

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-ov-1033 (KBJ)

DECLARATION OF GARY DEERING

I, Gary Deering, declare as follows:

1. I, along with my parents, wife and three children, own and operate a cattle ranch at Hereford, South Dakota, which is located approximately thirty-five miles east of Sturgis, South Dakota.

2. Our ranch currently consists of four-hundred cows that calve in April and May. In years past we used to market approximately one-fourth of the calves that were born on our ranch in mid-October at a local livestock auction yard. The remainder of our calves were then weaned on our ranch, backgrounded through the winter, and put on grass until July or August when they were sold at auction as yearling cattle. This year we worked with a cattle feeder in northeastern South Dakota to custom feed one-fourth of our calf crop complete to finished weight. This means that instead of selling those calves at a lighter weight to a feeder, we will own and feed them until they are ready for slaughter. Due to the drought and a resulting lack of feed resources on our ranch, we decided to send all our helper calves to the feedlot as well. They were put on a backgrounding ration and turned onto grass pasture this spring in two different programs:

some will be marketed as cattle for feeding and slaughter, and the others will be kept for breeding females in our herd.

3. I feel very fortunate to have been given the opportunity to ranch where one of my heroes, my grandfather, was born almost one hundred years ago. I feel blessed to work in an industry where families and neighbors rely on one another as if we were links in a chain where we are only as strong as our weakest link. I am also glad we made the decision last fall to have some of our calves fed through to finishing. This gave me the opportunity to experience the complete live cattle supply chain, from breeding to slaughter, in our industry. It also helped me to gain a perspective about the different ranching and production methods outside of my own community.

4. Country of Origin Labeling ("COOL") is important to my ranching operation as it will allow the beef produced from my cattle to be differentiated from imported beef or beef from imported cattle. I want those consumers who believe it is important to know where the cattle were born, raised, and slaughtered that produced the beef they feed their families to be able to choose the beef from my cattle at the meat counter. I believe that with a strong COOL label, consumer choices will increase the demand and price for my cattle that are born, raised, and slaughtered in the United States. I believe that U.S. cattle producers like me raise the best beef product in the world and because I want consumers to be able to choose our beef, I fully support my government's efforts to implement COOL in a way that ensures that beef from my cattle have only the United States listed as its country of origin. That is why I support the final COOL rule issued on May 24, 2013.

5. I am a dues-paying member in good standing of the South Dakota Stockgrowers Association ("SDSGA"). I joined SDSGA in 2002 after I spent a great deal of time researching various organizations to find one that best represented the interests, beliefs and concerns that I have regarding my own ranch and the U.S. cattle industry. The SDSGA is involved in a variety of issues affecting the cattle industry on a local, state and national level. The SDSGA is truly a grassroots organization that takes its direction from the membership and speaks for the interest of independent livestock producers like me.

6. The SDSGA has been involved and has strongly supported COOL for the best interest of the livestock producers they represent as well as for the benefit of United States consumers for as long as I have been a member. The SDSGA is and will remain a major voice for the independent livestock producers in South Dakota and I hope that my support of SDSGA will help ensure that the COOL rules are fully and properly implemented in the United States, as will occur if the May 24, 2013 final COOL rule is allowed to go into effect.

7. I believe that United States citizens deserve accurate COOL labels that enable them to exercise choices when making their meat purchasing decisions. Among those choices are whether or not to purchase meat from countries where food safety problems are common. While I have faith in my government and trust that food safety problems in foreign countries are detected before they enter our borders, the reality is that some unsafe products enter the United States despite the best efforts of our government. It is under these circumstances that COOL can help consumers to make informed purchasing decisions based on their knowledge of the countries where the animal that

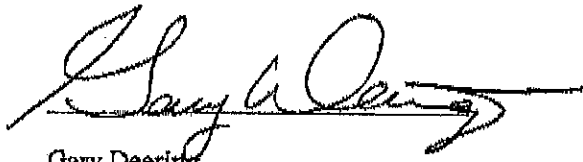
produced the meat was born, raised, and slaughtered. Also, if a food recall is announced due to a safety problem, a COOL label will allow consumers to avoid products originating in the country where the recalled product was produced, which will assist in the recall process.

8. I believe the U.S. Department of Agriculture ("USDA") stood behind U.S. livestock producers when they published the final COOL rule on May 24, 2013, that wisely reflected the interests of both producers and consumers. These rules will help U.S. livestock producers promote their product, bring the U.S. into compliance with the recent World Trade Organization ("WTO") ruling, and provide consumers with important information regarding where the animal was born, raised, and slaughtered that produced the meat that they purchase for themselves and their families.

9. I am concerned that if the May 24, 2013 final COOL rules are not immediately implemented, then we will revert back to the regulations implemented in 2009, and we already know those rules are not in compliance with the WTO. Since the 2009 rules do not require meat to be properly labeled, consumers would continue to be confused and the demand for my product will likely be reduced, thus causing me to receive less for my cattle than I would otherwise receive if the meat were properly labeled. The studies I have read show that U.S. consumers prefer U.S.-origin meat and that is why I believe the new COOL rules will help increase the demand and price for my cattle.

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.


Gary Deering