

January 5, 2009

**U. S. DEPARTMENT OF AGRICULTURE**

**Freedom of Information Act Annual Report FY 2008**

**I. Basic Information Regarding Report**

A. Name, title, address, and telephone number of person to be contacted with questions about the report:

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B. The report can be accessed from the World Wide Web at:  
<http://www.usda.gov/da/foia.htm>

C. How to obtain a paper copy of this report in paper form:

Contact Rita Morgan at the contact information listed above.

**II. Making a FOIA Request**

1. Names, addresses, and telephone numbers of all individual agency components that receive FOIA requests.

For the names, addresses, and telephone numbers, visit our Web site at <http://www.usda.gov/da/foia.htm>.

2. Brief description of why some requests are not granted and an overview of certain general categories of USDA records to which FOIA exemptions apply.

The United States Department of Agriculture (USDA) administers many, widely diverse programs. Most USDA records relate to program administration and program participants. USDA invokes the two privacy exemptions of the FOIA more than the rest of the exemptions combined.

### III. Definitions of Terms and Acronyms Used in the Report

#### A. Agency-specific acronyms are as follows:

AMS - Agricultural Marketing Service;  
APHIS - Animal and Plant Health Inspection Service;  
ASCR – Assistant Secretary for Civil Rights  
CCC - Commodity Credit Corporation;  
DA - Departmental Administration;  
FAS - Foreign Agricultural Service;  
FNCS - Food, Nutrition and Consumer Service;  
FSA - Farm Service Agency;  
FSIS - Food Safety and Inspection Service;  
FS - Forest Service;  
GIPSA - Grain Inspection, Packers and Stockyards Administration;  
NAD - National Appeals Division;  
NRCS - Natural Resources Conservation Service;  
OBPA - Office of Budget and Program Analysis;  
OCFO - Office of the Chief Financial Officer;  
OCIO - Office of the Chief Information Officer;  
OGC - Office of General Counsel;  
OIG - Office of the Inspector General;  
OSEC- Office of the Secretary;  
RD - Rural Development;  
REE - Research, Education and Economics; and  
RMA - Risk Management Agency

#### B. Definitions of terms used in this report:

- 1. Administrative Appeal** – a request to a federal agency asking that it review at a higher administrative level a FOIA determination made by the agency at the initial request level.
- 2. Average Number** – the number obtained by dividing the sum of a group of numbers by the quantity of numbers in the group. For example, of 3, 7, and 14, the average number is 8.
- 3. Backlog** – the number of requests or administrative appeals that are pending at an agency at the end of the fiscal year that are beyond the statutory time period for a response.
- 4. Component** – for agencies that process requests on a decentralized basis, a “component” is an entity, also sometimes referred to as an Office, Division, Bureau, Center, or Directorate, within the agency that processes FOIA requests. The FOIA now requires that agencies include in their Annual FOIA Report data for both the agency overall and for each principal component of the agency.

5. **Consultation** – the procedure whereby the agency responding to a FOIA request first forwards a record to another agency for its review because that other agency has an interest in the document. Once the agency in receipt of the consultation finishes its review of the record, it responds back to the agency that forwarded it. That agency, in turn, will then respond to the FOIA requester.
6. **Exemption 3 Statute** – a federal statute that exempts information from disclosure and which the agency relies on to withhold information under subsection (b)(3) of the FOIA.
7. **FOIA Request** – a FOIA request is generally a request to a federal agency for access to records concerning another person (i.e., a “third-party” request), or concerning an organization, or a particular topic of interest. FOIA requests also include requests made by requesters seeking records concerning themselves (i.e., “first-party” requests) when those requesters are not subject to the Privacy Act, such as non-U.S. citizens. Moreover, because all first-party requesters should be afforded the benefit of both the access provisions of the FOIA as well as those of the Privacy Act, FOIA requests also include any first-party requests where an agency determines that it must search beyond its Privacy Act “systems of records” or where a Privacy Act exemption applies, and the agency looks to FOIA to afford the greatest possible access. All requests which require the agency to utilize the FOIA in responding to the requester are included in this Report.

Additionally, a FOIA request includes records referred to the agency for processing and direct response to the requester. It does not, however, include records for which the agency has received a consultation from another agency. (Consultations are reported separately in Section XII of this Report.)

8. **Full Grant** – an agency decision to disclose all records in full in response to a FOIA request.
9. **Full Denial** – an agency decision not to release any records in response to a FOIA request because the records are exempt in their entirety under one or more of the FOIA exemptions, or because of a procedural reason, such as when no records could be located.
10. **Median Number** – the middle, not average, number. For example, of 3, 7, and 14, the median number is 7.
11. **Multi-Track Processing** – a system in which simple requests requiring relatively minimal review are placed in one processing track and more voluminous and complex requests are placed in one or more other tracks. Requests granted expedited processing are placed in yet another track. Requests in each track are processed on a first in/first out basis.

- a. **Expedited Processing** – an agency will process a FOIA request on an expedited basis when a requester satisfies the requirements for expedited processing as set forth in the statute and in agency regulations.
- b. **Simple Request** – a FOIA request that an agency using multi-track processing places in its fastest (non-expedited) track based on the low volume and/or simplicity of the records requested.
- c. **Complex Request** – a FOIA request that an agency using multi-track processing places in a slower track based on the high volume and/or complexity of the records requested.

**12. Partial Grant/Partial Denial** – in response to a FOIA request, an agency decision to disclose portions of the records and to withhold other portions that are exempt under the FOIA, or to otherwise deny a portion of the request for a procedural reason.

**13. Pending Request or Pending Administrative Appeal** – a request or administrative appeal for which an agency has not taken final action in all respects.

**14. Perfected Request** – a request for records which reasonably describes such records and is made in accordance with published rules stating the time, place, fees (if any) and procedures to be followed.

**15. Processed Request or Processed Administrative Appeal** – a request or administrative appeal for which an agency has taken final action in all respects.

**16. Range in Number of Days** – the lowest and highest number of days to process requests or administrative appeals.

**17. Time Limits** – the time period in the statute for an agency to respond to a FOIA request (ordinarily twenty working days from receipt of a perfected FOIA request).

C. Concise descriptions of the nine FOIA exemptions:

- 1. **Exemption 1:** classified national defense and foreign relations information
- 2. **Exemption 2:** internal agency rules and practices
- 3. **Exemption 3:** information that is prohibited from disclosure by another federal law
- 4. **Exemption 4:** trade secrets and other confidential business information

5. **Exemption 5:** inter-agency or intra-agency communications that are protected by legal privileges
6. **Exemption 6:** information involving matters of personal privacy
7. **Exemption 7:** records or information compiled for law enforcement purposes, to the extent that the production of those records (A) could reasonably be expected to interfere with enforcement proceedings, (B) would deprive a person of a right to a fair trial or an impartial adjudication, (C) could reasonably be expected to constitute an unwarranted invasion of personal privacy, (D) could reasonably be expected to disclose the identity of a confidential source, (E) would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions, or (F) could reasonably be expected to endanger the life or physical safety of any individual
8. **Exemption 8:** information relating to the supervision of financial institutions
9. **Exemption 9:** geological information on wells

#### IV. Exemption 3 Statutes

Statute	Type of Information Withheld	Case Citation	Number of Times Relied upon per Component	Total Number of Times Relied upon by Agency
41 U.S.C. §253(b)	Business/financial information	Hornbostel v. Dept. of the Interior, 305 F. Supp. 2d 21 (D.D.C. 2003)	AMS 0	9
			APHIS 0	
			ASCR 0	
			DA 0	
			FAS 1	
			FNCS 0	
			FSA 2	
			FS 5	
			FSIS 0	
			GIPSA 0	
			NAD 0	
			NRCS 0	
			OBPA 0	
			OCFO 0	
			OCIO 0	
			OGC 0	
			OIG 0	
OSEC 0				
REE 0				
RMA 0				
RD 1				

Statute	Type of Information Withheld	Case Citation	Number of Times Relied upon per Component	Total Number of Times Relied upon by Agency
7 U.S.C. 2276	Respondents' identity and unaggregated survey data	None	AMS 0	3
			APHIS 0	
			ASCR 0	
			DA 0	
			FAS 0	
			FNCS 0	
			FSA 2	
			FS 0	
			FSIS 0	
			GIPSA 0	
			NAD 0	
			NRCS 0	
			OBPA 0	
			OCFO 0	
			OCIO 0	
			OGC 0	
			OIG 0	
OSEC 0				
REE 1				
RMA 0				
RD 0				

Statute	Type of Information Withheld	Case Citation	Number of Times Relied upon per Component	Total Number of Times Relied upon by Agency
Section 502(c) of the Crop Insurance Act	Personal information provided by the producer	None	AMS 0	2
			APHIS 0	
			ASCR 0	
			DA 0	
			FAS 0	
			FNCS 0	
			FSA 2	
			FS 0	
			FSIS 0	
			GIPSA 0	
			NAD 0	
			NRCS 0	
			OBPA 0	
			OCFO 0	
			OCIO 0	
			OGC 0	
			OIG 0	
OSEC 0				
REE 0				
RMA 0				
RD 0				



