

Protecting Livestock from Theft and Disease

By Dwayne C. Oldham, DVM

There are many legal requirements that must be fulfilled each time there is movement of livestock in the state of Wyoming. These requirements differ based on the various types of movements and for different species. Historically, the laws regulating movement were put in place to protect individual producers and the livestock industry. Primarily, these laws served two purposes: to determine ownership of livestock, and to protect the industry against animal health concerns.

These two purposes are just as important today. However, these requirements are also vitally important for many additional reasons. The animal agriculture industry today is one of the most mobile industries in the nation, as animals commonly travel thousands of miles in their lifetime. Each state has a legal mandate to regulate the importation of animals into its borders, and because of this, the State Veterinarian's office has a responsibility to assure Wyoming's trading partners in other states that our exported livestock entering their jurisdictions are healthy and free of infectious diseases. This is particularly important to Wyoming because of a lack of terminal processing facilities. Virtually all of the livestock raised or fed in Wyoming are exported. The state of Wyoming also has a duty to ensure that consumers have safe food products. These factors are the forces behind the movement requirements today. Additionally, the requirements are often a result of the need to respond to international markets. Keeping these markets open means the United States has to assure these trading partners that they are receiving a wholesome product.

Historically, the biggest tool in identifying ownership and regulating the movement of livestock has been through the use of brands and the inspection of branded livestock. Branding livestock with a permanent and distinct symbol has been practiced for over 4,000 years. The recording of brands and brand inspection has been a requirement in Wyoming since territorial days. The original brands in Wyoming were issued by counties and since 1909 have been recorded and issued by the state of Wyoming. The Wyoming Livestock Board, pursuant to W.S. §11-18-103, was given authority for brand inspections, among other responsibilities. This ancient practice of branding remains one of the major tools Wyoming still uses today to regulate the requirement of county-to-county movement through brand inspection. See, W.S. § 11-20-101 *et seq.* pertaining to Brands.

Originally, the requirement for county-to-county inspection was to ensure that livestock could be accounted for easily when they left their home range. Today, this requirement is also very important as a means to ensure certain health requirements are met prior to intrastate movement. This is extremely important because an outbreak of the disease brucellosis in 2003 caused Wyoming to be downgraded from a Brucellosis-Free State to a Brucellosis Class A Status state

by the USDA/APHIS. Brucellosis is an infectious disease of significant economic impact that causes livestock and wildlife to abort their fetuses and also causes undulant fever in humans. This disease has cost producers and the state of Wyoming millions of dollars in lost productivity and eradication efforts. Nationwide, \$3 billion have been spent to eliminate this disease.

Another example occurred in the late summer of 2005. Wyoming experienced an outbreak of vesicular stomatitis, which is considered a foreign animal disease (FAD). Since the state already has county-to-county inspection requirements in place, this has been a valuable tool for managing and controlling livestock movement when dealing with these types of diseases by decreasing the potential exposure of this disease to areas of Wyoming not yet affected. See, W.S. §11-19-101 *et seq.* pertaining to Contagious and Infectious Diseases Among Livestock.

One adverse legacy of the early county registration of brands is the existence of duplicate brands throughout the state. Duplicate brands have been grandfathered in the state system, although creating new duplicates is not allowed. This is because by statute, (W.S. §11-20-115 and W.S. §11-20-116) recorded brands are personal property with intrinsic value. If a brand is continuously recorded, it cannot be taken away. However, once a brand has been dropped from being registered, it is considered abandoned and can no longer be registered without a new application being submitted. If a brand is deemed to be a duplicate or close match to an existing brand, the brand will not be recorded. The existence of county-to-county brand inspection helps establish the origin or identity of animals branded with duplicate brands.

The livestock producer today is still required to obtain a brand inspection for any of the three following circumstances:

- County-to-county movement of livestock
- Interstate movement of livestock
- Change of ownership of livestock

Just as in "old west times," these requirements help protect the industry from theft. In the early days of Wyoming's existence, the job of stock regulators and brand inspectors was to protect the livestock industry against thieves. There is a colorful past tied to these activities involving such notorious figures and events as Tom Horn and the Johnson County War. Many people think of cattle rustling and horse thieves as something out of the "old west" but the truth is, livestock theft remains a problem to this day.

Today, livestock theft usually occurs in three ways: fraud, illegal butchering, and rustling. The livestock industry is one of the most heavily mortgaged industries in existence. Livestock are a commodity and are commonly used as collateral for millions of dollars in loans. There have been cases where the same livestock are fraudulently used as collateral multiple times. Often in these cases, the impact of the fraudulent activity runs in the millions of dollars. Brand inspection acts as a deterrent to this illegal activity by forcing people to verify the movement, number, and ownership of livestock.

While not a common form of theft, illegal butchering (like the poaching of wildlife) is still a persistent problem. The brand inspection system combats this crime through the inspection of livestock prior to slaughter and before the sale of hides and pelts.

Lastly, old-fashioned livestock rustling is still very much a concern. Rustling is a criminal charge found in W.S. §6-3-402. In today's market, cattle can be worth as much as \$1,500 per

head, and a good horse valued even more. Because livestock are moved in vehicles, a modern day rustler can be hundreds of miles away from the scene of the crime in a matter of hours. There were 55 investigations of livestock theft last year in Wyoming. Without trained inspectors and law enforcement officers verifying ownership, regulating the movement of livestock, and actively investigating and prosecuting theft cases, this problem could easily spiral out of control. This is why Wyoming law requires that a brand inspector verify ownership and issue title documents on every legal change of ownership of livestock.

Enforcing the variety of livestock laws in the state of Wyoming is always challenging. While some of the main responsibilities of enforcing the livestock laws have not changed much from the "frontier era," the complex transformations in the modern market place have placed new burdens on state livestock officials. Still, the role of the livestock laws and regulations remain the same, "To protect the livestock industry from theft and disease."

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