

## Background on the RFID tag transition comment period

In an April 2019 RFID mandate, APHIS made the initial announcement about its intention to adopt RFID tags and implement a transition timeline. R-CALF USA filed a lawsuit in October 2019 alleging the agency's RFID mandate was unlawful. In response, the USDA withdrew its mandate and asked the court to dismiss the lawsuit. The court agreed and dismissed the lawsuit and APHIS is now in the middle of the public comment period. Litigation on related issues continues between the USDA and R-CALF USA.

The U.S. Department of Agriculture's Animal and Plant Health Inspection Service is seeking public comment on a proposal where APHIS would only approve Radio Frequency Identification (RFID) as the official eartag for use in interstate movement of cattle that are required to be identified by traceability regulations.

The full notice for public comment and accompanying information can be found on the Federal Register website: <https://www.federalregister.gov/d/2020-14463>

Currently, APHIS approves both visual and RFID tags to be used as official identification. The proposed transition to RFID tags would increase animal disease traceability by more accurately and rapidly allowing animal health officials to know where affected and at-risk animals are located. While this would not prevent disease outbreaks, it would allow animal health officials to more quickly contain outbreaks early before they can do substantial damage to the U.S. cattle industry.

APHIS is also seeking comment on a proposed timeline for implementation:

- Beginning January 1, 2022, USDA would no longer approve vendors to use the official USDA shield in production of metal ear tags or other ear tags that do not have RFID components.
- On January 1, 2023, RFID tags would become the only identification devices approved as an official eartag for cattle and bison.
- For cattle and bison that have official USDA metal clip tags in place before January 1, 2023, APHIS would recognize the metal tag as an official identification device for the life of the animal.

This transition timeline would not alter the existing regulations. The cattle and bison that must be identified will not change, nor will the option for animal health officials in shipping and receiving states to agree to accept alternate forms of identification, including brands and tattoos, in lieu of official identification.

[Public comments will be accepted through October 5, 2020.](#) After reviewing all comments, APHIS will publish a follow up Federal Register notice, which will respond to any such comments, announce a decision whether to only approve RFID tags as the only official identification devices for cattle, and, if so, provide the timeline for such a transition.