Statute	Type of Information Withheld	Case Citation	Number of Times Relied upon per Component	Total Number of Times Relied upon by Agency
Section 1619 of the Food, Conservation, and Energy Act of 2008	Information provided by an agricultural producer or owner of agricultural land in order to participate in a USDA program, and concerning agricultural operations, farming or conservation practices or the land itself; information contained in any type of USDA geospatial information system (GIS) with producer-provided information about agricultural land or operations	None	AMS 0	167
			APHIS 0	
			ASCR 0	
			DA 0	
			FAS 0	
			FNCS 0	
			FSA 167	
			FS 0	
			FSIS 0	
			GIPSA 0	
			NAD 0	
			NRCS 0	
			OBPA 0	
			OCFO 0	
			OCIO 0	
			OGC 0	
OIG 0				
OSEC 0				
REE 0				
RMA 0				
RD 0				

Statute	Type of Information Withheld	Case Citation	Number of Times Relied upon per Component	Total Number of Times Relied upon by Agency
7 U.S.C. § 1373(c)	Cropping history data	None	AMS 0	1
			APHIS 0	
			ASCR 0	
			DA 0	
			FAS 0	
			FNCS 0	
			FSA 1	
			FS 0	
			FSIS 0	
			GIPSA 0	
			NAD 0	
			NRCS 0	
			OBPA 0	
			OCFO 0	
			OCIO 0	
			OGC 0	
			OIG 0	
			OSEC 0	
REE 0				
RMA 0				
RD 0				

Statute	Type of Information Withheld	Case Citation	Number of Times Relied upon per Component	Total Number of Times Relied upon by Agency
7 U.S.C. § 4908	List of watermelon growers and handlers	None	AMS 1	1
			APHIS 0	
			ASCR 0	
			DA 0	
			FAS 0	
			FNCS 0	
			FSA 0	
			FS 0	
			FSIS 0	
			GIPSA 0	
			NAD 0	
			NRCS 0	
			OBPA 0	
			OCFO 0	
			OCIO 0	
			OGC 0	
			OIG 0	
OSEC 0				
REE 0				
RMA 0				
RD 0				

Statute	Type of Information Withheld	Case Citation	Number of Times Relied upon per Component	Total Number of Times Relied upon by Agency
7 U.S.C. § 499(b)	Names of individuals filing written notifications of alleged violations of the Perishable Agricultural Commodity Act	None	AMS 2	2
			APHIS 0	
			ASCR 0	
			DA 0	
			FAS 0	
			FNCS 0	
			FSA 0	
			FS 0	
			FSIS 0	
			GIPSA 0	
			NAD 0	
			NRCS 0	
			OBPA 0	
			OCFO 0	
			OCIO 0	
			OGC 0	
			OIG 0	
OSEC 0				
REE 0				
RMA 0				
RD 0				

Statute	Type of Information Withheld	Case Citation	Number of Times Relied upon per Component	Total Number of Times Relied upon by Agency
7 U.S.C. § 1502(c)	Personal information provided by the producer	None	AMS 0	8
			APHIS 0	
			ASCR 0	
			DA 0	
			FAS 0	
			FNCS 0	
			FSA 0	
			FS 0	
			FSIS 0	
			GIPSA 0	
			NAD 0	
			NRCS 0	
			OBPA 0	
			OCFO 0	
			OCIO 0	
			OGC 0	
			OIG 0	
OSEC 0				
REE 0				
RMA 8				
RD 0				

Statute	Type of Information Withheld	Case Citation	Number of Times Relied upon per Component	Total Number of Times Relied upon by Agency
Section 11(e)(8) of the Food Stamp Act	Food stamp recipient information	None	AMS 0	12
			APHIS 0	
			ASCR 0	
			DA 0	
			FAS 0	
			FNCS 12	
			FSA 0	
			FS 0	
			FSIS 0	
			GIPSA 0	
			NAD 0	
			NRCS 0	
			OBPA 0	
			OCFO 0	
			OCIO 0	
			OGC 0	
			OIG 0	
			OSEC 0	
REE 0				
RMA 0				
RD 0				

Statute	Type of Information Withheld	Case Citation	Number of Times Relied upon per Component	Total Number of Times Relied upon by Agency
7 U.S.C. 2018(c)	Benefit redemption information of other retail stores	None	AMS 0	2
			APHIS 0	
			ASCR 0	
			DA 0	
			FAS 0	
			FNCS 2	
			FSA 0	
			FS 0	
			FSIS 0	
			GIPSA 0	
			NAD 0	
			NRCS 0	
			OBPA 0	
			OCFO 0	
			OCIO 0	
			OGC 0	
			OIG 0	
OSEC 0				
REE 0				
RMA 0				
RD 0				

Statute	Type of Information Withheld	Case Citation	Number of Times Relied upon per Component	Total Number of Times Relied upon by Agency
7 U.S.C. 2020(e)	Recipient household names	None	AMS 0	1
			APHIS 0	
			ASCR 0	
			DA 0	
			FAS 0	
			FNCS 1	
			FSA 0	
			FS 0	
			FSIS 0	
			GIPSA 0	
			NAD 0	
			NRCS 0	
			OBPA 0	
			OCFO 0	
			OCIO 0	
			OGC 0	
			OIG 0	
OSEC 0				
REE 0				
RMA 0				
RD 0				



Statute	Type of Information Withheld	Case Citation	Number of Times Relied upon per Component	Total Number of Times Relied upon by Agency
Rule 6(e), Federal Rules of Criminal Procedure – Grand Jury Material	Grand Jury-related information	Iglesias v. CIA, 525 F.Supp547, 546 (DDC 1981)	AMS 0	8
			APHIS 0	
			ASCR 0	
			DA 0	
			FAS 0	
			FNCS 0	
			FSA 0	
			FS 0	
			FSIS 0	
			GIPSA 0	
			NAD 0	
			NRCS 0	
			OBPA 0	
			OCFO 0	
			OCIO 0	
			OGC 0	
			OIG 8	
OSEC 0				
REE 0				
RMA 0				
RD 0				

Statute	Type of Information Withheld	Case Citation	Number of Times Relied upon per Component	Total Number of Times Relied upon by Agency
16 U.S.C. § 470hh	Information concerning the nature and location of any archaeological resource	None	AMS 0	12
			APHIS 0	
			ASCR 0	
			DA 0	
			FAS 0	
			FNCS 0	
			FSA 0	
			FS 12	
			FSIS 0	
			GIPSA 0	
			NAD 0	
			NRCS 0	
			OBPA 0	
			OCFO 0	
			OCIO 0	
			OGC 0	
			OIG 0	
OSEC 0				
REE 0				
RMA 0				
RD 0				

Statute	Type of Information Withheld	Case Citation	Number of Times Relied upon per Component	Total Number of Times Relied upon by Agency
16 U.S.C. § 470w-3	Location, character, or ownership of historic resources	None	AMS 0	6
			APHIS 0	
			ASCR 0	
			DA 0	
			FAS 0	
			FNCS 0	
			FSA 0	
			FS 6	
			FSIS 0	
			GIPSA 0	
			NAD 0	
			NRCS 0	
			OBPA 0	
			OCFO 0	
			OCIO 0	
			OGC 0	
			OIG 0	
			OSEC 0	
REE 0				
RMA 0				
RD 0				

Statute	Type of Information Withheld	Case Citation	Number of Times Relied upon per Component	Total Number of Times Relied upon by Agency
16 U.S.C. § 4304	Information concerning the specific location of any significant cave	None	AMS 0	1
			APHIS 0	
			ASCR 0	
			DA 0	
			FAS 0	
			FNCS 0	
			FSA 0	
			FS 1	
			FSIS 0	
			GIPSA 0	
			NAD 0	
			NRCS 0	
			OBPA 0	
			OCFO 0	
			OCIO 0	
			OGC 0	
			OIG 0	
			OSEC 0	
REE 0				
RMA 0				
RD 0				

Statute	Type of Information Withheld	Case Citation	Number of Times Relied upon per Component	Total Number of Times Relied upon by Agency
Federal Insecticide, Fungicide, and Rodenticide Act, 7 U.S.C. §136	Location where restricted use pesticides are applied	None	AMS 0	1
			APHIS 1	
			ASCR 0	
			DA 0	
			FAS 0	
			FNCS 0	
			FSA 0	
			FS 0	
			FSIS 0	
			GIPSA 0	
			NAD 0	
			NRCS 0	
			OBPA 0	
			OCFO 0	
			OCIO 0	
			OGC 0	
			OIG 0	
			OSEC 0	
REE 0				
RMA 0				
RD 0				

Statute	Type of Information Withheld	Case Citation	Number of Times Relied upon per Component	Total Number of Times Relied upon by Agency
Federal Insecticide, Fungicide, and Rodenticide Act, 7 U.S.C. §136i-1(b)	The identity, and/or any information leading to the identity of users of restricted use pesticides  Location where restricted pesticides are applied	None	AMS 0	2
			APHIS 2	
			ASCR 0	
			DA 0	
			FAS 0	
			FNCS 0	
			FSA 0	
			FS 0	
			FSIS 0	
			GIPSA 0	
			NAD 0	
			NRCS 0	
			OBPA 0	
			OCFO 0	
			OCIO 0	
			OGC 0	
			OIG 0	
OSEC 0				
REE 0				
RMA 0				
RD 0				

