chicken and turkey) and fish. Livestock producers of cattle and swine groups have reported to USDA with their recommendations to outline how the plan would be implemented and other groups are expected to report as progress is made on their work. Presently, this is a voluntary system. Commissioner Teagarden explained in the attached testimony why it is felt that the program will be more readily accepted if it remains this way.

The goal of NAIS is to achieve a trace back system that can identify all animals and premises potentially exposed to an animal with a foreign animal disease (FAAD) within 48 hours of discovery.

In July 2004, USDA asked for applicants for "pilot projects" involving animal identification and out of forty-five applications twenty-nine were approved for funding with Kansas being one of the successful applicants.

Details of the Kansas pilot project were set out within the testimony. Official animal identification has not been implemented at this time. The development of a national data base for tracing animals is not yet developed. The official NAIS tags are scheduled to be available in July 2005 once the data base is built. Recordings of animal movement will be made when there is a change of ownership, a change of premises and/or interstate movement.

During the Kansas State Fair, the definition of "premises" was discussed by representatives of the Kansas Farm Bureau, Kansas Farmers Union, Kansas Dairy Association, Kansas Cattleman's Association, Kansas Pork Association, Kansas Livestock Association, Kansas Sheep Association and the Kansas Department of Agriculture. A worksheet defining premises in laymen's terms was passed out at four regional meetings, with about 50 people attending each, and is attached to the testimony. Return was extremely low and there was no consensus on any additional fees or enforcement. Because USDA is funding the pilot project there is no need for any state fees or penalties. The definition of "premise" has been presented for temporary regulation. Once in effect, the process to make the definition a permanent regulation will follow.

Premises registration will identify ownership of land and livestock and the principal contact person for each operation. The ownership/management/contractor for those operations in Kansas that may be owned by an absentee or whether the livestock are owned by another and the management is covered by contract managers.

CONTINUATION SHEET

MINUTES OF THE Senate Agriculture at 8:30 A.M. on January 25, 2005 in Room 423-S of the Capitol.

Details of a power point presentation given by Commissioner Teagarden are attached as (Attachment 2).

The Commissioner stood for questions.

Upon a motion by Senator Huelskamp and seconded by Senator Pine, the minutes of January 11, January 12 and January 19 were unanimously approved.

The meeting adjourned at 9:30 a.m.

The next meeting is scheduled for January 26, 2005.

SENATE AGRICULTURE COMMITTEE GUEST LIST

DATE: 1/25

BROD HARRELSON

KFB

NAME	REPRESENTING
George Teagarden	KAH D
Debra Duncan	KAH D
Brock Nichols	KLA
Tyler Alpers	KLA
T.J. Steele	KLA
<u>CV Cotsoradis</u>	<u>KDA</u>
Ron Eto	KLA
Mary Tiede	KLA
Jarred Green	KLA
JAMIE SCAWZ	KLA
Nick Chesnut	KLA
Michael David	KLA
Richard Fichter	KLA
Doug Wolchek	KLA
Forrie Busch	KLA
Brook Holstein	KLA
John Paker	KLA
John C. BOTTENBERG	KSPK Assoc.
SEAN MILLER	KS Dairy Assn

Brent Hadem

KLA

Don M. Rezac

IPCA

Debbie Meador

KLA

Scarlett HAGINS

KLA

ROB MEALY

HEIN Law Firm

STATE of Kansas
KANSAS ANIMAL HEALTH DEPARTMENT

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Senate Agriculture Committee
January 25, 2004

Re: Animal Identification Report to Agriculture Committees, 2005

Mr. Chairman and Members of the Committee,

I am George Teagarden, Livestock Commissioner of the Kansas Animal Health Department (KAHD), the agency that is charged by the United State Department of Agriculture (USDA) to implement the National Animal Identification System in Kansas.

Last legislative session, the Kansas Animal Health Department asked for authority to implement a national animal identification program as it is developed by the United States Department of Agriculture. With your support, HB 2593 became law. In that bill we were authorized to cooperate with the USDA, other state government officials and representatives of private industry and to promulgate rules and regulations, to define premises where animals are located and to develop premises registration system in Kansas.

