

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

NATURAL RESOURCES DEFENSE)
COUNCIL, INC.; CENTER FOR SCIENCE)
IN THE PUBLIC INTEREST; FOOD)
ANIMAL CONCERNS TRUST; PUBLIC)
CITIZEN, INC.; and UNION OF)
CONCERNED SCIENTISTS, INC.,)

Plaintiffs,

v.

UNITED STATES FOOD AND DRUG)
ADMINISTRATION; MARGARET)
HAMBURG, in her official capacity as)
Commissioner, United States Food and Drug)
Administration; CENTER FOR)
VETERINARY MEDICINE; BERNADETTE)
DUNHAM, in her official capacity as)
Director, Center for Veterinary Medicine;)
UNITED STATES DEPARTMENT OF)
HEALTH AND HUMAN SERVICES; and)
KATHLEEN SEBELIUS, in her official)
capacity as Secretary, United States)
Department of Health and Human Services,)

Defendants.

11 CIV 3562 (THK)
ECF Case

**DECLARATION OF
AMANDA J. FLEMING**

I, Amanda J. Fleming, declare as follows:

1. I have been a member of Public Citizen since 2003 and have been the Director of the Civil Justice Project at Public Citizen since April 2010.

2. I live in Alexandria, Virginia, with my husband and our son, Smyth, who is six years old. At the age of two, Smyth was diagnosed with leukemia and was immunocompromised for three years. While he was in the hospital, he acquired some serious bacterial infections,

which required stronger and stronger antibiotics to remove. He is now in full remission and doing well, and I want to keep him healthy.

3. My experience with my son's illness led me to begin doing my own online research into what makes people sick. I became very interested in the food industry. I joined the Institute for Responsible Technology and began reading the Ecocentric blog of the Grace Communications Foundation (<http://www.ecocentricblog.org>). Through my research, I learned about many conventional farming practices and the risks associated with them. I became increasingly concerned that feeding antibiotics to livestock to boost meat production leads to the spread of antibiotic-resistant bacteria.

4. I am very careful at home about what we put on the table. If Smyth gets sick again, I need to know it's not from something I gave him.

5. At home, we eat organic beef and chicken that is antibiotic free. We buy most of our groceries at Safeway, but they don't carry organic, grass-fed beef. I can find organic chicken at Safeway, but it's more expensive than regular chicken. We only shop for red meat once a month because it takes at least another hour to get to Harris Teeter, where I can buy organic red meat. We have to buy it in bulk and freeze it so it lasts.

6. My insistence on buying only organic meat has been difficult for our family. We have to shop at an extra store, and it's more expensive and takes more time. Also, because there are so many unknowns in the pork world, including antibiotic use, we don't eat pork at all anymore. That upsets my husband because he misses eating pork loin, which we used to grill.

7. Smyth eats breakfast and lunch at school every day, except when they serve hamburgers, which he calls "hockey pucks" and refuses to eat. He eats chicken tenders every Tuesday, and he really likes them. I am sure they are not organic. I want to let my son be a kid

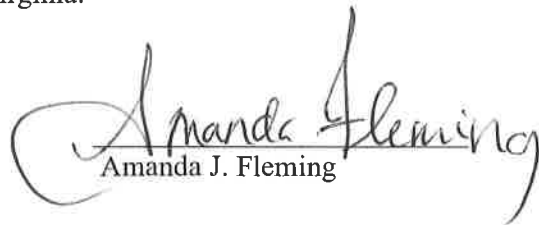
and not get teased for bringing special food to school, but I want him to be safe at the same time. I am worried that I don't know what's in the food he gets at school and that it could make him sick.

8. About once a week my family goes out to a restaurant, usually in downtown Alexandria. Some of the restaurants have organic options, but we don't know where the meat in most of the restaurants comes from. My son likes to eat beef ribs and chicken in restaurants. I let him eat it, but I worry about the meat because I don't know what's in it.

9. Because of my concerns about drug-resistant bacteria in meat, my family eats less meat than we would like to, and we spend more money and time to buy safer products. If farmers were no longer allowed to feed antibiotics to healthy animals, my family would definitely eat more meat. I think anything to make meat as safe as possible is a step in the right direction.

I declare under penalty of perjury that the foregoing is true and correct, to the best of my knowledge, information, and belief.

Executed on September 29, 2011, at Alexandria, Virginia.


Amanda J. Fleming