UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF VERMONT

GROCERY MANUFACTURERS ASSOCIATION, *et al.*,	)	
Plaintiffs,	)	
v.	)	
	)	Case No. 5:14-cv-00117-CR
WILLIAM H. SORRELL, in his official capacity as the Attorney General of Vermont, *et al.*,	)	
Defendants,	)	
and	)	
VERMONT PUBLIC INTEREST RESEARCH GROUP and CENTER FOR FOOD SAFETY,	)	
Proposed Intervenor-Defendants.	)	

PROPOSED ANSWER BY VERMONT PUBLIC INTEREST RESEARCH GROUP AND CENTER FOR FOOD SAFETY TO PLANTIFFS' COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF

Pursuant to Rule 24(c) of the Federal Rules of Civil Procedure, Proposed Intervenor-Defendants Vermont Public Interest Research Group and Center for Food Safety (collectively "Intervenors") submit this Proposed Answer to Plaintiffs' Complaint for Declaratory and Injunctive Relief, ECF No. 1 (filed June 12, 2014) (Complaint). Intervenors deny all averments in the Complaint unless specifically admitted in this Answer.

Pursuant to Rule 8 of the Federal Rules of Civil Procedure, Intervenors answer the Complaint as follows:

COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF

The first sentence of the initial unnumbered paragraph of the Complaint references Vermont Act 120 (Act 120), which speaks for itself. Intervenors deny any characterization that is not consistent with the referenced Act. The second sentence of the initial unnumbered paragraph

consists of the Plaintiffs' position on Act 120 and characterization of this action, to which no response is required. To the extent an answer is required, denied. The third, final sentence of the initial unnumbered paragraph calls for a legal conclusion; therefore, no response is required and none is made. To the extent an answer is required, admitted that Plaintiffs have brought suit to declare invalid and enjoin Act 120. Otherwise denied.

PRELIMINARY STATEMENT

1. To the extent that the first four sentences in Paragraph 1 allege that food shortage is causing world hunger, those sentences are denied. According to the United Nations World Food Programme, the world currently produces enough food for everyone, but, as the United Nations Food and Agriculture Organization reports, one third of that food is wasted rather than consumed. The final sentence in Paragraph 1 is denied. Genetically engineered (GE) cropping systems, which inherently are unsustainable in their reliance on synthetic pesticides and creation of superweed epidemics necessitating new GE systems, not only cannot solve world hunger, but instead will actually contribute to this problem by degrading the environment and perpetuating corporate control over farmers.

2. The first sentence in Paragraph 1 is admitted in part and denied in part. Intervenors are without knowledge or information sufficient to form a belief as to whether the United States has been at the forefront in developing genetically engineered plant varieties, and therefore deny the allegation. The second part of the first sentence is denied. Intervenors admit that federal agencies in the United States have been far more accepting of GE crops than those in most other countries, thus allowing commercialization of GE crops. However, the assertion that regulatory review is "effective" is denied—for example, the U.S. Food and Drug Administration (FDA) neither requires nor conducts safety studies of GE foods, and the absence of proper

review is hardly "effective." The second sentence in Paragraph 2 is admitted in part and denied in part. Intervenors admit that federal oversight of GE foods is divided among multiple agencies. However, Intervenors deny that the agencies' processes adequately account for health, safety, and environmental concerns. There is no statute in the United States specifically focused on GE organisms. Instead, agencies have used existing laws not intended for the purpose of regulating GE organisms, leaving significant gaps in regulation. Further, any FDA oversight of GE foods is merely voluntary and GE food developers decide what information to provide to FDA. Consequently, market approval of GE food is based on industry research. Further, there have been no long-term or epidemiological studies in the United States that examine the safety of human consumption of GE foods. Concerning the final sentence in Paragraph 2, Intervenors admit that, in the United States, the vast majority of certain crops such as corn and soy are genetically engineered. Otherwise denied.

