

FOIA-2018-00328

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MAY 16 2018

FOIA Office

VIA ELECTRONIC MAIL

**RE: Request for Records, and for Proactive Disclosure of Records, Relating to Implementation of the Humane Methods of Slaughter Act and the Poultry Products Inspection Act**

On behalf of our clients, the Animal Welfare Institute (“AWI”) and Farm Sanctuary (“FS”) (collectively “our clients”), we are writing to request that the United States Department of Agriculture (“USDA”) and the Food Safety and Inspection Service (“FSIS”) comply with the affirmative disclosure mandates of the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552(a)(2), by providing to our clients and posting online certain records relating to the FSIS’s oversight of slaughter practices under the Humane Methods of Slaughter Act (“HMSA”) and the Poultry Products Inspection Act (“PPIA”), that have been frequently requested by our clients and others, and that have already been released pursuant to FOIA requests under 5 U.S.C. § 552(a)(3).



Additionally, because the subject matter of the categories of documents described in this request is such that all records in these categories will be the subject of subsequent requests, *id.* § 552(a)(2)(D)(ii)(I), we further request that the USDA and FSIS comply with FOIA's affirmative disclosure mandate by proactively posting all such records online without waiting for our clients or others to submit individual requests pursuant to 5 U.S.C. § 552(a)(3).

We further request that the USDA/FSIS produce directly to our clients and post online a complete index of all frequently requested records relating to the HMSA and PPIA, pursuant to 5 U.S.C. § 552(a)(2)(E).

Finally, we request that the USDA/FSIS comply with the congressional mandate to "issue regulations on procedures for the disclosure of records" in accordance with the FOIA Improvement Act of 2016. Pub. L. 114-185 § 3(a).<sup>1</sup>

In particular, this request applies to the following categories of documents:

- (1) all noncompliance records and memoranda of interview, under the Humane Methods of Slaughter Act ("HMSA"), including any supporting records relating to their issuance pursuant to humane slaughter regulations under 9 C.F.R. § 313;
- (2) all records of violations of Good Commercial Practices for the humane handling of birds at slaughter under the Poultry Products Inspection Act ("PPIA"), including:
  - a. all inspection records for non-compliance related to the treatment of poultry under the PPIA, including noncompliance records and memoranda of interview;
  - b. any other records relating to humane treatment of poultry under the PPIA, including memoranda of information, letters of concern, or letters of cause; and
  - c. all records of "Good Commercial Practices" under the PPIA.

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<sup>1</sup> To be clear, we request that the USDA and FSIS process this request under *both* sections (a)(2) and (a)(3) of FOIA. Thus, we request that the agencies produce responsive records directly to our clients under section (a)(3), and that they post all such responsive records, including existing records and any similar records generated in the future, online pursuant to section (a)(2). If the agencies agree to post all responsive existing and future records online under section (a)(2), we will consider that a complete response and there will be no need to produce the documents directly to our clients. On the other hand, we will not consider merely releasing existing records to our clients under (a)(3) a complete response to this request, because such a release will not satisfy the agencies' obligations under section (a)(2).

We request that FSIS process this request pursuant to 5 U.S.C. § 552(a)(3) by producing to our clients requested records from January 2018 until the receipt of this request. We further request that FSIS process this request pursuant to 5 U.S.C. § 552(a)(2) by posting requested records online, beginning with records from January 2018 until the receipt of this request, and by proactively disclosing such records in the future, without waiting for further FOIA requests, within 14 days of the generation of such records, as FSIS does for certain other records under the HMSA.<sup>2</sup>

### **Statutory Background**

#### **1. The Freedom of Information Act's Affirmative Disclosure Mandate**

Congress enacted FOIA “to clarify and protect the right of the public to information.” S. Rep. 1219 (July 22, 1964). In 1996, Congress clarified that “the purpose of the Freedom of Information Act is to require agencies of the Federal Government to make certain agency information available for public inspection and copying and to establish and enable enforcement of the right of any person to obtain access to the records of such agencies.” S. Rep. 104-272. To that end, Congress in 1996 amended FOIA to require agencies to “make available for public inspection in an electronic format” certain records, including “copies of all records, regardless of form or format,” which have been “released to any person,” and which “because of the nature of their subject matter . . . are likely to become the subject of subsequent requests for substantially the same records.” 5 U.S.C. § 552(a)(2)(D).

