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October 15, 2007

USDA: No authority to regulate pet microchips

Standardizing microchip technology would be 'difficult,' department adds

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More than two years after Congress directed the Department of Agriculture to weigh in on the debate over incompatible pet microchip technology, the USDA has determined it lacks the regulatory authority to mandate a national standard for microchips or microchip scanners for privately owned pets.

In a letter dated July 30 to the Senate Appropriations Committee, then Agriculture Secretary Mike Johanns explained that the federal Animal Welfare Act does not grant the USDA Animal and Plant Health Inspection Service power to mandate standardization for pet microchips or the scanners that read them.

Johanns wrote that, under the AWA, APHIS can regulate most warm-blooded animals used for exhibition, research, and the wholesale pet trade, as well as the transportation of these animals in commerce. But the agency's regulatory powers are limited. "It is important to realize that the AWA does not authorize APHIS to regulate private-pet ownership or the retail sale of pets. Therefore, APHIS cannot mandate a single national standard for pet microchips or microchip scanners," Johanns stated.

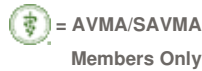
According to the USDA, of the some 60 million dogs and 70 million cats privately owned in the United States, 3 percent to 5 percent are electronically identified. Of these, 98 percent are implanted with microchips emitting a 125 kHz frequency. Pets in many other countries are identified with a 134.2 kHz microchip, which has been endorsed by the International Standards Organization.

The AVMA, American Animal Hospital Association, and American Society for the Prevention of Cruelty to Animals encourage the U.S. animal microchip industry to adopt the ISO standard. But such efforts have met with little success. American microchip companies have vigorously defended their technology patents from marketing so-called "universal scanners" able to read both the 125 kHz and 134.2 kHz microchips.

Trying to resolve the issue, Congress tasked APHIS in the 2006 Agriculture Appropriations Bill with developing regulations that would mandate scanners capable of reading all types of pet microchips. The agency responded by holding a series of public meetings and soliciting written comments from stakeholders. Notably, the pet-owning public was the least represented at the meetings and in comments, according to Johanns.

As part of the USDA response, Johanns noted that the existing microchip infrastructure in the United States favors 125 kHz, since approximately 80 percent of the scanners used in this country can read only the 125 kHz chip.

"Given our existing regulatory authority and the preferences of stakeholders, we conclude that it



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would be difficult to put in place federal regulations on pet microchipping at this time. Additionally, we believe that any standards put in place must not impede the development of new technology," Johanns wrote.

Dr. Hannis L. Stoddard, president of AVID Identification Systems, one of the nation's top pet microchip companies, welcomed the USDA findings. "This report resolves the U.S. microchip questions and current confusion caused by the introduction of incompatible foreign microchips by Bayer, the AKC, and Banfield, which cannot be read by 80 percent of the readers being used today by animal care providers," Dr. Stoddard said.

Although applauding the USDA's review, Dr. Rosemary LoGiudice, director of the AVMA Membership and Field Services Division, believes the matter is not yet resolved. Given the absence of a single, standard microchip frequency, having a scanner able to read all frequencies would increase the confidence in using microchips as an effective means of animal identification, she noted.

"The AVMA and the Coalition for Reuniting Pets and Families, of which the AVMA is a member, believe strongly that all scanners must be able to read the data contained in all chips," Dr. LoGiudice said.

One result of its inquiry is that the USDA plans on making microchips an acceptable form of identification for animals regulated under the Animal Welfare Act. Johanns, who did not specify a particular type of microchip to be used, hopes that putting microchips on the same footing as other AWA-allowed forms of identification will encourage their use.

The AVMA policy "The Objectives and Key Elements Needed for Effective Electronic Identification of Companion Animals, Birds, and Equids" is posted on the AVMA Web site, www.avma.org; click on Issues, AVMA policies, and then Electronic Identification of Animals. 🗨

– R. SCOTT NOLEN

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