

**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
DENNIS HALLER**

I, Dennis Haller, declare as follows:

1. I am a member of the Natural Resources Defense Council and have been since February 2001.

2. I live in Decorah, Iowa, which is located in Winneshiek County. I have lived in this area since 1991 and in my current residence since 1998. I have no plans to move. My current address is 1532 Canoe Ridge Road, Decorah, IA 52101.

3. There are several concentrated animal feeding operations (CAFOs) in and around Decorah, Iowa. Thousands of chickens or hogs are confined in these facilities. From talking to farmers and reading news articles, I have learned that these animals are fed antibiotics, not just for disease, but to increase the animals' rate of weight gain.

4. Manure from these CAFOs is spread on crop fields within a mile or two of my home, and within reach of groundwater and surface water. Contaminants from the manure travel through the soil to the groundwater, and when it rains the manure runs off the fields into surface water.

5. Because of the topography in this region, you can reach groundwater at about twenty feet below the surface. At this level, the water has been contaminated by bacteria. My wife and I had to install a much deeper well to reach the Jordan Aquifer, which is about 400-500 feet below the surface. It cost about \$10,000 to install a well that deep. The firm that installed the well now charges about \$18,500 for a well of that depth. A shallower well that was only 200 or 300 feet deep would cost \$2,500 to \$5,000 less, but the shallower sources of groundwater are too contaminated for human use. Although the water from the Jordan Aquifer is pure now, it is only a matter of time before that source is also contaminated.

6. Unlike the rest of Iowa, our area is not flat but has many hills and valleys. This makes it easier for manure to run downhill from the fields to other areas, such as rivers and streams. The Department of Natural Resources (DNR) frequently tests rivers and streams near my home, and often issues warnings against using the water recreationally because of the high bacteria count. For example, warnings have been issued regarding the Upper Iowa River, which runs a mile from my home. It's a popular stream for tubing. But there are many times of year when, because of the contaminant levels, tubing in the river is a very dangerous thing to do. In

any given week, during the spring, summer, and fall, there are at least a dozen warnings issued around Iowa because the bacteria found in surface water is above the safety limits. I worry that these bacteria are resistant to antibiotics, because of the antibiotic use in the CAFOs.

7. I like to go trout fishing near my home, and sometimes I go canoeing, kayaking, or swimming. We have some of the finest trout streams in this corner of the state, including South Pine Creek, within five miles of my house. But I am worried about exposing myself to drug-resistant bacteria in the water. Because of my concerns, I use the water near my home less often than I would like to. For example, a few weeks ago we had an inch and a half of rain. This time of year farmers are pleased if they get an inch of rain. But I didn't go trout fishing the next day, although I would have liked to, because I knew the stream would be more likely to be running cloudy. It runs cloudy like that from dirt runoff, with lots of nasty things in it besides dirt.

8. When I run errands, such as a trip to Wal-Mart, I'm sure that some of the people I see are employed in agriculture in some way, and some of them probably work in the CAFOs and carry drug-resistant bacteria around with them. When I walk into a restroom in a medical clinic or Wal-Mart, or touch a door handle at the store, I know I could be picking up drug-resistant bacteria. It's highly problematic. The chances of being exposed to drug-resistant bacteria are far greater than they were twenty years ago, and one of the reasons for that is the great amount of antibiotics used in livestock.

9. If the government did more to restrict the use of antibiotics in livestock, I would feel tremendously better about the safety of the groundwater, rivers, and streams around my home. I would go fishing more often and enjoy it more because I would be less worried about my exposure to drug-resistant bacteria.

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 27, 2011, at Decorah, Iowa.



Dennis Haller