

FOIA-2019-00298



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www.farmsanctuary.org

April 17, 2019

Received in USDA/FSIS

VIA EMAIL

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FOIA Office

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

Re: FOIA Request: Humane Methods of Slaughter Act Documents

Dear FOIA Officer:

This letter is a request for public records made on behalf of Farm Sanctuary, 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).

Farm Sanctuary hereby requests that you please provide the following documents related to livestock slaughter under the Humane Methods of Slaughter Act (HMSA):

All 04C02 inspection task records including memorandums of interview and noncompliance records relating to humane handling and slaughter regulations under 9 C.F.R. 313 and the HMSA issued during the time period from October 1, 2017 through the date the request is processed.

Please provide the records in the format that will ensure the most expedient response (e.g., electronically, by hard copy, or on CD-ROM). Please provide the records as soon as they are available.

If you deny access to any of the requested records or otherwise deny any part of this request, please provide Farm Sanctuary 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, cite the statutory basis for the denial, and explain the basis for your belief that the material is exempt. Farm Sanctuary further requests that you separately state your reasons for not invoking your discretionary powers to release the requested documents in the public interest. Finally, please notify Farm Sanctuary of any appeal procedures available under the law, as well as the office and address where such an appeal can be sent.



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We also request that, consistent with the 1996 amendments to FOIA, and the FOIA Improvement Act of 2016, FSIS post all inspection task records for non-compliance related to the humane slaughter of livestock under the HMSA, including Noncompliance Records and Memoranda of Interview online in the agency's electronic reading room, for review by FS 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

Farm Sanctuary is a nonprofit organization that was founded in 1986 to combat the abuses of factory farming and encourage a new awareness and understanding about farm animals. Today, Farm Sanctuary is the nation's largest and most effective farm animal rescue and protection organization. The information sought in this request will be used to educate the public about the treatment of farm animals in slaughter facilities. The information the records contain would contribute significantly to the public understanding of humane and public health issues at major slaughter facilities as well as the evidence relied upon by the agency in reaching decisions regarding the treatment of farm animals.

The records covered by this request are not posted publicly or otherwise published, and Farm Sanctuary 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 Farm Sanctuary immediately by telephone before the request is processed so that Farm Sanctuary 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 347-622-3743 or evonklemperer@farmsanctuary.org. The records and any related correspondence should be sent to my attention at the address above.

Sincerely,

Emily von Klemperer
General Counsel