



United States Department of Agriculture

October 7, 2021

Food Safety and
Inspection Service

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

TRANSMITTED VIA ELECTRONIC MAIL

Ms. Emily von Klemperer
Farm Sanctuary
P.O. Box 150
Watkins Glen, NY 14891
(b) (6) @famsanctuary.org

RE: 2020-FSIS-00110-F
04C05 Inspection related records

Dear Ms. Klemperer:

This is the third interim response to your Freedom of Information Act (FOIA) request to the Department of Agriculture (USDA), Food Safety and Inspection Service (FSIS), dated December 12, 2019, in which you requested, all 04C05 inspection task records for non-compliance related to the humane treatment of poultry under the PPIA, including NRs, and MOI's as well as Memoranda of Information, Letters of Concern, and Letters of Cause issued during the period from April 17, 2019 through the date this request is processed. (April 17, 2019 - December 16, 2019) FSIS received your request on December 16, 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 and the Office of Field Operations. FSIS' search began on December 17, 2019 and includes responsive records in our control on that date.

For this release, we have located 103 pages that are responsive to your request. After a thorough review, we have determined that portions of the records 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. In addition, granted in full, an Excel document is being released to you in its native format, with the names that would normally be protected removed as previously discussed.

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 line speeds, headcounts and production volume. 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.

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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.

FSIS will continue to process records responsive to your request and will forward them promptly upon completion of review. As this is not a final response to your FOIA request, we request that you reserve your right to appeal. We will include your appeal rights in our final release.

If you have any questions about the processing of your request or about the USDA's FOIA regulations, please contact Keith Komosinski via email at keith.komosinski@usda.gov or at 813-919-0531. 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: 103 pages