



United States Department of Agriculture

Food Safety and
Inspection Service

February 12, 2021

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

TRANSMITTED VIA ELECTRONIC MAIL

Ms. Erin Sutherland
Staff Attorney
Animal Welfare Institute
900 Pennsylvania Ave., SE
Washington, DC 20003
(b) (6)@awionline.org

RE: 2021-FSIS-00108-F
Good Commercial Practices

Dear Ms. Sutherland:

This is the final response to your Freedom of Information Act (FOIA) request, dated December 17, 2020, to the U.S. Department of Agriculture's Food Safety and Inspection Service (FSIS). You requested a copy of records regarding Good Commercial Practices, from July 1, 2020 to September 30, 2020. We received your request in our office on December 21, 2020.

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 Field Operations and the Office of Planning, Analysis, and Risk Management. FSIS' search began on December 21, 2020. Our search includes responsive records in FSIS' control on that date.

We have located 96 pages and one Excel spreadsheet that are responsive to your request. After a thorough review, we have determined that portions of these documents 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 portions of documents that are confidential. The information was submitted to USDA by a business. We have determined that these records contain commercial or financial information that is customarily treated as private by the business submitters. 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.

Ms. Sutherland
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You may appeal this determination no later than 90 days from the date of this letter. Your appeal should include copies of your original request and this response, as well reasons supporting your appeal. The envelope should be plainly marked to indicate that it contains a FOIA appeal. If you decide to appeal, please send your appeal to:

Paul Kiecker
Administrator
U.S. Department of Agriculture
Food Safety and Inspection Service
1400 Independence Avenue, SW.
Room 1170, South Building
Washington, DC 20250-3700
FSIS.FOIA@USDA.GOV

Please be advised that your FOIA request, including your identity and the 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 way this request was handled, or about the USDA's FOIA regulations, please contact Luke Harman at 202-720-0290 or via email at Luke.Harman@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.

Additionally, you may contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA mediation services they offer. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-6001, e-mail at ogis@nara.gov; telephone at 202-741-5770; or facsimile at 202-741-5769.

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

Enclosure