Statute	Type of Information Withheld	Case Citation	Number of Times Relied upon per Component	Total Number of Times Relied upon by Agency
Federal Insecticide, Fungicide, and Rodenticide Act, 7 U.S.C. §1381-1(b)	The identity, and/or any information leading to the identity of users of restricted use pesticides  Location where restricted pesticides are applied	None	AMS 0	1
			APHIS 1	
			ASCR 0	
			DA 0	
			FAS 0	
			FNCS 0	
			FSA 0	
			FS 0	
			FSIS 0	
			GIPSA 0	
			NAD 0	
			NRCS 0	
			OBPA 0	
			OCFO 0	
			OCIO 0	
			OGC 0	
			OIG 0	
OSEC 0				
REE 0				
RMA 0				
RD 0				

Statute	Type of Information Withheld	Case Citation	Number of Times Relied upon per Component	Total Number of Times Relied upon by Agency
Bioterrorism Act of 2002, §212	Information concerning select agents and toxins	None	AMS 0	2
			APHIS 2	
			ASCR 0	
			DA 0	
			FAS 0	
			FNCS 0	
			FSA 0	
			FS 0	
			FSIS 0	
			GIPSA 0	
			NAD 0	
			NRCS 0	
			OBPA 0	
			OCFO 0	
			OCIO 0	
			OGC 0	
			OIG 0	
			OSEC 0	
REE 0				
RMA 0				
RD 0				



## V. FOIA REQUESTS

### A. Received, Processed, and Pending FOIA Requests

	Number of Requests Pending As Of End of Preceding Year	Number of Requests Received in Current Year	Number of Requests Processed in Current Year	Number of Requests Pending as of End of Current Year
AMS	18	127	127	18
APHIS	901*	1229	1249	881
ASCR	6	31	36	1
DA	14	54	60	8
FAS	6	50	50	6
FNCS	3	133	132	4
FSA	67**	6073	5923	217
FS	100***	2765	2661	204
FSIS	140	477	398	219
GIPSA	0	156	156	0
NAD	0	23	23	0
NRCS	15	448	458	5
OBPA	0	9	9	0
OCFO	0	25	23	2
OCIO	0	4	3	1
OGC	11	52	49	14
OIG	22	169	176	15
OSEC	6	82	85	3
REE	7	150	155	2
RMA	1	114	108	7
RD	35****	805	769	71
<b>USDA OVERALL</b>	<b>1352</b>	<b>12976</b>	<b>12650</b>	<b>1678</b>

\*In preparing the FY 2008 annual report APHIS, APHIS reviewed, added and corrected data in its Access database used for tracking FOIA requests. Thus, the 901 reported this year is a correction of the 895 reported in the FY 2007 report.

\*\*The Farm Service Agency has deleted from its number of pending as reported in the fiscal year 2007 report all the Privacy Act requests that were included in that number.

\*\*\*FS reported 265 as pending at the end of FY 2007. In entering data into a new database, FS determined that 165 of those were duplicate entries and those duplicates have been deleted. Thus, FS had 100 pending at the end of FY 2007.

\*\*\*\*RD reviewed and recounted items in its files and determined that 35 not 43 were pending at the end of FY 2007.

B. (1) Disposition of FOIA Requests – All Processed Requests

	Number of Full Grants	Number of Partial Grants/ Partial Denials	Number of Full Denials Based on Exemptions	Number of Full Denials Based on Reasons Other than Exemptions									Total
				No Records	All Records Referred to Another Component or Agency	Request Withdrawn	Fee-Related Reason	Records not Reasonably Described	Improper FOIA Request for Other Reason	Not Agency Records	Duplicate Request	Other	
AMS	34	63	25	1	0	2	0	0	0	2	0	0	127
APHIS	104	832	14	162	2	99	0	0	12	7	17	0	1249
ACSR	5	15	3	10	3	0	0	0	0	0	0	0	36
DA	55	0	0	2	1	1	0	0	0	1	0	0	60
FAS	15	18	0	8	0	1	3	1	0	4	0	0	50
FNCS	55	36	8	9	13	2	5	4	0	0	0	0	132
FSA	4960	193	333	157	60	78	15	89	13	9	15	1	5923
FS	1695	439	48	304	36	85	13	11	4	10	9	7	2661
FSIS	85	156	8	45	7	73	5	1	5	3	10	0	398
GIPSA	123	10	5	12	0	0	0	0	0	0	0	6	156
NAD	11	1	1	6	0	0	0	0	1	3	0	0	23
NRCS	232	77	81	42	8	8	3	1	0	2	4	0	458
OBPA	5	0	0	3	0	0	0	0	1	0	0	0	9
OCFO	11	6	1	5	0	0	0	0	0	0	0	0	23
OCIO	2	0	0	1	0	0	0	0	0	0	0	0	3
OGC	9	15	1	15	0	4	0	0	0	0	3	2	49
OIG	14	101	20	25	2	6	2	0	2	1	3	0	176
OSEC	24	17	1	6	0	1	4	10	0	21	0	1	85
REE	87	27	2	9	0	16	0	0	0	11	0	3	155
RMA	35	35	8	7	12	6	0	0	0	5	0	0	108
RD	517	86	29	78	13	26	10	6	3	1	0	0	769
USDA Overall	8078	2127	588	907	157	408	60	123	41	80	61	20	12650

B. (2) Disposition of FOIA Requests- “Other” Reasons for “Full Denials Based on Reasons Other than Exemptions” from Section V, B (1) Chart

COMPONENT	Description of “Other” reasons for Denials from Chart B (1) & Number of Times Those Reasons Were Relied upon	TOTAL
AMS	0	0
APHIS	0	0
ACSR	0	0
DA	0	0
FAS	0	0
FNCS	0	0
FSA	Records not available in requested format	1
FS	-Glomarization -No authorization to release records -Agency not required to provide research services for requesters when information is available in public domain	5 1 1
FSIS	0	0
GIPSA	Administratively closed	6
NAD	0	0
NRCS	0	0
OBPA	0	0
OCFO	0	0
OCIO	0	0
OGC	Glomarization	2
OIG	0	0
OSEC	USDA Graduate School not subject to FOIA	1
REE	Outside scope of FOIA	3
RMA	0	0
RD	0	0

B. (3) Disposition of FOIA Requests – Number of Times Exemptions Applied

	Ex. (1)	Ex. (2)	Ex. (3)	Ex. (4)	Ex. (5)	Ex. (6)	Ex. (7) (A)	Ex. (7) (B)	Ex. (7) (C)	Ex. (7) (D)	Ex. (7) (E)	Ex. (7) (F)	Ex. (8)	Ex. (9)
AMS	0	3	3	30	17	43	14	0	16	0	1	0	0	0
APHIS	0	17	6	69	67	837	26	0	729	0	2	1	0	0
ASCR	0	2	0	0	10	17	0	0	13	0	0	0	0	0
DA	0	0	0	0	0	0	0	0	0	0	0	0	0	0
FAS	0	0	1	10	5	3	0	0	0	0	0	0	0	0
FNCS	0	2	13	6	11	23	10	1	17	5	21	4	0	0
FSA	1	13	173	15	28	333	0	0	13	1	0	0	1	0
FS	0	21	24	71	134	235	25	1	67	1	1	1	0	1
FSIS	0	14	0	102	25	147	0	0	115	0	2	0	0	0
GIPSA	0	2	0	4	1	1	2	0	0	1	0	0	0	0
NAD	0	0	0	0	0	2	0	0	0	0	0	0	0	0
NRCS	0	7	0	13	2	67	0	0	0	0	0	0	0	0
OBPA	0	0	0	0	0	0	0	0	0	0	0	0	0	0
OCFO	0	0	0	0	0	1	0	0	0	0	0	0	0	0
OCIO	0	0	0	0	0	0	0	0	0	0	0	0	0	0
OGC	1	1	0	0	15	3	3	0	0	0	0	0	0	0
OIG	0	50	8	7	33	82	11	0	78	1	4	0	1	0
OSEC	0	0	0	0	4	11	0	0	0	0	0	0	0	0
REE	0	2	1	6	8	13	0	0	0	0	0	0	0	0
RMA	0	2	8	14	9	30	9	0	5	0	0	0	0	0
RD	0	0	1	44	40	33	1	0	2	0	0	0	0	0
<b>USDA Overall</b>	<b>1</b>	<b>136</b>	<b>238</b>	<b>391</b>	<b>409</b>	<b>1881</b>	<b>101</b>	<b>2</b>	<b>1055</b>	<b>9</b>	<b>31</b>	<b>6</b>	<b>2</b>	<b>1</b>

## VI. ADMINISTRATIVE APPEALS OF INITIAL DETERMINATIONS OF FOIA REQUESTS

### A. Received, Processed and Pending Administrative Appeals

	Number of Appeals Pending as of Start of Fiscal Year	Number of Appeals Received in Fiscal Year	Number of Appeals Processed in Fiscal year	Number of Appeals Pending as of End of Fiscal Year
AMS	15	8	17	6
APHIS	95*	25	47	73
ASCR	3**	4	6	1
DA	0	0	0	0
FAS	4	1	4	1
FNCS	18	16	26	8
FSA	46	40	56	30
FS	60***	64	91	33
FSIS	10****	12	9	13
GIPSA	0	1	0	1
NAD	0	1	0	1
NRCS	4*****	8	11	1
OBPA	0	0	0	0
OCFO	0	0	0	0
OCIO	0	1	1	0
OGC	2	6	4	4
OIG	1	4	4	1
OSEC	0	5	3	2
REE	0	2	2	0
RMA	5	1	4	2
RD	44	13	21	36
<b>USDA OVERALL</b>	<b>307</b>	<b>212</b>	<b>306</b>	<b>213</b>

APHIS, ASCR, FSIS, FS, and NRCS note discrepancies between the number of appeals pending at the beginning of fiscal year 2008 as reported in the USDA Backlog Report for Appeals and the numbers reported in this annual report.