3. The first sentence of Paragraph 3 is denied. As noted, FDA does not "confirm" the safety of GE foods because it does not conduct independent testing of its own, but instead reviews research provided by corporations selling GE seeds, and even that consultation process is voluntary. Intervenors are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in the second sentence of Paragraph 3, and therefore deny the allegations. The third sentence asserting that FDA does not currently require GE foods to be labeled is admitted. The fourth sentence is admitted to the extent that FDA's current position is that genetically engineering a plant does not entail a material difference in the food it produces, although FDA has only addressed the topic in a guidance document, not a regulation. Otherwise the fourth sentence is denied. The fifth, final sentence of Paragraph 3 references a March 7,

2014 congressional hearing, which speaks for itself. Intervenors deny the fifth sentence to the extent it is not consistent with the referenced congressional hearing.

4. The first and second sentences of Paragraph 4 are admitted. Otherwise denied. The State has concluded that GE foods "potentially pose risks to health, safety, agriculture, and the environment." Vt. Acts No. 120, § 1(4) (2014) (Act 120) (Attachment 7 to Motion to Intervene). Act 120 expressly states that "the State of Vermont finds that food produced from genetic engineering should be labeled as such" for "multiple health, personal, religious, and environmental reasons" and that "the State should require food produced with genetic engineering to be labeled as such *in order to serve the interests of the State*, notwithstanding limited exceptions, to prevent inadvertent consumer deception, prevent potential risks to human health, protect religious practices, and protect the environment." Act 120 § 1(5)–(6) (emphasis added). The State's Purposes in enacting Act 120 reiterate these points. Act 120 § 2.

5. Intervenors admit that portions of Act 120 take effect July 1, 2016. To the remaining sentences of Paragraph 5, Intervenors are without knowledge or information sufficient to form a belief as to the truth of the allegations. Otherwise denied.

6. Paragraph 6 asserts legal conclusions, therefore no response is required and none is made. To the extent an answer is required, denied.

7. Paragraph 7 asserts legal conclusions, therefore no response is required and none is made. To the extent a response is required, denied.

PARTIES

8. Intervenors are without knowledge or information sufficient to form a belief as to the truth of the allegation in the first sentence of Paragraph 8, and therefore deny the allegations.

Admitted Plaintiffs have brought suit and that the named Defendants are the state officials tasked with implementing and enforcing the Act or particular aspects of it.

9. Intervenors are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 9, and therefore deny the allegations.

10. Intervenors are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 10, and therefore deny the allegations.

11. Intervenors are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 11, and therefore deny the allegations.

12. Intervenors are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 12, and therefore deny the allegations.

13. Admitted that William H. Sorrell is the Attorney General of Vermont and is authorized to enforce the Act. Otherwise denied; Act 120 speaks for itself.

14. Admitted that Peter E. Shumlin is the Governor of Vermont. Intervenors are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in the second sentence of Paragraph 14, and therefore deny the allegations.

15. Admitted that Harry L. Chen is the Commissioner of the Vermont Department of Health. In the second sentence of Paragraph 15, Plaintiffs reference Act 120, which speaks for itself. Intervenors deny any characterization that is not consistent with the referenced Act.

16. Admitted that James B. Reardon is the Commissioner of the Vermont Department of Finance and Management. In the second sentence of Paragraph 16, Plaintiffs reference Act 120, which speaks for itself. Intervenors deny any characterization that is not consistent with the referenced Act.

JURISDICTION AND VENUE

17. The allegations contained in Paragraph 17 reference 42 U.S.C. § 1983, 28 U.S.C. § 1331, and 28 U.S.C. § 1343, which speak for themselves. The remaining allegations in Paragraph 17 call for a legal conclusion; therefore no response is required and none is made. To the extent an answer is required: the statutes cited in Paragraph 17 speak for themselves. Otherwise denied.

18. The allegations contained in Paragraph 18 reference 28 U.S.C. § 2202, which speaks for itself. The remaining allegations in Paragraph 18 call for a legal conclusion; therefore no response is required and none is made. To the extent an answer is required: denied.

