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UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF WASHINGTON

RANCHERS-CATTLEMEN ACTION  
LEGAL FUND UNITED  
STOCKGROWERS OF AMERICA and  
CATTLE PRODUCERS OF  
WASHINGTON,

Plaintiffs,

v.

UNITED STATES DEPARTMENT OF  
AGRICULTURE and SONNY  
PERDUE, in his official capacity as  
Secretary of Agriculture,

Defendants.

NO. 2:17-cv-00223-RMP

**SECOND DECLARATION OF  
WILLIAM BULLARD IN  
SUPPORT OF PLAINTIFFS'  
MOTION FOR SUMMARY  
JUDGMENT**

I, William Bullard, declare as follows:

1. I have personal knowledge of the facts set forth in this declaration,

and could testify competently to them if called upon to do so.

SECOND DECLARATION OF WILLIAM BULLARD IN  
SUPPORT OF PLAINTIFFS' MOTION FOR SUMMARY  
JUDGMENT - 1

1           2.     I previously submitted a declaration in this matter, Dkt. No. 15, in my  
2 role as Chief Executive Officer of Ranchers-Cattlemen Action Legal Fund, United  
3 Stockgrowers of America (“R-CALF”), a position I have held since 2001.

4           3.     In my earlier declaration I explained that if companies can market  
5 foreign beef as indistinguishable from domestic beef that harms domestic cattle  
6 producers’ income and viability. It prevents domestic cattle producers from  
7 receiving a premium price for their meat, even though consumers will pay a  
8 premium for domestic beef. In other words, the absence of the country-of-origin  
9 labeling the Federal Meat Inspection Act mandates harms R-CALF’s members,  
10 because it allows imports to be passed off as the same as my members’ products,  
11 undermining their bargaining leverage and thus the income they receive for their  
12 goods.

13           4.     I submit this declaration to make clear the documentary support for  
14 my statements, which consists of public records that were cited in Plaintiffs’  
15 Complaint, Dkt. 1.

16           5.     Attached hereto as Exhibit A is a complete copy of the 2016  
17 Consumer Reports survey referenced in paragraph 28 of the Complaint, which  
18 finds “[t]he overwhelming majority of consumers want country-of-origin labels on  
19 meat,” and particularly want to know if their meat was born, raised, or slaughtered  
20 abroad. Ex. A 2.

21 SECOND DECLARATION OF WILLIAM BULLARD IN  
SUPPORT OF PLAINTIFFS’ MOTION FOR SUMMARY  
JUDGMENT - 2

1           6.       Attached hereto as Exhibit B is a complete copy of the 2015 article  
2 cited in paragraph 29 of the Complaint, which states Consumer Reports’ surveys  
3 “have consistently shown that more than 90 percent of consumers would prefer to  
4 have a country-of-origin label on the meat they buy.” Ex. B 1.

5           7.       Attached hereto as Exhibit C is a complete copy of the 2013  
6 Consumer Federation of America survey summary cited in paragraph 30 of the  
7 Complaint, which states “Ninety percent (90%) of a representative sample of 1000  
8 adult Americans favored, either strongly or somewhat, requiring food sellers to  
9 indicate on the package label the country of origin of fresh meat they sell.”  
10 Ex. C 1.

11           8.       Attached hereto as Exhibit D is a complete copy of the academic  
12 study cited in paragraph 48, footnote 2 of the Complaint, finding consumers will  
13 pay more for beef labeled as having been produced in the United States.

14           9.       Collectively these documents demonstrate that consumers will select  
15 and pay more for domestic meat, if they are able to make that choice; meaning  
16 accurate country-of-origin labeling—unlike what is currently allowed by USDA—  
17 would make domestic products scarcer and thus domestic producers would receive  
18 a higher price for their goods.

19           10.      Attached hereto as Exhibit E is an exemplar of the spreadsheets I  
20 downloaded from USDA’s website reflecting 2016’s beef import data. Using

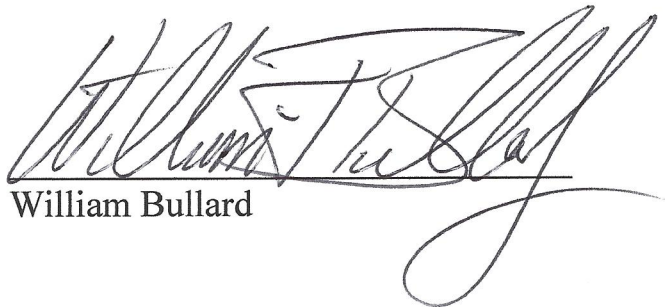
21 SECOND DECLARATION OF WILLIAM BULLARD IN  
SUPPORT OF PLAINTIFFS’ MOTION FOR SUMMARY  
JUDGMENT - 3

1 spreadsheets like this one I calculated that, in 2016, 194,394 metric tons of fresh  
2 beef was imported to the United States as “cuts” and another 208,386 metric tons  
3 of fresh beef was imported to the United States as “primals and subprimals.” In  
4 other words, hundreds of millions of pounds of beef were imported in almost the  
5 exact same form they were sold, as explained in paragraphs 101-104 of the  
6 Complaint.

7 11. This demonstrates that requiring the country-of-origin labeling  
8 mandated by the Federal Meat Inspection Act would have a meaningful impact on  
9 the beef market.

10 I declare under penalty of perjury under the laws of the United States of  
11 America that the foregoing is true and correct.

12 EXECUTED at Billings, Montana, this 9<sup>th</sup> day of  
13 January, 2018.

14   
15 William Bullard

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21 SECOND DECLARATION OF WILLIAM BULLARD IN  
SUPPORT OF PLAINTIFFS’ MOTION FOR SUMMARY  
JUDGMENT - 4

1 CERTIFICATE OF SERVICE

2 I, Beth E. Terrell, hereby certify that on January 9, 2018, I electronically  
3 filed the foregoing with the Clerk of the Court using the CM/ECF system which  
4 will send notification of such filing to the following:

5 Chad A. Readler  
Acting Assistant Attorney General  
6 Joseph H. Harrington  
Acting United States Attorney  
7 Eastern District of Washington  
Eric R. Womack  
8 Assistant Branch Director  
Tamra T. Moore  
9 Trial Attorney  
Attorneys for United States Department of Agriculture (“USDA”),  
10 and Sonny  
Perdue  
11 UNITED STATES DEPARTMENT OF JUSTICE  
CIVIL DIVISION — FEDERAL PROGRAMS BRANCH  
12 20 Massachusetts Avenue, N.W.  
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21 SECOND DECLARATION OF WILLIAM BULLARD IN  
SUPPORT OF PLAINTIFFS’ MOTION FOR SUMMARY  
JUDGMENT - 5

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DATED this 9th day of January, 2018.

TERRELL MARSHALL LAW GROUP PLLC

By:     /s/ Beth E. Terrell, WSBA #26759      
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