EXHIBIT D

DECLARATIONS SIGNED BY FORMER CHAIRS OF THE NATIONAL ORGANIC STANDARDS BOARD
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").


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
Pursuant to 28 U.S.C. § 1746 I, Harriet Behar, 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) Jan. 2016-Jan. 2020 and currently serve as the board chair. I have continued to follow the development of organic policy and the work of the National Organic Program (“NOP”).


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 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___ day of October 2019.

Harriet Behar
Chair
National Organic Standards Board
Pursuant to 28 U.S.C. § 1746 I, Dave Carter, 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 2003. I have continued to follow the development of organic policy and the work of the National Organic Program ("NOP").


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 16th day of October 2019.

Dave Carter
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 TOM CHAPMAN, IN SUPPORT OF PLAINTIFF’S MOTION FOR SUMMARY JUDGMENT

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 a 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").


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 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 17th day of October 2019.

Tom Chapman  
Former Chairman  
National Organic Standards Board

DECLARATION OF TOM CHAPMAN - 2
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”).


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.

Tracy Favre
Former Chairman
National Organic Standards Board
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”).


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 18th day of October 2019.

Signed by electronic confirmation
Barry Flamm
Former Chairman
National Organic Standards Board
Pursuant to 28 U.S.C. § 1746 1, 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”).


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 18th day of October 2019.

Daniel G. Giacomini
Former Chairperson
National Organic Standards Board
Pursuant to 28 U.S.C. § 1746 I, Tracy Miedema, 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) 2007 -2012 and served as the board chair in 2011. I have continued to follow the development of organic policy and the work of the National Organic Program (“NOP”).


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.

DECLARATION OF TRACY MIEDEMA- 1
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.

Tracy Miedema
Former Chairman
National Organic Standards Board
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”).


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 18 day of October 2019.

Jeff Moyer
Former Chairman
National Organic Standards Board
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").


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.

Jim Riddle
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 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”).


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.

DECLARATION OF J. MICHAEL SLIGH - 1
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 18th day of October 2019.

J. Michael Sligh
Former Chairman
National Organic Standards Board
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) _________ 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”).


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 16th day of October 2019.

Mac Stone
Former Chairman
National Organic Standards Board