



United States Department of Agriculture

October 21, 2021

Food Safety and  
Inspection Service

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-00263-F  
ISP Code 04C02

Dear Ms. Sutherland:

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 records related to Humane Methods of Slaughter including: all noncompliance records, memorandums of interview, and supporting records for noncompliance with humane handling and slaughter regulations under 9 CFR 313 and the Humane Methods of Slaughter Act (ISP Code 04C02) issued by FSIS from January 1, 2021 to March 31, 2021. We received your request in our office on April 1, 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 1, 2021. Our search includes responsive records in FSIS' control on that date.

We have located 164 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). 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 the following: (1) business operation information relating to customers/clients and (2) the specific brand equipment used by the establishment. 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. 2021-FSIS-00263-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.

If you have any questions about the processing of your request or about the USDA's FOIA regulations, please contact Jessica Parrish at 310-880-8244 or via email at [Jessica.Parrish@usda.gov](mailto:Jessica.Parrish@usda.gov).

Erin Sutherland

Page 3

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](mailto: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,

**Dexter  
Johnson**

Dexter Johnson

Director, Freedom of Information Act Staff  
Office of Public Affairs and Consumer Education

 Digitally signed by  
Dexter Johnson  
Date: 2021.10.21 14:26:30  
-04'00'

Enclosure: 164 pages and 1 Excel spreadsheet

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