



United States  
Department of  
Agriculture

January 19, 2011

Animal and  
Plant Health  
Inspection  
Service

Andrew Spector  
Animal Protection Litigation  
The Humane Society of the United States  
2100 L Street, NW  
Washington, DC 20037

Legislative and  
Public Affairs

Freedom of  
Information

Dear Mr. Spector:

4700 River Road  
Unit 50  
Riverdale, MD  
20737-1232

This is in response to your December 21, 2010, Freedom of Information Act (FOIA) request. You requested copies of all records in the custody or control of USDA that were received or generated in the past ten years related to Jeff Fortin license number 48-B-0225. Your request was received in this office on December 21, 2010 and assigned case number FOIA 11-144.

Agency employees conducted a search of their files and enclosed on a CD-ROM are 213 pages of responsive records. However, information has been withheld under Exemption 2 of the FOIA, 5 U.S.C. § 552 (b)(2). Exemption 2 (high) protects from disclosure information concerning internal matters of a substantial nature, which if disclosed would risk the circumvention of a statute or agency regulation. Specifically, we withheld the penalty worksheets in their entirety.

In addition, information have been withheld pursuant to FOIA Exemption 4, 5 U.S.C. § 552 (b)(4). Exemption (b)(4). This exemption protects confidential business information from disclosure when its release would cause substantial harm to the competitive position of an individual, a partnership or corporation from whom the information was obtained. We have withheld financial information.

We have also withheld information pursuant to FOIA Exemption 6, 5 U.S.C. § 552 (b)(6). Exemption (b)(6) permit withholding of information which if released would cause a clearly unwarranted invasion of personal privacy. We have withheld names of third party individuals as well as job titles and addresses. This same information has also been withheld under FOIA Exemption 7(C), 5 U.S.C. § 552(b)(7)(C). This exemption protects from disclosure records or information compiled for law enforcement purposes when its release could reasonably be expected to constitute an unwarranted invasion of personal privacy. Eighty-eight pages have been withheld pursuant to these exemptions.

You may appeal our partial denial of information. If you choose to appeal, your appeal must be in writing and must be received within 45 days of the date of this letter. Please send to:

Administrator  
Animal and Plant Health Inspection Service  
Ag Box 3401  
Washington, DC 20250-3401

If you choose to appeal, please refer to FOIA 11-144 in your appeal letter and add the words "FOIA Appeal" to the front of the envelope. To assist the Administrator in reviewing your appeal, provide specific reasons why you believe modification of the determination is warranted.



Safeguarding American Agriculture  
APHIS is an agency of USDA's Marketing and Regulatory Programs

An Equal Opportunity Provider and Employer

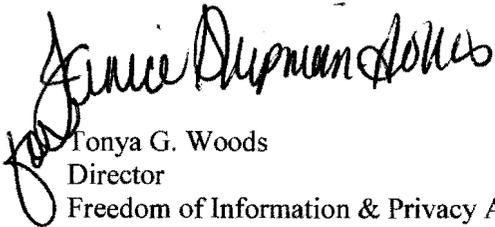
Andrew Spector  
FOIA 11-144

2

Also contained on the CD-ROM is rp505enu.exe, which is a free copy of Adobe® Acrobat® Reader™ that is required to view the responsive records. By opening rp505enu.exe and following the on-screen instructions, you will install Adobe Reader. After installation, the Adobe Reader should render the PDF files correctly.

Because the cost to process your request is less than \$25.00, the fees have been waived. If you have any questions, please contact KeWanda McCain of my staff at (301) 734-4893.

Sincerely,

A handwritten signature in black ink, appearing to read "Tonya G. Woods". The signature is written in a cursive style and is positioned above the typed name.

Tonya G. Woods  
Director  
Freedom of Information & Privacy Act  
Legislative and Public Affairs

Enclosures