

10- 027

**BL BALLEW LAW**

ATTORNEYS AND COUNSELORS AT LAW

213 South 12<sup>th</sup> Avenue • P.O. Box 428 Patrick Ballew Cell: +1-509-961-5501  
Yakima, Washington 98902 Office Tel: +1-509-453-1319  
United States of America Office Fax: +1-509-453-4704  
Email: [pballew1@callatg.com](mailto:pballew1@callatg.com)

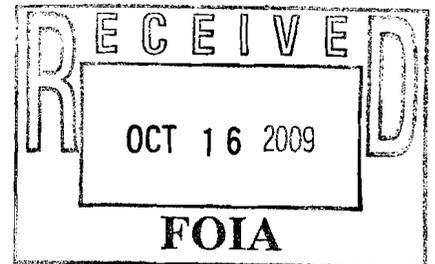
*Reggie expedite*

September 15, 2009

Ms. Tonya Woods - FOIA/PA Officer  
APHIS - USDA  
4700 River Road, Unit 50  
Riverdale, MD 20737-1232  
Tel. (301) 734-5267  
Fax. (301) 734-5941

**Freedom of Information Act Request**

Re: Variety/Brand Identification - U.S. Apple Exports  
Export Form Certificate Information



NOV 16 2009

Dear Ms. Woods:

This Freedom of Information Act Request is regarding information on Export Form Certificates that are prepared by the USDA as a result of inspections of apples that are exported from the U.S. We have a separate Freedom of Information Act request (**FOIA 09-536**) currently pending with your office regarding variety/brand information in Phytosanitary Certificates related to the export of apples from the U.S.

As some background to Pink Lady America's request, USDA inspectors inspect all U.S. apples prior to their export from the United States. Following these inspections one of the documents prepared and signed by the USDA inspectors is an Export Form Certificate. For clarity, a PDF of an example Export Form Certificate is attached to this letter for your review. USDA Export Form Certificates contain the following information:

1. Export Form Certificate Number (Example: X-909308-9)
2. Inspection Started Date
3. Inspection Completed Date
4. Applicant/Shipper
5. City/State of Applicant Shipper
6. Receiver (*this information is not requested by Pink Lady America*)
7. City/Country of Receiver
8. Product
9. Number and Type of Containers
10. Description of Product (Brand, Variety, Size, Origin, etc.)
11. Grade
12. Remarks

Pink Lady America is requesting from the USDA all of the Export Form Certificate information in categories 1 to 5 and categories 7 to 12, listed above, with respect to all apples exported from the United States in 2007, 2008, and January 1 to May 15, 2009. Pink Lady America is not requesting, and does not wish to receive, any information about category 6 above, the foreign "Receivers" of the exported apples. Pink Lady America is also requesting the number of each Phytosanitary Certificate that is related to each Export Form Certificate.

Pink Lady America believes that the USDA maintains one or more electronic databases that contain all of the requested Export Form Certificate information, and the number identifying the related Phytosanitary Certificate. In the event that this information is not kept in an electronic database, then Pink Lady America requests a paper or PDF copy of each Export Form Certificate for each of the shipments of apples exported from the United States during 2007, 2008, and from January 1 to May 15, 2009, with those copies clearly and legibly showing the requested information, as well as a written document that matches each issued Export Form Certificate with the related Phytosanitary Certificate.

Legibility may be somewhat of an issue, since all of the Export Form Certificates that we have examined are hand-written documents prepared by the USDA inspectors in the field. Here is an example of a legible entry in the Product, Number and Type of Containers, and Description of Product (Brand, Variety, Size, Origin, etc.) categories in the example Export Form Certificate that is attached to this letter:

PRODUCT	NUMBER AND TYPE OF CONTAINERS	DESCRIPTION OF PRODUCT (BRAND, VARIETY, SIZE, ORIGIN, etc.)
Apples	920-TIP 2715	EW Brandt + Son Inc. Pink Lady Size 100, 113, 125, 135, + 150 Produce, USA

If the USDA elects to provide paper or PDF copies of the Export Form Certificates, then we request that care be taken to ensure that you use scanners or copiers of sufficient resolution and quality to ensure that the information contained in the Export Form Certificates is in fact legible.