\* Subsequent to gathering and submitting the information for the USDA Backlog Report for Appeals, APHIS reviewed all its appeals and assured that each was entered into its database. Thus, the number reported in this annual report is correct.

\*\* In reviewing its files and data for the annual report, ASCR found that two items had improperly been counted as appeals for purposes of the USDA Backlog Report. The correct number is the 3 appeals reported in this annual report.

\*\*\* FS also implemented a new electronic tracking and when entering data into the new system, found that the old system contained items that should have been entered as

appeals but that had not been so entered. Thus, the number in this annual report is correct.

\*\*\*\* Subsequent to gathering and submitting the information for the USDA Backlog Report for Appeals, FSIS implemented a new electronic tracking system. When entering data into the new system, FSIS found that the old system had counted as appeals items that were not appeals. Thus, the number reported in this annual report is correct.

\*\*\*\*\* NRCS also implemented a new electronic tracking system and when entering data in the new system, found miscalculation in the older numbers. Thus, the number reported in this annual report is correct.

#### B. Disposition of Administrative Appeals – All Processed Appeals

	Number Affirmed on Appeal	Number Partially Affirmed & Partially Reversed/Remanded On Appeal	Number completely Reversed/Remanded On Appeal	Number of Appeals Closed For Other Reasons	TOTAL
AMS	4	5	2	6	17
APHIS	3	2	2	40	47
ASCR	4	2	0	0	6
DA	0	0	0	0	0
FAS	0	0	0	4	4
FNCS	17	8	1	0	26
FSA	4	27	6	19	56
FS	29	25	8	29	91
FSIS	2	0	1	6	9
GIPSA	0	0	0	0	0
NAD	0	0	0	0	0
NRCS	0	11	0	0	11
OBPA	0	0	0	0	0
OCFO	0	0	0	0	0
OCIO	1	0	0	0	1
OGC	2	2	0	0	4
OIG	3	1	0	0	4
OSEC	2	0	0	1	3
REE	0	1	1	0	2
RMA	0	0	2	2	4
RD	0	7	7	7	21
<b>USDA OVERALL</b>	71	91	30	114	306

C. (1) Reasons for Denial on Appeal – Number of Times Exemptions Applied

	Ex. (1)	Ex. (2)	Ex. (3)	Ex. (4)	Ex. (5)	Ex. (6)	Ex. (7) (A)	Ex. (7) (B)	Ex. (7) (C)	Ex. (7) (D)	Ex. (7) (E)	Ex. (7) (F)	Ex. (8)	Ex. (9)
AMS	0	0	0	2	1	2	0	0	0	0	0	0	0	0
APHIS	0	0	0	0	1	6	0	0	4	0	0	0	0	0
ASCR	0	0	0	0	6	5	0	0	5	0	0	0	0	0
DA	0	0	0	0	0	0	0	0	0	0	0	0	0	0
FAS	0	0	0	0	0	0	0	0	0	0	0	0	0	0
FNCS	0	2	4	0	8	20	2	0	19	2	17	1	0	0
FSA	0	0	14	0	9	21	1	0	6	1	0	0	0	0
FS	0	4	3	3	20	16	5	2	5	0	0	0	0	1
FSIS	0	0	0	0	0	1	0	0	0	0	0	0	0	0
GIPSA	0	0	0	0	0	0	0	0	0	0	0	0	0	0
NAD	0	0	0	0	0	0	0	0	0	0	0	0	0	0
NRCS	0	0	0	5	0	13	0	0	0	0	0	0	0	0
OBPA	0	0	0	0	0	0	0	0	0	0	0	0	0	0
OCFO	0	0	0	0	0	0	0	0	0	0	0	0	0	0
OCIO	0	0	0	0	0	0	0	0	0	0	0	0	0	0
OGC	0	0	0	0	2	2	0	0	0	0	0	0	0	0
OIG	0	1	0	1	1	3	0	0	3	0	0	0	0	0
OSEC	0	0	0	0	1	0	0	0	0	0	0	0	0	0
REE	0	0	0	0	0	1	0	0	0	0	0	0	0	0
RMA	0	0	0	0	0	0	0	0	0	0	0	0	0	0
RD	0	0	0	3	5	4	0	0	3	0	0	0	0	0
<b>USDA Overall</b>	<b>0</b>	<b>7</b>	<b>21</b>	<b>14</b>	<b>54</b>	<b>94</b>	<b>8</b>	<b>2</b>	<b>45</b>	<b>3</b>	<b>17</b>	<b>1</b>	<b>0</b>	<b>1</b>



C. (2) Reasons for Denials on Appeal – Reasons Other than exemptions

	No Records	Records Referred at Initial Request Level	Request Withdraw	Fee-Related Reason	Records not Reasonably Described	Improper Request for Other Reasons	Not Agency Record	Duplicate Request or Appeal	Request in Litigation	Appeal Based Solely on Denial of Request for Expedited Processing	Other #Explain in chart below
AMS	0	0	4	0	0	0	0	0	0	0	2
APHIS	0	0	0	0	0	0	0	0	0	0	40
ASCR	0	0	0	0	0	0	0	0	0	0	0
DA	0	0	0	0	0	0	0	0	0	0	0
FAS	0	0	4	0	0	0	0	0	0	0	0
FNCS	2	0	2	1	0	0	0	0	0	0	0
FSA	0	0	7	4	0	4	0	0	0	2	2
FS	7	0	4	1	0	3	1	0	0	1	4
FSIS	1	1	4	0	0	2	0	0	0	0	0
GIPSA	0	0	0	0	0	0	0	0	0	0	0
NAD	0	0	0	0	0	0	0	0	0	0	0
NRCS	0	0	0	0	0	0	0	0	0	0	0
OBPA	0	0	0	0	0	0	0	0	0	0	0
OCFO	0	0	0	0	0	0	0	0	0	0	0
OCIO	0	0	0	0	0	0	0	0	0	0	1
OGC	1	0	0	0	0	0	0	0	0	0	0
OIG	0	0	0	0	0	0	0	0	0	0	0
OSEC	0	0	0	0	0	0	0	0	0	1	1
REE	1	0	0	0	0	0	0	0	0	0	0
RMA	0	0	2	0	0	0	0	0	0	0	0
RD	0	0	5	0	0	0	0	0	1	0	1
<b>USDA OVERALL</b>	<b>12</b>	<b>1</b>	<b>32</b>	<b>6</b>	<b>0</b>	<b>9</b>	<b>1</b>	<b>0</b>	<b>1</b>	<b>4</b>	<b>51</b>

C. (3) Reasons for Denial on Appeal – “Other” Reasons from Section VI, C (2) Chart

	Description of “Other” Reasons for Denial on Appeal from Chart C (2) & Number of Times Those Reasons Were Relied upon	TOTAL
AMS	Appeals moot	2
ASCR	0	0
APHIS	Withdrawal	40
DA	0	0
FAS	0	0
FNCS	0	0
FSA	Untimely or premature appeals	2
FS	Appeal moot	4
FSIS	0	0
GIPSA	0	0
NAD	0	0
NRCS	0	0
OBPA	0	0
OCFO	0	0
OCIO	Improperly sought modification of information	1
OGC	0	0
OIG	0	0
OSEC	Adequacy of search	1
REE	0	0
RMA	0	0
RD	Appeal moot	1

C. (4) Response Time for Administrative Appeals

	Median Number of Days	Average Number of Days	Lowest Number of Days	Highest Number of Days
AMS	113	328	22	1292
APHIS	674	674	27	1783
ASCR	80	81	8	161
DA	0	0	0	0
FAS	0	0	0	0
FNCS	252	355	33	1009
FSA	141	424	3	1451
FS	137	220	4	1241
FSIS	223	286	1	981
GIPSA	0	0	0	0
NAD	0	0	0	0
NRCS	120	186	14	708
OBPA	0	0	0	0
OCFO	0	0	0	0
OCIO	40	40	40	40
OGC	77	83	21	156
OIG	22	51	13	125
OSEC	21	18	6	26
REE	26	26	6	46
RMA	1001	841	170	1190
RD	239	343	47	1100
<b>USDA OVERALL</b>	188	353	1	1783

