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The Honorable Tom Vilsack
Secretary of Agriculture
U.S. Department of Agriculture
1400 Independence Ave., S.W.
Washington, D.C. 20250

FILED CONTEMPORANEOUSLY IN DOCKET NO. APHIS-2021-0022

Re: R-CALF USA's Request for Factual Information Pursuant to Docket No. APHIS-2021-0020 and Request for a Comment Deadline Extension Following Receipt of the Requested Information

Dear Secretary Vilsack:

On Thursday, January 19, 2023, the U.S. Department of Agriculture (USDA) Animal and Plant Health Inspection Service (APHIS) published a proposed rule: Docket No. APHIS-2021-0020, *Use of Electronic Identification Eartags as Official Identification in Cattle and Bison*. The proposed rule compels United States cattle producers to purchase from certain manufacturers, and affix to their adult U.S.-origin cattle moving interstate, an official radio frequency identification (RFID) eartag at a cost ranging from \$2.01 to \$3.65 per head. Collectively, the proposed rule envisions that United States cattle produces will be compelled to purchase approximately 11 million official RFID eartags at an estimated annual cost ranging from approximately \$25 to \$30 million.

Members of R-CALF USA are concerned that most, if not all, of the official RFID eartag manufacturers that APHIS has approved pursuant to the proposed rule may be sourcing either the electronic chip within the official eartag or the entire official eartag from foreign countries such as the Peoples Republic of China (PRC), which is ruled exclusively by the Communist Party of China (CPC).

On July 6, 2020, R-CALF USA issued an industry-wide public news release titled, *COVID-19 Pandemic Reveals USDA Is Not Buying RFID Cattle Eartags from American Manufacturers*. The news release disclosed that the COVID-19 pandemic disrupted foreign shipments of millions of RFID cattle eartags the USDA had purchased from foreign manufacturers. It further disclosed that the USDA had planned to distribute the millions of foreign-made RFID eartags free-of-charge to United States cattlemen and cattlemen to bait them into using the foreign-made RFID eartags on their U.S.-origin cattle. Thus, at that time R-CALF USA publicly proclaimed its opposition to any administrative action that would coax its members to affix foreign-made devices to their U.S.-origin cattle.

R-CALF USA members remain fundamentally averse to any administrative mandate that would compel them to support the Communist Party of China or any other foreign regime through their business purchases, or that would forcibly relegate them to a dependency on the CPC or some other foreign regime to lawfully conduct their farming and ranching operations. Further, if R-CALF USA's concern is correct and USDA-APHIS' intention is to compel U.S. cattle producers to purchase RFID

eartags manufactured in whole or in part in China or any other foreign country, then USDA-APHIS' proposed rule is at least violative of the spirit of, if not in direct contravention to, President Biden's January 25, 2021 Executive Order 14005 entitled *Ensuring the Future Is Made in All of America by All of America's Workers*, and his February 24, 2021 Executive Order 14017 entitled *America's Supply Chains*. Together, these orders direct administrative agencies to begin supporting United States manufacturers, workers, and domestic supply chains.

R-CALF USA's concern arises from its efforts to ascertain the country-of-origin of the official RFID eartag manufacturers and official RFID eartags APHIS has approved pursuant to the proposed rule. The proposed rule at page 3,324 directs readers to APHIS' list of currently approved eartags – to a document entitled *Official Animal Identification Number (AIN) Devices with the '840' Prefix*.¹ The document includes eight cattle-purposed RFID eartag manufacturers approved by APHIS, including widely known Allflex USA, Inc. and Y-Text Corporation.

My review of Allflex USA, Inc.'s website identified no origin declaration for its official electronic identification eartags, its eartag applicators, or its electronic reader offerings.² Similarly, though my review of Y-Text Corporation's website identified a prominent "Proudly made in the USA" logo for its non-RFID eartag offerings (non-official eartags pursuant to the proposed rule), I could not identify any origin declaration whatsoever in its description of its *USDA Animal Disease Traceability Compliant Tags 840 Prefix HDX Technology*.³

As a prerequisite for soliciting comments on the proposed rule, it is imperative that USDA-APHIS publicly disclose in an official notice i) the origins of the official RFID eartag manufacturers; ii) whether the APHIS approved RFID eartags offered by each approved manufacturer are exclusively made in the USA, or if they are sourced in whole or in part from a particular foreign country; iii) whether the applicators and electronic readers offered by each approved manufacturer are exclusively made in the USA, or if they are sourced in whole or in part from a particular foreign country; and iv) a list of the approved manufacturers and their electronic eartags, applicators, and readers that are exclusively sourced from and manufactured in the United States of America. Meaning the final product and all its internal components are exclusively sourced from factories located within the United States.

R-CALF USA respectfully requests an extension of the March 20, 2023, comment deadline for the proposed rule of not less than 90 days from the date that USDA-APHIS officially issues its notice identifying the origin-specific information requested above.

Thank you for your consideration of our request and we look forward to your response. If any additional information is needed, please contact me at 406-670-8157.

Sincerely,



Bill Bullard, CEO

¹ See https://www.aphis.usda.gov/traceability/downloads/ADT_device_ain.pdf.

² See, e.g., https://www.allflex.global/na/product_cat/electronic-identification/.

³ See, e.g., <https://www.y-tex.com/resource/product-information-sheets>.