In 2016, Congress again amended FOIA to clarify that this category of frequently requested records includes any records that have been released and “requested 3 or more times.” *Id.* Congress also required agencies to issue regulations within 180 days to implement this affirmative disclosure requirement. Pub. L. 114-185 § 3(a). Thus, FOIA’s affirmative disclosure mandate requires agencies to make available for public inspection in an electronic format – i.e. by posting on the internet – frequently requested records. Similarly, FOIA also requires agencies to post online a “general index” of such frequently requested records. *Id.* § 552(a)(2)(E).

The congressional intent behind FOIA’s affirmative electronic disclosure mandate was “to encourage on-line access to Government information” so that “the public can more directly obtain and use Government information.” H. Rep. No. 104-795, at 11 (1996). Accordingly, Congress acted “to prompt agencies to make information available affirmatively on their own initiative in order to meet anticipated public demand for it.” S. Rep. No. 104-272, at 13 (1996).

Congress also intended for FOIA’s affirmative disclosure mandate to aid in reducing the need for individual FOIA requests by making material available online. Indeed, finding that agency delays in responding to individual requests “continue as one of the most significant FOIA problems,” H. Rep. No. 104-795, at 13 (1996), Congress explained that “[w]ith more affirmative disclosure, agencies can better use their resources,” allowing them to “more efficiently use their

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<sup>2</sup> See <https://origin-www.fs.is.usda.gov/wps/portal/fsis/topics/regulatory-compliance/regulatory-enforcement/humane-handling-enforcement-actions> (listing dates of posting records within approximately 14 days of the creation of records).

limited resources to complete requests on time,” *id.* at 12–13. As Senator Patrick Leahy, one of the sponsors of the 1996 FOIA amendments, explained, “as more information is made available online, the labor intensive task of physically searching and producing documents should be reduced,” and “[t]he net result should be increased efficiency in satisfying agency FOIA obligations, reduced paperwork burdens, reduced errors and better service to the public.” 142 Cong. Rec. S10, 894 (daily ed. Sept. 18, 1996). Thus, Congress envisioned that improved on-line access to information would also “result in fewer FOIA requests, thus enabling FOIA resources to be more efficiently used in responding to complex requests.” H. Rep. No. 104-795, at 11.

## **2. Legal Requirements for Humane Treatment of Animals Slaughtered for Human Consumption.**

Congress first enacted the Humane Methods of Slaughter Act in 1958, requiring that any meat sold to the U.S. government be slaughtered humanely. In 1978, Congress expanded the HMSA to require that livestock imported into the U.S. for meat be slaughtered humanely. In particular, the HMSA requires that livestock must be “rendered insensible to pain” before slaughter. 7 U.S.C. § 1902(a). However, the USDA failed to meaningfully enforce the HMSA for many years. Consequently, in 2002 Congress called on the Secretary of Agriculture to “fully enforce” the HMSA to “prevent needless suffering” of animals, and reaffirmed that “[i]t is the policy of the United States that the slaughtering of livestock and the handling of livestock in connection with slaughter shall be carried out only by humane methods.” Public Law 107-171 § 10305. FSIS gathers and maintains records relating to regulated entities’ compliance with the HMSA.

