

FREEDOM OF INFORMATION ACT REQUEST

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*Individual
Tamara
VS*

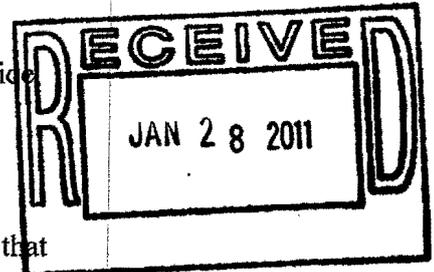
Dear FOIA Manager,

This is a request under the Freedom of Information Act (5 U.S.C. 552) on behalf of the Animal Legal Defense Fund (ALDF). My address and telephone number are listed below.



This request is for certified copies of the requested records. However, if duplication will significantly delay your providing us with the documents please notify me as soon as possible at the number listed below and we will consider inspecting the records on-site if feasible.

If you maintain any of the requested records in electronic form please provide those records only in that form, preferably on CD-ROM.



Please provide the following information:

1. Any and all records created between January 1, 2000 to the present that reflect, relate, or refer to the food product commonly known as "foie gras." For purposes of this request, foie gras shall be understood to consist of the liver of any waterfowl which is processed or sold as a food product. It includes but is not limited to "whole goose foie gras," "whole duck foie gras," "goose foie gras," "duck foie gras," "block of duck foie gras," "parfait of goose foie gras," "parfait of duck foie gras," "pate of goose liver," "pate of duck liver," "galantine of goose liver," "galantine of duck liver," "puree of goose liver," and "puree of duck liver" (referred to collectively as "foie gras" in the remainder of this request), or any other reference to the liver of any waterfowl which is processed or sold as a food product.
2. Any and all records created between January 1, 2000 to the present that reflect, relate, or refer to waterfowl, specifically ducks or geese, in commercial production facilities that use force feeding or "gavage" to produce foie gras or any other product produced by this method. These records include but are not limited to any manner of inspection reports, records that reflect, relate, or refer to the number of ducks or geese present at those facilities, records that reflect, relate, or refer to any disease or infection among the ducks or geese, including any alteration of the livers that results from the force feeding or "gavage," as well as records, veterinary or otherwise, that reflect, relate, or refer to the health, treatment, welfare, and/or mortality of the ducks or geese.
3. Any and all records created between January 1, 2000 to the present that reflect, relate, or refer to housing, or devices used to house, ducks or geese in commercial production facilities that produce foie gras. These records include but are not limited to any manner of inspection reports, records that reflect, relate, or refer to the number of facilities, structure, or devices (such as cages) used to house the ducks and geese, records that reflect, relate, or refer to the number of ducks and geese in such facilities, records that reflect, relate, or refer to the size of any property, housing, or structures or devices (such as cages) used to house the ducks and geese, as well as

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4. Any and all records created between January 1, 2000 to the present that reflect, relate, or refer to the methods, devices, or processes used to produce foie gras. These records include but are not limited to any manner of inspection reports, records that reflect, relate, or refer to the methods, automated or performed by hand, used to force feed the ducks and geese, records that reflect, relate, or refer to the speed, frequency and quantity of food per feeding, records that reflect, relate, or refer to the types of machinery or devices used in force feeding or "gavage" methods, as well as records that reflect, relate, or refer to the number of ducks or geese that are force-fed per day.
5. Any and all records created between January 1, 2000 to the present that reflect, relate, or refer to the quality, safety, wholesomeness, or suitability for human consumption of the food product foie gras. These records include but are not limited to any manner of inspection reports, testing records that reflect, relate, or refer to the quality, safety, wholesomeness, or suitability for human consumption of foie gras, records that reflect, relate, or refer to the presence of pathogens, or any other disease or disorder related to foie gras. These records include but are not limited to records that reflect, relate, or refer to disease in the ducks or geese, records or reports concerning the mortality rate of the ducks or geese, as well as records or reports, such as complaints or information regarding recalls, and preventative measures, that reflect, relate, or refer to any human illness whether actual or suspected, in any way related to the foie gras.
6. Any and all records created between January 1, 2000 to the present that reflect, relate, or refer in any way to the sanitation, health, and/or safety of any commercial production facilities that produce foie gras.

