



United States Department of Agriculture

August 20, 2021

Food Safety and
Inspection Service

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

TRANSMITTED VIA ELECTRONIC MAIL

Ms. Rachel O'Flaherty
Paralegal
Lewis and Clark Law School
10015 SW Terwilliger Blvd.
Portland, OR 97219
(b) (6) @lclark.edu

RE: 2021-FSIS-00266-F
Humane Handling NRs and MOIs

Dear Ms. O'Flaherty:

This is the final response to your Freedom of Information Act (FOIA) request, dated April 1, 2021, to the U.S. Department of Agriculture's Food Safety and Inspection Service (FSIS). You requested a copy of all Noncompliance Records and Memoranda of Interview related to humane handling and slaughter for the months of January, February, and March of 2021. We received your request in our office on April 2, 2021.

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 (OPARM). FSIS' search began on April 2, 2021. Our search includes responsive records in FSIS' control on that date.

We have located 166 pages 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). This 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 such as specific business-related equipment. 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

Rachel O'Flaherty

Page 2

employees of Establishments and third parties, including, but not limited to interviewees or customers.

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 as 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 processing of your request or about the USDA's FOIA regulations, please contact Michael Dutt at 202-720-4058 or via email at Michael.Dutt@usda.gov. If you have general questions about FSIS' FOIA procedures or regulations, please contact me, Acting FOIA Director/ FOIA Public Liaison at 202-720-8215 or via email at April.Harrid@usda.gov.

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,



April D. Harrid
Acting Director, Freedom of Information Act Staff
Office of Public Affairs and Consumer Education

Enclosure: Attachment 166 pages