Congress enacted the Poultry Products Inspection Act in 1957, finding that “[i]t is essential in the public interest that the health and welfare of consumers be protected by assuring that poultry products distributed to them are . . . not adulterated.” 21 U.S.C. § 451. To that end, the PPIA requires poultry processing facilities to “be operated in accordance with such sanitary practices” as will prevent adulterated products, *id.* § 456, and requires FSIS to inspect poultry processing facilities and processed poultry, *id.* § 455. To achieve the PPIA’s goals, FSIS requires that facilities that slaughter poultry operate “in accordance with good commercial practices.” 9 C.F.R. § 381.65. The PPIA prohibits any person from slaughtering or processing poultry in violation of relevant statutory or regulatory provisions, 21 U.S.C. § 458, and requires facilities to maintain records of compliance with the statute and regulations. *Id.* § 460(b)(1). FSIS gathers and maintains records relating to regulated entities’ compliance with the PPIA.

### **Discussion**

#### **1. The USDA and FSIS Must Affirmatively Disclose Frequently Requested Records Under the HMSA and PPIA.**

Because the records that FSIS gathers and maintains under the HMSA and PPIA are important indicators of the humane (or inhumane) treatment of animals slaughtered for human consumption, our clients and others have regularly requested these records for years. As to the records requested related to the HMSA, our clients have been requesting such records since at

least 2004; as to the records requested concerning the PPIA, our clients have been requesting such records since at least 2012. Typically, every three months our clients submit FOIA requests under 5 U.S.C. § 552(a)(3) for records under the HMSA and/or the PPIA. Additionally, these same records are regularly the subject of requests from other entities, as FSIS's FOIA Request Reports Archive illustrates.<sup>3</sup>

Although our clients have routinely had to wait far more than the 20 working days that FOIA provides for agencies to produce documents in response to FOIA requests, 5 U.S.C. § 552(a)(6), in the past the USDA and FSIS have released records in response to FOIA requests for such records submitted by our clients and others. Accordingly, it is clear that the records described in this request have been frequently requested—far more than three times—and have also been regularly “released” pursuant to requests made under 5 U.S.C. § 552(a)(3). Moreover, and as this request history illustrates, because of the nature of the subject matter in these records, these categories of records will continue to be the subject of subsequent requests for substantially the same records. 5 U.S.C. § 552(a)(2)(D)(ii)(I).

Our clients and others use these records to monitor the USDA and FSIS's enforcement of the humane handling provisions of the HMSA and the PPIA, to disseminate information about the enforcement of these provisions to the press and the public, and to advocate for better enforcement of these provisions and more humane treatment of animals. In particular, our clients use these records to write reports concerning the USDA's and FSIS's exercise of their enforcement authorities (or lack thereof), which our clients disseminate to the press, other advocates, and the public. Our clients also inform the press and the public about particularly egregious violations of humane handling provisions of the HMSA and PPIA—efforts that are hampered by the significant delays in the USDA's and FSIS's responses to FOIA requests. Further, our clients use these records to advocate for more effective enforcement of the HMSA and PPIA, including by petitioning the USDA and FSIS to issue more protective regulations, by commenting on agency proceedings, and by requesting that the USDA, FSIS, and state authorities effectively enforce humane handling standards with respect to those regulated entities responsible for egregious violations.

FSIS recognizes that it has legal obligations under FOIA's affirmative disclosure mandate. Indeed, FSIS's “FOIA Electronic Reading Room” states that FOIA “requires agencies to make certain types of records . . . available electronically,” including “records that are frequently requested/of interest.”<sup>4</sup> However, while FSIS maintains a website that includes “Records Frequently Requested/Of Interest,” that website falls far short of fulfilling the agency's obligations under FOIA's affirmative disclosure mandate, because it does not include all frequently requested records, including those that are the subject of this request. The USDA and

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<sup>3</sup> <https://www.fsis.usda.gov/wps/portal/footer/policies-and-links/freedom-of-information-act/fsis-electronic-reading-room/foia-request-reports-archive>

<sup>4</sup> <https://www.fsis.usda.gov/wps/portal/footer/policies-and-links/freedom-of-information-act/fsis-electronic-reading-room/fsis-electronic-reading-room>

FSIS's failure to post these records runs counter to FSIS's own prior acknowledgment that these records "are frequently requested through the Freedom of Information Act." See FSIS Notice 07-15, *Instructions for Writing Poultry Good Commercial Practices Noncompliance Records and Memorandum of Interview Letters for Poultry Mistreatment* (January 21, 2015).

