

Exhibit A

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6 Attorney for Plaintiff

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

9 **ORGANIC TRADE ASSOCIATION,**

10 **Plaintiff,**

11 **v.**

12 **SONNY PERDUE, et al.,**

13 **Defendants.**

Civil Case No.

DECLARATION OF
JESSE LAFLAMME AND PETE
AND GERRY'S ORGANICS LLC in
support of PLAINTIFF'S
COMPLAINT FOR DECLARATORY
AND INJUNCTIVE RELIEF

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

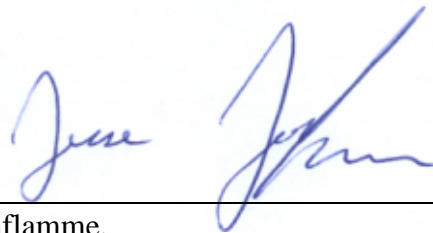
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19 1. I am Jesse LaFlamme, I am the owner and CEO of Pete and Gerry's Organics LLC, based
20 in Monroe, New Hampshire.
- 21 2. Pete and Gerry's Organic Eggs is the #1 selling organic egg brand in the country, and is
22 sold in more than 9,600 retailers. We produce our eggs through a network of more than
23 100 independent family farms in 12 states. In 2003 the company was the first egg farm in
24 the country to earn the Certified Humane designation, and 2013 the company became the
25 first animal agriculture business to earn B-Corp status.
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- 1 3. Animal welfare standards that include outdoor access, allowing animals to engage in
2 natural behaviors, and other best animal husbandry practices are a main tenet of the
3 organic foods production system that distinguishes organic from other agricultural
4 production methods. The practices codified in the final rule were over a decade in the
5 making. *Organic Livestock and Poultry Practices*, 82 Fed. Reg. at 7042-92 (published
6 January 19, 2017) (“final rule”). The rulemaking was guided by the transparent
7 regulatory process mandated by Congress in the Organic Foods Production Act. This
8 unique regulatory process allows farmers, consumers, suppliers, retailers, and all entities
9 of the organic industry to have a seat at the table in developing the USDA organic
10 standards.
11
- 12 4. I have presented testimony at public meetings conducted by the National Organic
13 Standards Board. (“NOSB”).
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- 15 5. The organic industry overall has experienced double digit growth annually over the last
16 five years, achieving approximately \$43 billion in sales in 2015. The organic livestock
17 and dairy sector represents approximately 17% of total organic sales and the organic
18 dairy sector alone represents the second-largest and fastest-growing food segment in the
19 industry.
20
- 21 6. The final *Organic Livestock and Poultry Practices* rule gives clarity for my business, all
22 organic producers, and those seeking to enter the organic market on what practices are
23 required to meet the animal welfare standards in order to be certified organic. A lack of
24 clarity led to inconsistent practices amongst the industry. We strongly endorse the new
25 rule, and feel it is critical for the integrity of the USDA Organic Program.
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- 1 7. Consumer trust and confidence in the USDA Organic seal are the foundation of our
2 industry. The decision to become certified organic is voluntary, and meeting the high
3 standards that consumers expect from the organic seal maintains a healthy and strong
4 organic marketplace. A recent Consumer Reports survey found that 83% of consumers
5 who frequently purchase organic products believe that organic eggs should come from
6 hens that have access to the outdoors.
- 7
- 8 8. We believe that the failure to implement the final rule, and its welfare provisions, will
9 lead to irremediable damage to consumer trust in the USDA Organic seal because it will
10 fall behind the consumer's expectations for egg production and thus our farmers will
11 suffer severe financial setbacks.
- 12
- 13 9. We also believe that a flat refusal to implement, or continued and inexplicable delay will
14 irremediably damage the public's trust and reliance on the National Organic Standards
15 Board, a public-private partnership in which our industry has placed great reliance and
16 faith.
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18 I declare under penalty of perjury that the foregoing is true and correct.

19 Executed this _12_ day of September 2017.

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22 _____
23 Jesse Laflamme,
24 CEO, Pete and Gerry's Organics LLC
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