



JUN 19 2009

United States
Department of
Agriculture

Animal and Plant
Health Inspection
Service

Washington, DC
20250

Dear AMT and PLG,

It's telling that one of President Obama's first actions on the job was to issue a message to the heads of all Federal Departments committing his Administration will be the most open and transparent in the history of our country. This goes hand-in-hand with the President's commitment to increase the American public's trust in the Government that serves and represents them.

These are tall orders but we think we here in APHIS have already seen the President's commitment in action, from the listening sessions Secretary Vilsack has convened to collect feedback and solutions for the National Animal Identification System, to the Secretary's and Deputy Secretary's remarks at the recent public meeting on our biotechnology regulations indicating they want to hear from and engage with stakeholders who hold different perspectives and interests as part of their approach to the development of new regulations.

We take very seriously this charge to APHIS to operate in an exceedingly open, transparent, and accessible way for all the customers and stakeholders we serve. We know you do too, and we are very pleased that over the last several years we have seen real results stemming from this collective commitment to openness and transparency. Chief among these we think is the progress we have made in reducing the number of Freedom of Information Act (FOIA) cases in backlog with our Agency. This has been an Agency operating plan goal for several years now, and we believe our efforts have started to pay off. While we still have much work ahead of us, we want to share with you the results we have achieved. With the help of program employees on detail, the FOIA office is on pace to close 400 more cases than last year. And by October 1, the FOIA office will have cut the total number of cases that were in backlog at the start of the fiscal year in half.

To continue this good progress, we must make use of every tool available to help us achieve our goal of eliminating the FOIA backlog. The President's memo also addressed Federal Agencies' approach to FOIA. In no uncertain terms, the President said Agencies need not only comply with FOIA, but should work to share information proactively on policies and decisions so that members of the public don't have to use the FOIA to obtain information held by their Government.

Again, this is another tall order, and APHIS has already risen to the challenge. Last month, for instance, Animal Care began making facility inspection reports available to the public on the APHIS Web site. These were the most frequently requested APHIS records under the FOIA and making them available on our Web site will go a long way toward informing the public of our commitment to animal welfare, while also supporting our FOIA backlog reduction efforts.



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We know other programs are currently evaluating with the FOIA office placing inspection reports online in the future. We strongly encourage *all* APHIS programs to look internally at records, inspection reports, closed investigative files, decision memos, and policy statements that, in the spirit of the President's call for public engagement and openness and transparency, should be made available online even before we receive a single FOIA request for them.

We have asked Legislative and Public Affairs, led by the FOIA office, to take the lead in working with each of you to ensure that the APHIS FOIA reading room on our Agency's Web site is populated with the kinds of records and documents that our stakeholders are interested in and help to explain to the public all the work that goes into APHIS' mission of protecting American agriculture and natural resources. We have also asked LPA to develop a standard process for each of your programs to determine what records need to be placed in the FOIA reading room and, prior to doing so, informing the Office of the Administrator of the significant policy documents that will be placed there.

And, finally, for these efforts to have their intended results, we must regularly communicate with our stakeholders to share with them the context of the documents and information being made available online. This is another job we have tasked LPA to lead.

Enclosed please find more background information prepared by the FOIA office on the President's call for openness and transparency, as well as the requirements set forth under the Electronic Freedom of Information Act. We appreciate your support of these important initiatives to meet the President's and Secretary's objectives and further APHIS' mission.

Enclosure



Kevin Shea
Acting Administrator



Bill Clay
Acting Associate Administrator

President Barack Obama's Message on Openness and Transparency

On his first day in office, President Barack Obama issued a memorandum on the Freedom of Information Act (FOIA) and his commitment to openness in Government. The Attorney General also issued a guidance memorandum reiterating our nation's fundamental commitment to open Government. This guidance emphasizes 1) the use of modern technology to inform the public about U.S. Government operations and 2) affirmative steps to readily and systematically post information online in "advance" of a FOIA request.

To meet the initiatives set forth by the President, APHIS will continue to increase its compliance with the Electronic Freedom of Information Act (E-FOIA) and post current documents to the APHIS E-FOIA Reading Room.

Agency Requirements under the E-FOIA

Under the E-FOIA, agencies are required to make documents available to the public for inspection and copying. As an enhancement to this requirement, the E-FOIA further requires that "electronic versions" of Agency records be made available through the World Wide Web in an electronic reading room. There are four types of documents that APHIS should maintain in the E-FOIA Reading Room. These include:

1. Final Agency opinions and decision documents;
2. Agency policies and policy interpretations;
3. Administrative staff manuals; and
4. Agency "hot topic" and frequently requested documents that are of high interest to the public.

Access to documents in the APHIS E-FOIA Reading Room will not only aid increased understanding of APHIS, but will decrease the number of FOIA requests, give the public convenient, instant access to pertinent records, and create informed citizens. The goal of E-FOIA is to make information publicly available online so that FOIA requests become an avenue of last resort.

Implementation of the E-FOIA

In a year-long effort, APHIS has developed an improved E-FOIA Reading Room and increased the number of documents posted to the APHIS website. These documents are important to our various stakeholders and provide greater accessibility to and understanding of current Agency actions. Continuing this trend, APHIS must continue to make disclosures of records to the E-FOIA Reading Room. Outlined below are steps that APHIS program offices and the FOIA office can take to further comply with the E-FOIA:

1. In coordination with the FOIA office, each program office will review its individual portion of the E-FOIA reading room to identify broken links, remove outdated records, and replace superseded records.
2. Program offices will identify and post APHIS manuals, decision documents and policy documents. These types of documents are considered releasable and should be made available to the public.
3. The FOIA office will work with APHIS program offices to identify records that are frequently requested and/or that APHIS anticipates will generate increased interest from the public and work to make these records available online.
4. Press releases issued by LPA will link to pertinent records placed in the FOIA reading room.
5. Finally, starting in FY10, the FOIA office will post records in the FOIA reading room prepared in response to FOIA requests.

Complying with the E-FOIA and posting current documents to the APHIS FOIA reading room are Agency responsibilities. LPA will be reaching out to leadership with each of APHIS' programs to discuss the steps above and other efforts to comply with the President's direction and requirements under the E-FOIA. The APHIS FOIA Reading Room can be accessed at the following website:

http://www.aphis.usda.gov/footer_items/foia_reading_room.shtml