

FLAG



FARMERS' LEGAL  
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By Electronic Mail

Mrs. Celeste Sickles  
Regulatory Analysis and Development  
PPD, APHIS  
Station 3C71  
4700 River Road Unit 118  
Riverdale, MD 20737-1238

Dear Mrs. Celeste Sickles:

Re: Comments on Request for Emergency Approval of an  
Information Collection, dated October 8, 2004, Docket  
No. 04-048-1

On behalf of our client organization, the Western Organization of Resource Councils (WORC), we are submitting these comments on Request for Emergency Approval of an Information Collection, dated October 8, 2004, as published in the Federal Register at 69 Fed. Reg. 60347 (granting an extension of time to respond to Notice of Request for Emergency Approval of an Information Collection, dated September 23, 2004, published at 69 Fed. Reg. 56990) ("Request"). WORC is a network of grassroots organizations from seven states that includes 8,750 members and 48 local community groups. WORC's seven state organizations are: the Dakota Resource Council (North Dakota), Dakota Rural Action (South Dakota), the Idaho Rural Council (Idaho), the Northern Plains Resource Council (Montana), Oregon Rural Action (Oregon), the Powder River Basin Resource Council (Wyoming), and the Western Colorado Congress (Colorado). WORC is also part of the Americans for Country of Origin Labeling, a coalition that strongly supports mandatory Country of Origin Labeling (COOL) and opposed the recently enacted two-year delay of COOL.

In addition to WORC's comments regarding APHIS' proposed mandatory national identification system submitted on September 13, 2004 in response to Advance Notice of Proposed Rulemaking on Federal Measures

To Mitigate BSE Risks: Consideration for Further Action, dated July 14, 2004, as published in the Federal Register at 69 Fed. Reg. 42288 (Advance Notice), WORC submits these additional comments regarding the October 8, 2004 Request.

While the Request addresses only a pilot project, its cost estimates—provided with no explanation of how they were arrived at—seem questionable, particularly in contrast with the various cost estimates for mandatory Country of Origin Labeling (COOL). For example, the Request states that the amount of time each respondent will spend on each “response” is .1404691 hours, or about 8.4 minutes per “response,” and further that the estimated number of responses per respondent would be 1.2. “Respondents” include producers, state animal health authorities, feedlot owners/operators, and many others. The estimate of burdens does not break down the burdens on each of these groups.

The recordkeeping obligations of producers under a national identification plan would include, at a minimum, physically identifying and marking each animal, recording that information somewhere, and providing it to the appropriate entity or agency. It is difficult to imagine a producer could accomplish those obligations in a mere 8.4 minutes per “response,” or that the producer would average only 1.2 “responses” per year. Even if the animals are identified by lot (which likely will not be the case for cattle), producers will need to “respond” more than 1.2 times per year. For cattle, producers will likely have to “respond” for every bull, cow, steer, or heifer they own and an additional time when new calves are born or acquired. There are currently more than 10 million cattle on feed. A national identification program tracking cattle alone would require “responses” from producers more than 1.2 times per year. The estimate of burden contained in the Request thus appears to be grossly understated.

The government’s estimate of producers’ recordkeeping costs for COOL, on the other hand, which required producers only to verify the country of origin of their animals, was exaggerated. When analyzing the costs of voluntary COOL, the government assumed that the time required to develop a recordkeeping system would require one day of a producer’s time, and the time required to generate and maintain the records was one hour per month. It also assumed a labor cost of \$25 per hour, for an estimate of \$400 million to establish the system and \$600 million per year to maintain the records.

The Request does not apply the same assumptions, nor—notably—does it translate the “burden” on producers and other respondents into costs, as it did when analyzing COOL. It is difficult at best to understand how APHIS reconciles these estimates or explains its underlying justification. Notably, APHIS omits any total cost estimate, as it included in its proposed mandatory COOL regulations.

WORC believes priority should be placed on implementing Country of Origin Labeling, and on marking and identifying imported animals, especially cattle and other animals

susceptible to Foot and Mouth Disease (FMD). WORC opposes a new mandatory national identification program, and believes that current, effective programs already exist for other species. Even assuming the low estimates for costs for producers, creating a duplicative national program will only add burdens to producers of all types of livestock.

Sincerely,

FARMERS' LEGAL ACTION GROUP, INC.

s/ Susan Stokes

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