C. (5) Ten Oldest Pending Administrative Appeals

		10 <sup>th</sup> Oldest Appeal and Number of Days Pending	9th	8th	7 <sup>th</sup>	6 <sup>th</sup>	5th	4 <sup>th</sup>	3 <sup>rd</sup>	2nd	Oldest Appeal and Number of Days Pending
AMS	Date	0	0	0	0	9/26/08	8/10/06	8/8/06	7/11/06	8/5/05	2/25/03
	Number of Days	0	0	0	0	3	537	539	559	777	1407
APHIS	Date	8/11/04	6/15/04	6/26/04	1/8/04	10/27/03	9/27/03	8/8/03	8/1/03	7/31/03	3/25/02
	Number Of Days	1039	1079	1092	1189	1238	1257	1292	1297	1298	1649
ASCR	Date	0	0	0	0	0	0	0	0	0	9/10/08
	Number of Days	0	0	0	0	0	0	0	0	0	14
DA	Date	0	0	0	0	0	0	0	0	0	0
	Number of Days	0	0	0	0	0	0	0	0	0	0
FAS	Date	0	0	0	0	0	0	0	0	0	8/7/08
	Number of Days	0	0	0	0	0	0	0	0	0	37
FNCS	Date	0	0	0	9/22/08	9/22/08	7/21/08	6/25/08	10/23/07	4/13/06	8/23/02
	Number of Days	0	0	0	7	7	52	68	239	629	1572
FSA	Date	3/28/07	3/9/07	2/28/07	2/13/07	7/7/05	5/20/05	3/2/04	11/20/03	4/9/03	4/22/02
	Number of Days	395	408	415	687	844	878	1196	1269	1377	1629
FS	Date	8/3/07	3/30/07	1/23/07	10/10/06	9/6/06	4/13/06	2/10/06	12/19/05	9/7/04	7/7/04
	Number of Days	294	384	432	507	531	635	679	718	1052	1096
FSIS	Date	7/11/08	4/29/08	1/8/08	1/3/08	12/27/07	12/14/07	10/24/07	6/28/07	8/11/06	3/14/06
	Number of Days	56	107	178	188	192	200	235	316	528	643

		10 <sup>th</sup> Oldest Appeal and Number of Days Pending	9th	8th	7 <sup>th</sup>	6 <sup>th</sup>	5th	4 <sup>th</sup>	3 <sup>rd</sup>	2 <sup>nd</sup>	Oldest Appeal and Number of Days Pending
GIPSA	Date	0	0	0	0	0	0	0	0	0	8/21/08
	Number of Days	0	0	0	0	0	0	0	0	0	27
NAD	Date	0	0	0	0	0	0	0	0	0	9/5/08
	Number of Days	0	0	0	0	0	0	0	0	0	17
NRCS	Date	0	0	0	0	0	0	0	0	0	9/29/08
	Number of Days	0	0	0	0	0	0	0	0	0	1
OBPA	Date	0	0	0	0	0	0	0	0	0	0
	Number of Days	0	0	0	0	0	0	0	0	0	0
OCFO	Date	0	0	0	0	0	0	0	0	0	0
	Number of Days	0	0	0	0	0	0	0	0	0	0
OCIO	Date	0	0	0	0	0	0	0	0	0	0
	Number of Days	0	0	0	0	0	0	0	0	0	0
OGC	Date	0	0	0	0	0	0	9/4/08	8/14/08	4/28/08	4/25/08
	Number of Days	0	0	0	0	0	0	18	32	108	109
OIG	Date	0	0	0	0	0	0	0	0	0	9/9/08
	Number of Days	0	0	0	0	0	0	0	0	0	16

		10 <sup>th</sup> Oldest Appeal and Number of Days Pending	9th	8th	7 <sup>th</sup>	6 <sup>th</sup>	5th	4 <sup>th</sup>	3 <sup>rd</sup>	2 <sup>nd</sup>	Oldest Appeal and Number of Days Pending
OSEC	Date	0	0	0	0	0	0	0	0	9/18/08	9/18/08
	Number of Days	0	0	0	0	0	0	0	0	8	12
REE	Date	0	0	0	0	0	0	0	0	0	0
	Number of Days	0	0	0	0	0		0	0	0	0
RMA	Date	0	0	0	0	0	0	0	0	11/2/07	8/13/02
	Number of Days	0	0	0	0	0	0	0	0	475	1582
RD	Date	2/16/06	9/22/05	7/25/05	6/15/05	6/13/05	10/6/04	9/13/04	6/11/04	6/10/04	2/14/04
	Number of Days	661	760	802	829	831	1001	1019	1081	1082	1165

USDA OVERALL	Date	9/27/03	8/8/03	8/1/03	7/31/03	4/9/03	2/25/03	8/23/02	8/13/02	4/22/02	3/25/02
	Number of Days	1257	1292	1297	1298	1377	1407	1572	1582	1629	1649

**VII. FOIA REQUESTS: RESPONSE TIME FOR PROCESSED AND PENDING REQUESTS**

A. Processed Requests – Response Time for All Processed Perfected Requests

	SIMPLE				COMPLEX				EXPEDITED PROCESSING			
	Median Number of Days	Average Number of Days	Lowest Number of Days	Highest Number of Days	Median Number of Days	Average Number of Days	Lowest Number of Days	Highest Number of Days	Median Number of Days	Average Number of Days	Lowest Number of Days	Highest Number of Days
AMS	25	47	1	278	0	0	0	0	0	0	0	0
APHIS	49	188	1	1866	298	598	7	2049	55	253	2	1742
ASCR	4	4	1	10	17	41	2	161	0	0	0	0
DA	1	5	0	192	0	0	0	0	0	0	0	0
FAS	12	27	1	128	0	0	0	0	0	0	0	0
FNCS	12	12	1	20	0	0	0	0	0	0	0	0
FSA	1	2	0	161	6	21	1	317	1	3	1	61
FS	12	17	0	515	21	33	0	299	16	17	1	80
FSIS	1	24	0	288	47	109	0	770	0	0	0	0
GIPSA	3	5	1	20	34	33	9	60	0	0	0	0
NAD	9	10	1	21	0	0	0	0	0	0	0	0
NRCS	9	7	1	23	14	14	1	26	0	0	0	0
OBPA	2	2	0	7	0	0	0	0	0	0	0	0
OCFO	11	14	3	35	0	0	0	0	0	0	0	0
OCIO	5	10	5	20	0	0	0	0	0	0	0	0
OGC	22	149	1	1830	0	0	0	0	0	0	0	0
OIG	15	21	2	93	136	169	95	482	0	0	0	0
OSEC	7	10	1	38	45	52	39	71	0	0	0	0
REE	0	0	0	0	9	11	1	47	0	0	0	0
RMA	11	13	1	30	30	57	1	200	0	0	0	0
RD	6	14	1	528	0	0	0	0	0	0	0	0
<b>USDA OVERALL</b>	2	26	0	1866	21	112	0	2049	15	93	1	1742

**B. Processed Requests – Response Time for Perfected Requests in Which Information Was Granted**

	SIMPLE				COMPLEX				EXPEDITED PROCESSING			
	Median Number of Days	Average Number of Days	Lowest Number of Days	Highest Number of Days	Median Number of Days	Average Number of Days	Lowest Number of Days	Highest Number of Days	Median Number of Days	Average Number of Days	Lowest Number of Days	Highest Number of Days
AMS	27	47	5	278	0	0	0	0	0	0	0	0
APHIS	47	156	2	1866	217	527	7	2049	48	184	2	1742
ASCR	5	6	1	10	6	32	2	161	0	0	0	0
DA	2	5	0	178	0	0	0	0	0	0	0	0
FAS	12	27	128	0	0	0	0	0	0	0	0	0
FNCS	7	9	1	20	0	0	0	0	0	0	0	0
FSA	1	2	0	125	6	13	1	179	1	3	1	61
FS	12	16	0	515	22	33	0	299	17	17	1	80
FSIS	7	44	0	288	72	122	0	770	0	0	0	0
GIPSA	3	4	1	20	38	43	27	60	0	0	0	0
NAD	13	13	3	21	0	0	0	0	0	0	0	0
NRCS	7	6	1	18	14	14	1	26	0	0	0	0
OBPA	3	2	0	3	0	0	0	0	0	0	0	0
OCFO	8	9	3	17	0	0	0	0	0	0	0	0
OCIO	13	13	5	20	0	0	0	0	0	0	0	0
OGC	20	88	1	941	0	0	0	0	0	0	0	0
OIG	15	23	2	66	122	122	122	122	0	0	0	0
OSEC	10	12	1	38	45	52	39	71	0	0	0	0
REE	0	0	0	0	9	11	1	47	0	0	0	0
RMA	13	16	1	31	30	59	11	200	0	0	0	0
RD	5	13	1	165	0	0	0	0	0	0	0	0
<b>USDA OVERALL</b>	2	20	0	1866	22	104	0	2049	5	64	1	1742



