



## Managing Legal Risk for Livestock and Dairy Producers in Ohio

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### Project Support

- This project is provided with support from the North Central Risk Management Education Center, whose mission is *to empower the strengths and skills of individuals in the North Central region who are involved in the management of agricultural production, marketing, financial, legal, and human resource risks.*
- Visit the website at [www.NCRME.org](http://www.NCRME.org)



## Workshop Overview

### Addressing legal risks in emerging risk areas:

- Animal identification
- Ohio Livestock Care Standards
- GIPSA
- Farm security issues

Understanding, assessing and adopting risk management strategies.

## Workshop Overview

### *We will . . .*

1. Explain the laws and legal issues.
2. Discuss strategies for managing risk.
3. Follow up.
4. Make resources available on website.

### *You will . . .*

5. Assess your operation.
6. Identify risk management practices.
7. Adopt risk management practices.
8. Evaluate the program and participate in follow up surveys.

## Workshop Overview

- **Important components:**
  - Exercises
  - Evaluations
  - Action
  - Follow up



## Animal Identification

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## Animal Identification Timeline

### 3000 BC

- Farmers begin branding animals to show ownership and identification

### 1930s

- State and federal programs tracing movement of livestock involved in disease outbreaks are started for some diseases in cattle, swine & sheep.

### December, 2003

- “The Cow that Stole Christmas”: BSE is discovered in cows in United States

### 2004

- USDA introduces the **voluntary** National Animal Identification System (NAIS) to identify and trace the movement of livestock.

### 2010

- USDA ends NAIS and begins a “flexible yet coordinated approach that embraces the strengths and expertise of States, Tribal Nations, and producers.”

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## NAIS Components

### Premise Identification

- Landowners register “premises,” which is then assigned a unique PIN identifier
- PINs are maintained in **state** databases



### Animal Identification

- Animals are identified (individually or as a group) with unique ID numbers that stay with them until slaughter
- Numbers are associated with specific premises in **USDA** database



### Animal Tracing

- Data on movement of animals is maintained in **state and private sector** databases

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## NAIS Concerns

- **Cost**
  - Who will be paying for the components and labor?
- **Privacy/Confidentiality**
  - Who has access to the data (FOIA, subpoena)?
  - Why does the government need the data?
- **Liability**
  - Will the traceback ability increase producer liability for those who would have previously remained anonymous?
- **Religious Freedom**
  - “And [the Antichrist] causeth all, both small and great, rich and poor, free and bond, to receive a mark in their right hand, or in their foreheads. And that no man might buy or sell, save [except] he that had the mark, or the name of the beast, or the number of his name.”

× *Rev 13:16-17*

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## State Identification Systems

- Some states, including Wisconsin, Indiana, and Michigan, mandated at least part of the three-step NAIS system.
- Many other states, including Ohio, use a voluntary provision for the NAIS system.

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## Where Are We Now?

- 2004 - 2010: Voluntary federal NAIS program in place
- Mar., 2010: NAIS discontinued
- Aug., 2011: New proposed regulations published
- Nov., 2011: Comment period closed

## Animal ID in Ohio- Covered Animals

### Included

- Equine (horses, donkeys, mules, ponies)
- Bovine (bison, cattle)
- Goats
- Poultry (chickens, turkeys, geese, ducks, guinea fowl, and squab)
- Captive game birds (pheasants, quail, wild turkeys, migratory wildfowl, pigeons, and exotic birds)
- Sheep
- Swine (other than wild hogs but including pot belly pigs)
- Cervid (deer, elk, moose, caribou, reindeer)
- Camelids (llamas, alpacas)
- Ratites (rheas, ostriches, emu, cassowary, kiwi)
- Fish (aquaculture)

### Not included:

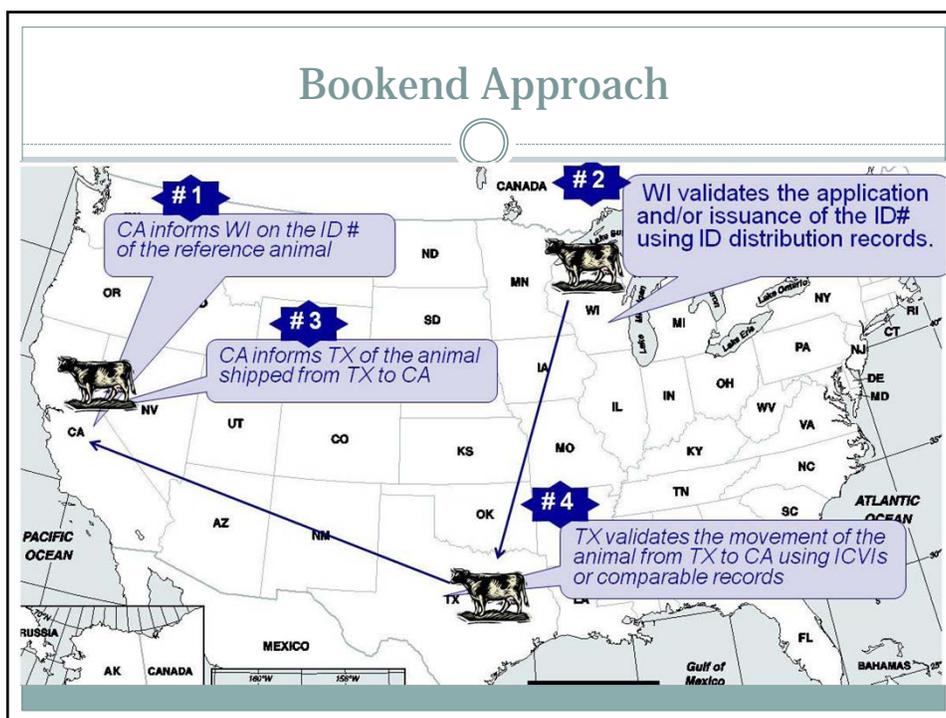
- Rabbits
- Dogs
- Cats

## Ohio Animal ID

- “The Ohio Department of Agriculture is taking the first step in implementing the NAIS by encouraging Ohio's livestock and poultry industries to voluntarily register all premises (farms, markets, concentration points, exhibitions, packing/processing plants, and other locations) that produce, manage or hold livestock.”
- The Ohio livestock care standards board is specifically prohibited from creating a statewide animal identification system.

## Federal Proposal in a Nutshell

- **ONLY** apply to animals moving interstate
- Owned, led, and administered by the states and tribes
  - This is important, because it still raises many of the same concerns as the federal system would have in terms of confidentiality and liability
  - Now reliant on protection of state FOIA laws, rather than the federal exemption
- “Bookend approach” to identification
- Measured by benchmarks, rather than by premises or animals that are registered/marked
- Primary focus on state veterinarian to identify the animals
- Species specific
- Consequences for failure do not result in a loss of funding, but instead in higher costs to export animals
  - Potential additional testing on animals before they can be moved from state to state



## Brands

- Brands would not be listed as official identification for cattle
- However, animal health officials in the shipping and receiving states may agree to ship or receive cattle that are identified with brands
- If both the shipping and receiving states agree, then branding will be an acceptable identification method between those two states.
- If the shipping and receiving states do not agree, another (acceptable) method of identification must be used.

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