19. Admitted that venue is proper in this Court. Denied that 28 U.S.C. § 1391(e) is the proper authority.

FACTUAL BACKGROUND

20. The first sentence in Paragraph 20 is admitted in part and denied in part. Admitted that genes are heritable units of an organism. However, to the extent Plaintiffs assert that genes are solely responsible for the traits an organism expresses, denied. This allegation oversimplifies inheritance and trait expression, excluding, inter alia, epigenetics and the role of the environment. The second sentence in Paragraph 20 is denied: genetic engineering includes expression not only of the "desired" trait, but can also result in unanticipated characteristics.

21. Intervenors admit the first sentence in Paragraph 21, to the extent it alleges that genetic engineering causes crops to express traits they would not express in nature, otherwise denied. Intervenors are without knowledge or information sufficient to form a belief as to the truth of the allegations in the second sentence in Paragraph 21, and therefore deny the allegations. Intervenors admit the allegations in the third, fifth, and sixth sentences that varieties

of corn, soybeans, and sugar beets have been genetically engineered to be resistant to herbicides, and that some corn varieties are engineered to produce pesticides themselves. Intervenors admit in part and deny in part the allegations in the fourth sentence. Admitted that herbicide-resistant GE crop systems facilitate use of herbicides. Denied that use of such herbicides necessarily eliminates more weeds than other weed control methods farmers could use instead.

22. Intervenors deny the first part of the first sentence in Paragraph 22. Intervenors are without knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in Paragraph 22, and therefore deny the allegations. To the extent that the last sentence of Paragraph 22 alleges that genetic engineering reduces the use of highly toxic pesticides, denied.

23. Intervenors are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 23, and therefore deny the allegations.

24. The first sentence in Paragraph 24 is admitted in part and denied part. Congress has delegated authority to FDA for food safety and labeling. Denied that this authority is "comprehensive." The second sentence of Paragraph 24 references a 1992 Food and Drug Administration policy statement. The policy statement speaks for itself. Intervenors deny any characterization that is not consistent with the referenced policy statement. Also denied to the extent that the sentence alleges the policy statement was a final policy statement issued after public comment; the policy statement was a notice for submission of written comments. The third sentence in Paragraph 24 is admitted in part and denied in part. Admitted that FDA's regulatory process is a voluntary consultation. Denied that FDA comprehensively reviews the safety data. Intervenors are without knowledge or information sufficient to form a belief as to

the truth of the remaining allegations contained in Paragraph 24, and therefore deny the allegations.

25. Intervenors deny the allegation in the first sentence of Paragraph 25. The second and third sentences of Paragraph 25 reference a 2001 Food and Drug Administration draft guidance on labeling, which speaks for itself. Intervenors deny any characterization that is not consistent with the referenced draft guidance. The fourth and fifth sentences of Paragraph 25 reference the 2014 congressional testimony of Food and Drug Administration Commissioner Margaret Hamburg. The congressional testimony speaks for itself. Intervenors deny any characterization that is not consistent with the referenced congressional testimony.

26. Intervenors are without knowledge or information sufficient to form a belief as to the truth of the allegation in the first sentence of Paragraph 26, and therefore deny the allegation. The second and third sentences of Paragraph 26 reference an article in *The Atlantic*. The article speaks for itself. Intervenors deny any characterization that is not consistent with the referenced article. Intervenors also deny the truth of the quoted statements of Secretary Vilsack.

27. Intervenors are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 27. To the extent that Paragraph 27 alleges that the safety of GE foods is accepted and well-demonstrated, denied. The cited 2004 National Research Council report did not claim that genetically engineered foods were without risk. In addition, that report was focused on the risks from unintended effects from genetic engineering, rather than direct risks from the gene or gene product itself. In 2012, the American Medical Association also announced that there should be pre-market safety testing of GE foods. Although the several members of the Board of the American Association for the Advancement of Science (AAAS) asserted that GE foods are safe, this statement was soon challenged by twenty-

one academic scientists and members of the AAAS. There is published scientific research that some GE crops directly or indirectly cause environmental harm. Further, sixty-four countries, including Japan, South Korea, China, Australia, Russia, India, and the European Union member states, require disclosures on GE foods.

