

## **EXHIBIT D**

### **DECLARATIONS SIGNED BY FORMER CHAIRS OF THE NATIONAL ORGANIC STANDARDS BOARD**

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

**ORGANIC TRADE ASSOCIATION,**

**Plaintiff,**

**v.**

**UNITED STATES DEPARTMENT OF  
AGRICULTURE, et al.,**

**Defendants.**

**Civil Case No. 1:17-cv-01875-RMC**

**DECLARATION OF  
ROBERT ANDERSON, IN  
SUPPORT OF PLAINTIFF'S  
MOTION FOR SUMMARY  
JUDGMENT**

Pursuant to 28 U.S.C. § 1746 I, Robert Anderson, declare:

1. I am over 18 and under no disability that prevents me from making this declaration. Each statement is based on my personal knowledge unless otherwise stated. I am aware of this litigation because of its importance to the organic community. I have no financial interest in this litigation.
2. I am a past member of the National Organic Standards Board (“NOSB” or “board”). I served during year(s) 1996 - 2001 and served as the board chair from 1997 - 2000. I have continued to follow the development of organic policy and the work of the National Organic Program (“NOP”).
3. I am aware that USDA rescinded the *Organic Livestock and Poultry Practices Final Rule* (“OLPP”) on March 13, 2018 when it published *Organic Livestock and Poultry Practices; Withdrawal*. (“Rescission”)
4. I am also aware that the Rescission states “[T]he OFPA does not require the NOP to consult with the NOSB prior to undertaking a rulemaking to withdraw the OLPP final rule.” 83 Fed. Reg. at 10778 (March 13, 2018)
5. The quoted statement is inconsistent with my experience and knowledge of the USDA’s past practices, with regard to pre-rulemaking consultation with the NOSB. In my experience any action by the NOP or Secretary that required public notice and comment, whether guidance or legislative rulemakings, was conducted solely in the aftermath of consultation with the NOSB.

6. During the time I was on the NOSB, the organic community of stakeholders and the NOP agreed that Congress intended organic livestock production practices to reduce or eliminate the need for synthetic medicines and production aids by development of organic standards that required livestock be managed as part of the whole system of the organic farming and handling created by the OFPA. For livestock, an organic livestock system plan is required that emphasizes preventive care and includes among other requirements, space for the fullest expression of an animal's natural behavior, reduced stress, and access to the outdoors consistent with that animal's well being.
7. Neither I, nor any other board member that I can recall, nor any USDA staff, has taken the position that Congress intended the NOSB recommend standards to the Secretary regarding organic livestock care only if the recommendation was directly related to the list of three prohibited livestock healthcare practices appearing in the OFPA.
8. I declare under penalty of perjury that the foregoing is true and correct.

Executed this 15th day of October 2019.



Robert B Anderson  
Former Chairman  
National Organic Standards Board

1 UNITED STATES DISTRICT COURT  
2 FOR THE DISTRICT OF COLUMBIA

3 ORGANIC TRADE ASSOCIATION,

4 Plaintiff,

5 v.

6 UNITED STATES DEPARTMENT OF  
7 AGRICULTURE, *et al.*,

8 Defendants.

Civil Case No. 1:17-cv-01875-RMC

DECLARATION OF HARRIET  
BEHAR, IN SUPPORT OF  
PLAINTIFF'S MOTION FOR  
SUMMARY JUDGMENT

9  
10 Pursuant to 28 U.S.C. § 1746 I, Harriet Behar, declare:

- 11 1. I am over 18 and under no disability that prevents me from making this declaration. Each  
12 statement is based on my personal knowledge unless otherwise stated. I am aware of this  
13 litigation because of its importance to the organic community. I have no financial interest  
14 in this litigation.
- 15 2. I am currently a member of the National Organic Standards Board (“NOSB” or “board”).  
16 I have served during year(s) Jan. 2016-Jan. 2020 and currently serve as the board  
17 chair. I have continued to follow the development of organic policy and the work of the  
18 National Organic Program (“NOP”).
- 19 3. I am aware that USDA rescinded the *Organic Livestock and Poultry Practices Final Rule*  
20 (“OLPP”) on March 13, 2018 when it published *Organic Livestock and Poultry*  
21 *Practices; Withdrawal*. (“Rescission”)
- 22 4. I am also aware that the Rescission states “[T]he OFPA does not require the NOP to  
23 consult with the NOSB prior to undertaking a rulemaking to withdraw the OLPP final  
24 rule.” 83 Fed. Reg. at 10778 (March 13, 2018)
- 25 5. The quoted statement is inconsistent with my experience and knowledge of the USDA’s  
26 past practices, with regard to pre-rulemaking consultation with the NOSB. In my  
27 experience any action by the NOP or Secretary that required public notice and comment,  
28 whether guidance or legislative rulemakings, was conducted solely in the aftermath of  
consultation with the NOSB.