The National Animal Identification System (NAIS) is in the early stages of being implemented by USDA. As you know, this identification system was developed by the United States Animal Identification Plan taskforce, made up of approximately 70 livestock producers, representing all livestock species as well as fish and 30 animal health officials representing states as well as USDA. After the initial plan was developed, the taskforce was divided into specie working groups to outline how the plan would be implemented within each specie. The species represented in the plan include cattle, bison, swine, sheep, goats, horses, camelids, domesticated deer and elk, poultry (chicken and turkeys) and fish. The cattle and swine groups have reported to USDA with their recommendations and other groups are expected to report as progress is made on their work.

At the current time, the NAIS is a voluntary system, for I think two reasons; first I think that USDA feels the program will be more readily accepted if it is voluntary and second because a voluntary program is exempt from the federal Freedom of Information Act (FOIA), thus keeping the information and data collected through the system confidential,

Senate Agriculture Committee

Date 1-25-05

Attachment # 1

as Kansas has done by law. USDA has asked the U.S. Congress to exempt their records dealing with animal identification from FOIA.

The goal of the NAIS is to achieve a trace back system that can identify all animals and premises potentially exposed to an animal with a foreign animal disease (FAAD) within 48 hours of discovery. There is need for maintaining the health and economic viability of US animal agriculture is critical to the industry and to the safety of the US food supply. In Kansas, we have a \$12 billion + livestock industry.

In July of last year, USDA asked for applications for "pilot projects" involving animal identification. Forty-five applications were received and 29 were approved for funding. Kansas was one of the successful applicants.

The approved pilot projects all begin with premises registration, the base for a national system. The pilots are to register premises, develop data interface, work with multiple species, various technology and third parties. The Kansas pilot project will use PDAs, Global Positioning Systems and Cellular technologies to link premises identification, animal location and individual animal identification to semi-loads of cattle or swine during commercial transport. This information will be collected at truckside and relayed to our office by the drivers. We will know what animals were loaded, the premises and exact location of loading and where they were delivered. Both the shipper and receiver will receive a printed document of the individuals delivered. Those involved in the project are individual producers, US Premium Beef, National Beef Packers, Kansas State University, Digital Angel, Osborne Industries, the Kansas Department of Ag, commercial carriers and other pilot projects. The commercial trucking industry hauls an extremely high percentage of the total livestock movement in the United States.

The goal of the NAIS is to achieve a trace back system that can identify all animals and premises potentially exposed to an animal with a foreign animal disease (FAD) within 48 hours of discovery. The need for maintaining the health and economic viability of US animal agriculture is critical to the industry and to the safety of the US food supply. In Kansas, we have a \$12 billion + livestock industry.

USDA also adopted a premises registration system that was developed by Wisconsin as the official premises registration system. The Kansas Animal Health Department had considered a system developed by the University of Nebraska and the Nebraska Department of Agriculture but opted for the "official" system financed by USDA.

Currently, thirty-eight states have premises registration systems installed and are beginning the process of registering premises. Most are using the official system but there are four other systems that have been determined to be compliant with the NAIS. If a state chooses to use any system, other than the "official" system, they have to ~~bare~~^{bear} the costs of installation and maintenance.

Official animal identification has not been implemented at this time. The development of a national data base for tracing animals is not developed. The official NAIS tags are scheduled to be available in July of 2005, once the data base is built.

Recordings of animal movement will be made when there is a change of ownership, a change of premises and/or interstate movement.