Again, please certify any and all records you make available pursuant to this request.

In order to help you determine our status for the purpose of assessing fees, you should know that ALDF is a national non-profit organization that disseminates information in order to educate the public and help it better understand issues related to animal welfare, food safety, and the functioning of government. The information is not sought for commercial use in any way.

I request a fee waiver because disclosure of the information is in the public interest. It is likely to contribute significantly to the public understanding of animal welfare and food safety, especially in the context of government regulation.

ALDF is a national non-profit organization with thirty years of experience analyzing legal issues and educating the public concerning animals. Any information received as a result of this request will be organized, summarized, and disseminated to the public, either directly via our website and other publications or through relevant public filings. Please note the decision in *Elizabeth Eudey v. Central Intelligence Agency*, 478 F. Supp. 1175, 1176 (D.C.D. 1979) (even a single document has the potential for contributing to public understanding). In addition, the release of this information will have a significant impact on public understanding because the link between animal welfare and food safety is only now coming under serious public scrutiny, thanks in large part to the work of organizations like ALDF.

ALDF's educational efforts are supported by hundreds of dedicated attorneys, law professors, and law students, and more than 110,000 members, all of whom would benefit from the disclosure of the information requested. In addition to its litigation and legislative efforts nationwide, ALDF publishes a 2,000-plus page compendium of United States animal protection laws, and disseminates a variety of information regarding animal and human health. Through its

Animal Law Program, ALDF has led the development of legal scholarship and legal education. ALDF also files *amicus* briefs on a regular basis to assist courts by providing the perspective gained from three decades of experience. Disclosure of the information is in the public interest as ALDF will use and disseminate the information to educate and contribute significantly to the public's understanding of animal welfare and food safety.

If a fee waiver is not granted please provide an explanation as to why it was denied.

Also, while reserving our right to appeal such a decision, ALDF is willing to pay fees for this request up to an initial amount of \$200, and can provide payment prior to your agency producing the documents. If you estimate that the fees will exceed this limit, please inform us prior to that time so that we can consider authorizing the amount.

In the event that access to any of the requested records is denied, please note that FOIA provides that if only portions of a requested file are exempted from release, the remainder must still be released. I therefore request that we be provided with all non-exempt portions which are reasonably segregable. I further request that you describe the deleted material in detail and specify the statutory basis for the denial as well as your reasons for believing that the alleged statutory justification applies in this instance. Please separately state your reasons for not invoking your discretionary powers to release the requested documents in the public interest. Such statements will be helpful in deciding whether to appeal an adverse determination, and in formulating arguments in case an appeal is taken. Also please notify us of any appeal procedures available under the law.

This request is not meant to be exclusive of any other records which, though not specifically requested, would have a reasonable relationship to the subject matter of this request. Access to the requested records should be granted within twenty (20) working days from the date of your receipt. Failure to respond in a timely manner shall be viewed as a denial of this request and the requester may immediately file an administrative appeal. Thank you in advance for your prompt reply.

Please contact me if you need to discuss my request further. To the extent anything in this request is deemed vague, ambiguous, or burdensome, I am happy to discuss and perhaps limit the request and the information sought.

Sincerely,

Carter Dillard | Director of Litigation
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cdillard@aldf.org



"Wendy Cromwell"
<wcromwell@aldf.org>
01/27/2011 05:52 PM

To <fsis.foia@usda.gov>, <foia.officer@aphis.usda.gov>,
<AMS.FOIA@usda.gov>
cc <cdillard@aldf.org>, <wcromwell@aldf.org>
bcc
Subject Public Information Request

Please find attached a public information request
regarding foie gras.

If you have any difficulty opening the attachment,
please do not hesitate to contact me.

This request has been faxed as well.

Very truly yours,

Wendy Cromwell
Paralegal
Animal Legal Defense Fund
707-795-2533 ext 1035