

United States Senate

WASHINGTON, DC 20510

March 16, 2023

COMMITTEES:
ARMED SERVICES
BANKING, HOUSING, AND
URBAN AFFAIRS
SELECT COMMITTEE ON
INTELLIGENCE
VETERANS' AFFAIRS
INDIAN AFFAIRS

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

Secretary Vilsack,

I am writing to express my concerns about the proposed rule related to radio frequency identification (RFID) tags in cattle and bison, as outlined in Docket No. APHIS-2021-0020. While I understand the goal of increasing traceability, I am concerned about the negative consequences that this proposed rule may have on small and independent cattle producers in South Dakota and across the country. Specifically, I am concerned about the cost to producers for this mandate, data security related to RFID technologies and USDA's lack of enforcement for traceability standards with our trading partners; while at the same time holding domestic producers to a potentially overly-burdensome mandate.

First, the cost of implementing an RFID mandate could create a significant burden for many of our small and independent ranchers. The cost of purchasing tags and the necessary technology to read and record the information would be substantial. Furthermore, many small producers may not have the resources or infrastructure necessary to manage the data that an RFID system would generate, which could lead to significant compliance issues and increased market consolidation in the industry. Our farm and ranch families in South Dakota are already facing a range of challenges, including drought, high input costs and declining prices, and the added cost of complying with this mandate could push even more out of business.

Second, there are serious concerns regarding data privacy and security in the proposed rule. Should the proposed RFID system be implemented, vast amounts of digital data about individual animals would be generated and stored, leaving it vulnerable to cyber-attacks. Given the track record of data breaches and the potential for data to be misused, it is imperative that any system implemented is designed with privacy and security in mind. However, the proposal does not appear to adequately address these concerns. I am also concerned about the potential for foreign sourced components of RFID tags that may compromise our national security and food safety. As others have highlighted in their comments, the sourcing of components from different countries, particularly those who may not have our best interests in mind, is also a serious concern. The lack of domestic sourcing for these tags could also lead to supply chain disruptions, increased costs and risks to our food security. As we continue to face global supply challenges, it is essential that we prioritize domestic production and sourcing whenever possible to safeguard the security of our food supply and the data associated with it.

Third, it is deeply concerning that USDA is imposing an unfunded mandate on U.S. cattle producers for traceability purposes while at the same time ignoring traceability standards for

foreign trading partners, like Brazil, which continues to be at the center of controversies involving food safety and traceability. As our nation's cattle producers continue to face significant challenges in maintaining market share and profitability, USDA's decision to focus on domestic traceability without making certain that our foreign trading partners are meeting the same standards is unacceptable. It is imperative that any effort to increase traceability within the U.S. beef industry is matched by similar efforts in countries that we import beef from. This would not only level the playing field for U.S. producers but also safeguard our food supply and protect consumers from potential health risks associated with imported beef.

Lastly, if the other concerns that I have raised are addressed and the proposed rule is to move forward, I would question whether USDA intends to utilize RFID tags to help re-implement mandatory country of origin labeling for beef? The lack of mandatory country of origin labeling for beef products continues to be a concern for American consumers, who have a right to know where their food comes from so they can make informed decisions about what they eat. Mandatory country of origin labeling would provide American consumers with important information about where their beef comes from. By using RFID tags to track the origin of beef products, USDA can help make certain that mandatory country of origin labeling for beef is effective, transparent and accessible to all Americans.

I urge you to take these concerns into consideration as you move forward with the rulemaking process and take steps to mitigate the potential negative impacts of this proposed rule. This could include providing financial assistance to producers for the purchase and implementation of RFID technology, or extending the compliance deadline to allow producers more time to prepare for the rule. It is crucial that we work together to develop a policy that balances the need for increased traceability with the concerns of our hardworking ranchers. I look forward to your response and working with you to address concerns and future implications associated with this proposed rule.

Sincerely,

A handwritten signature in blue ink, appearing to read "M. Michael Rounds". The signature is stylized and cursive.

M. Michael Rounds
United States Senator