



National Milk Producers Federation

2107 Wilson Blvd., Suite 600, Arlington, VA 22201 | (703) 243-6111 | www.nmpf.org

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Mount Joy Farmers Cooperative Association
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Select Milk Producers, Inc.
Southeast Milk, Inc.
Tillamook County Creamery Association
United Dairymen of Arizona
Upstate Niagara Cooperative, Inc.

August 21, 2020

Docket No. APHIS-2017-0002
Regulatory Analysis and Development
PPD, APHIS
Station 3A-03.8
4700 River Road, Unit 118
Riverdale, MD. 20737-1238

RE: Proposed Rule *National List of Reportable Animal Diseases* (Docket No. APHIS-2017-0002)

The National Milk Producers Federation (NMPF) appreciates the opportunity to provide comments to the United States Department of Agriculture, Animal and Plant Health Inspection Service (USDA-APHIS) Proposed Rule *National List of Reportable Animal Diseases* (Docket No. APHIS-2017-0002).¹ NMPF supports the general aim of the Proposed Rule to amend the animal disease regulations to provide for a National List of Reportable Animal Diseases (NLRAD), along with reporting responsibilities for animal health professionals that encounter or suspect cases of communicable animal diseases and disease agents.

Zoonotic and foreign animal diseases remain an ever-present risk to U.S. dairy farmers and their animals. Domestic and international confidence in purchasing U.S. dairy products is intimately tied to the health of our national dairy herd. In particular, an incursion of a foreign animal disease could disrupt our ability to maintain, let alone expand, exports of US dairy products – about 14.5 percent of production valued at \$6.02 billion in 2019. Therefore, enhancing the functionality and timeliness in reporting of notifiable disease through NLRAD is of great importance to U.S. dairy farmers.

These proposed changes help to streamline State and Federal cooperative animal disease detection, response, and control efforts. In general, NMPF believes this action will consolidate and enhance current disease reporting mechanisms and will complement and supplement existing animal disease tracking and reporting at the State level. NMPF offers these additional specific comments in order to clarify and strengthen NLRAD.

Confidentiality

As proposed, NLRAD does not address confidentiality of the required information provided when reporting a notifiable disease. Laboratories must provide to both the State and USDA-APHIS detailed information including owner and location information in NLRAD reports. There is no discussion of privacy protection or confidentiality when

¹ Federal Register Vol. 85 No. 64. 18471- 18477. <https://www.regulations.gov/contentStreamer?documentId=APHIS-2017-0002-0001&contentType=pdf>

mandatory reports provide personal or other sensitive confidential business information. NCBA strongly recommends that a confidentiality statement be included in the wording of the regulation to ensure individual privacy protection for producers and veterinarians while collecting critical epidemiological information for reporting. Assurance of confidentiality protects proprietary and personal information from misuse and reduces the risk for underreporting disease incidence. ***NMPF recommends adding language that clarifies and ensures protection to individual privacy and confidential business information while collecting and reporting critical epidemiological information.***

Wildlife

The reporting of notifiable diseases in wildlife is not included in the proposal despite endemic reservoirs of some diseases in wildlife. Notifiable diseases in wildlife must be addressed in NLRAD because disease can be bi-directionally transmitted at the wildlife-livestock interface. These endemic diseases include *B. abortus* in elk and bison in the Greater Yellowstone Area, *B. suis* is endemic in feral swine populations, Bovine Tuberculosis in the Modified Accredited Zone in Michigan. These and other endemic notifiable diseases should be considered as “Monitored” in wildlife especially when reservoirs of a notifiable disease are determined to exist in wildlife within a State. We believe that all domestic animal disease control and eradication programs should be under the direction and supervision of veterinarians, especially if a wildlife specialist is not readily available. Any listed disease found in wildlife should be reported to APHIS and the state animal health official using the same protocol as would be followed for reporting domestic animal disease. ***NMPF recommends adding language to include the reporting of notifiable diseases in wildlife.***

Animal Health Professionals

USDA-APHIS recognizes that while reporting for most notifiable disease incidents will occur through veterinarians and diagnostic laboratories, any animal health professional who has knowledge of a notifiable is required to report to NLRAD. USDA-APHIS proposes to define “*animal health professional*” as “*an individual, corporate entity, or animal health organization with formal training in the diagnosis or recognition of animal diseases and/or pests of livestock.*” In order to be fully successful, NLRAD will need to have diseases of livestock, other domestic animals and wildlife reported. ***NMPF recommends adding to the end of the definition “..., other domestic animals, and wildlife”.***