As the USDA and FSIS are aware, based in part on our clients' and others' history of regularly submitting FOIA requests for these records, as well as our clients' intent to continue regularly requesting these records (unless the USDA and FSIS agree to post them proactively online), that these records, "because of the nature of their subject matter" will be "the subject of subsequent requests for substantially the same records." 5 U.S.C. § 552(a)(2)(D). Indeed, our clients' FOIA requests have informed FSIS of the intent to routinely request these records and have encouraged FSIS to make these documents available online pursuant to FOIA's proactive disclosure mandate. In fact, the USDA and FSIS recently described the requested records as the two most commonly requested types of records for FSIS, specifically describing "Humane Handling Enforcement Actions" as "Frequently Requested Records," and describing "Humane Handling," "Good Commercial Practices," and "Non-Compliance Records" as "Commonly Requested Records." See Attachment. Thus, it is clear that the records requested here will be "the subject of subsequent requests for substantially the same records." 5 U.S.C. § 552(a)(2)(D).<sup>5</sup>

Complying with FOIA's affirmative disclosure mandate by posting these records online would not only effectuate the congressional intent of the 1996 and 2016 amendments to FOIA, but would also serve the interests of the USDA and FSIS by drastically reducing the agencies' FOIA backlogs. As Congress explained, "as more information is made available online, the labor intensive task of physically searching and producing documents should be reduced," and "[t]he net result should be increased efficiency in satisfying agency FOIA obligations, reduced paperwork burdens, reduced errors and better service to the public." 142 Cong. Rec. S10, 894.

## **2. The USDA Must Issue Regulations For Implementing FOIA's Affirmative Disclosure Mandate.**

As described above, Congress stated in 2016 that all agencies "shall issue regulations on the procedures for the disclosure of records" under FOIA's affirmative disclosure mandate "[n]ot later than 180 days after the date of enactment" of the FOIA Improvement Act of 2016. Pub. L. 114-185 § 3(a). Because the FOIA Improvement Act of 2016 was enacted on June 30, 2016, the deadline for agencies to issue implementing regulations was *December 27, 2016* – more than a year ago. However, the USDA has not issued any such regulations, or even any notice of proposed rulemaking. To comply with the congressional deadline in the FOIA Improvement Act of 2016, the USDA must issue regulations establishing procedures for the disclosure of records pursuant to FOIA's affirmative disclosure mandate.

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<sup>5</sup> To the extent that the USDA and FSIS believe they have not "determine[d]" that these records "have become or are likely to become the subject of subsequent requests for substantially the same records," 5 U.S.C. § 552(a)(2)(D), we hereby request that the agencies make this determination.

These regulations must clarify the procedure individuals should use to request affirmative disclosure of records pursuant to 5 U.S.C. § 552(a)(2), as well as the procedure the agency will follow in responding to such requests. Indeed, we note that in similar contexts, the USDA has insisted that entities that wish to compel the agency's compliance with FOIA's affirmative disclosure mandate must first file a request for affirmative disclosure of records pursuant to 5 U.S.C. § 552(a)(2)—but when the agency received such requests, it has informed requesters that, in the USDA's view, these are not "proper" requests under FOIA. *See, e.g.,* Letter from Tonya Woods, Director, Freedom of Information & Privacy Acts, USDA, to Delcianna Winders, *Final Response to Request No. 2018-APHIS-02370-F* (March 5, 2018) (stating that a request for proactive disclosure of documents "is not a proper request under FOIA"). This inconsistent approach to this issue requires clarification. Consequently, the agency's mandated implementing regulations must establish a reasonable mechanism by which individuals can seek to enforce the affirmative disclosure requirements of 5 U.S.C. § 552(a)(2), as well as specify the agency's procedures for responding to any requests for affirmative disclosures under FOIA.