C. Processed Requests- Response Time in Day Increments

**Simple Requests**

	1-20 Days	21-40 Days	41-60 Days	61-80 Days	81- 100 Days	101- 120 Days	121- 140 Days	141- 160 Days	161- 180 Days	181- 200 Days	201- 300 Days	301- 400 Days	401+ Days	TOTAL
AMS	45	47	13	7	3	2	3	1	2	0	4	0	0	127
APHIS	228	238	119	72	35	27	20	20	22	17	51	44	150	1043
ASCR	6	0	0	0	0	0	0	0	0	0	0	0	0	6
DA	21	15	7	8	3	2	2	0	0	1	1	0	0	60
FAS	32	5	4	1	3	3	1	0	1	0	0	0	0	50
FNCS	132	0	0	0	0	0	0	0	0	0	0	0	0	132
FSA	5428	98	14	10	3	1	3	0	1	0	0	0	0	5558
FS	1672	424	60	19	7	11	7	4	1	1	6	3	2	2217
FSIS	47	4	3	2	2	1	1	0	1	0	1	0	0	62
GIPSA	142	0	0	0	0	0	0	0	0	0	0	0	0	142
NAD	22	1	0	0	0	0	0	0	0	0	0	0	0	23
NRCS	438	8	0	0	0	0	0	0	0	0	0	0	0	446
OBPA	9	0	0	0	0	0	0	0	0	0	0	0	0	9
OCFO	15	8	0	0	0	0	0	0	0	0	0	0	0	23
OCIO	3	0	0	0	0	0	0	0	0	0	0	0	0	3
OGC	22	10	4	1	1	0	1	2	1	1	1	0	5	49
OIG	97	35	10	8	2	0	0	0	0	0	0	0	0	152
OSEC	70	12	0	0	0	0	0	0	0	0	0	0	0	82
REE	0	0	0	0	0	0	0	0	0	0	0	0	0	0
RMA	55	19	0	0	0	0	0	0	0	0	0	0	0	74
RD	616	94	22	18	5	5	1	4	1	0	0	0	3	769
<b>USDA OVERALL</b>	<b>9100</b>	<b>1018</b>	<b>256</b>	<b>146</b>	<b>64</b>	<b>52</b>	<b>39</b>	<b>31</b>	<b>30</b>	<b>20</b>	<b>64</b>	<b>47</b>	<b>160</b>	<b>11027</b>

### Complex Requests

	1-20 Days	21-40 Days	41-60 Days	61-80 Days	81- 100 Days	101- 120 Days	121- 140 Days	141- 160 Days	161- 180 Days	181- 200 Days	201- 300 Days	301- 400 Days	401+ Days	TOTAL
AMS	0	0	0	0	0	0	0	0	0	0	0	0	0	0
APHIS	6	15	18	5	9	2	7	1	2	2	20	8	79	174
ASCR	16	3	3	1	3	3	0	0	1	0	0	0	0	30
DA	0	0	0	0	0	0	0	0	0	0	0	0	0	0
FAS	0	0	0	0	0	0	0	0	0	0	0	0	0	0
FNCS	0	0	0	0	0	0	0	0	0	0	0	0	0	0
FSA	260	41	8	7	3	2	2	3	2	0	7	2	0	337
FS	181	132	52	16	6	9	1	4	3	3	3	0	0	410
FSIS	106	62	28	15	18	17	14	13	12	7	16	8	20	336
GIPSA	3	7	4	0	0	0	0	0	0	0	0	0	0	14
NAD	0	0	0	0	0	0	0	0	0	0	0	0	0	0
NRCS	11	1	0	0	0	0	0	0	0	0	0	0	0	12
OBPA	0	0	0	0	0	0	0	0	0	0	0	0	0	0
OCFO	0	0	0	0	0	0	0	0	0	0	0	0	0	0
OCIO	0	0	0	0	0	0	0	0	0	0	0	0	0	0
OGC	0	0	0	0	0	0	0	0	0	0	0	0	0	0
OIG	0	0	0	0	2	6	6	3	2	2	1	0	2	24
OSEC	0	1	1	1	0	0	0	0	0	0	0	0	0	3
REE	144	10	1	0	0	0	0	0	0	0	0	0	0	155
RMA	7	19	2	0	0	0	0	1	0	5	0	0	0	34
RD	0	0	0	0	0	0	0	0	0	0	0	0	0	0
<b>USDA OVERALL</b>	<b>734</b>	<b>291</b>	<b>117</b>	<b>45</b>	<b>41</b>	<b>39</b>	<b>30</b>	<b>25</b>	<b>22</b>	<b>19</b>	<b>47</b>	<b>18</b>	<b>101</b>	<b>1529</b>

### Requests Granted Expedited Processing

	1-20 Days	21-40 Days	41-60 Days	61-80 Days	81- 100 Days	101- 120 Days	121- 140 Days	141- 160 Days	161- 180 Days	181- 200 Days	201- 300 Days	301- 400 Days	401+ Days	TOTAL
AMS	0	0	0	0	0	0	0	0	0	0	0	0	0	0
APHIS	7	5	4	1	3	1	0	1	0	0	3	0	7	32
ASCR	0	0	0	0	0	0	0	0	0	0	0	0	0	0
DA	0	0	0	0	0	0	0	0	0	0	0	0	0	0
FAS	0	0	0	0	0	0	0	0	0	0	0	0	0	0
FNCS	0	0	0	0	0	0	0	0	0	0	0	0	0	0
FSA	27	0	0	1	0	0	0	0	0	0	0	0	0	28
FS	23	9	1	1	0	0	0	0	0	0	0	0	0	34
FSIS	0	0	0	0	0	0	0	0	0	0	0	0	0	0
GIPSA	0	0	0	0	0	0	0	0	0	0	0	0	0	0
NAD	0	0	0	0	0	0	0	0	0	0	0	0	0	0
NRCS	0	0	0	0	0	0	0	0	0	0	0	0	0	0
OBPA	0	0	0	0	0	0	0	0	0	0	0	0	0	0
OCFO	0	0	0	0	0	0	0	0	0	0	0	0	0	0
OCIO	0	0	0	0	0	0	0	0	0	0	0	0	0	0
OGC	0	0	0	0	0	0	0	0	0	0	0	0	0	0
OIG	0	0	0	0	0	0	0	0	0	0	0	0	0	0
OSEC	0	0	0	0	0	0	0	0	0	0	0	0	0	0
REE	0	0	0	0	0	0	0	0	0	0	0	0	0	0
RMA	0	0	0	0	0	0	0	0	0	0	0	0	0	0
RD	0	0	0	0	0	0	0	0	0	0	0	0	0	0
<b>USDA OVERALL</b>	<b>57</b>	<b>14</b>	<b>5</b>	<b>3</b>	<b>3</b>	<b>1</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>3</b>	<b>0</b>	<b>7</b>	<b>94</b>

D. Pending Requests – All Pending Perfected Requests

	SIMPLE			COMPLEX			EXPEDITED PROCESSING		
	Number Pending	Median Number Of Days	Average Number of Days	Number Pending	Median Number Of Days	Average Number of Days	Number Pending	Median Number Of Days	Average Number of Days
AMS	13	52	77	0	0	0	0	0	0
APHIS	264	315	324	599	168	288	18	277	388
ASCR	0	0	0	1	44	44	0	0	0
DA	8	103	67	0	0	0	0	0	0
FAS	6	105	122	0	0	0	0	0	0
FNCS	4	6	8	0	0	0	0	0	0
FSA	12	12	31	26	74	103	0	0	0
FS	150	22	43	43	39	68	4	69	101
FSIS	11	41	90	194	88	137	0	0	0
GIPSA	0	0	0	0	0	0	0	0	0
NAD	0	0	0	0	0	0	0	0	0
NRCS	5	16	16	0	0	0	0	0	0
OBPA	0	0	0	0	0	0	0	0	0
OCFO	2	5	5	0	0	0	0	0	0
OCIO	0	0	0	0	0	0	0	0	0
OGC	13	54	74	0	0	0	0	0	0
OIG	7	28	35	6	176	214	0	0	0
OSEC	3	11	10	0	0	0	0	0	0
REE	0	0	0	2	12	8	0	0	0
RMA	1	25	25	6	27	27	0	0	0
RD	71	25	132	0	0	0	0	0	0
<b>USDA OVERALL</b>	<b>570</b>	<b>65</b>	<b>186</b>	<b>877</b>	<b>141</b>	<b>235</b>	<b>22</b>	<b>9</b>	<b>4</b>

E. Pending Requests – Ten Oldest Pending Perfected Requests

		10 <sup>th</sup> Oldest Request	9th	8th	7 <sup>th</sup>	6 <sup>th</sup>	5th	4th	3rd	2 <sup>nd</sup>	Oldest Request
AMS	Date	9/8/08	8/29/08	8/22/08	7/17/08	7/15/08	6/22/08	3/6/08	3/5/08	2/6/08	10/4/07
	Number of Days	17	22	27	52	55	91	146	147	166	248
APHIS	Date	6/11/04	4/29/04	4/28/04	4/20/04	3/13/04	2/9/04	9/11/03	5/7/03	7/23/02	8/7/01
	Number of Days	1103	1111	1112	1118	1144	1168	1269	1357	1555	1795
ASCR	Date	0	0	0	0	0	0	0	0	0	7/29/08 44
	Number of Days	0	0	0	0	0	0	0	0	0	
DA	Date	0	0	9/30/08	9/30/08	9/9/08	6/25/08	5/6/08	3/6/08	1/18/08	12/27/07
	Number of Days	0	0	1	1	16	68	103	146	178	192
FAS	Date	0	0	0	0	9/25/08	9/19/08	8/25/08	1/7/08	12/26/07	5/23/07
	Number of Days	0	0	0	0	3	7	25	185	193	320
FNCS	Date	0	0	0	0	0	0	9/26/08	9/23/08	9/22/08	9/22/08
	Number of Days	0	0	0	0	0	0	3	6	7	7
FSA	Date	4/4/08	4/3/08	2/11/08	1/15/08	12/27/07	11/28/07	11/26/07	10/1/07	8/21/07	2/7/07
	Number Of Days	108	126	163	181	193	213	215	252	280	416
FS	Date	1/10/08	1/9/08	1/9/08	1/9/08	12/8/07	11/27/07	10/17/07	10/16/07	10/2/07	9/21/07
	Number of Days	186	187	187	187	207	216	243	244	253	260
FSIS	Date	7/26/07	7/26/07	7/23/07	7/27/07	6/18/07	6/8/07	6/7/07	6/4/07	11/27/06	11/2/06
	Number of Days	297	297	300	300	324	330	331	334	465	479