The only potentially sensitive private commercial information contained in the Export Form Certificates is the identity of the "Receiver" of the exported apples. Pink Lady America expressly does not request any information about the foreign "Receivers" contained in the requested Export Form Certificates. While it appears that the USDA may not even always collect information about the "Receivers," (this field is left blank in the attached example Export Form Certificate), to the extent that information is collected Pink Lady America requests that the USDA redact or obliterate that consignee information if the USDA elects to provide Pink Lady America with paper or PDF copies of the requested Certificates. The elimination of this information should resolve any issues about private commercial information related to the requested Export Form Certificates.

Ms. Tonya Woods - FOIA/PA Officer  
September 15, 2009  
Page 3

Pink Lady America is a commercial entity and is fully prepared and able to pay any costs required by the USDA to access the requested information.

Please contact me directly with any questions or comments regarding Pink Lady America's Freedom of Information Act Request. I will also say that our office has enjoyed working with both Reginald Sheppard and yourself, and that you both have been helpful and responsive to all of our inquiries. I look forward to working with you on this request.

Very truly yours,

BALLEW LAW

A handwritten signature in black ink, appearing to read "Patrick H. Ballew", with a long horizontal flourish extending to the right.

Patrick H. Ballew, Inc., P.S.

PHB/csw

cc: Pink Lady America, LLC



U.S. DEPARTMENT OF AGRICULTURE  
 AGRICULTURAL MARKETING SERVICE  
 FRUIT AND VEGETABLE DIVISION

X- 909308-9

EXPORT FORM CERTIFICATE

INSPECTION STARTED: 1 12 15 05	WARNING: Any person who knowingly shall falsely make, issue, alter, forge, or counterfeit this certificate, or participate in any such actions, is subject to a fine of not more than \$1,000 or imprisonment for not more than one year, or both.
INSPECTION COMPLETED: 1 12 15 05	

APPLICANT / SHIPPER: EW Brounll + Sons Inc      CITY / STATE:      Riches Washington

RECEIVER:      CITY / COUNTRY:      England

CARRIER ID.       PLN No. Wash Dept of Agri E 324-652      CERT. WORKSHEET NUMBER:      X

PRODUCT	NUMBER AND TYPE OF CONTAINERS	DESCRIPTION OF PRODUCT (BRAND, VARIETY, SIZE, ORIGIN, etc.)	GRADE
Apples	950-TIP 4715	EW Brounll + Sons Inc. Pink Lady Size 100, 113, 125, 135, + 150 Produce of USA	Washington Extra Fancy
/			

THIS IS TO CERTIFY THAT THE  APPLES,  PEARS,  TABLE GRAPES IN THE ABOVE IDENTIFIED LOT(S) HAVE BEEN INSPECTED AT THE PLACE AND DATE STATED ABOVE AND FOUND TO MEET THE REQUIREMENTS OF THE:

Export Apple and Pear Act       Export Grape and Plum Act  
 Export Grape and Plum Act except for export to destinations in Europe, Greenland, or Japan

REMARKS: Meets US Conditions Standard for Export

DATA BLOCK - FOR USDA USE ONLY		Inspected by: <i>[Signature]</i> DATE ISSUED: Dec 15 05	FEE: \$ _____
CORRECTIVE: 207 CERT/ICATH NO. _____			OVERTIME: _____
APPLICANT NO. 21	ON-SITE HOURS: _____	ISSUING OFFICE: Yorktown, Washington	ESTIMATED TOTAL: \$ 66. <sup>64</sup>
GWT: _____	O.T. (hours): _____	VESEL: _____	VOYAGE NO.: _____
TRAVEL MILES: _____	INSPECTED BY: _____	OTHER RELEVANT SHIPPING INFORMATION: # 52733	CONTAINER NO.: _____
O.T. (hours): _____	OTHER: _____	AUTHORIZED REPRESENTATIVE: _____	