### **Fee Waiver Request**

We request that you waive all fees in connection with this request as provided by 5 U.S.C. § 552(a)(4)(A)(iii) and section 6(a)(1) of 7 C.F.R. Part 1, Appendix A. FOIA provides that agencies "shall" provide records "without any charge" or at a reduced rate where "disclosure of the information is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the requester." 5 U.S.C. § 552(a)(4)(A)(iii). This statutory standard, and the agency's guidelines, are easily met here.

#### **1. Disclosure is Likely to Contribute Significantly to Public Understanding of Government Operations or Activities.**

As an initial matter, the requested records all concern the implementation of the HMSA and PPIA by the USDA and FSIS. Because these records concern the agencies' implementation of federal law, they unquestionably concern the operations or activities of the government.

Furthermore, disclosure of the requested records will contribute significantly to the public's understanding of the government's operations or activities. The public has a strong interest in the USDA's and FSIS's implementation of the HMSA and PPIA – both in terms of public concern for the welfare of animals slaughtered for human consumption and the public interest in food safety. Disclosure of the requested records will serve the public interest in understanding the manner in which the USDA and FSIS implement the HMSA and PPIA, the agencies' record of enforcement (or lack of enforcement) regarding instances of non-compliance with these statutes, and whether regulatory or statutory amendments may be necessary to more fully effectuate the purposes behind the HMSA and PPIA.

Additionally, the general public's understanding of the USDA's and FSIS's implementation of the HMSA and PPIA will be significantly enhanced by disclosure of the requested records. Most notably, if the agency complies with this request under 5 U.S.C. § 552(a)(2) by making the requested records publicly available on the internet, the general public's understanding will be well-served because records that were previously only available through the time-consuming process of individual FOIA requests would be accessible more easily online. Accordingly, complying with this request under 5 U.S.C. § 552(a)(2) would unquestionably further the general public's understanding of the USDA's and FSIS's implementation of the HMSA and PPIA. Additionally, even if the agencies instead release records solely to AWI and FS pursuant to 5 U.S.C. § 552(a)(3), the general public's understanding would still be well-served because AWI and FS have a proven ability and strong track record of disseminating such information to the public.

AWI has 20,000 members, many of whom are interested in the well-being of farm animals raised for human consumption. AWI routinely posts information it receives via FOIA requests on its website, which is a frequently trafficked page of AWI's site by both the public and media outlets. In fact, AWI's page on inhumane practices on factory farms is among the most trafficked pages on its website. AWI also disseminates information from these records by writing reports describing the enforcement of the HMSA and the PPIA. For example, AWI has written four reports in recent years about the welfare of livestock and poultry at slaughter.<sup>6</sup> AWI also uses these records to advocate for improved treatment of animals directly to the regulating body and to inform the public about violations. In particular, a recent string of humane handling violations at Vermont Packinghouse led AWI to contact both the USDA and the Vermont Agency of Agriculture and media coverage of the issue.<sup>7</sup> AWI also uses these records for advocacy purposes during regulatory rulemaking. Recently, AWI has used records collected from pig and poultry plants to advocate against unlimited line speeds at slaughter, educate the public about the potential negative welfare impacts of FSIS's proposed rules, and rally participation in commenting periods.<sup>8</sup>

Farm Sanctuary is the nation's largest and most effective farm animal rescue and protection organization with more than 500,000 members and supporters. Farm Sanctuary uses

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<sup>6</sup> E.g. AWI Report, *The Welfare of Birds at Slaughter in the United States, 2017 Update*, <https://awionline.org/sites/default/files/uploads/documents/FA-AWI-Welfare-of-Birds-at-Slaughter-Update.pdf>; AWI Report, *Humane Slaughter Update: Federal and State Oversight of the Welfare of Farm Animals at Slaughter*, <https://awionline.org/sites/default/files/products/FA-HumaneSlaughterReport-2017.pdf>.