- 1 6. During the time I have served on the NOSB, the organic community of stakeholders and  
2 the NOP agreed that Congress intended organic livestock production practices to reduce  
3 or eliminate the need for synthetic medicines and production aids by development of  
4 organic standards that required livestock be managed as part of the whole system of the  
5 organic farming and handling created by the OFPA. For livestock, an organic livestock  
6 system plan is required that emphasizes preventive care and includes among other  
7 requirements, space for the fullest expression of an animal's natural behavior, reduced  
8 stress, and access to the outdoors consistent with that animal's well being.
- 9 7. Neither I, nor any other board member that I can recall, nor any USDA staff, has taken  
10 the position that Congress intended the NOSB recommend standards to the Secretary  
11 regarding organic livestock care only if the recommendation was directly related to the  
12 list of three prohibited livestock healthcare practices appearing in the OFPA.
- 13 8. I declare under penalty of perjury that the foregoing is true and correct.

14 Executed this 17 day of October 2019.

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17  
18 Harriet Behar  
19 Chair  
20 National Organic Standards Board

1 UNITED STATES DISTRICT COURT  
2 FOR THE DISTRICT OF COLUMBIA

3 ORGANIC TRADE ASSOCIATION,

4 Plaintiff,

5 v.

6 UNITED STATES DEPARTMENT OF  
7 AGRICULTURE, *et al.*,

8 Defendants.

Civil Case No. 1:17-cv-01875-RMC

DECLARATION OF DAVE  
CARTER, IN SUPPORT OF  
PLAINTIFF'S MOTION FOR  
SUMMARY JUDGMENT

9  
10 Pursuant to 28 U.S.C. § 1746 I, Dave Carter, declare:

- 11 1. I am over 18 and under no disability that prevents me from making this declaration. Each  
12 statement is based on my personal knowledge unless otherwise stated. I am aware of this  
13 litigation because of its importance to the organic community. I have no financial interest  
14 in this litigation.
- 15 2. I am a past member of the National Organic Standards Board (“NOSB” or “board”). I  
16 served during year(s)2001-2006and served as the board chair in 2003. I have continued  
17 to follow the development of organic policy and the work of the National Organic  
18 Program (“NOP”).
- 19 3. I am aware that USDA rescinded the *Organic Livestock and Poultry Practices Final Rule*  
20 (“OLPP”) on March 13, 2018 when it published *Organic Livestock and Poultry*  
21 *Practices; Withdrawal*. (“Rescission”)
- 22 4. I am also aware that the Rescission states “[T]he OFPA does not require the NOP to  
23 consult with the NOSB prior to undertaking a rulemaking to withdraw the OLPP final  
24 rule.” 83 Fed. Reg. at 10778 (March 13, 2018)
- 25 5. The quoted statement is inconsistent with my experience and knowledge of the USDA’s  
26 past practices, with regard to pre-rulemaking consultation with the NOSB. In my  
27 experience any action by the NOP or Secretary that required public notice and comment,  
28 whether guidance or legislative rulemakings, was conducted solely in the aftermath of  
consultation with the NOSB.

- 1 6. During the time I was on the NOSB, the organic community of stakeholders and the NOP  
2 agreed that Congress intended organic livestock production practices to reduce or  
3 eliminate the need for synthetic medicines and production aids by development of  
4 organic standards that required livestock be managed as part of the whole system of the  
5 organic farming and handling created by the OFPA. For livestock, an organic livestock  
6 system plan is required that emphasizes preventive care and includes among other  
7 requirements, space for the fullest expression of an animal's natural behavior, reduced  
8 stress, and access to the outdoors consistent with that animal's well being.
- 9 7. Neither I, nor any other board member that I can recall, nor any USDA staff, has taken  
10 the position that Congress intended the NOSB recommend standards to the Secretary  
11 regarding organic livestock care only if the recommendation was directly related to the  
12 list of three prohibited livestock healthcare practices appearing in the OFPA.
- 13 8. I declare under penalty of perjury that the foregoing is true and correct.

