

**Responses to Colorado State University Bullet Points on LaPlata County Board of Commissioners
Resolution 2007-27 Opposing Mandatory 4-H and FFA Premises Registration
(Approved June 5, 2007)**

Background: On June 5, 2007 the LaPlata County Board of Commissioners (Colorado) approved resolution 2007-27 opposing mandatory 4-H and FFA premises registration. Shortly thereafter, Colorado State University circulated bulleted responses to the resolution's points (the author is not identified) to which the Colorado Coalition Opposing Mandatory 4-H and FFA Premises Registration would like to provide follow-up responses. Affected 4-H livestock producing families may find this information helpful.

Bullet #1: Whereas, 4-H and Future Farmers of America (FFA) are voluntary programs that, by law, must be administered without prejudice or discrimination.

CSU Response: This policy does not result in prejudice or discrimination. The valid point is that 4-H is voluntary. If parents or families do not want to follow the rules and policies of the program, they can choose not to participate. 4-H membership is open to all eligible citizens.

Coalition Response: Ultimately, the question of prejudice or discrimination would be decided in a court test of the policy. Mandating an enrollment of property in a premises identification and registration system as a prerequisite for eligibility in a youth program could very likely be found as prejudicial and discriminatory.

More importantly, it is problematic that 4-H and CSU Cooperative Extension administrators are adopting an attitude of "like it or lump it - these are the rules and individuals can choose to enroll in 4-H or not." In recent years, 4-H enrollments nationally have come under considerable competition from other programs and activities youth are interested in, and it would seem that a solution-oriented approach would be based on enhancing enrollments rather than a display of arrogant non-concern.

The decision to mandate premises registration for youth enrolled in 4-H live animal projects was made arbitrarily by the Livestock Task Force, which consisted of 15 - 20 county agents. Stakeholders, including 4-H families, leaders, county councils, county extension advisory boards on a state-wide basis, were not asked for input into the decision made. This sort of top-down driven policy does nothing to enhance strategic relationships between constituents of the land grant university system and its administration, resulting in political consequences. Often, land grant constituents are called upon to defend the institution during times of legislative budget sessions. Unfortunately, decisions like mandating premises registration for 4-H youth without appropriate public input compromises these relationships.

Bullet #2: Whereas, the U.S. Department of Agriculture's proposed national animal identification system is voluntary and has not been mandated by Congress.

CSU Response: USDA has clearly stated that NAIS is voluntary at the federal level. This allows states, counties or organizations the ability to make participation in NAIS or simply obtaining a premises ID mandatory. There are states that have mandatory premises ID.

Coalition Response: Overwhelming opposition to the U.S. Department of Agriculture's proposed mandatory NAIS forced the agency to redesign the program as voluntary. It is true that at least one state has mandatory premises ID. It is also true that at least one state (Arizona) has passed legislation prohibiting mandatory premises and animal ID, and that several other states are considering the same sort of legislation.

The U.S. Department of Agriculture has entered into a "cooperative agreement" with the State of Colorado. The cooperative agreement sets out specific goals for premises registrations, and if these goals are met, the State of Colorado receives funding for accomplishing these goals. What's the easiest route to reach premises registrations goals? Exploiting 4-H families involved in live animal projects.

Bullet #3: Whereas, there is no legislation in the State of Colorado mandating premises registration or animal identification.

CSU Response: There is legislation in Colorado that requires premises registration and animal identification if a quarantine situation exists in a localized area.

Coalition Response: The Livestock Act of 2005 grants authority to the Colorado State Department of Agriculture to implement mandatory premises and animal identification in the event of a reportable disease outbreak. This law puts into place appropriate mechanisms to trace and identify affected animals and would be administered by the Colorado State Department of Agriculture and the State Veterinarian. There is no legislation in Colorado mandating premises registrations outside the application and intent of the Livestock Act.

Bullet #4: Whereas, attaching a premises registration to property is similar to placing a covenant on that property into perpetuity.

CSU Response: Premises registration has no legal tie to the land. It is not similar to placing a covenant on the land.

Coalition Response: Enrolling property in the premises registration program attaches an identification number to a specific parcel of land. The only method by which the number may be separated from the property is if the landowner formally requests its removal from the database. At the state level, the State Coordinator of the NAIS system advances the request to the U.S. Department of Agriculture and the request for removal must be approved. Unless the landowner makes the request for removal and is approved, the property and its identification number remain permanently attached.

The process for property removal from enrollment in premises registration was only recently developed by the U.S. Department of Agriculture largely as a response to property owners who

unwittingly enrolled in the system only to discover they were misinformed about the system and wanted a method by which to remove their property from the registry.

Bullet #5: Whereas, participation in the premises registration and animal identification system places property in a permanent database and the information collected is not protected from disclosure leaving landowners vulnerable to competitive misuse or sale of private information.

CSU Response: In Colorado, the Colorado Department of Agriculture will maintain the database of premises registration information. The amount of information attained is minimal (physical location, species of livestock raised, and phone numbers).

Coalition Response: Completion of either the state's application form and/or going through the online registration has very important legal ramifications for landowners: 1) you open an account with NAIS; 2) specific terms and conditions are attached to that account; 3) you classify and thereby declare yourself as a business entity; 4) you classify and thereby declare your farming or ranching activities to be a "business operation"; 5) you name, identify, and provide the legal description of your land; 6) you classify and thereby declare your operation to be a "premises operation"; 7) you identify every animal species present at the location. The property will be permanently associated with the premises number assigned and it will run with the land forever.