		10 <sup>th</sup> Oldest Request	9th	8th	7 <sup>th</sup>	6 <sup>th</sup>	5th	4th	3rd	2 <sup>nd</sup>	Oldest Request
GIPSA	Date	0	0	0	0	0	0	0	0	0	0
	Number of Days	0	0	0	0	0	0	0	0	0	0
NAD	Date	0	0	0	0	0	0	0	0	0	0
	Number of Day	0	0	0	0	0	0	0	0	0	0
NRCS	Date	0	0	0	0	0	9/17/08	9/16/08	9/15/08	9/13/08	9/11/08
	Number of Days	0	0	0	0	0	13	14	15	17	19
OBPA	Date	0	0	0	0	0	0	0	0	0	0
	Number of Days	0	0	0	0	0	0	0	0	0	0
OCFO	Date	0	0	0	0	0	0	0	0	9/24/08	9/23/08
	Number of Days	0	0	0	0	0	0	0	0	4	5
OCIO	Date	0	0	0	0	0	0	0	0	0	0
	Number of Days	0	0	0	0	0	0	0	0	0	0
OGC	Date	8/21/08	8/21/08	8/8/08	7/15/08	6/27/08	6/17/08	6/17/08	4/28/08	3/5/08	8/16/07
	Number of Days	27	27	36	54	65	73	73	108	145	294
OIG	Date	7/8/08	6/26/08	5/22/08	4/28/08	4/28/08	4/28/08	3/19/08	11/27/07	8/30/07	1/4/07
	Number of Days	59	67	91	109	109	109	137	215	274	441
OSEC	Date	0	0	0	0	0	0	0	9/24/08	9/15/08	9/10/08
	Number of Days	0	0	0	0	0	0	0	4	11	14
REE	Date	0	0	0	0	0	0	0	0	9/26/08	9/9/08
	Number of Days	0	0	0	0	0	0	0	0	2	15

		10 <sup>th</sup> Oldest Request	9th	8th	7 <sup>th</sup>	6 <sup>th</sup>	5th	4th	3rd	2 <sup>nd</sup>	Oldest Request
RMA	Date	0	0	0	9/24/08	9/24/08	9/16/08	9/15/08	9/12/08	9/10/08	9/5/08
	Number of Days	0	0	0	4	4	10	11	12	14	17
RD	Date	4/9/08	4/1/08	3/27/08	2/21/08	10/ 29/07	9/27/07	9/7/07	8/ 14/07	3/26/07	5/26/06
	Number of Days	103	111	131	157	231	254	267	284	374	590

		10 <sup>th</sup> Oldest Reques	9th	8th	7th	6th	5th	4th	3rd	2nd	Oldest Request
USDA Overall	Date	6/11/04	4/29/04	4/28/04	4/20/04	3/13/04	2/9/04	9/11/03	5/7/03	7/23/02	8/7/01
	Number of Days	1103	1111	1112	1118	1144	1168	1269	1357	1555	1795

VIII. REQUESTS FOR EXPEDITED PROCESSING AND REQUESTS FOR FEE  
WAIVER

A. Requests for Expedited Processing

	Number Granted	Number Denied	Median Number of Days to Adjudicate	Average Number of Days to Adjudicate	Number Adjudicated Within Ten Calendar Days
AMS	0	0	0	0	0
APHIS	3	4	8	15	6
ASCR	0	0	0	0	0
DA	0	5	0	0	5
FAS	0	0	0	0	0
FNCS	0	0	0	0	0
FSA	28	237	1	3	257
FS	36	19	6	21	31
FSIS	0	12	1	1	12
GIPSA	0	0	0	0	0
NAD	0	0	0	0	0
NRCS	0	0	0	0	0
OBPA	0	0	0	0	0
OCFO	0	0	0	0	0
OCIO	0	0	0	0	0
OGC	0	0	0	0	0
OIG	0	0	0	0	0
OSEC	0	9	1	4	7
REE	0	0	0	0	0
RMA	0	0	0	0	0
RD	0	0	0	0	0
<b>USDA OVERALL</b>	<b>67</b>	<b>286</b>	<b>1</b>	<b>6</b>	<b>318</b>



## B. Requests for Fee Waiver

	Number Granted	Number Denied	Median Number of Days to Adjudicate	Average Number of Days to Adjudicate
AMS	0	0	0	0
APHIS	0	0	0	0
ASCR	0	0	0	0
DA	5	1	1	1
FAS	0	0	0	0
FNCS	0	0	0	0
FSA	633	23	1	1
FS	396	22	1	22
FSIS	41	8	1	1
GIPSA	4	1	9	3
NAD	0	0	0	0
NRCS	3	0	13	12
OBPA	0	0	0	0
OCFO	0	0	0	0
OCIO	0	0	0	0
OGC	0	0	0	0
OIG	0	0	0	0
OSEC	2	0	18	18
REE	3	0	2	6
RMA	3	0	14	22
RD	3	0	10	8
<b>USDA OVERALL</b>	<b>1093</b>	<b>55</b>	<b>1</b>	<b>9</b>

IX. FOIA PERSONNEL AND COSTS

	PERSONNEL COSTS			COSTS		
	Number of “Full-Time FOIA Employees”	Number of “Equivalent Full-Time FOIA Employees”	Total Number of “Full- Time FOIA Staff”	Processing Costs	Litigation- Related Costs	Total Costs
AMS	1	1.7	2.7	\$221,706.16	0	\$221,706.16
APHIS	21	0	21	\$1,142,150.00	\$221,500.92	\$1,363,650.92
ASCR	0	1	1	\$72,090.00	0	\$72,090.00
DA	0	.25	.25	\$21,226.00	0	\$21,226.00
FAS	0	2	2	\$ 198,000.00	0	\$ 198,000.00
FNCS	1	4.375	5.375	\$164,457.00	0	\$164,457.00
FSA	13	73.54	86.54	\$5,574,882.00	0	\$5,574,882.00
FS	3	59.27	62.27	\$2,557,793.19	0	\$2,557,793.19
FSIS	5	.75	5.75	\$528,075.00	0	\$528,075.00
GIPSA	0	1	1	\$78,298.00	0	\$78,298.00
NAD	0	.33	.33	\$6,500.00	0	\$6,500.00
NRCS	1	18	19	\$155,896.00	0	\$155,896.00
OBPA	0	.10	.10	\$ 8,849.00	0	\$ 8,849.00
OCFO	0	.10	.10	\$3,614.48	0	\$3,614.48
OCIO	0	.1	.1	\$10,000.00	0	\$10,000.00
OGC	0	7.5	7.5	\$1,000,000.00	\$500,000	\$1,500,000.00
OIG	2	1.64	3.64	\$350,351.00	\$44	\$350,395.00
OSEC	1	0	1	\$ 134,538.00	0	\$134,538.00
REE	1	.5	1.5	\$67,584.00	0	\$67,584.00
RMA	1	.31	1.31	\$144,840.31	0	\$144,840.31
RD	4	7.8	11.8	\$440,079.00	0	\$440,079.00
<b>USDA OVERALL</b>	<b>54</b>	<b>180.265</b>	<b>234.265</b>	<b>\$12,880,929.14</b>	<b>\$721,544.92</b>	<b>\$13,602,474.06</b>

## X. FEES COLLECTED FOR PROCESSING REQUESTS

	<b>Total Amount of Fees Collected</b>	<b>Percentage of Total Costs</b>
AMS	<b>\$2,457.19</b>	<b>0.011%</b>
APHIS	<b>0</b>	<b>0%</b>
ASCR	<b>0</b>	<b>0%</b>
DA	<b>\$1,725.17</b>	<b>8%</b>
FAS	<b>\$72.02</b>	<b>0.04%</b>
FNCS	<b>0</b>	<b>0</b>
FSA	<b>\$37,872</b>	<b>0.68%</b>
FS	<b>\$20,602.41</b>	<b>0.01%</b>
FSIS	<b>\$7,905</b>	<b>1.4%</b>
GIPSA	<b>\$1,446.75</b>	<b>0.02%</b>
NAD	<b>\$1,049.96</b>	<b>16%</b>
NRCS	<b>\$571</b>	<b>0.036%</b>
OBPA	<b>0</b>	<b>0%</b>
OCFO	<b>0</b>	<b>0%</b>
OCIO	<b>0</b>	<b>0%</b>
OGC	<b>0</b>	<b>0%</b>
OIG	<b>\$213</b>	<b>0.0006%</b>
OSEC	<b>\$ 805.36</b>	<b>0.006%</b>
REE	<b>\$1241.29</b>	<b>0.9%</b>
RMA	<b>\$1,598.68</b>	<b>0.011%</b>
RD	<b>\$7912.41</b>	<b>1.8%</b>
<b>USDA OVERALL</b>	<b>\$85,472.24</b>	<b>0.006%</b>