14 Executed this 16th day of October 2019.

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17 Dave Carter  
18 Former Chairman  
19 National Organic Standards Board  
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**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

**ORGANIC TRADE ASSOCIATION,**

**Civil Case No. 1:17-cv-01875-RMC**

**Plaintiff,**

**v.**

**DECLARATION OF TOM  
CHAPMAN, IN SUPPORT OF  
PLAINTIFF'S MOTION FOR  
SUMMARY JUDGMENT**

**UNITED STATES DEPARTMENT OF  
AGRICULTURE, et al.,**

**Defendants.**

Pursuant to 28 U.S.C. § 1746 I, Tom Chapman, declare:

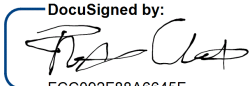
1. I am over 18 and under no disability that prevents me from making this declaration. Each statement is based on my personal knowledge unless otherwise stated. I am aware of this litigation because of its importance to the organic community. I have no financial interest in this litigation.
2. I am currently a member of the National Organic Standards Board (“NOSB” or “board”). I have served during year(s) 2015-2020 and served as the board chair in 2016-2018. I have continued to follow the development of organic policy and the work of the National Organic Program (“NOP”).
3. I am aware that USDA rescinded the *Organic Livestock and Poultry Practices Final Rule* (“OLPP”) on March 13, 2018 when it published *Organic Livestock and Poultry Practices; Withdrawal*. (“Rescission”)
4. I am also aware that the Rescission states “[T]he OFPA does not require the NOP to consult with the NOSB prior to undertaking a rulemaking to withdraw the OLPP final rule.” 83 Fed. Reg. at 10778 (March 13, 2018)
5. The quoted statement is inconsistent with my experience and knowledge of the USDA’s past practices, with regard to pre-rulemaking consultation with the NOSB. In my experience any action by the NOP or Secretary that required public notice and comment, whether guidance or legislative rulemakings, was conducted solely in the aftermath of consultation with the NOSB.



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- 6. During the time I have served on the NOSB, the organic community of stakeholders and the NOP agreed that Congress intended organic livestock production practices to reduce or eliminate the need for synthetic medicines and production aids by development of organic standards that required livestock be managed as part of the whole system of the organic farming and handling created by the OFPA. For livestock, an organic livestock system plan is required that emphasizes preventive care and includes among other requirements, space for the fullest expression of an animal’s natural behavior, reduced stress, and access to the outdoors consistent with that animal’s well being.
- 7. Neither I, nor any other board member that I can recall, nor any USDA staff, has taken the position that Congress intended the NOSB recommend standards to the Secretary regarding organic livestock care only if the recommendation was directly related to the list of three prohibited livestock healthcare practices appearing in the OFPA.
- 8. I declare under penalty of perjury that the foregoing is true and correct.

Executed this 17<sup>th</sup> day of October 2019.

DocuSigned by:  
  
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Tom Chapman  
Former Chairman  
National Organic Standards Board

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

**ORGANIC TRADE ASSOCIATION,**

**Plaintiff,**

**v.**

**UNITED STATES DEPARTMENT OF  
AGRICULTURE, et al.,**

**Defendants.**

**Civil Case No. 1:17-cv-01875-RMC**

**DECLARATION OF TRACY  
FAVRE, IN SUPPORT OF  
PLAINTIFF’S MOTION FOR  
SUMMARY JUDGMENT**

Pursuant to 28 U.S.C. § 1746 I, Tracy Favre, declare:

