



United States Department of Agriculture

Food Safety and
Inspection Service

1400 Independence
Avenue, SW.
Washington, D.C.
20250

December 17, 2020

TRANSMITTED VIA ELECTRONIC MAIL

Erin Sutherland
Animal Welfare Institute
900 Pennsylvania Avenue, SE
Washington, DC 20003

RE: 2019-FSIS-00418-F
Humane Handling

Dear Ms. Sutherland:

This is the final response to your Freedom of Information Act (FOIA) request, dated July 1, 2019, to the U.S. Department of Agriculture's Food Safety and Inspection Service (FSIS), in which you requested a copy of noncompliance records and memorandums of interview related to humane handling and slaughter, from April 1, 2019 to June 30, 2019. We received your request in our office on July 1, 2019.

The FSIS FOIA staff works with subject matter experts across the Agency to locate responsive documents. For this request, we conducted a records search in the Office of Planning, Analysis and Risk Management. FSIS' search began on July 2, 2019. Our searches include responsive records in FSIS' control on that date.

We have located 142 pages that are responsive to your request. After a thorough review, we have determined that portions of these pages are exempt from disclosure under (b)(4) and (b)(6) of the FOIA, 5 U.S.C. § 552, as amended. Accordingly, this request is granted in part.

Exemption 4 of the FOIA protects "trade secrets and commercial or financial information obtained from a person [that is] privileged or confidential." 5 U.S.C. § 552(b)(4). The exemption covers two distinct categories of information in federal agency records, (1) trade secrets, and (2) information that is (a) commercial or financial, and (b) obtained from a person, and (c) privileged or confidential. In this instance, the agency is withholding confidential commercial information obtained from the establishments, that is customarily treated as private by the businesses. Therefore, the information is considered confidential.

Portions of the responsive records are exempt from disclosure under FOIA Exemption 6, 5 U.S.C. § 552(b)(6). Exemption 6 protects information that would constitute an unwarranted invasion of an individual's personal privacy. The types of information withheld under Exemption 6 include the names, addresses, or cell phone numbers of employees of Establishments and third parties, including, but not limited to interviewees or customers.

You may appeal this determination within 90 days from the date of this letter. Your appeal should include copies of your original request and this response, as well as a discussion of the reasons supporting your appeal. The envelope should be plainly marked to indicate that it contains a FOIA appeal. If you decide to appeal this determination, please send your appeal to:

Paul Kiecker
Administrator
Department of Agriculture
Food Safety and Inspection Service
1400 Independence Avenue, S.W.
Room 1170, South Building
Washington, DC 20250-3700

Please be advised that your FOIA requests, including your identity and any information made available, is releasable to the public under any subsequent FOIA requests. However, FSIS does not release your personal privacy information, such as home addresses, telephone numbers, or Social Security Numbers, all of which are protected from disclosure under FOIA Exemption 6.

If you have any questions about the processing of your request or about the USDA's FOIA regulations, please contact Ethan Pickrell at 202-260-8912 or via email at Ethan.Pickrell@usda.gov. You may seek dispute resolution services from me, the FSIS FOIA Public Liaison and FOIA Director at 202-690-2760 or via email at Arianne.Perkins@usda.gov. If you have general questions about FSIS' FOIA procedures or regulations, please feel free to reach out to me as well.

You also have the option to seek assistance from the Office of Government Information Services (OGIS). Please visit <https://www.archives.gov/ogis/mediation-program/request-assistance> for information about how to request OGIS assistance in relation to a FOIA request.

Thank you for your interest in FSIS programs and policies.

Sincerely,



Arianne M. Perkins
Director, Freedom of Information Act Staff
Office of Public Affairs and Consumer Education
Food Safety and Inspection Service

Attachment: Responsive Records (142 pages)

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