

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

American Meat Institute, *et al.*

Plaintiffs,

v.

United States Department of Agriculture, *et al.*

Defendants.

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Civil Action No. 13-cv-1033 (KBJ)

DECLARATION OF SILVIA CHRISTEN

I, Silvia Christen, declare as follows:

1. I am the Executive Director for the South Dakota Stockgrowers Association (“SDSGA”).
2. In this position, I manage the day-to-day operations of the organization, including managing staff, working directly with our 32-member Board of Directors, conducting outreach, and coordinating our organization’s efforts to influence public policies at both the state and national level that impact our members’ ranching businesses.
3. The SDSGA incorporated in 1893 and operates as a 501(c)(5) grassroots organization of independent livestock producers dedicated to the continued success and viability of the domestic livestock industry. Since 1893 our mission has remained unchanged – to promote and protect the South Dakota livestock industry. We currently represent approximately 1,300 independent ranch families in the state of South Dakota, making us the largest trade association representing cattle and sheep producers in our state.

4. The SDSGA is a dues-paying state affiliate of the Ranchers-Cattlemen Action Legal Fund, United Stockgrowers of America ("R-CALF USA") and has been since about the time that R-CALF USA was formed.

5. The members of the SDSGA have adopted policy to support Country of Origin Labeling ("COOL"). The SDSGA Board of Directors, SDSGA members, and I have worked hard over the past decade for the passage and implementation of mandatory COOL. We did so to ensure that ranchers in South Dakota and other parts of the United States who raise and sell cattle and sheep that are born and raised in our country can have the meat from those animals labeled in a way that consumers can know which meat was produced exclusively in the United States and which meat was imported.

6. SDSGA members helped pass COOL in 2002 and then amend COOL in 2008. Our U.S. Senator from South Dakota, Tim Johnson, was the primary sponsor of the mandatory COOL law first passed in the 2002 Farm Bill. We have worked with U.S. Senators Tim Johnson, Tom Daschle, and John Thune and their offices since COOL was first passed over a decade ago in an effort to ensure that COOL is implemented in a way that genuinely benefits ranchers in my state of South Dakota and in other states. My members have traveled to Washington, DC many times over the past decade to conduct grassroots lobbying campaigns to urge Congress to both pass COOL and to work with the U.S. Department of Agriculture ("USDA") to make certain COOL is implemented properly. During these trips, our members also met with USDA officials, including the U.S. Secretary of Agriculture, to urge USDA to begin listening to the interests of family ranchers so COOL would be implemented for their benefit, as well as for the benefit of consumers, rather than to cater to the nation's meatpackers and the National Cattlemen's

Beef Association ("NCBA") which has fought against the passage and implementation of COOL ever since it was included in the 2002 Farm Bill.

7. To assist USDA in the proper implementation of COOL, the SDSGA has submitted comments to the USDA on each occasion that USDA provided a public comment period. Attached are true and accurate copies of two of the most recent comments the SDSGA submitted to USDA to influence how COOL would be implemented. (Exh. A.)

8. The number of ranchers and the number of cows and sheep in South Dakota has declined steeply over the past few decades. I do not believe that this is just because of drought. Until recently, cattle prices were seriously depressed and many ranches were unable to cover their cost of production, let alone make a profit. This situation persisted through much of the 1980s and 1990s. Sheep producers have also seen sharp declines in numbers and their lamb and sheep prices have been volatile to the extent of forcing many producers from the industry. Most of SDSGA members are cow, calf, or sheep producers and their cattle and sheep are shipped out of the state for feeding because South Dakota does not have a large enough feeding industry to accommodate our state's production. Our members believed that imported cattle and beef as well as imported lamb and mutton was contributing to the depressed prices in our industry and they believed that the only way they would be able to compete with such imports is if they could differentiate their product at the grocery store and then encourage U.S. consumers to buy beef and lamb that is from animals born, raised, and slaughtered (harvested) in the United States. Additionally, SDSGA members believe that COOL does provide food safety benefits by allowing customers to continue to confidently

purchase beef and lamb that is produced exclusively in the United States in the event that disease or food-borne illnesses are discovered in foreign countries.

9. The SDSGA has been urging consumers to ask for beef that is born and raised in the United States for many years. We distribute signage at meetings, trade shows, and other events in an effort to promote and market beef that is born, raised, and slaughtered in the United States.