1. I am over 18 and under no disability that prevents me from making this declaration. Each statement is based on my personal knowledge unless otherwise stated. I am aware of this litigation because of its importance to the organic community. I have no financial interest in this litigation.
2. I am a past member of the National Organic Standards Board (“NOSB” or “board”). I served during year(s) 2012 - 2017 and served as the board chair in 2016-2017. I have continued to follow the development of organic policy and the work of the National Organic Program (“NOP”).
3. I am aware that USDA rescinded the *Organic Livestock and Poultry Practices Final Rule* (“OLPP”) on March 13, 2018 when it published *Organic Livestock and Poultry Practices; Withdrawal*. (“Rescission”)
4. I am also aware that the Rescission states “[T]he OFPA does not require the NOP to consult with the NOSB prior to undertaking a rulemaking to withdraw the OLPP final rule.” 83 Fed. Reg. at 10778 (March 13, 2018)
5. The quoted statement is inconsistent with my experience and knowledge of the USDA’s past practices, with regard to pre-rulemaking consultation with the NOSB. In my experience any action by the NOP or Secretary that required public notice and comment, whether guidance or legislative rulemakings, was conducted solely in the aftermath of consultation with the NOSB.

- 1 6. During the time I was on the NOSB, the organic community of stakeholders and the  
2 NOP agreed that Congress intended organic livestock production practices to reduce or  
3 eliminate the need for synthetic medicines and production aids by development of  
4 organic standards that required livestock be managed as part of the whole system of the  
5 organic farming and handling created by the OFPA. For livestock, an organic livestock  
6 system plan is required that emphasizes preventive care and includes among other  
7 requirements, space for the fullest expression of an animal's natural behavior, reduced  
8 stress, and access to the outdoors consistent with that animal's well being.
- 9 7. Neither I, nor any other board member that I can recall, nor any USDA staff, has taken  
10 the position that Congress intended the NOSB recommend standards to the Secretary  
11 regarding organic livestock care only if the recommendation was directly related to the  
12 list of three prohibited livestock healthcare practices appearing in the OFPA.
- 13 8. I declare under penalty of perjury that the foregoing is true and correct.

14 Executed this 15<sup>th</sup> day of October 2019.

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17 Tracy Favre  
18 Former Chairman  
19 National Organic Standards Board  
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**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

**ORGANIC TRADE ASSOCIATION,**

**Plaintiff,**

**v.**

**UNITED STATES DEPARTMENT OF  
AGRICULTURE, et al.,**

**Defendants.**

**Civil Case No. 1:17-cv-01875-RMC**

**DECLARATION OF BARRY  
FLAMM, IN SUPPORT OF  
PLAINTIFF'S MOTION FOR  
SUMMARY JUDGMENT**

Pursuant to 28 U.S.C. § 1746 I, Barry Flamm, declare:

1. I am over 18 and under no disability that prevents me from making this declaration. Each statement is based on my personal knowledge unless otherwise stated. I am aware of this litigation because of its importance to the organic community. I have no financial interest in this litigation.
2. I am a past member of the National Organic Standards Board (“NOSB” or “board”). I served during year(s) \_\_\_\_\_ and served as the board chair in 2012. I have continued to follow the development of organic policy and the work of the National Organic Program (“NOP”).
3. I am aware that USDA rescinded the *Organic Livestock and Poultry Practices Final Rule* (“OLPP”) on March 13, 2018 when it published *Organic Livestock and Poultry Practices; Withdrawal*. (“Rescission”)
4. I am also aware that the Rescission states “[T]he OFPA does not require the NOP to consult with the NOSB prior to undertaking a rulemaking to withdraw the OLPP final rule.” 83 Fed. Reg. at 10778 (March 13, 2018)
5. The quoted statement is inconsistent with my experience and knowledge of the USDA’s past practices, with regard to pre-rulemaking consultation with the NOSB. In my experience any action by the NOP or Secretary that required public notice and comment, whether guidance or legislative rulemakings, was conducted solely in the aftermath of consultation with the NOSB.

- 1 6. During the time I was on the NOSB, the organic community of stakeholders and the  
2 NOP agreed that Congress intended organic livestock production practices to reduce or  
3 eliminate the need for synthetic medicines and production aids by development of  
4 organic standards that required livestock be managed as part of the whole system of the  
5 organic farming and handling created by the OFPA. For livestock, an organic livestock  
6 system plan is required that emphasizes preventive care and includes among other  
7 requirements, space for the fullest expression of an animal's natural behavior, reduced  
8 stress, and access to the outdoors consistent with that animal's well being.
- 9 7. Neither I, nor any other board member that I can recall, nor any USDA staff, has taken  
10 the position that Congress intended the NOSB recommend standards to the Secretary  
11 regarding organic livestock care only if the recommendation was directly related to the  
12 list of three prohibited livestock healthcare practices appearing in the OFPA.
- 13 8. I declare under penalty of perjury that the foregoing is true and correct.

