



MAY 27 2011

**United States
Department of
Agriculture**

Marketing and
Regulatory
Programs

Animal and
Plant Health
Inspection
Service

Legislative and
Public Affairs

Freedom of
Information

4700 River Road
Unit 50
Riverdale, MD
20737-1232

Jeffrey Kerr
People for the Ethical Treatment of Animals
501 Front Street
Norfolk, VA 23510

Dear Mr. Kerr:

This is our final response to your March 25, 2011, Freedom of Information Act (FOIA) request communication records produced November 18, 2010 to the present, between the U.S. House of Representatives, USDA, Feld Entertainment, and Olsson, Frank, and Weeda regarding the November 18, 2010, inspection at Ringling Brothers Blue Unit in Chicago. Your request was received March 25, 2011, and assigned case number FOIA 11-359.

Agency employees conducted a search of their files and located 304 pages that are the subject of your request. A line by line review of the pages, determined that 52 pages can be released in part. Portions of these pages have been redacted and/or withheld under the FOIA Exemptions 5, 6, and 7(c).

Under Exemption 5, 5 U.S.C. § 552(b) (5), we have withheld 119 pages of emails/correspondence between subordinate employees and their supervisors, as well as drafts, and communications between Agency attorneys and program staff, which consist of opinions, recommendations, and other reflections of staff thinking integral to the pre-decisional, deliberative process. Accordingly, these pages are exempt from disclosure as the Government is permitted to protect pre-decisional material and attorney – client communications.

Exemption 6, 5 U.S.C. § 552(b) (6) protects information from disclosure when its release would cause a clearly unwarranted invasion of personal privacy. Specifically, the names of Ringling Brothers employees are withheld. Along with this exemption, we have afforded these individuals protection under Exemption 7(C), 5 U.S.C. § 552(b)(7)(C). Exemption 7(C), 5 U.S.C. § 552(b)(7)(C), protects information compiled for law enforcement purposes, and protects personal information when disclosure "could reasonably be expected to constitute an unwarranted invasion of personal privacy

The remaining pages are duplicate copies of the aforementioned and copies of documents provided to you on April 20, 2011, and May 16, 2011.



Safeguarding American Agriculture

APHIS is an agency of USDA's Marketing and Regulatory Programs
An Equal Opportunity Provider and Employer

Jeffrey Kerr
FOIA 11-359

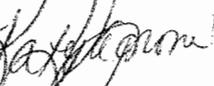
2

No records from the U.S. House of Representatives were found.

You may appeal our partial denial and no records determination. If you choose to appeal, your appeal must be in writing and must be received within 45 days of the date of this letter to: Administrator, Animal and Plant Health Inspection Service, Ag Box 3401, Washington, DC 20250-3401. Please refer **FOIA 11-359**, 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.

If you have any questions, please contact the FOIA Staff at (301) 734-8296.

Sincerely,



fa!
Tonya G. Woods
Director
Freedom of Information & Privacy Act

Enclosure