<sup>7</sup> *Slaughterhouse in Vermont Violates Humane Handling Laws*, AWI Quarterly (Fall 2017) <https://awionline.org/awi-quarterly/fall-2017/slaughterhouse-vermont-violates-humane-handling-laws> (reporting to our members that AWI contacted USDA and Vermont Agency of Agriculture regarding humane handling violations at Vermont Packinghouse and encouraging the removal of the slaughterhouse's grant of inspection); Huffington Post, *It Isn't Easy Being a 'Humane' Slaughterhouse*, [https://www.huffingtonpost.com/entry/transparent-slaughterhouse-usda-violations\\_us\\_590a15b8e4b0bb2d08748aa1](https://www.huffingtonpost.com/entry/transparent-slaughterhouse-usda-violations_us_590a15b8e4b0bb2d08748aa1); Vermont Journal, *"Three strikes you're out" does not apply*, (May 20, 2017) <http://vermontjournal.com/featured-articles/three-strikes-youre-not-apply>.

<sup>8</sup> Animal Welfare Institute, *Tell the USDA: Speeding up Pig Slaughter Jeopardizes Animal Welfare*, Animal Welfare Institute, *Say No to Faster Chicken Slaughter*, <https://awionline.org/action-ealerts/tell-usda-speeding-pig-slaughter-jeopardizes-animal-welfare>; <https://awionline.org/action-ealerts/say-no-faster-chicken-slaughter>.



the information it receives from FOIA requests about HMSA and PPIA to educate members of the public about risks in our food system and to advocate for the enforcement of food safety and animal protection laws and regulations. Farm Sanctuary distributes this information on its website,<sup>9</sup> in news articles<sup>10</sup> and scholarly papers<sup>11</sup> written by Farm Sanctuary staff, and by contributing information for articles written by others on these issues.<sup>12</sup> Farm Sanctuary has also used HMSA and PPIA enforcement records in connection with petitions for regulatory rulemaking urging better enforcement of the HMSA<sup>13</sup> and PPIA,<sup>14</sup> and to encourage members of the public to participate in the rulemaking process.<sup>15</sup>

## 2. Disclosure of the Requested Information is Not Primarily in the Commercial Interest of the Requesters.

Neither AWI nor FS has any commercial interest in the requested information. Both AWI and FS are nonprofit organizations that do not make commercial use of information obtained through FOIA requests.

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<sup>9</sup> E.g. Farm Sanctuary website, *The Truth behind "Humane" Labels*, <https://www.farmsanctuary.org/learn/factory-farming/the-truth-behind-humane-labels/>

<sup>10</sup> E.g. Bruce Friedrich, *The cruelty behind your ballpark hot dog*, LA Times, Sept. 18, 2015, <http://www.latimes.com/opinion/op-ed/la-oe-friedrich-humane-slaughter-20150920-story.html>; Bruce Friedrich, *Time to ban slaughter of sick, injured animals: Column*, USA Today, Aug. 14, 2014, <https://www.usatoday.com/story/opinion/2014/08/14/usda-sick-animal-ban-column/13569101/>; Bruce Friedrich, *A mad-cow loophole you could drive a truck through*, Feb. 5, 2015, <http://www.chicagotribune.com/news/opinion/commentary/ct-mad-cow-disease-usda-humane-slaughter-perspec-0206-jm-20150205-story.html>; Bruce Friedrich, *Sad about swans? Think about chickens*, Feb. 12, 2014, <http://www.nydailynews.com/opinion/sad-swans-chickens-article-1.1610298>;

<sup>11</sup> Bruce Friedrich, *When the Regulators Refuse to Regulate: Pervasive USDA Underenforcement of the Humane Slaughter Act*, 104 Geo L.J. 197 (2015), <https://georgetownlawjournal.org/articles/28/when-regulators-refuse-to/pdf>; Bruce Friedrich, *Still In The Jungle: Poultry Slaughter and the USDA*, 23.2 N.Y.U. Envtl. L.J. 247 (2015) [https://www.nyuelj.org/wp-content/uploads/2015/09/Friedrich\\_ready\\_for\\_the\\_website\\_1.pdf](https://www.nyuelj.org/wp-content/uploads/2015/09/Friedrich_ready_for_the_website_1.pdf)

