

Exhibit B

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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
ROBYNN SHRADER, NATIONAL
CO+OP GROCERS, in support of
PLAINTIFF'S COMPLAINT FOR
DECLARATORY AND INJUNCTIVE
RELIEF

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

- 18
19 1. I am the Chief Executive Officer of the National Co+op Grocers. This statement is based
20 on my personal knowledge and upon information and belief.
21
22 2. National Co+op Grocers ("NCG") is a business services cooperative for retail food co-
23 ops located throughout the United States. We represent 146 food co-ops operating over
24 200 stores in 38 states with combined annual sales over \$2 billion and over 1.3 million
25 consumer-owners.
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28

- 1 3. NCG helps unify natural food co-ops in order to optimize operational and marketing
2 resources, strengthen purchasing power, and ultimately offer more value to natural food
3 co-op owners and shoppers everywhere.
- 4
5 4. Through its partnerships with organic advocacy groups, NCG frequently presents expert
6 opinion testimony at public meetings conducted by the National Organic Standards
7 Board. (“NOSB”).
- 8
9 5. Our association, and its members frequently submit comments on proposed rules issued
10 by the USDA’s National Organic Program.
- 11
12 6. NCG prioritizes implementing strong organic standards, because strong organic standards
13 are imperative to the success of our business. Consumer confidence in the USDA
14 Certified Organic seal is foundational to our industry. NCG recognizes organic as the
15 gold standard of consumer food labels, because it represents a federally regulated
16 guarantee that food has been produced in a transparent and sustainable way. On average,
17 certified organic product comprises roughly 40% of NCG retail grocery stores’ total
18 annual sales.
- 19
20 7. Our customers expect organic products to meet or exceed the organic standards,
21 including animal welfare provisions for consistent, meaningful outdoor access and indoor
22 space that allows animals to express natural behaviors. If the organic standards are not
23 met, and thereby our customers lose faith in the organic standards and animal welfare
24 provisions therein, this would be an irreparable harm to all cooperative stores that sell
25 organic products.
- 26
27 8. We are familiar with and supported the final rule entitled, *Organic Livestock and Poultry*
28 *Practices*, 82 Fed. Reg. at 7042-92 (published January 19, 2017) (“final rule”).

1 9. When USDA issued its second delay of the final rule, we submitted a letter to Paul
2 Lewis, Director, Standards Division at the USDA National Organic Program, that said,

3 “While the vast majority of organic producers already adhere to strong animal
4 welfare standards, this rule closes existing loopholes and levels the playing field
5 for organic producers, ultimately ensuring that USDA Certified Organic can
6 continue to meet evolving consumer expectations...Any further delay [of the final
7 rule] could significantly erode consumer trust in the organic label, which is the
8 basis not only for organic’s double-digit sales growth, but also fosters a unique,
9 consumer-driven marketplace that allows producers to earn an economically
10 significant premium.”

11 10. NCG continues to support immediate implementation of the final rule.

12 11. Withdrawing this final rule or continuing to delay its implementation harms and will
13 continue to harm NCG and could lead to profound disruption to the marketplace for
14 certified organic products by irretrievably damaging consumer trust in the USDA organic
15 seal.

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

17 Executed this 13th day of September 2017.

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23 _____
24 Robynn Shrader, National Co+op Grocers
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