

## Reprinted from *Huckleberry Press* © Issue 3/22/07

About the National Animal Identification System (NAIS)

### Part 20: State's farmers say NO to rules

By Bruno Schmidt

© 2007 by Schmidt Publications, All Rights Reserved

What Washington State's Ag Department (WSDA) expected to be a "slam dunk" turned into a shocking experience for the department: the state's farmers and ranchers stated FOR THE RECORD that they do NOT approve of, do NOT want, and do NOT need the new and amended rules (regulations) the department had announced on Jan. 22, 2007. That was the message sent back to Olympia by a standing-room only crowd of approx. 100 at the public hearing in Spokane Valley on March 13, by approx. 20 at the public hearing in Ellensburg on March 14, and by approx. 50 at the public hearing in Marysville, Wash. Even though the department's State Veterinarian, Dr. Leonard Eldridge, DVM, and his staff provided a forum that gave everyone an opportunity to have questions answered and provide official testimony, the fact remains that the department:

- Published these rules ONLY in the Washington State Register;
- Made no other attempts at educating the state's farmers and producers;
- Did not enlist the help of livestock associations and similar organizations;
- Did not prepare a "Press Kit" nor engage the mainstream media;
- Provided for only 3 public hearings;
- Held these hearings just days before the rules' intended date of adoption.

Why this lack of publicity and why the urgency? No wonder that many farmers came to the hearings upset, angry, under informed, or plainly shocked by what the department sought to achieve. Below is list of a few but prominent provisions taken from the new / amended rules proposed by the department:

- The department may issue notices of Class-1 Civil Infractions in regards to animal health, inspections and documentation, and assess civil penalties:
  - \$100.00 for the 1<sup>st</sup> Offense
  - \$150.00 for the 2<sup>nd</sup> Offense within three years
  - \$250.00 for the 3<sup>rd</sup> Offense within three years(Infraction examples: Removal of cattle and horses from Washington state without an inspection; failing to present an animal for mandatory inspection; refusing to assist in establishing ownership and identity; interfering with the director)
- Self-certification of ownership of farm-raised animals would no longer be accepted as proof of ownership.
- An official, vet-issued "Certificate of Veterinary Inspection" would replace traditional animal-health certificates and documents.
- State-licensed 3<sup>rd</sup>-parties (such as veterinarians) would issue and/or verify all ownership documents.
- Public livestock markets would only accept USDA-approved back tags, or some other USDA-approved method of livestock identification.
- Livestock brought into the state for the purpose of immediate slaughter at a certified facility would be exempt from all inspection and certification requirements.

On March 13, just before the public hearings commenced and probably in response to mounting opposition, the department gave Notice that the rules proposed for Animal Importation (WAC 16-54) and Animal Inspection and Identification (WAC 16-610) would not be adopted “at this time”. Additionally, the department stated that:

*“For movement of livestock within the state of Washington, there are no animal health documentation requirements if there is no change of ownership. At the request of stakeholders, WDSA intends to propose rules stating this position. Rules exist for moving livestock into the state.”*

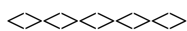
(Source: Form CR-101, filed Mar. 13, 2007)

As promising as the foregoing may sound, however, we must pay extra attention to “... *there are no animal health documentation requirements if there is no change of ownership.*” The message is clear: anytime ownership changes (for example selling an animal to a neighbor, or giving an animal away) animal health documentation will be required by rule. When you combine the fact that ALL animal health documentation is issued exclusively by state-licensed 3<sup>rd</sup>-parties with the state’s designs at mandating state-issued documentation as the only means to prove animal ownership, the “all-seeing” and “all-knowing” state is about to become the “all-controlling” overseer.

However, before this new “overseer” can assume its preeminent role, a few more laws are needed that are about to fall into place by way of Wash. State’s Senate Bill 5204. (Note: I have already discussed this bill in Parts 16 and 17 of these essays). On March 9, 2007, this bill passed the Senate 48 to 0, then was sent to the House for its 1<sup>st</sup> reading, and now is before the House Ag Committee. With the barest advance notice given by the committee chair, the “public” hearing of this bill is scheduled for 8:00 a.m., Wednesday, March 21, 2007. If enacted, this bill would authorize WSDA, as a matter of law, to:

- Establish points of inspection for vehicles transporting animals and/or agricultural products
- Require that the animals transported are accompanied by valid health certificates, permits, or other documents
- Require that vehicles transporting animals and/or agricultural products stop at any posted inspection point, or stop on demand elsewhere whenever requested to do so
- Conduct inspections and searches of vehicles, animals and agricultural products without a warrant
- Issue notices of and enforce civil infractions with civil penalties of up to \$1000.00
- Require that livestock dealers carry animal identification and animal health documents
- Extends the duration of “hold” orders for animals to 14 days
- Exempts livestock destined for immediate slaughter from inspections and animal health certificates

This bill will affect ALL farmers, ranchers, owners and keepers of livestock, and agricultural producers as well. The enclosed chart demonstrates the key role SB5204 plays in the department’s game – it is the proverbial “king pin” that ties all the existing laws and rules to the new and proposed rules which, for the moment, are still in limbo. However, if and when this bill becomes law, farming or ranching in this state will no longer be the fundamental right our Founders fought and died for, it will be a mere privilege exercised at the pleasure of the state. Will you stand by and do nothing? Or will you write, email or tell your Representatives, Senators, or the House Ag Committee, how you feel about SB5204?



*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*  
**[www.FarmersFieldGuide.com](http://www.FarmersFieldGuide.com)**