28. The allegations in Paragraph 28 are denied. There is no "global scientific consensus" that GE foods are safe for human health or the environment. To the contrary, most countries in the world that have considered GE are more cautious about commercializing GE foods than our federal agencies. Several hundred international scientists and physicians have also signed a statement challenging the assertion that there is a consensus that GE is safe. As noted above, the American Medical Association supports mandatory food safety assessment of GE foods in the US, which would be logically unnecessary if the Association believed that GE foods were safe or without significant risk. The scientists who have found health risks from GE foods are not "opponents of genetic engineering," but instead independent professionals. Many studies that have pointed to possible harm from GE crops or foods have gone through the peer-review process, and are therefore considered valid based on scientific standards unless clearly contradicted by later peer-reviewed research. Furthermore, much of the debate about the safety of GE foods rests on a lack of adequate testing to demonstrate safety, rather than negative results.

ACT 120

29. Admitted.

30. In the first two sentences of Paragraph 30 Plaintiffs reference Act 120, which speaks for itself. Intervenors deny any characterization that is not consistent with the referenced Act. The remainder of Paragraph 30 contains Plaintiffs' characterizations of the challenged Act 120 and accordingly does not require a response. To the extent a response is required, the allegations are denied. The State has concluded that GE foods "potentially pose risks to health,

safety, agriculture, and the environment." Act 120 § 1(4). Act 120 expressly states that "the State of Vermont finds that food produced from genetic engineering should be labeled as such" for "multiple health, personal, religious, and environmental reasons" and that "the State should require food produced with genetic engineering to be labeled as such *in order to serve the interests of the State*, notwithstanding limited exceptions, to prevent inadvertent consumer deception, prevent potential risks to human health, protect religious practices, and protect the environment." Act 120 §1(5)–(6) (emphasis added). The State's Purposes in enacting Act 120 reiterate these points. Act 120 § 2.

31. The allegations contained in Paragraph 31 reference Act 120, which speaks for itself. Intervenors deny the allegations contained in Paragraph 31 to the extent they are not consistent with the referenced Act.

32. The allegations contained in Paragraph 32 reference Act 120, which speaks for itself. Intervenors deny the allegations contained in Paragraph 32 to the extent they are not consistent with the referenced Act.

33. The allegations contained in Paragraph 33 reference Act 120, which speaks for itself. Intervenors deny the allegations contained in Paragraph 33 to the extent they are not consistent with the referenced Act.

34. For the first sentence of Paragraph 34, Intervenors are without knowledge or information sufficient to form a belief as to the truth of whether many foods containing GE ingredients will not require labels, otherwise denied. The remaining allegations in Paragraph 34 are denied.

35. The first and third sentences of Paragraph 35 assert conclusions of law, to which no response is required and none is made, or are speculative. To the extent that a response is

required, denied. The second sentence of Paragraph 35 contains allegations that reference Act 120, which speaks for itself. Intervenors deny the allegations in this sentence to the extent they are not consistent with the referenced Act.

36. The first sentence and a portion of the second sentence of Paragraph 36 contain allegations that reference Act 120. Intervenors deny those allegations to the extent they are not consistent with the referenced Act. The remaining portion of the second sentence of Paragraph 36 asserts conclusions of law, to which no response is required and none is made. To the extent that a response is required, denied.

37. Intervenors deny the first sentence of Paragraph 37. The remainder of Paragraph 37 contains allegations that reference Act 120, which speaks for itself. Intervenors deny those allegations to the extent they are not consistent with the referenced Act.

38. The allegations contained in Paragraph 38 reference Act 120, which speaks for itself. Intervenors deny these allegations to the extent they are not consistent with the referenced Act.

39. The allegations contained in Paragraph 39 reference Act 120, which speaks for itself. Intervenors deny these allegations to the extent they are not consistent with the referenced Act.

40. The first sentence in Paragraph 40 is too vague and ambiguous to allow Intervenors to formulate a response, but to the extent a response is required, denied. For the allegations in the second and third sentences of Paragraph 40, admitted that the United States Department of Agriculture administers an "organic" program and that there are some voluntary non-GMO labeling programs. Otherwise denied. Voluntary labels are insufficient to provide

consumers with adequate information on whether or not the foods they purchase were produced with genetic engineering. The fourth sentence in Paragraph 40 is denied.

