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A LIMITED LIABILITY PARTNERSHIP

*Individual
ACCEPTS*

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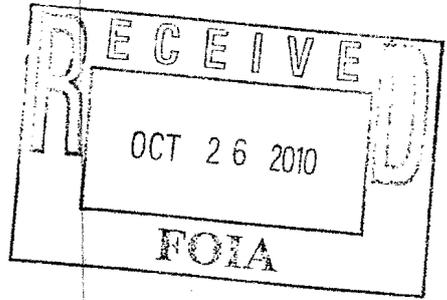
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October 26, 2010

VIA FIRST CLASS MAIL AND E-MAIL

Tonya Woods, FOIA Director
Legislative and Public Affairs
Freedom of Information Act
United States Department of Agriculture
4700 River Road, Unit 50
Riverdale, MD 20737
E-mail: foia.officer@aphis.usda.gov



NOV 24 2010

Re: Freedom of Information Act Request

Dear Ms. Woods:

Pursuant to the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552 et seq., and the Department of Agriculture's ("USDA") FOIA Reference Guide, I am hereby requesting records¹ that discuss or otherwise relate to Chembio Diagnostic, Inc.'s ("Chembio") veterinary biologic application (the "Chembio application"), and USDA's² subsequent decision to grant Chembio a veterinary biologic license (the "Chembio license"), for Chembio's ElephantTB STAT-PAK Assay (the "Chembio test"). This request specifically includes:

1. A copy of the Chembio application;
2. A copy of the Chembio license;
3. All records of communications between USDA staff members concerning the Chembio application and/or the Chembio license;

¹ For purposes of this request, the term "records" refers to, but is not limited to correspondence of any kind, memoranda, letters, notes, schedules, electronic mail, telephone logs, meeting minutes, work papers, reports, studies or data.

² For purposes of this request, "USDA" includes the Animal and Plant Health Inspection Service ("APHIS"), the Center for Veterinary Biologics, and any other USDA agency or department involved in the review and granting of veterinary biologic applications or the review and use of veterinary biologic tests results.

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4. All records of communications between USDA and Chembio concerning the Chembio application and/or the Chembio license;
5. All records of communications regarding the Chembio application, the Chembio license, and/or the uses of the Chembio test sent or received by APHIS employees or officials, including but not limited to: Dr. Chester Gipson, Denise Sofranko, and Cindy Smith.
6. All records of communications between USDA (including APHIS) and third parties, specifically including state animal health officials and state veterinarians, concerning the Chembio application, the Chembio license, and/or the uses of the Chembio test; and
7. All other available records related to any of the categories of information sought in one through six above.

To the extent any requested records are exempted from release, please provide us with all non-exempt portions of any exempt records with an explanation of any redactions.

As the requestor, I agree to pay all reasonable fees and costs necessary to fulfill this request, provided that said fees and costs do not exceed \$50,000. In the event that fees and costs exceed this limit, please notify me expeditiously of the estimated cost before proceeding.

Please send all available records to my attention at the contact information provided above. I look forward to receiving any reply within the 20-day time period required by law. If you have any questions or otherwise need to discuss this request, my direct phone number is

Sincerely,

Michael McGinn
Government Relations Analyst