During the Kansas State Fair, a taskforce met to discuss and develop the definition of a premises in Kansas. Representatives from the Kansas Farm Bureau, Kansas Farmers Union, Kansas Dairy Association, Kansas Cattleman's Association, Kansas Pork Association, Kansas Livestock Association, Kansas Sheep Association and the Kansas Department of Agriculture were invited to this meeting. Representative Dan Johnson also attended. The KAHD presented a draft definition and opened the meeting for discussion and suggestions. Minor changes were made to improve the definition and the consensus of the taskforce was that it was ready for public review and comment. Four regional producer meetings were held in Wakeeney, Dodge City, Parsons and Rossville, all of which were set with the help of KSU's Extension Service. Attendance was evenly spread among the four meetings, with about fifty people attending each. Those meetings yielded no changes to the taskforce's recommendation. I have attached the work sheet that was passed out at the regional meetings. This worksheet defines the premises in layman's terms and asks for comments regarding the definition and fees and enforcement issues. Return of the work sheet was extremely low; about 10 from the nearly 200 attendees. There was no consensus on any additional fees or enforcement. Because this is a voluntary program and at this time the USDA is funding the pilot project and all associated costs, there is no need for any state fees nor penalties. The premises definition has been presented for temporary regulation. The process to make the definition a permanent regulation will follow the temporary approval.

Our premises registration system will identify ownership of land and livestock and the principal contact person for each operation. It will identify ownership/management/contractor for those operations in our state that may be owned by an absentee, the livestock may be owned by another and the management is covered by contract managers. Bottom line is we need to identify the person who can tell us how a given herd or flock was handled and what other animals may have been in contact.

I have included in the handouts a premises registration form with an explanatory page, commonly asked questions and answers, a copy of a power point that I have used at numerous meetings across the state and the work sheet.

Mr. Chairman, I would entertain any questions that you or your committee members might have.

WORKSHEET FOR STUDY GROUPS

I. OVERVIEW: The Legislature left the definition of "Premises" under a Kansas animal identification program to the discretion of the State Livestock Commissioner. The Legislature also required that recommendations for this definition and for other areas related to an animal identification program be made by representatives of each species group.

II. PROPOSED DEFINITION OF PREMISES

GENERAL DEFINITION:

As determined by the Kansas Livestock Commissioner for purposes of identifying and registering Premises, a Premises is defined as an identifiable geographic location under common ownership or management used for the purpose of feeding, grazing and/or other activity where the animals are not interchanged or commingled with animals from outside the Premises.

EFFECT OF COMINGLING/INTERCHANGING ANIMALS:

If the animals from adjoining or non-adjoining geographic locations are commingled or interchanged with the animals on a Premises, the area(s) must be included in the designated Premises. If one or more incidents of commingling or interchanging animals occur, the locations must be combined into one Premises.

"Commingling and interchanging" also includes the concurrent use of shared handling facilities or equipment, and the use of common watering or feeding equipment between separate geographic locations.

The Commissioner may conduct epidemiologic investigations, public records searches or other analysis to determine whether animals from a Premises have direct or indirect contact with animals from other Premises or from outside the Premises.

MULTIPLE SPECIES:

If multiple species are located on the same Premises under common ownership or management, the location may be designated as a single Premises.

DESCRIBING PREMISES:

The "identifiable geographic location" designating a Premises may be described by official legal description, by identifiable physical boundaries or structures, or by use of a recognized geographic coordinate system (GPS), which ever method, in the Commissioner's discretion, most accurately describes the geographic location of the Premises.

****PLEASE COMMENT ON THE PROPOSED DEFINITION OF PREMISES**:**

[See reverse side]

STATE of Kansas
KANSAS ANIMAL HEALTH DEPARTMENT

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Kansas Premise Registration Application

The attached form represents the first step in implementing the National Animal Identification System. Premise registration is the foundation of the program that ultimately will allow for rapid traceback of animals in the case of a disease outbreak.

Currently, the Kansas Animal Health Department (KAHD) has federal funding to support the cost of premise registration.

An application form is attached, as well as a sample form. The application can be completed and mailed to the Kansas Animal Health Department. After processing the application, a unique premise identification number will be issued for your operation.

KAHD will use the following to describe a premise:

As determined by the Kansas Livestock Commissioner for purposes of identifying and registering Premises, a Premises is defined as an identifiable geographic location under common ownership or management used for the purpose of feeding, grazing and/or other activity where the animals are not interchanged or commingled with animals from outside the Premises.

Commingling occurs when animals are brought together from two or more locations not under common ownership or management. In this situation, each location should be registered as a separate premise.