COUNT ONE

41. Intervenors incorporate by reference their answers to all preceding paragraphs as though fully set forth herein.

42. The allegations contained in Paragraph 42 assert conclusions of law, to which no response is required and none is made. To the extent that an answer is required, denied.

43. Paragraph 43 asserts conclusions of law, to which no response is required and none is made. To the extent that a response is required, denied. For the remainder, Intervenors are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 43, and therefore deny the allegations. Paragraph 43 also contains allegations that reference Act 120, which speaks for itself. Intervenors deny these allegations to the extent they are not consistent with the referenced Act.

44. The allegations contained in Paragraph 44 reference Act 120, which speaks for itself. Intervenors deny these allegations to the extent they are not consistent with the referenced Act.

45. The allegations contained in Paragraph 45 assert conclusions of law, to which no response is required and none is made. To the extent that an answer is required, denied.

46. Paragraph 46 asserts conclusions of law, to which no response is required and none is made. To the extent that an answer is required, denied.

47. The first and third sentences of Paragraph 47 assert conclusions of law, to which no response is required and none is made. To the extent that an answer is required, denied. Intervenors deny the allegations in the second sentence of Paragraph 47.

48. The first, third, and fourth sentences of Paragraph 48 assert conclusions of law, to which no response is required and none is made. To the extent that an answer is required, denied. Intervenors deny the allegations in the second sentence of Paragraph 48.

49. Paragraph 49 asserts conclusions of law, to which no response is required and none is made. To the extent that an answer is required, denied.

50. Intervenors are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in the first, second, and fourth sentences of Paragraph 50, and therefore deny the allegations. The allegations in the third, fifth, sixth, and seventh sentences of Paragraph 50 are conclusions of law, to which no response is required and none is made. To the extent that an answer is required, denied.

51. Paragraph 51 asserts conclusions of law, to which no response is required and none is made. To the extent an answer is required, denied.

52. Paragraph 52 asserts conclusions of law, to which no response is required and none is made. To the extent an answer is required, denied.

53. Paragraph 53 asserts conclusions of law, to which no response is required and none is made. To the extent an answer is required, denied.

54. Denied.

55. Paragraph 55 asserts conclusions of law, to which no response is required and none is made. To the extent an answer is required, denied.

56. Paragraph 56 asserts conclusions of law, to which no response is required and none is made. To the extent an answer is required, denied.

COUNT TWO

57. Intervenors incorporate by reference their answers to all preceding paragraphs as though fully set forth herein.

58. Paragraph 58 asserts conclusions of law, to which no response is required and none is made. To the extent an answer is required, denied.

59. The allegations contained in Paragraph 59 reference Act 120, which speaks for itself. Intervenors deny these allegations to the extent they are not consistent with the referenced Act.

60. The allegations contained in the first sentence of Paragraph 60 reference Act 120, which speaks for itself. Intervenors deny these allegations to the extent they are not consistent with the referenced Act. The remainder of Paragraph 60 consists of Plaintiffs' characterizations of the application of Act 120 or conclusions of law, to which no response is required and none is made. To the extent an answer is required, denied.

61. The allegations contained in Paragraph 61 assert conclusions of law, to which no response is required and none is made. To the extent an answer is required, denied. Additionally, to the extent the allegations reference Act 120, it speaks for itself. Intervenors deny these allegations to the extent they are not consistent with the referenced Act.

62. Paragraph 62 asserts conclusions of law, to which no response is required and none is made. To the extent an answer is required, denied.

63. Paragraph 63 asserts conclusions of law, to which no response is required and none is made. To the extent an answer required, denied.

COUNT THREE

64. Intervenors incorporate by reference their answers to all preceding paragraphs as though fully set forth herein.

65. Paragraph 65 asserts conclusions of law, to which no response is required and none is made. To the extent an answer is required, denied.