USDA-APHIS also recognizes “*formal training*” is appropriate to ensure accurate reporting for notifiable disease to NLRAD. The USDA-APHIS proposes to define “*formal training*” as “*training programs administered by APHIS, a State department of agriculture, a State department of wildlife management and/or natural resources, or a licensed, accredited college or university.*” NMPF concludes this could include such trainings as a course on foreign animal diseases hosted by a state animal health official or university, and a combination of the National Veterinary Accreditation Program Modules. We also recognized the important role of licensed veterinarians to the success of NLRAD. ***NMPF recommends the definition of “formal training” should be amended to “training programs developed in conjunction with licensed veterinarians, administered by APHIS, a State department of agriculture, a State department of***

wildlife management and/or natural resources, or a licensed, accredited college or university.”

Enforcement Authority

NMPF believes that clarification should be provided in NLRAD standards about the enforcement authority for disease reporting. If accreditation regulations provide the sole authority for ensuring and enforcing reporting standards, there is no recourse to address reporting violations for non-accredited individuals or non-accredited diagnostic laboratories. ***NMPF recommends improved clarity on authority for enforcement of disease reporting, and the repercussions for animal health professionals or laboratories that fail to report a listed condition.***

NLRAD also does not address the use of non-validated tests for regulatory disease reporting. The reporting of a notifiable or monitored disease based on a non-validated laboratory diagnostic test, if incorrect, could result in significant negative trade and economic impacts. ***NMPF recommends adding language that identifies only validated diagnostic testing as necessary for confirmation for a positive reportable animal disease.***

Reporting

The proposed NLRAD reporting sub-classification for the notifiable diseases as “emergency,” “emerging,” and “regulated” seems vague and confusing, unnecessarily blending response and surveillance activities with reporting requirements. There must be clear concise definitions for all relevant State and Federal animal health authorities, “*animal health professionals*”, and industry to provide common understanding of the response to the report of a disease or condition associated with NLRAD. ***NMPF recommends that USDA-APHIS provide well-delineated reporting requirements for the subclassifications “emergency,” “emerging,” and “regulated”.***

Timely reporting of notifiable diseases is necessary to facilitate the early reporting of serious animal diseases, to accelerate the response time to animal disease occurrences, and to lessen the overall impact of serious animal diseases on livestock producers and the economy. We support “immediate reporting” of a notifiable disease but believe an unambiguous definition is necessary to facilitate understanding and expectations. ***NMPF recommends the inclusion of a definition for “immediate reporting” of a notifiable disease, as “within twelve (12) hours of a suspected FAD or knowledge of diagnostic testing results.”***

The proposed NLRAD details a dual reporting requirement of notifiable diseases and disease agents, once to USDA-APHIS, and again to the State Animal Health Official of the State where the animal is located. Dual reporting requirements would be made much less burdensome for the States, diagnostic laboratories, and other animal health professionals if USDA, APHIS established a new information technology system with a single portal for both Federal and State personnel to receive notifiable disease reports simultaneously, thereby minimizing the reporting burden for State diagnostic laboratories and accredited veterinarians. ***NMPF encourages USDA-APHIS to rapidly develop a single portal for both Federal and State personnel to receive notifiable***

disease reports simultaneously thereby minimizing the amount of paperwork accredited veterinarians and laboratories must submit.

Conclusions

NMPF recognizes the utility and benefit of the NLRAD in protecting the United States' dairy industry. Zoonotic and foreign animal diseases remain an ever-present risk to U.S. dairy farmers and their animals. The proposal enhances NLRAD capabilities to protect the U.S. dairy industry. We believe that our additional comments and suggestions further improve the program.

We appreciate the opportunity to provide comments to USDA-APHIS concerning proposed changes to NLRAD and encourage USDA-APHIS to move forward with NLRAD rulemaking. If you have questions or concerns, please contact Jamie Jonker, Ph.D. at 703-243-6111 or jjonker@nmpf.org.

Sincerely,

A handwritten signature in purple ink that reads "Jamie Jonker". The signature is written in a cursive, flowing style.

Jamie Jonker, Ph.D.
Vice President, Sustainability & Scientific Affairs