## XI. FOIA REGULATIONS

The USDA FOIA regulations may be found at <http://www.usda.gov/da/usdaregs.pdf>

The USDA FOIA fee schedule may be found at <http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=ecfr&sid=33409839eb491589a0b11b80be692d8e&rgn=div9&view=text&node=7:1.1.1.1.1.13.26.1&idno=7>

## XII. BACKLOGS, CONSULTATIONS, AND COMPARISONS

### A. Backlogs of FOIA Requests and Administrative Appeals

	Number of Backlogged Requests as of End of Fiscal Year	Number of Backlogged Appeals as of End of Fiscal Year
AMS	9	5
APHIS	778	72
ASCR	1	0
DA	8	0
FAS	4	1
FNCS	0	5
FSA	25	26
FS	121	33
FSIS	162	13
GIPSA	0	1
NAD	0	1
NRCS	0	4
OBPA	0	0
OCFO	0	0
OCIO	0	0
OGC	13	4
OIG	13	0
OSEC	0	0
REE	0	0
RMA	0	2
RD	40	26
<b>USDA OVERALL</b>	<b>1174</b>	<b>193</b>

B. Consultations on FOIA Requests – Received, Processed, and Pending Consultations

	Number of Consultations Received from Other Agencies that Were <u>Pending</u> at USDA as of <u>Start</u> of the Fiscal Year	Number of Consultations <u>Received</u> from Other Agencies During the Fiscal Year	Number of Consultations Received from Other Agencies that Were <u>Processed</u> by USDA During the Fiscal Year	Number of Consultations Received from Other Agencies that Were <u>Pending</u> at USDA as of <u>End</u> of the Fiscal Year
AMS	0	0	0	0
APHIS	0	0	0	0
ASCR	0	0	0	0
DA	0	1	1	0
FAS	0	8	8	0
FNCS	0	0	0	0
FSA	0	5	4	1
FS	0	4	4	0
FSIS	0	0	0	0
GIPSA	0	0	0	0
NAD	0	0	0	0
NRCS	0	2	2	0
OBPA	0	0	0	0
OCFO	0	0	0	0
OCIO	0	0	0	0
OGC	0	0	0	0
OIG	0	5	5	0
OSEC	0	3	3	0
REE	0	0	0	0
RMA	0	0	0	0
RD	0	0	0	0
<b>USDA OVERALL</b>	0	28	27	1

C Consultations on FOIA Requests – Ten Oldest Consultations Received from  
Other Agencies and Pending at USDA

		10 <sup>th</sup> Oldest Consul	9th	8th	7th	6th	5th	4th	3 <sup>rd</sup>	2nd	Oldest Consult
AMS	Date	0	0	0	0	0	0	0	0	0	0
	Number of Days	0	0	0	0	0	0	0	0	0	0
APHIS	Date	0	0	0	0	0	0	0	0	0	0
	Number of Days	0	0	0	0	0	0	0	0	0	0
ASCR	Date	0	0	0	0	0	0	0	0	0	0
	Number of Days	0	0	0	0	0	0	0	0	0	0
DA	Date	0	0	0	0	0	0	0	0	0	0
	Number of Days	0	0	0	0	0	0	0	0	0	0
FAS	Date	0	0	0	0	0	0	0	0	0	0
	Number of Days	0	0	0	0	0	0	0	0	0	0
FNCS	Date	0	0	0	0	0	0	0	0	0	0
	Number of Days	0	0	0	0	0	0	0	0	0	0
FSA	Date	0	0	0	0	0	0	0	0	0	9/3/08
	Number of Days	0	0	0	0	0	0	0	0	0	20
FS	Date	0	0	0	0	0	0	0	0	0	0
	Number of Days	0	0	0	0	0	0	0	0	0	0
FSIS	Date	0	0	0	0	0	0	0	0	0	0
	Number of Days	0	0	0	0	0	0	0	0	0	0
GIPSA	Date	0	0	0	0	0	0	0	0	0	0
	Number of Days	0	0	0	0	0	0	0	0	0	0

		10 <sup>th</sup> Oldest Consul	9th	8th	7th	6th	5th	4th	3 <sup>rd</sup>	2nd	Oldest Consult
NAD	Date	0	0	0	0	0	0	0	0	0	0
	Number of Days	0	0	0	0	0	0	0	0	0	0
NRCS	Date	0	0	0	0	0	0	0	0	0	0
	Number of Days	0	0	0	0	0	0	0	0	0	0
OBPA	Date	0	0	0	0	0	0	0	0	0	0
	Number of Days	0	0	0	0	0	0	0	0	0	0
OCFO	Date	0	0	0	0	0	0	0	0	0	0
	Number of Days	0	0	0	0	0	0	0	0	0	0
OCIO	Date	0	0	0	0	0	0	0	0	0	0
	Number of Days	0	0		0	0	0	0	0	0	0
OGC	Date	0	0	0	0	0	0	0	0	0	0
	Number of Days	0	0	0	0	0	0	0	0	0	0
OIG	Date	0	0	0	0	0	0	0	0	0	0
	Number of Days	0	0	0	0	0	0	0	0	0	0
OSEC	Date	0	0	0	0	0	0	0	0	0	0
	Number of Days	0	0	0	0	0	0	0	0	0	0
REE	Date	0	0	0	0	0	0	0	0	0	0
	Number of Days	0	0	0	0	0	0	0	0	0	0
RMA	Date	0	0	0	0	0	0	0	0	0	0
	Number of Days	0	0	0	0	0	0	0	0	0	0

		10 <sup>th</sup> Oldest Consul	9th	8th	7th	6th	5th	4th	3 <sup>rd</sup>	2nd	Oldest Consult
RD	Date	0	0	0	0	0	0	0	0	0	0
	Number of Days	0	0	0	0	0		0	0	0	0

USDA OVERALL	Date	0	0	0	0	0	0	0	0	0	9/3/08
	Number of Days	0	0	0	0	0	0	0	0	0	20



D. Comparison of Numbers of Requests from Previous and Current Annual Reports –  
Requests Received, Processed, and Backlogged

	NUMBER OF REQUESTS RECEIVED		NUMBER OF REQUESTS PROCESSED	
	Number Received During Fiscal Year from Last Year's Annual Report	Number Received During Fiscal Year from Current Annual Report	Number Processed During Fiscal Year from Last Year's Annual Report	Number Processed During Fiscal Year from Current Annual Report
AMS	114	127	108	127
APHIS	1047*	1229	933*	1249
ASCR	47	31	52	36
DA	55	54	70	60
FAS	42	50	39	50
FNCS	133	133	136	132
FSA	24641	6,073	24,573	5,923
FS	3010	2765	3036	2661
FSIS	289	477	389	398
GIPSA	149	156	152	156
NAD	32	23	32	23
NRCS	323	448	322	458
OBPA	5	9	5	9
OCFO	14	25	14	23
OCIO	5	4	5	3
OGC	29	52	29	49
OIG	154	169	173	176
OSEC	74	82	71	85
REE	203	150	204	155
RMA	100	114	99	108
RD	1039	805	1041	769
<b>USDA OVERALL</b>	<b>31505</b>	<b>12976</b>	<b>31483</b>	<b>12650</b>

\*APHIS uses an Access database to track FOIA requests. In FY 2007, the Access database was not fully populated and contained errors. In preparing the FY 2008 annual report, APHIS corrected all errors and input missing data.

E. Comparison of Numbers of Administrative Appeals from Previous and Current Annual Report – Appeals Received, Processed, and Backlogged

	NUMBER OF APPEALS RECEIVED		NUMBER OF APPEALS PROCESSED	
	Number Received During Fiscal Year from Last Year's Annual Report	Number Received During Fiscal Year from Current Annual Report	Number Processed During Fiscal Year from Last Year's Annual Report	Number Processed During Fiscal Year from Current Annual Report
AMS	8	8	4	17
APHIS	33	25	0	47
ASCR	9	4	7	6
DA	1	0	1	0
FAS	0	1	1	0
FNCS	6	16	3	26
FSA	33	40	34	56
FS	45	64	28	91
FSIS	9	12	14	9
GIPSA	2	1	2	0
NAD	0	1	0	0
NRCS	3	8	0	11
OBPA	0	0	0	0
OCFO	0	0	0	0
OCIO	0	1	0	1
OGC	5	6	3	4
OIG	9	4	13	4
OSEC	2	5	2	3
REE	4	2	4	2
RMA	3	1	2	4
RD	23	13	7	21
<b>USDA OVERALL</b>	195	212	125	302