KAHD prefers premises be registered under the owner of the property. Rented pasture should be registered under the owner's name with the operator listed as the contact person. Tenants may assist owners with registering premises.

If you have questions about completing your application, you may contact the KAHD office.

For additional information contact Teresa Stephens, tstephens@kahd.ks.gov - 785-296-2326.

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NAIS Premises Registration Application

Business/Farm Account Information:

Business/ Farm Name: _____

Primary Contact: _____
First Name Middle Name Last Name

Secondary Contact*: _____
*(*optional) First Name Middle Name Last Name*

Business/Farm mailing Address: _____

City: _____ State: _____ Zip: _____ - _____ County: _____

Phone number: _____ - _____ - _____ ext: _____ (Business Home Cell Fax Pager)

Phone number: _____ - _____ - _____ ext: _____ (Business Home Cell Fax Pager)

Phone number: _____ - _____ - _____ ext: _____ (Business Home Cell Fax Pager)

Business Type*: Individual Partnership Incorporated Limited Liability Corporation
*(*check one)* Limited Liability Partnership Non-profit Organization

Operation Type*: Producer Unit/Farm Clinic Exhibition Laboratory Market/collection point
(check all)* non-producer Participant Port of Entry Quarantine facility Rendering
 Slaughter plant Tagging site

Business Account Login information:

User Name: _____ (minimum of 8 characters)

Password: _____ (minimum of 8 characters)

E-mail address*: _____
*(*for confirmation purposes only)*

Producer/Contact Signature*: _____

<p>Authorized Agent*: <i>(*to be completed by authorized agents only)</i></p> <p>Agent Name: _____ Date: _____</p> <p>Agent Organization: _____</p>
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(Contact information will not be sold or given out by NAIS without your prior written consent)
*COMPLETE PREMISES INFORMATION ON BACK PAGE

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Frequently asked questions and answers about the National Animal Identification System (NAIS)

- **Why do we need an identification system?** Animal identification is not new. Animals have been identified in all of our regulatory programs since at least 1927 when the tuberculosis eradication effort began. Currently, all breeding cattle, swine and sheep must be identified by an official tag or tattoo for interstate transport. Horses in interstate commerce must be identified by description.
- **What is the advantage of the NAIS?** NAIS is for disease tracking. The goal is to allow the rapid tracking of animals during a disease outbreak. The system is designed to allow state and federal officials to trace an individual animal, throughout its life, in 48 hours. The tracking system used today can take days or months to trace back animals. Even then, the search often leads to a dead end.
- **Has Kansas registered premises prior to the implementation of NAIS?** Yes. Kansas has been registering premises for years. Currently, all feedlots, livestock markets and livestock dealers are registered in Kansas. Most swine premises are registered as well. All U.S. premises with sheep are required to be registered by individual states as part of the Scrapies Control Program.
- **What definition of Premises is used for the National Animal Identification System?** An identifiable geographic location under common ownership or management used for the purpose of feeding, grazing and/or other activity where the animals are not interchanged or commingled with animals from outside the Premises. The key words are ownership or management - where commingling does not occur.
- **How many “premises” should I register?** One or more, depending on whether you commingle the animals. If, for example, you have two herds – one commercial and one registered - that are never commingled you would probably want to register both premises. If you have only registered one premise and there is a disease outbreak both herds will be quarantined. By registering two premises, depending on the disease, you might have one herd quarantined, but not both.