Even if landowners use the state's application form instead of applying online, the agreement's terms and conditions still attach to property; your state's employee, acting on your behalf, must use the USDA/APHIS online system in order to enter property information to obtain a premises registration number.

The U.S. Department of Agriculture cannot insure the confidentiality of data once it is placed in a data base. There are no provisions in place by which a premises registration data base, controlled by either state or federal entities, is protected from Freedom of Information Act (FOIA) disclosure. The use of public funds attaches specific information disclosure stipulations and this issue has not been resolved with regard to insuring property owner's privacy if enrolled in premises registration. Remember the recent data base breaches in security and leaking of information from government-controlled computers? It is likely, however, that this threat may not be the primary issue, because all of the data collected would be subject to FOIA disclosure.

Bullet #6: Whereas, an existing program is already in place to identify animals intended for exhibition at the county and state fair levels.

CSU Response: Some people who oppose the premises registration program say that the existing brand laws are sufficient to track animals. The problem is that system will not work for the majority of youth livestock exhibitors. Current brand laws may be sufficient for many beef producers, but not workable for other species such as swine, sheep, poultry, goats and llamas. The existing program, as mentioned, is for identification of animals and not identification of premises, these are different issues.

Coalition Response: The primary purpose of a brand is to prove ownership of the branded animal, linking the animal to the owner of the brand. Colorado is a brand law state. All 4-H market cattle must be brand inspected for movement and transaction purposes. In addition, market cattle are ear tagged with 4-H program tags at the beginning of the project and market cattle destined for exhibition at the Colorado State Fair are nose printed for individual identification purposes. Identification methods are applied to other species of 4-H animals.

Bullet #7: Whereas, less than 25 percent of livestock production operations nation wide have registered for premises registration demonstrating the overwhelming opposition to this system.

CSU Response: The 25 percent number cited is a preliminary nationwide number from several months ago. The percentage of premises registrations continues to rise. Also, in 2006 Morgan County had 100 percent premises registrations of their 4-H and FFA members. Pueblo County has received 160 premises registrations (all of the Pueblo 4-H members who exhibit livestock and horses in the county) with only one family opposing the policy as of June 1, 2007 - even though the policy is not in effect until October 1, 2007. Both the United States and Colorado are at 27% of the estimated premises registered (5/21/07). This number is well within the expected range of USDA and other organizations see for a new program. It is not an accurate indicator of opposition.

Coalition Responses: The fact that nearly 75% of livestock operators have not registered their premises is, indeed, an indicator of the overwhelming opposition to the currently proposed system. The NAIS system was launched in 2003. By July of 2004, the plan was to have all premises registered. As of June 2007, nearly 75% of livestock operations remain unregistered.

Counties choosing to voluntarily participate in a mandatory premises registration system did so at the local level, with appropriate input from those directly affected. The key words are "voluntary" and "choice". Any 4-H or FFA member in Colorado, or the United States, should have the right to voluntarily choose whether or not to participate in the premises registration program.

Bullet #8: Premises registration encumbers property potentially decreasing its market value and intrudes on citizens' private property rights.

CSU Response: Colorado State University is unaware of evidence that premises registration will have an adverse effect on property values.

Coalition Response: Because Colorado State University is "unaware of evidence" does not mean that property values will not be affected by premises registration numbers.

Bullet #9: Whereas foisting this mandatory program on 4-H and FFA youth presents participating counties with potential civil liabilities.

CSU Response: Any potential civil liability for carrying out a state 4-H policy will rest with the Colorado State 4-H Office and Colorado State University. The federal statute that gives the land grant university authority to administer the 4-H program and set policies will be the prime protection of

such civil liability. Also, county level 4-H programs are in greater danger of civil action when they disregard state 4-H policies.

Coalition Response: Only a court test will define where the civil liabilities for such a case will ultimately lie.

Bullet #10: Whereas the County Extension Service serves at the pleasure of the County Commission.

CSU Response: Just a reminder that the relationship between Colorado State University Extension and local Boards of County Commissioners is a cooperative relationship. Extension sets the direction of the educational programming while county commissioners provide the local support in the way of facilities and resources to help support the Extension program and governed by the signed Memorandum of Understanding.

Coalition Response: Memorandums of Understanding between counties and Cooperative Extension are completed on a county-by-county basis, with facilities, resources and support varying widely from county to county. The Cooperative Extension Service is defined through its outreach and strategic partnerships with the people, communities, counties and state it serves. The Colorado Cooperative Extension Service prides itself on its local engagement and cooperation with county leaders and taxpaying constituents. Extension Service programming has almost always been developed through these principles and thus, has more often than not, reflected the values and needs of the people the program serves. Unfortunately, implementation of the mandatory 4-H premises registration system was not predicated upon these same methods. Instead, a handful of administrators made a decision to mandate a premises registration system for 4-H youth without appropriate or adequate public input, particularly from those the policy impacts the most.

Without the support and cooperation of local county officials and taxpayers, Cooperative Extension will suffer. The resources being spent to mandate premises registration and defend the decision to do so could be much more effectively spent in educating 4-H youth about animal disease causes, prevention, risk mitigation and food safety. Constituents of Colorado State University should ask themselves why this sort of curriculum was not developed for 4-H youth prior to mandating premises registration. Shouldn't a learning institution be focused on education and disease prevention rather than involving itself in public policy?