

FOIA-2019-00258



# Animal Welfare Institute

900 Pennsylvania Avenue, SE, Washington, DC 20003

April 1, 2019

Received in USDA/FSIS

Freedom of Information Act Officer  
USDA, Food Safety and Inspection Service  
Room 2168 South Building  
1400 Independence Ave., SW  
Washington, DC 20250

APR 01 2019

FOIA Office

## FOIA Request: Humane Methods of Slaughter Act Noncompliance Records

Dear FOIA Officer:

This is a request for public records made on behalf of the Animal Welfare Institute (AWI), pursuant to the Federal Freedom of Information Act (FOIA), 5 U.S.C. § 552 et seq. This request satisfies the written request requirement pursuant to 7 C.F.R. § 1.5(a).

We request that you please provide the following documents related to Humane Methods of Slaughter:

1. 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 during January 1 to March 31 2019.

Please provide the records in the format that will ensure the most immediate response—electronically, hardcopy, or CD-ROM. Additionally, please provide the records as they become available.

In the event that you deny access to any of the requested records, please provide me with all reasonably segregable, non-exempt portions of the relevant records. *See* 5 U.S.C. § 552(b). Additionally, please describe the deleted material in detail, specify the statutory basis for the denial, and explain the basis for your belief that the material is exempt. I further request that you separately state your reasons for not invoking your discretionary powers to release the requested documents in the public interest. Please also notify me of any appeal procedures available under the law, as well as the office and address where such an appeal can be sent.

We also request that, consistent with the 1996 amendments to FOIA, and the FOIA Improvement Act of 2016, FSIS post all Noncompliance Records, Memorandums of Interview, and supporting records for noncompliance with humane handling and slaughter online in the agency's electronic reading room, for review by AWI and other interested members of the public. These documents

have been released by FSIS and requested at least three times; additionally, because of these documents' subject matter, these are and will continue to be the subject of numerous requests for substantially the same records. Accordingly, we request that FSIS proactively make these documents available in its electronic reading room and post all such documents that it produces to FOIA requesters online from this point forward.

#### **Fee Waiver**

AWI is a nonprofit organization promoting the humane treatment of animals, including animals in agriculture. The information subject to this request will be used to educate concerned individuals about animal welfare in slaughter establishments. The information the records contain would contribute significantly to the public understanding of humane and public health issues at major U.S. slaughter facilities as well as the evidence relied upon by the agency in reaching decisions regarding the treatment of farm animals.

Additionally, the records covered by this request are not publically posted or otherwise published, and AWI has no intention to use the information disclosed under this request for financial gain. If, however, the waiver is denied and the request will involve more than two search hours or more than 100 pages of documents, and fees will exceed twenty dollars (\$20.00), please notify me immediately by telephone before the request is processed so that we can decide whether to pay the additional fees or to appeal the denial of the request for waiver.

If you have any questions regarding this request, you may contact me at (b) (6) or (b) (6)@awionline.org. The records and any related correspondence should be sent to my attention at the address above.

Sincerely,

*Erin Thompson*

Erin Thompson  
Staff Attorney, Farm Animal Program  
Animal Welfare Institute