14 Executed this 18th day of October 2019.

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16 Signed by electronic confirmation

17 Barry Flamm  
18 Former Chairman  
19 National Organic Standards Board  
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UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

ORGANIC TRADE ASSOCIATION,

Plaintiff,

v.

UNITED STATES DEPARTMENT OF  
AGRICULTURE, *et al.*,

Defendants.

Civil Case No. 1:17-cv-01875-RMC

DECLARATION OF DANIEL G.  
GIACOMINI, IN SUPPORT OF  
PLAINTIFF'S MOTION FOR  
SUMMARY JUDGMENT

Pursuant to 28 U.S.C. § 1746 I, Daniel G. Giacomini, declare:

1. I am over 18 and under no disability that prevents me from making this declaration. Each statement is based on my personal knowledge unless otherwise stated. I am aware of this litigation because of its importance to the organic community. I have no financial interest in this litigation.
2. I am a past member of the National Organic Standards Board ("NOSB" or "board"). I served during year(s) (Jan) 2006 – (Jan) 2011 and served as the board chairperson in 2010. I have continued to follow the development of organic policy and the work of the National Organic Program ("NOP").
3. I am aware that USDA rescinded the *Organic Livestock and Poultry Practices Final Rule* ("OLPP") on March 13, 2018 when it published *Organic Livestock and Poultry Practices; Withdrawal*. ("Rescission")
4. I am also aware that the Rescission states "[T]he OFPA does not require the NOP to consult with the NOSB prior to undertaking a rulemaking to withdraw the OLPP final rule." 83 Fed. Reg. at 10778 (March 13, 2018)
5. The quoted statement is inconsistent with my experience and knowledge of the USDA's past practices, with regard to pre-rulemaking consultation with the NOSB. In my experience any action by the NOP or Secretary that required public notice and comment, whether guidance or legislative rulemakings, was conducted solely in the aftermath of consultation with the NOSB.

- 1 6. During the time I was on the NOSB, the organic community of stakeholders and the NOP  
2 agreed that Congress intended organic livestock production practices to reduce or  
3 eliminate the need for synthetic medicines and production aids by development of  
4 organic standards that required livestock be managed as part of the whole system of the  
5 organic farming and handling created by the OFPA. For livestock, an organic livestock  
6 system plan is required that emphasizes preventive care and includes among other  
7 requirements, space for the fullest expression of an animal's natural behavior, reduced  
8 stress, and access to the outdoors consistent with that animal's well being.
- 9 7. Neither I, nor any other board member that I can recall, nor any USDA staff, has taken  
10 the position that Congress intended the NOSB recommend standards to the Secretary  
11 regarding organic livestock care only if the recommendation was directly related to the  
12 list of three prohibited livestock healthcare practices appearing in the OFPA.
- 13 8. I declare under penalty of perjury that the foregoing is true and correct.

14 Executed this 18th day of October 2019.

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17 Daniel G. Giacomini  
18 Former Chairperson  
19 National Organic Standards Board  
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1 UNITED STATES DISTRICT COURT  
2 FOR THE DISTRICT OF COLUMBIA

3 ORGANIC TRADE ASSOCIATION,

Civil Case No. 1:17-cv-01875-RMC

4 Plaintiff,

5 v.