66. Paragraph 66 asserts conclusions of law, to which no response is required and none is made. To the extent an answer is required, denied. Additionally, the allegations contained in Paragraph 66 reference Act 120, which speaks for itself. Intervenors deny these allegations to the extent they are not consistent with the referenced Act.

67. Paragraph 67 asserts conclusions of law, to which no response is required and none is made. To the extent a response is deemed required, the allegations are denied.

68. Paragraph 68 asserts conclusions of law, to which no response is required and none is made. To the extent an answer is required, denied.

69. Paragraph 69 asserts conclusions of law, to which no response is required and none is made. To the extent an answer is required, denied.

COUNT FOUR

70. Intervenors incorporate by reference their answers to all preceding paragraphs as though fully set forth herein.

71. Paragraph 71 asserts conclusions of law, to which no response is required and none is made. To the extent an answer is required, denied.

72. The allegations in Paragraph 72 reference Act 120, which speaks for itself. Intervenors deny these allegations to the extent they are not consistent with the referenced Act.

73. Intervenors are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 73, and therefore deny the allegations.

74. Intervenors are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 74, and therefore deny the allegations.

75. Intervenors are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 75, and therefore deny the allegations.

76. Intervenors are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 76, and therefore deny the allegations.

77. Intervenors are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 77, and therefore deny the allegations. Additionally, the second and third sentences of Paragraph 77 contain Plaintiffs' characterizations of the application of Act 120 and therefore assert conclusions of law, to which no response is required and none is made. To the extent an answer is required, denied.

78. The first part of Paragraph 78 asserts conclusions of law, to which no response is required and none is made. To the extent that an answer is required, denied. Intervenors deny the allegations contained in the second half of Paragraph 78.

79. The allegations contained in Paragraph 79 assert conclusions of law, to which no response is required and none is made. To the extent an answer is required, denied.

COUNT FIVE

80. Intervenors incorporate by reference their answers to all preceding paragraphs as though fully set forth herein.

81. The allegations contained in the first sentence of Paragraph 81 reference Article VI, Clause 2 of the United States Constitution, which speaks for itself. Intervenors deny these

allegations to the extent they are not consistent with the referenced constitutional provision. The remainder of Paragraph 81 asserts conclusions of law, to which no response is required and none is made. To the extent that an answer is required, denied.

82. The allegations contained in Paragraph 82 reference 21 U.S.C. § 343(a)(1), which speaks for itself. Intervenors deny these allegations to the extent they are not consistent with the referenced Act. Intervenors admit that the Federal Food Drug and Cosmetic Act does not require the labeling of food produced through genetic engineering as a class. The remainder of Paragraph 82 references 21 U.S.C. § 343 *et seq.*, which speaks for itself. Intervenors deny these allegations to the extent they are not consistent with the referenced Act.

83. The allegations contained in Paragraph 83 reference 21 U.S.C. § 343-1(a), *et seq.*, which speaks for itself. Intervenors deny these allegations to the extent they are not consistent with the referenced Act.

84. The allegations contained in Paragraph 84 reference 21 U.S.C. § 601, *et seq.*, and 21 U.S.C. § 451, *et seq.*, which speak for themselves. Intervenors deny these allegations to the extent they are not consistent with the referenced Acts. To the extent that the first sentence also asserts conclusions of law, no response is required and none is made, and to the extent that an answer is required, denied.

85. Paragraph 85 asserts conclusions of law, to which no response is required and none is made. To the extent an answer is required, denied.

86. Paragraph 86 asserts conclusions of law, to which no response is required and none is made. To the extent an answer is required, denied.

PRAYER FOR RELIEF

The remainder of the Complaint consists of Plaintiffs' requested remedies, to which no response is required, but in the event a response is deemed required, Intervenors deny that Plaintiffs are entitled to the remedies requested or any relief whatsoever.

GENERAL DENIAL

Intervenors deny each and every allegation of the Complaint, whether express or implied, that are not expressly admitted, denied, or qualified herein.

