

**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-001875-RMC

**DECLARATION OF
GINA ASOUDEGAN IN SUPPORT
OF PLAINTIFF'S FIRST
AMENDED COMPLAINT FOR
DECLARATORY AND
INJUNCTIVE RELIEF**

Pursuant to 28 U.S.C. § 1746 I, Gina Asoudegan, declare:

1. I am over 18 and under no disability that prevents me from making this statement, which is based on my personal knowledge unless otherwise stated.
2. I am the Vice President of Mission and Innovation Strategy for Applegate, the nation's leading natural and organic meat brand. Among other responsibilities, I oversee the development and maintenance of Applegate's livestock production requirements. Our standards are based on our company values and consumer preferences.
3. Applegate is the leading natural and organic prepared meat products company in the United States. Our products are sold in all 50 states. Applegate is an OTA member.
4. We purchase millions of dollars of certified organic livestock products from certified organic livestock farmers every year, and market millions of dollars of certified organic prepared meat products to consumers through retail channels. We purchase and process beef, turkey, chicken, and pork products.

Declaration of Gina Asoudegan

- 1 5. We operate a website that explains the principles of our business model. Two core values of
2 the company are supporting appropriate scale livestock operations and high animal welfare
3 production systems.
- 4 6. Our consumers have for many years been telling us that they support and seek products from
5 farms that follow verified higher animal welfare practices.
- 6 7. Sufficient outdoor access, and indoor and outdoor space sufficient to express behaviors
7 natural to their species is generally recognized by consumers and farmers as a baseline high
8 animal welfare practice and a key organic principle. But there have been and currently are
9 inconsistencies in the application of these principles under the USDA's certification system.
- 10 8. It is our experience that these inconsistencies allowed some organic operators to achieve
11 lower production costs by ignoring the consensus organic baseline outdoor access and space
12 requirements, while remaining certified. This in turn distorts the marketplace for organic
13 livestock products by making these products less expensive than ones from operations that
14 observed the strictest organic welfare requirements. Our company is harmed by competition
15 from organic livestock products that are not meeting the highest, organic welfare standards.
- 16 9. Because of the inconsistent application of the federal program, Applegate expends resources
17 confirming that our organic suppliers are not operating under the lower organic welfare
18 requirements. We also purchase from organic operations that pay for animal welfare
19 certifications in addition to organic certification, which further increases the cost of organic
20 products. These costly discrepancies were set to be eliminated by the Organic Livestock
21 Production Practices Final Rule issued in January 2017. ("OLPP")
- 22 10. The absence of a consistent national standard for organic livestock products and its
23 associated additional costs harms consumers in the form of higher prices.
- 24 11. Our consumers communicate with us directly via social media and indirectly through
25 purchases. Our consumers uniformly support the OLPP final rule. Our consumers, via social
26 media, have expressed dismay and a growing distrust of the federal organic program because
27
28

Declaration of Gina Asoudegan

1 of the delay. Applegate has collected more than 32,000 signatures of support for the OLPP
2 through a change.org petition started on January 16, 2018.

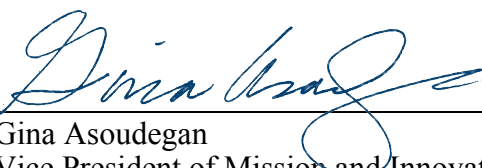
3
4 12. Our company has been involved in the development of the USDA's rulemaking for many
5 years through submission of comments and testimony before the National Organic Standards
6 Board. ("NOSB") We supported the draft OLPP published in April 2016 and the final OLPP
7 published in January 2017. Applegate has invested, and continues to invest, significant
8 employee resources to remain abreast of organic policy making and the activities of the
9 NOSB. We also rely on OTA to lobby and provide current information.

10 13. The refusal of the current administration to consult the public on the first announced delays
11 and the refusal to consult the NOSB on the decision to delay the OLPP and the decision to
12 propose its withdrawal, further undermines the trust of consumers in the USDA's organic
13 seal.

14 14. We believe that further delay or withdrawal of the OLPP would promote higher costs for
15 processors of organic livestock products, and higher consumer prices that the OLPP was
16 designed to reduce. We also believe that consumers' trust the USDA organic seal on
17 livestock products in part because they believe animals are allowed outdoors and sufficient
18 space to express natural behavior. Refusal to implement the OLPP renders that trust
19 misplaced.
20

21 I declare under penalty of perjury that the foregoing is true and correct.

22 Executed this ___ day of February 2017.
23

24
25 
26 _____
27 Gina Asoudegan
28 Vice President of Mission and Innovation
Strategy, Applegate

Declaration of Gina Asoudegan