10. We were deeply disappointed when USDA finally implemented mandatory COOL for beef and lamb beginning in 2008 under its interim final rule and then in 2009 in its final rule. Both rules undermined Congress' intent and my members' expectations that all beef and lamb from animals that were born, raised, and harvested in the United States would be labeled as a product of the USA and only the USA. Both the 2008 rule and the 2009 rule allowed the beef produced from animals born and raised on South Dakota ranches and then harvested in packing plants in South Dakota, Nebraska, Kansas, Colorado, or elsewhere in the United States to be mislabeled as a product of the U.S., Canada, and Mexico.

11. When those rules were issued, we worked with our congressional delegation and with the USDA to try and put a stop to what we viewed as consumer deception. Our members were harmed under these two rules because the beef and lamb produced from their U.S. born and raised cattle and sheep was labeled as if it were partially produced in a foreign country and this, we believe, has reduced the demand and price for South Dakota calves and lambs.

12. We were pleased when USDA issued its latest rule for COOL on May 24, 2013, that finally put a stop to the deceptive practice of labeling beef from cattle and

sheep born, raised, and harvested in the United States as if it were a product of foreign origin. We also support USDA's requirement that all beef and lamb sold in grocery stores be labeled so as to identify where the animal from which the beef or lamb was derived was born, raised and harvested. With this new labeling rule, most, if not all, of our members' cattle and sheep will be eligible for the born, raised, and harvested in the U.S. label and because consumers will now know which beef and lamb is exclusively from the U.S., our ongoing marketing and promotion efforts should begin increasing the demand for our members' South Dakota calves and lambs.


13. If the May 24, 2013 rule is weakened in any way, and if COOL reverts back to the way it was in 2008 and 2009, our members will continue to be harmed by their inability to differentiate the beef and lamb produced from their cattle and sheep for U.S. consumers. In other words, I believe our members are being harmed right now as they await full implementation of the May 24, 2013 final rule because the beef and lamb produced from their cattle and sheep is in all likelihood being labeled as a foreign product which most of my members do not produce.

14. As demonstrated here, a substantial portion of SDSGA's work over the past decade has been dedicated to the successful implementation of COOL for the beef and lamb products raised by the producers we represent. We have expended considerable time and financial resources to accomplish the rules and laws that have been written and now await implementation. We have also spent resources to develop our "USA Raised Beef" label and promotional materials. If the new COOL rules issued May 24, 2013 are reversed or weakened, I believe SDSGA's ability to achieve its organizational mission to promote and protect the South Dakota livestock industry will be seriously impaired. I

also believe that the reversal or weakening of the final COOL rules would diminish my organization's ability to continue generating new members and renewed members as well as our ability to receive contributions. Upon the implementation of the final COOL rules, I believe SDSGA will be best positioned to successfully fulfill its mission.

Pursuant to the provisions of 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed this 22 day of August 2013.

A handwritten signature in black ink that reads "Silvia Christen". The signature is written in a cursive style and is positioned above a horizontal line.

Silvia Christen

Exhibit A

September 29, 2008

Country of Origin Labeling Program
Room 2607 – S
Agricultural Marketing Service
U.S. Department of Agriculture
STOP 0254
1400 Independence Avenue, SW
Washington, DC 20250-0254

Desk Officer for Agriculture
Office of Information and Regulatory Affairs
Office of Management and Budget
New Executive Office Building
725 17th Street, NW, Room 725
Washington, DC 20503

Via Electronic Portal and Facsimile

Re: Docket No. AMS-LS-0081, RIN 0581-AC26: Interim Final Rule:
Mandatory Country of Origin Labeling of Beef, Pork, Lamb, Chicken, Goat
Meat, Perishable Agricultural Commodities, Peanuts, Pecans, Ginseng and
Macadamia Nuts

Background:

The South Dakota Stockgrowers Association (SDSGA) is an organization of 1,550+ independent cattle producers committed to representing the industry's needs in regard to animal health, trade, marketing and land use issues.

SDSGA appreciates the opportunity to provide meaningful input regarding the implementation of Country of Origin Labeling.

Comments:

SDSGA strongly urges USDA to continue working to write workable, common sense rules for mandatory country of origin labeling that will work for U.S. producers, feeders, packers, processors and retailers as well as auction yards, truckers, and all others involved in the cattle industry. COOL

has been a law since 2002 and continues to be widely supported by the independent livestock industry as well as consumers.

The South Dakota Stockgrowers Association supports rules that require all imported meat to be labeled at the border, before entering this country. Additionally, imported live cattle shall be branded or otherwise permanently marked as to their country of origin. The costs of such labeling/branding shall be borne by the exporting country or firm. The South Dakota Stockgrowers Association does not support a "North American" label or a "USA" label that would refer to livestock that had been born, raised, fed, slaughtered, or otherwise spent any time outside of this country. A "USA" label should refer only to meat products that are derived from livestock that spent their entire life inside the United States, and were processed fully within this country as well.