- **Do I have to have a (radio frequency) reader?** No. The responsibility of the first known producer is to apply an electronic tag. It is the responsibility of the receiver to document and report the transaction. Preferably, this will be done electronically but hand written documents will be accepted.
- **When will recordings be made of livestock movement?** At any change of ownership, change of premises where commingling occurs, all interstate movement (even without an ownership change) and slaughter.
- **Do I have to record individual numbers when I change pastures?** If you are changing pastures within your operation, the answer is no. If you move animals to a premise that is not part of your operation you need to record the movement.
- **I rent pasture (grass, wheat, stalk fields); do I have to make a record of movement to these pastures?** If these pastures are part of a single operation; you do not need to make a record unless commingling occurs.
- **Do I have to report the movement of my cattle when I sell them?** No. It is the buyer's responsibility to report the new location of the cattle.
- **Where will I get tags?** There are several companies that will meet the standards to manufacture tags for this program. You will be able to get various tags from official NAIS tag distributors (approved manufactures or venders). We anticipate that many of your current venders will carry these tags.
- **Can I get my calves tagged at the market?** Some markets are planning to provide that service, but will charge a fee in addition to the cost of the tag. You will probably have more shrinkage due to extra handling and time involved than having it done before the cattle leave your operation. You should check with your market before consignment to see if they are offering the service.
- **Can these tags be used a second time?** No, these tags are designed for single use and will be tamper-evident. Enough numbers are assigned so that individual numbers that will not be duplicated for at least 20 years. All tags received at the slaughter house will be destroyed
- **What if I receive animals with lost tags?** You should replace the lost tags with tags of your own that are registered to your premises. Report the lost tag to the Kansas Animal Health Department. Your records should reflect that the cow did not have a tag when it arrived and you should record the number that you re-tagged it with.
- **What if a cow or calf dies?** Report the death and ID number to the state office and make note in your own records. There will be codes provided to record this type of information.

National Animal Identification System

Senate Agriculture Committee
Date: 1-25-05

Attachment # 2



George Teagarden
Livestock Commissioner
Kansas Animal Health Depart.



NAIS

- Goal - to achieve a traceback system that can identify all animals and premises potentially exposed to an animal with a Foreign Animal Disease (FAD) within 48 hours of discovery

NAIS

- Need - Maintaining the health and economic viability of US animal agriculture is critical to the industry and to the safety of the US food supply

Recordings

- Change of ownership
 - private transactions
 - markets
 - Slaughter
- Change of Premises
- Interstate movement

What Animal ID Will Do

- Speed tracebacks
- Allow for quick response
- Reduce cost of disease control
- Support consumer confidence
- Maintain international markets

EXAMPLES

- TB steer - 55 herds, 4 states
- Holstein heifers - 6 of 300
- Beef heifers - 7 of 400-500
- Holstein heifers - 1126 in KS, 1800 in Arizona, ? In New Mexico
- BSE - 81 Canadian - 29 found

Kansas Law

S Sub for H sub for HB 2593

- Authority to implement National ID System (Voluntary)
- Law allows for preparation for premises registration. Cooperative effort with USDA, other state agencies and industry. Confidentiality assured. Duty of Care.
- Report of progress to Legislature, sunset May 15, 2005

National Animal Identification System - Where To Now?

- Pilot projects (12-18 months)
 - 29 approved projects
 - prem ID, data interface, evaluate
 - multi species, systems, third party
- Education
- Prepare for premises registration
 - On line, FSA, hard copy
- Authority for individual ID

Kansas Pilot Project

■ Animal Transport

- Mobile technologies
 - PDA, GPS, Cellular
- Link premise identification, animal location and individual animal identification to semi-loads of cattle or swine during commercial transport.

- ## ■ Individual producers, USPB, NBP, KSU, Allflex-USA, Digital Angel, KDA, KLA, commercial carriers, other pilots

Work to Complete

- Build and Evaluate systems
- Assess pilot projects
- Develop UM&R
 - Uniformity across US
- Confidentiality (FOIA)
- Register Premises
- Issue individual ID

Premises ID

- **Ownership**
 - Owns land and livestock
 - Contact person
- **Ownership/Management/Contractor**
 - Contract
 - Grazing
 - Feeding
- **Individual who knows the answers.**

Premises Definition

- An identifiable geographic location under common ownership or management used for the purpose of feeding, grazing and/or other activity where the animals are not interchanged or commingled with animals from outside the Premises.

Effect of Commingling/Interchanging

- Enlarged Premises area
- Includes concurrent use of shared handling facilities or equipment, common watering or feeding equipment
- Epidemiologic investigations, public records searches or other analysis to determine direct or indirect contact

The End

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