<sup>12</sup> E.g. Dylan Matthews, *"The cow was lying in a large pool of blood": the horrifying animal abuses the feds ignore*, Vox, Sept. 3, 2015 <https://www.vox.com/2015/9/3/9257181/usda-humane-slaughter-meat>

<sup>13</sup> Petition, Farm Sanctuary, Petition calling for regulations under the Humane Methods of Livestock Slaughter Act and Federal Meat Inspection Act that will decrease cruelty to farm animals at slaughter (Sept. 1, 2015), <https://www.fsis.usda.gov/wps/wcm/connect/a49e9039-5060-4bf4-b37b-167302b7bc6e/Farm-Sanctuary-HMSA-Enforcement-09012015.pdf?MOD=AJPERES>; Petition, Farm Sanctuary, Petition requesting that FSIS amend the ante-mortem inspection regulations to ban the slaughter of non-ambulatory disabled pigs (June 23, 2014), <https://www.fsis.usda.gov/wps/wcm/connect/5faaca60-31ed-4f28-996a-98ca9097b013/Petition-FarmSanctuary-060314.pdf?MOD=AJPERES>

<sup>14</sup> Petition, Farm Sanctuary, Petition requesting that FSIS use its authority under the PPIA to promulgate regulations for the humane handling of poultry (Dec. 17, 2013), <https://www.fsis.usda.gov/wps/wcm/connect/e138fe1a-d380-42b2-88b7-f24a11ed7d7f/Petition-AWI-PPIA-121713.pdf?MOD=AJPERES>

<sup>15</sup> Farm Sanctuary, *Speak Out Against Cruelty to Sick and Injured Farm Animals*; <https://secure2.convio.net/fsi/site/Advocacy?sessionId=8CD2E9B5973164BB37A91725298C6175.app201a?cmd=display&page=UserAction&id=255>; Farm Sanctuary, *Stop the Slaughter of Sick and Injured Birds*, <https://secure2.convio.net/fsi/site/Advocacy?cmd=display&page=UserAction&id=473>; Farm Sanctuary, *Coalition to USDA: Step Up Enforcement for Farm Animals*, Farm Sanctuary Blog, Sept. 23, 2015, <https://blog.farmsanctuary.org/2015/09/petition-usda-slaughterhouse/>

AWI is a nonprofit organization comprised of supporters dedicated to eliminating the pain and suffering of animals caused by humans. One focus of AWI's work is farm animal welfare, in which the organization works with farmers, retailers, consumers, and the government to improve the lives of animals raised for food. AWI's ability to access information about how FSIS is implementing the HMSA and PPIA is critical to this work. Consequently, AWI routinely requests records from the USDA and FSIS regarding implementation of these statutes.

Farm Sanctuary is a nonprofit organization whose mission is to protect farm animals from cruelty and to inspire change in the way society views and treats farm animals. In addition to rescuing farm animals from inhumane conditions and caring for them at sanctuaries, Farm Sanctuary also educates the public about the inhumane conditions that many farm animals endure and about the implementation of the HMSA and PPIA, as well as advocating for laws and policies that will more effectively prevent animal suffering. Farm Sanctuary regularly requests records from the USDA and FSIS regarding implementation of the HMSA and PPIA, and uses these records in its education and advocacy work.

Because AWI and FS are non-profit organizations with no commercial interest in the disclosure of the requested information, disclosure is clearly not primarily in the commercial interest of the requesters. Instead, disclosure is in the public interest, which will be well-served by AWI and FS disseminating this information to the public.

### CONCLUSION

Thank you for your consideration of this request. Consistent with FOIA's statutory deadlines, we expect a response to this request within 20 working days, *see* 5 U.S.C. §552(a)(6)(A), which must "indicate within the relevant time period the scope of documents [the agency] will produce." *Citizens for Responsibility and Ethics in Washington v. Fed. Election Comm'n*, 711 F.3d 180, 182–83 (D.C. Cir. 2013).

Sincerely,

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