

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
RACHEL MLINARCHIK

I, Rachel Mlinarchik, declare as follows:

1. I have been a member of Public Citizen since March 2010 and have been Public Citizen's Senior Major Gifts Officer for a little over a year. I live in Washington, DC.

2. I have been concerned about food safety and the meat industry ever since I read Upton Sinclair's The Jungle at age twelve. As an adult, I have learned more about food production by watching movies like Super Size Me and Food Inc. and reading books by Michael Pollan. I have learned about and seen pictures of factory farms where animals are raised in filthy

conditions, are forced to eat food their bodies cannot naturally process, and are grossly overcrowded and abused.

3. From what I've seen and read, the overuse and over-prescription of antibiotics is a serious problem in both humans and animals. There is a reason we only take antibiotics when we really need them, and we finish the whole packet when we do. If we use antibiotics too much, the bacteria will all become resistant, and the antibiotics won't work anymore. Feeding antibiotics to healthy animals because they live in disgusting conditions is clearly an overuse of antibiotics. I am concerned about the use of antibiotics in livestock not only because it results in drug-resistant bacteria that can make people sick, but also because using antibiotics on animals that are not sick enables the industry to continue raising them in unsanitary, inhumane conditions.

4. I am concerned that eating meat from animals raised with antibiotics could make me sick, so I only eat meat from free-range, antibiotic-free animals raised on vegetarian feed. Because it's difficult to find meat that satisfies these requirements, I only eat meat once or twice a week.

5. I often eat in restaurants or order takeout because my husband and I travel frequently for work and have hectic work schedules. I will not eat meat in restaurants unless I can find out where it came from, either from the menu or the server, because otherwise I know it probably is not antibiotic-free. That makes it difficult for me to eat healthy meals out because restaurants rarely offer protein-rich vegetarian options; usually, it's just pasta or vegetables. I have done online research to find restaurants that serve healthy vegetarian options or antibiotic-free meat, but even in big metropolitan areas my options are often limited. It's hard for me to get enough protein, and I think I probably don't get enough. But I would rather make a big effort to seek out healthy vegetarian food than to eat industrially farmed meat that could make me sick.

6. At home, my husband does most of the cooking. He knows that in order for us to buy meat, the label must say that the animal was not raised using antibiotics, that it's free-range, and that it was only given vegetarian feed. Sometimes we buy meat from the grocery store, but more often we buy from the farmers' market so we can talk to people who know how the animals were raised. The meat we buy is more expensive than conventional meat.

7. If healthy livestock were not fed antibiotics regularly, they would be less likely to develop resistant bacteria. It would also force the meat industry to treat the animals better, which would make the meat safer.

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 28, 2011, at Washington, DC.


Rachel Mlinarchik