AFFIRMATIVE DEFENSES

1. Failure to state a claim;

2. Lack of claim or controversy.

INCORPORATION OF ALL APPLICABLE DEFENSES

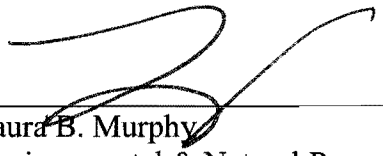
Intervenors assert all applicable defenses pled by all other defendants to this action, and hereby incorporate the same herein by reference.

RESERVATION

Upon further particularization of Plaintiffs' claims or upon discovery of further information concerning Plaintiffs' claims, Intervenors reserve the right to add further defenses as may be developed during litigation.

DATED: July 21, 2014

Respectfully submitted,



Laura B. Murphy
Environmental & Natural Resources Law Clinic
Vermont Law School
P.O. Box 96, 164 Chelsea Street
South Royalton, VT 05068
Telephone: (802) 831-1123
Fax: (802) 831-1631
Email: lmurphy@vermontlaw.edu
With contributions from student clinicians:
Marie Horbar
Yahan Liu
Katherine Michel

George Kimbrell (*Pro Hac Vice Pending*)
Aurora Paulsen (*Pro Hac Vice Pending*)
Center for Food Safety
917 SW Oak Street, Suite 300
Portland, OR 97205
Telephone: (971) 271-7372
Fax: (971) 271-7374
Email: gkimbrell@centerforfoodsafety.org
apaulsen@centerforfoodsafety.org

Counsel for Proposed Intervenor-Defendants

CERTIFICATE OF SERVICE

I hereby certify that, on the dates and by the method of service noted below, a true and correct copy of the foregoing was served on the following at their last known addresses:

SERVED VIA UNITED STATES POSTAL SERVICE FIRST-CLASS MAIL:

Matthew B. Byrne, Esq.
Gravel & Shea PC
76 St. Paul Street, 7th Floor, P.O. Box 369
Burlington, VT 05402-0369
Telephone: (802) 658-0220
Email: mbyrne@gravelshea.com
Counsel for Plaintiffs

Catherine E. Stetson
Hogan Lovells US LLP
555 Thirteenth Street NW
Washington, D.C. 20004
Telephone: (202) 637-5600
Email: cate.stetson@hoganlovells.com
Counsel for Plaintiffs (*Pro Hac Vice*)

E. Desmond Hogan
Hogan Lovells US LLP
555 Thirteenth Street NW
Washington, D.C. 20004
Telephone: (202) 637-5600
Email: desmond.hogan@hoganlovells.com
Counsel for Plaintiffs (*Pro Hac Vice*)

Judith E. Coleman
Hogan Lovells US LLP
555 Thirteenth Street NW
Washington, D.C. 20004
Telephone: (202) 637-5600
Email: judith.coleman@hoganlovells.com
Counsel for Plaintiffs (*Pro Hac Vice*)

Megan J. Shafritz
Assistant Attorney General
Office of the Attorney General
109 State Street
Montpelier, VT 05609-1001
Telephone: (802) 828-5527
Email: megan.shafritz@state.vt.us
Counsel for Defendants

Jon T. Alexander
Assistant Attorney General
Office of the Attorney General
109 State Street
Montpelier, VT 05609-1001
Telephone: (802) 828-1299
Motion: jon.alexander@state.vt.us
Counsel for Defendants

Kyle H. Landis-Marinello
Assistant Attorney General
Office of the Attorney General
109 State Street
Montpelier, VT 05609-1001
Telephone: (802) 828-1361
Email: kyle.landis-marinello@state.vt.us
Counsel for Defendants

Naomi Sheffield
Assistant Attorney General
Office of the Attorney General
109 State Street
Montpelier, VT 05609-1001
Telephone: (802) 828-6906
Email: naomi.sheffield@state.vt.us
Counsel for Defendants

DATED: South Royalton, VT, July 21, 2014

Laura B. Murphy
Environmental & Natural Resources Law Clinic
Vermont Law School
P.O. Box 96, 164 Chelsea Street
South Royalton, VT 05068
Telephone: (802) 831-1123
Fax: (802) 831-1631
Email: lmurphy@vermontlaw.edu