DECLARATION OF TRACY  
MIEDEMA, IN SUPPORT OF  
PLAINTIFF'S MOTION FOR  
SUMMARY JUDGMENT

6 UNITED STATES DEPARTMENT OF  
7 AGRICULTURE, *et al.*,

8 Defendants.  
9

10 Pursuant to 28 U.S.C. § 1746 I, Tracy Miedema, declare:


- 11 1. I am over 18 and under no disability that prevents me from making this declaration. Each  
12 statement is based on my personal knowledge unless otherwise stated. I am aware of this  
13 litigation because of its importance to the organic community. I have no financial interest  
14 in this litigation.
- 15 2. I am a past member of the National Organic Standards Board (“NOSB” or “board”). I  
16 served during year(s) 2007 -2012 and served as the board chair in 2011. I have  
17 continued to follow the development of organic policy and the work of the National  
18 Organic Program (“NOP”).
- 19 3. I am aware that USDA rescinded the *Organic Livestock and Poultry Practices Final Rule*  
20 (“OLPP”) on March 13, 2018 when it published *Organic Livestock and Poultry*  
21 *Practices; Withdrawal*. (“Rescission”)
- 22 4. I am also aware that the Rescission states “[T]he OFPA does not require the NOP to  
23 consult with the NOSB prior to undertaking a rulemaking to withdraw the OLPP final  
24 rule.” 83 Fed. Reg. at 10778 (March 13, 2018)
- 25 5. The quoted statement is inconsistent with my experience and knowledge of the USDA’s  
26 past practices, with regard to pre-rulemaking consultation with the NOSB. In my  
27 experience any action by the NOP or Secretary that required public notice and comment,  
28 whether guidance or legislative rulemakings, was conducted solely in the aftermath of  
consultation with the NOSB.



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6. During the time I was on the NOSB, the organic community of stakeholders and the NOP agreed that Congress intended organic livestock production practices to reduce or eliminate the need for synthetic medicines and production aids by development of organic standards that required livestock be managed as part of the whole system of the organic farming and handling created by the OFPA. For livestock, an organic livestock system plan is required that emphasizes preventive care and includes among other requirements, space for the fullest expression of an animal’s natural behavior, reduced stress, and access to the outdoors consistent with that animal’s well being.
7. Neither I, nor any other board member that I can recall, nor any USDA staff, has taken the position that Congress intended the NOSB recommend standards to the Secretary regarding organic livestock care only if the recommendation was directly related to the list of three prohibited livestock healthcare practices appearing in the OFPA.
8. I declare under penalty of perjury that the foregoing is true and correct.

Executed this 15<sup>th</sup> day of October 2019.

DocuSigned by:  
  
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Tracy Miedema  
Former Chairman  
National Organic Standards Board

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UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

ORGANIC TRADE ASSOCIATION,

Plaintiff,

v.

UNITED STATES DEPARTMENT OF  
AGRICULTURE, *et al.*,

Defendants.

Civil Case No. 1:17-cv-01875-RMC

DECLARATION OF JEFF MOYER,  
IN SUPPORT OF PLAINTIFF'S  
MOTION FOR SUMMARY  
JUDGMENT

Pursuant to 28 U.S.C. § 1746 I, Jeff Moyer, declare:

1. I am over 18 and under no disability that prevents me from making this declaration. Each statement is based on my personal knowledge unless otherwise stated. I am aware of this litigation because of its importance to the organic community. I have no financial interest in this litigation.
2. I am a past member of the National Organic Standards Board (“NOSB” or “board”). I served during year(s) \_2006 till 2011 and served as the board chair in \_2010\_. I have continued to follow the development of organic policy and the work of the National Organic Program (“NOP”).
3. I am aware that USDA rescinded the *Organic Livestock and Poultry Practices Final Rule* (“OLPP”) on March 13, 2018 when it published *Organic Livestock and Poultry Practices; Withdrawal*. (“Rescission”)
4. I am also aware that the Rescission states “[T]he OFPA does not require the NOP to consult with the NOSB prior to undertaking a rulemaking to withdraw the OLPP final rule.” 83 Fed. Reg. at 10778 (March 13, 2018)
5. The quoted statement is inconsistent with my experience and knowledge of the USDA’s past practices, with regard to pre-rulemaking consultation with the NOSB. In my experience any action by the NOP or Secretary that required public notice and comment, whether guidance or legislative rulemakings, was conducted solely in the aftermath of consultation with the NOSB.

- 1 6. During the time I was on the NOSB, the organic community of stakeholders and the NOP  
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3 eliminate the need for synthetic medicines and production aids by development of  
4 organic standards that required livestock be managed as part of the whole system of the  
5 organic farming and handling created by the OFPA. For livestock, an organic livestock  
6 system plan is required that emphasizes preventive care and includes among other  
7 requirements, space for the fullest expression of an animal's natural behavior, reduced  
8 stress, and access to the outdoors consistent with that animal's well being.
- 9 7. Neither I, nor any other board member that I can recall, nor any USDA staff, has taken  
10 the position that Congress intended the NOSB recommend standards to the Secretary  
11 regarding organic livestock care only if the recommendation was directly related to the  
12 list of three prohibited livestock healthcare practices appearing in the OFPA.
- 13 8. I declare under penalty of perjury that the foregoing is true and correct.