Along with R-CALF USA, the South Dakota Stockgrowers Association strongly urges USDA to issue a notice of technical correction before September 30, 2008 in regard to the issue of a label that could include multiple countries (such as a "North American" label) on beef derived from cattle exclusively born, raised and slaughtered in the U.S. This would totally destroy the very purpose and intent of the COOL law. The problem area we refer to in the interim final rule states that meat from animals that were born, raised *and/or* slaughtered in the United States may be labeled with a label that includes the United States and one or more countries. Clearly this is erroneous, as meat from cattle that are born, raised *and* slaughtered here in the U.S. should be labeled as USA beef, not United States and one or more countries. We strongly urge USDA to correct this problem by issuing a technical correction before September 30, 2008, to delete the "*and*" in the "*and/or*" clause and insert the express prohibition against the use of a multiple country of origin label on any meat derived from an animal that is exclusively born, raised and slaughtered in the U.S.

The South Dakota Stockgrowers Association appreciates the opportunity to comment on this very important document. We have several additional areas of concern that have been aptly discussed in comments submitted by our national affiliate, R-CALF USA. To keep our comments brief, we will defer to R-CALF USA's comments and strongly urge USDA to wholly adopt all suggestions made by R-CALF USA.

Thank you,

Larry Nelson, President
South Dakota Stockgrowers Association

SOUTH DAKOTA STOCKGROWERS ASSOCIATION

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605-244-7145

Bob Fortune, *Vice-President*
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Silvia Christen, *Executive Director*
silvia.sdsga@midconetwork.com
605-342-0429

April 11, 2013

COOL Division, Livestock, Poultry, and Seed Program
Agricultural Marketing Service
U.S. Department of Agriculture (USDA)
STOP 0216
Attn: Julie Henderson, Director
1400 Independence Avenue SW., Room 2620-S
Washington, DC 20250-0216.

To Whom It May Concern:

Please accept these comments in regard to Docket No. AMS-LS-13-004 published in the March 12, 2013 Federal Register at pages 15,645 to 15,653.

The South Dakota Stockgrowers Association is a grassroots, non-profit organization representing approximately 1,300 independent livestock producers dedicated to the continued success and viability of the domestic livestock industry. Our association has long supported Country of Origin Labeling and appreciates this opportunity to comment on the proposed rules.

We are very pleased with USDA's proposed rule to amend Country of Origin Labeling and we feel that USDA should move forward to confidently implement the proposed rule. Implementing this rule will allow the United States to move forward with enforcement of COOL to benefit our producers and consumers.

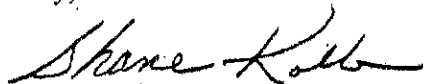
1. The rule to require specific information regarding details of where the product was born, where it was raised, and where it was slaughtered will strengthen the COOL program by providing consumers with more specific information regarding their purchasing decision. We also feel that this change can and does address the concerns by the WTO regarding discrimination of the "mixed origin" labels.
2. Creating this specific requirement for the label also eliminates the current practice of mislabeling products as "mixed origin" when they were in fact born raised and slaughtered in only one country.
3. Stockgrowers held deep concerns that USDA's proposed rule could cede United States authority to pass and enforce laws for our own citizens. We are grateful and please to see that this proposed rule addresses the negative outcome of the WTO ruling while retaining and strengthening COOL as our United States Congress intended.

4. We do not feel that this new rule places any undue or harmful burdens on the producers that we represent. Our cow/calf and lamb producers are already very well versed with providing affidavits at point of sale and other documentation to verify the origin of their livestock as needed in order to provide compliance with COOL. We do not have concerns that this proposed rule will cause them any addition hardships.

The South Dakota Stockgrowers Association is pleased that the USDA chose to protect and uphold COOL in light of the WTO ruling against a portion of the rules. We feel that this proposed amendment to the rule will address the concerns raised by that suit and allow our producers and consumer to continue to use and enjoy accurate information about the origin of the food they are providing for their families.

Thank you for this opportunity to comment on the proposed rule. The SD Stockgrowers Association can be reached for further information at 605-3420-429 or via email at silvia.sdsga@midconetwork.com

Sincerely,



Shane Kolb, President
Meadow, SD



Silvia Christen, Executive Director
Rapid City, SD