



# Farm-to-Consumer Legal Defense Fund<sup>®</sup>

## **EXECUTIVE SUMMARY FOR NOTICE OF INTENT LETTER TO USDA AND MDA**

The National Animal Identification System (NAIS) is a nationwide program implemented by the United States Department of Agriculture in conjunction with the several States and industry. The alleged purposes of the program are three fold: (1) assign a number to all livestock on all farms; (2) assign a premises number to all farms; and (3) track the movement of all animals on all farms. NAIS, however, is an *ad hoc* program that has not been subjected to traditional rulemaking requirements of notice and comment and is not rationally related to its alleged purpose, i.e., controlling animal disease. States are also being coerced by USDA to implement NAIS under State programs in exchange for receiving federal funds. In addition, NAIS has not been subjected to either an Environmental Impact Statement or an Environmental Assessment. Moreover, the costs associated with NAIS have not been evaluated under the Regulatory Flexibility Act. Finally, NAIS infringes on the free exercise of religion.