14 Executed this 18 day of October 2019.

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19 Jeff Moyer  
20 Former Chairman  
21 National Organic Standards Board  
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**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

**ORGANIC TRADE ASSOCIATION,**

**Plaintiff,**

**v.**

**UNITED STATES DEPARTMENT OF  
AGRICULTURE, et al.,**

**Defendants.**

**Civil Case No. 1:17-cv-01875-RMC**

**DECLARATION OF JIM RIDDLE,  
IN SUPPORT OF PLAINTIFF'S  
MOTION FOR SUMMARY  
JUDGMENT**

Pursuant to 28 U.S.C. § 1746 I, Jim Riddle, declare:

1. I am over 18 and under no disability that prevents me from making this declaration. Each statement is based on my personal knowledge unless otherwise stated. I am aware of this litigation because of its importance to the organic community. I have no financial interest in this litigation.
2. I am a past member of the National Organic Standards Board (“NOSB” or “board”). I served during year(s) 2001-2006 and served as the board chair in 2005. I have continued to follow the development of organic policy and the work of the National Organic Program (“NOP”).
3. I am aware that USDA rescinded the *Organic Livestock and Poultry Practices Final Rule* (“OLPP”) on March 13, 2018 when it published *Organic Livestock and Poultry Practices; Withdrawal*. (“Rescission”)
4. I am also aware that the Rescission states “[T]he OFPA does not require the NOP to consult with the NOSB prior to undertaking a rulemaking to withdraw the OLPP final rule.” 83 Fed. Reg. at 10778 (March 13, 2018)
5. The quoted statement is inconsistent with my experience and knowledge of the USDA’s past practices, with regard to pre-rulemaking consultation with the NOSB. In my experience any action by the NOP or Secretary that required public notice and comment, whether guidance or legislative rulemakings, was conducted solely in the aftermath of consultation with the NOSB.

- 1 6. During the time I was on the NOSB, the organic community of stakeholders and the NOP  
2 agreed that Congress intended organic livestock production practices to reduce or  
3 eliminate the need for synthetic medicines and production aids by development of  
4 organic standards that required livestock be managed as part of the whole system of the  
5 organic farming and handling created by the OFPA. For livestock, an organic livestock  
6 system plan is required that emphasizes preventive care and includes among other  
7 requirements, space for the fullest expression of an animal's natural behavior, reduced  
8 stress, and access to the outdoors consistent with that animal's well being.
- 9 7. Neither I, nor any other board member that I can recall, nor any USDA staff, has taken  
10 the position that Congress intended the NOSB recommend standards to the Secretary  
11 regarding organic livestock care only if the recommendation was directly related to the  
12 list of three prohibited livestock healthcare practices appearing in the OFPA.
- 13 8. I declare under penalty of perjury that the foregoing is true and correct.

14 Executed this 15th day of October 2019.

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17 Jim Riddle  
18 Former Chairman  
19 National Organic Standards Board  
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**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

**ORGANIC TRADE ASSOCIATION,**

**Plaintiff,**

**v.**

**UNITED STATES DEPARTMENT OF  
AGRICULTURE, et al.,**

**Defendants.**

**Civil Case No. 1:17-cv-01875-RMC**

**DECLARATION OF J. MICHAEL  
SLIGH, IN SUPPORT OF  
PLAINTIFF'S MOTION FOR  
SUMMARY JUDGMENT**

Pursuant to 28 U.S.C. § 1746 I, J. Michael Sligh, declare:

1. I am over 18 and under no disability that prevents me from making this declaration. Each statement is based on my personal knowledge unless otherwise stated. I am aware of this litigation because of its importance to the organic community. I have no financial interest in this litigation.
2. I am a past member of the National Organic Standards Board (“NOSB” or “board”). I served during year(s) 1992 - 1997 and served as the board chair in 1992-1995. I have continued to follow the development of organic policy and the work of the National Organic Program (“NOP”).
3. I am aware that USDA rescinded the *Organic Livestock and Poultry Practices Final Rule* (“OLPP”) on March 13, 2018 when it published *Organic Livestock and Poultry Practices; Withdrawal*. (“Rescission”)
4. I am also aware that the Rescission states “[T]he OFPA does not require the NOP to consult with the NOSB prior to undertaking a rulemaking to withdraw the OLPP final rule.” 83 Fed. Reg. at 10778 (March 13, 2018)
5. The quoted statement is inconsistent with my experience and knowledge of the USDA’s past practices, with regard to pre-rulemaking consultation with the NOSB. In my experience any action by the NOP or Secretary that required public notice and comment, whether guidance or legislative rulemakings, was conducted solely in the aftermath of consultation with the NOSB.

