



United States Department of Agriculture

October 14, 2021

Food Safety and  
Inspection Service

**TRANSMITTED VIA ELECTRONIC MAIL**

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

Emily Klemperer  
General Counsel  
Farm Sanctuary  
(b) (6) @farmsanctuary.org

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

Dear Ms. Klemperer:

This is the final response to your Freedom of Information Act (FOIA) request, dated December 12, 2019, to the U.S. Department of Agriculture's 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 174 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.

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.

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.

With respect to the portion of your request seeking online posting of records, we consider your request under Section (a)(2)(D) of the FOIA. As you know, the FOIA affirmative disclosure requirements of Section (a)(2)(D) only applies to copies of records that have been released to any person pursuant to a valid FOIA request under 5 U.S.C. 552(a)(3), and that the agency has determined have become or are likely to become the subject of subsequent requests for substantially the same records or have been requested three or more times. For records that meet this criterion, FOIA requires the agency make copies of these records available for public inspection in an electronic format. See 5 USC 552(a)(2)(D) and 7 C.F.R. 1.2. FSIS has determined that the records provided in response to the (a)(3) portion of this request meet the requirements for public inspection in an electronic format. As such, FSIS will post these records to its public reading room within 45 days of the date of this amended final response letter.

You may appeal this determination by email to [FSIS.FOIA@USDA.GOV](mailto:FSIS.FOIA@USDA.GOV). Your appeal must be in writing, and it must be received electronically no later than 90 days from the date of this letter. FSIS will not consider appeals received after the 90 calendar-day limit. Appeals received after 5:00 PM EST will be considered received the next business day. Your appeal should include the FOIA tracking number, a copy of your original request, FSIS's response to your original request, as well as reasons supporting your appeal.

For quickest possible handling, please email your appeal to [FSIS.FOIA@USDA.GOV](mailto:FSIS.FOIA@USDA.GOV), and in the subject line of your email and the appeal letter, mark "Freedom of Information Act Appeal" and reference FOIA No. 2020-FSIS-00110-F.

If you do not have access to email, or are otherwise unable to email your appeal, you may mail 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

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.

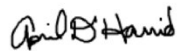
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If you have any questions about the processing of your request or about the USDA's FOIA regulations, please contact Keith Komosinski at 813-919-0531 or via email at keith.komosinski@usda.gov. If you have general questions about FSIS' FOIA procedures or regulations, please contact me, the FOIA Director/FOIA Public Liaison via email at Dexter.Johnson@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,



*For* Dexter Johnson  
Director, Freedom of Information Act Staff  
Office of Public Affairs and Consumer Education

Enclosure: 174 pages

**Be Food Safe: CLEAN:** Wash Hands and Surfaces Often **SEPARATE:** Separate Raw Meats from Other Foods  
**COOK:** Cook To The Right Temperature **CHILL:** Refrigerate Food Promptly