

**Before the Secretary of Agriculture
Animal and Plant Health Inspection Service**

In re: Minimum Age Requirements for the : Docket No. APHIS–2006–0024
Transport of Animals :

Select Milk Producers, Inc. and Continental Dairy Products, Inc., milk marketing cooperatives, comment on proposed regulations on minimum age requirements for the transport of animals. Select and Continental have as their owner-members dairy farmers located in New Mexico, Texas, Oklahoma, Kansas, Michigan, Indiana, and Ohio. These comments are being submitted on behalf of their farmer members.

As expressed in the Proposed Rulemaking, 76 Fed. Reg. 26344, 26349 (May 9, 2008) the authority for proposed rule, 9 C.F.R. §2.130 is the Animal Welfare Act.¹ That Act defines animals by expressly excepting “* * *and (3) other farm animals, such as, but not limited to livestock..., used or intended for use as food or fiber, or livestock...used or intended for use for improving animal nutrition, breeding, management, or production efficiency, or for improving the quality of food or fiber.”² The same exclusion is found in the codified regulations.³

The birthing, handling, transporting, caring, and raising of calves by dairy producers are all processes “used or intended for use as food or fiber, or livestock.” The birthing of a calve is a necessary biological step to the production of milk. The handling of calves after separation is consistent with the well being of both the cow and the calf. It is, after all, to the economic best interest of a dairy farmer to protect and enhance the well being of its animals. Removal of the calf

¹7 U.S.C.A. §2131 et. seq.

²7 U.S.C.A. §2132 (g)

³9 C.F.R. §1

from its mother at birth is part of a well accepted practice.⁴ Such practice is recommended for a number of reasons including calf health by avoiding contracting Johne's disease.⁵

The Department has no authority to regulate livestock including dairy calves. Even if it did, the regulation is unnecessary.

Respectfully submitted,

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July 8, 2008

⁴See, for example, University of California, Davis, College of Agriculture and Environmental Science Dairy Facility Herd Health Program, <http://safetyservices.ucdavis.edu/iacuc/attending-veterinarian/herd-health-program-1/DairyHerdHealth.pdf> July 8, 2008).

⁵“Successful control of Johne's disease”, Michael T. Collins, DVM, PhD, DACVM and Vic Eggleston, DVM, Proceedings of the Wisconsin Veterinary Medical Association October, 2007 Madison, WI, http://www.johnes.org/handouts/files/Dairy_Success_WVMA_2007.pdf (July 8, 2008)