



September 5, 2006

APHIS Docket Office
ATTN: Docket No. APHIS-2006-0012
Regulatory Analysis and Development
PPD, APHIS
Station 3A-03.8
4700 River Road Unit 118
Riverdale, MD 20737-1238

Statement of Position from the American Microchip Advisory Council for Animals

RE: Microchips (Docket No. APHIS 2006-0012)

Dear APHIS Docket Office, Dr. Gipson and Animal Care:

The American Microchip Advisory Council for Animals (AMACA) is composed of organizations and individuals who deal with the challenges of animal identification every day and rely upon microchip identification as part of the nationwide effort to do the right thing for animals and their owners.

AMACA members are the infrastructure of the current practice of microchipping pets in this country and include veterinarians, humane societies, shelters, rescue organizations, manufacturers, animal control associations, equine rescues, pet organizations, and animal care providers.

Over 15 million pet owners also have a voice on the Council through their microchip recovery networks, registries and member organizations. They speak for the thousands of pets who have been rescued, saved or reunited with their families as a direct result of a microchip.

The Federal Register Docket No. 2006-0012 states: "We are seeking input from the public and stakeholders regarding the use of microchips for identifying dogs and cats covered under the AWA and any impacts there may be if we were to require ISO 11784 and 11785 compliant microchips when microchipping dogs and cats for identification under the AWA."

There is no group of organizations or pet owners in the United States that would be more impacted by microchip rules and regulations than AMACA members. This letter serves therefore as formal opposition from the American Microchip Advisory Council for Animals to a proposed rule being considered by the USDA in APHIS Docket 2006-0012 that would require the use of an incompatible microchip frequency under the Animal Welfare Act.

Animal caregiver members of AMACA make difficult decisions every day regarding whether to euthanize animals, or not. Our successes are measured in animals adopted out or returned to their owners, rather than being euthanized. To a very significant extent, the number of pets that we are able to reunite with owners (as opposed to euthanize) depends upon two things:

- 1) Our confidence in the microchip system that we have built in America.
- 2) The reliability of our chosen microchip equipment and pet recovery databases.

Microchips have been used in this country for nearly 20 years. Our United States infrastructure has grown rapidly, fueled by the confidence and cooperation of pet owners and animal care givers. The private sector has driven the market to the point that there is universal reading of all 125 kHz chips in this country. In short, millions depend upon a system built by Americans for American pets and families. This is no small thing. For APHIS to place any credence in the inaccuracies found in the petition as presented in the Docket, would put the agency in a position of grossly underestimating the numbers of pets and people your rule will affect and the chaos it will create.

The Council advises APHIS that, in the best interest of pets and owners, it is UNACCEPTABLE for APHIS to propose this rule as it would:

1. Recommend a specific technology, narrowing the scope of free choice in the future.
2. Force government intervention into a successful consumer and industry driven RFID system.
3. Go against the positions issued by USDA licensees who oppose any requirement to use the ISO chip for microchipping dogs and cats under the Animal Welfare Act.
4. Force one segment of the pet industry to use an incompatible chip thereby destroying the integrity of the system for all.
5. With little to no peer review, instigate a microchip standard under the Animal Welfare Act that would be in direct conflict with the standard of care in America.
6. Drastically change the technical aspects of our system, creating incompatibility and extra cost in an otherwise compatible and cost effective system.
7. Destroy the confidence in the American system that has taken years to evolve through cooperative efforts of animal care givers, veterinarians, and manufacturers.
8. Bring inevitable confusion and euthanasia that will cause people to stop microchipping their pets.
9. Place undue financial, legal and logistical burden on animal care givers.
10. Initiate a vendor driven transition to a technology (incompatible with what is IN PLACE in our country), without risk analysis, cost analysis, and benefit versus functionality studies.
11. Put pets in the same RFID technical protocol as that used for food animals, with no distinction and no protection for owners from future "Premise ID" or any other NAIS-like regulations.
12. Place USDA licensees in a precarious legal position with regards to a nationwide injunction which places restrictions against use of the ISO 134 microchip due to the possibility of "irreparable harm" to pets and owners.
13. Inject the 134.2 kHz chip into the American system, which would force care givers to purchase and use technically undesirable scanners in order to read multiple frequencies.

Many of our members have used the so called "scanner that reads all chips" referred to in APHIS Docket No. 2006-0012. Due to technological demands on the scanner to detect and read multiple frequencies and protocols, these scanners are 'missing' implanted microchips. This has been reported to and is being investigated by AMACA. In addition, several studies support those claims. There are technologically valid reasons that no country in the world requires 'a scanner that reads all chips'.

Should APHIS go forward with this proposed rule change, it will destroy the most efficient companion animal recovery tool our members currently have at their disposal. Scanners that work.

It is the position of AMACA that USDA licensees should not be used to jump start a national standard, but should instead be encouraged by APHIS to continue to make a substantial contribution to the welfare of pets by using microchips that work within the well established pet recovery system in this country.

APHIS does have jurisdiction over USDA licensees under the Animal Welfare Act, but states that it “does **not** have the authority to regulate private pet ownership...and consequently **cannot mandate** a single national standard for the microchip identification of pets.”

Congress is not asking APHIS to mandate a national standard. Therefore response to the directive should be a simple task. Your licensees have the highest user percentage of any single group in America who have voluntarily chosen to use microchips for the well being of pets. They are doing so with APHIS’ permission under your Animal Care Policy 13. There is an installed base of interoperable microchips and scanners that allow for ‘universal reading ability’. Pet recovery networks are flourishing and consumer confidence continues to grow because databases already work together every day to reunite pets with their families

APHIS has all of the pieces and tools necessary for an excellent and cost effective recommendation to Congress. Tweak the wording of your own Policy, make it a rule, remain technology neutral, and allow breeders and citizens the continued freedom of choice in an open marketplace.

APHIS will have the backing of millions of pet owners when it sends a practical recommendation back to Congress that will ‘best serve the interests of pet owners’ and have a very positive effect now and into the future on the “current practice of microchipping pets in this country”.

“Animals depend upon people to do what is right”.

Please visit: www.AmacaUSA.org
Email: info@AmacaUSA.org

Contact: Elizabeth Rauls (800) 972-0416

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