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- 6. During the time I was on the NOSB, the organic community of stakeholders and the NOP agreed that Congress intended organic livestock production practices to reduce or eliminate the need for synthetic medicines and production aids by development of organic standards that required livestock be managed as part of the whole system of the organic farming and handling created by the OFPA. For livestock, an organic livestock system plan is required that emphasizes preventive care and includes among other requirements, space for the fullest expression of an animal’s natural behavior, reduced stress, and access to the outdoors consistent with that animal’s well being.
- 7. Neither I, nor any other board member that I can recall, nor any USDA staff, has taken the position that Congress intended the NOSB recommend standards to the Secretary regarding organic livestock care only if the recommendation was directly related to the list of three prohibited livestock healthcare practices appearing in the OFPA.
- 8. I declare under penalty of perjury that the foregoing is true and correct.

Executed this 18 day of October 2019.

DocuSigned by:  
  
142474FFA7124BC...  
**J. Michael Sligh**  
 Former Chairman  
 National Organic Standards Board

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

**ORGANIC TRADE ASSOCIATION,**

**Plaintiff,**

**v.**

**UNITED STATES DEPARTMENT OF  
AGRICULTURE, et al.,**

**Defendants.**

**Civil Case No. 1:17-cv-01875-RMC**

**DECLARATION OF MAC STONE,  
IN SUPPORT OF PLAINTIFF'S  
MOTION FOR SUMMARY  
JUDGMENT**

Pursuant to 28 U.S.C. § 1746 I, Mac Stone, declare:


1. I am over 18 and under no disability that prevents me from making this declaration. Each statement is based on my personal knowledge unless otherwise stated. I am aware of this litigation because of its importance to the organic community. I have no financial interest in this litigation.
2. I am a past member of the National Organic Standards Board (“NOSB” or “board”). I served during year(s) 2011-2016 and served as the board chair in 2014. I have continued to follow the development of organic policy and the work of the National Organic Program (“NOP”).
3. I am aware that USDA rescinded the *Organic Livestock and Poultry Practices Final Rule* (“OLPP”) on March 13, 2018 when it published *Organic Livestock and Poultry Practices; Withdrawal*. (“Rescission”)
4. I am also aware that the Rescission states “[T]he OFPA does not require the NOP to consult with the NOSB prior to undertaking a rulemaking to withdraw the OLPP final rule.” 83 Fed. Reg. at 10778 (March 13, 2018)
5. The quoted statement is inconsistent with my experience and knowledge of the USDA’s past practices, with regard to pre-rulemaking consultation with the NOSB. In my experience any action by the NOP or Secretary that required public notice and comment, whether guidance or legislative rulemakings, was conducted solely in the aftermath of consultation with the NOSB.



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- 6. During the time I was on the NOSB, the organic community of stakeholders and the NOP agreed that Congress intended organic livestock production practices to reduce or eliminate the need for synthetic medicines and production aids by development of organic standards that required livestock be managed as part of the whole system of the organic farming and handling created by the OFPA. For livestock, an organic livestock system plan is required that emphasizes preventive care and includes among other requirements, space for the fullest expression of an animal’s natural behavior, reduced stress, and access to the outdoors consistent with that animal’s well being.
- 7. Neither I, nor any other board member that I can recall, nor any USDA staff, has taken the position that Congress intended the NOSB recommend standards to the Secretary regarding organic livestock care only if the recommendation was directly related to the list of three prohibited livestock healthcare practices appearing in the OFPA.
- 8. I declare under penalty of perjury that the foregoing is true and correct.

Executed this 16 day of October 2019.

DocuSigned by:  
  
50E89002B608431...  
Mac Stone  
Former Chairman  
National Organic Standards Board