



United States  
Department of  
Agriculture

Food Safety  
and Inspection  
Service

Washington, D.C.  
20250

*Tamara  
FOIA*

10- 347

U.S. Department of Agriculture  
Animal and Plant Health Inspection Service  
Attn: Ms. Tonya Woods/FOIA/PA Officer  
4700 River Road, Unit 50  
Riverdale, MD 20737-1232

MAR 26 2010

RECEIVED  
MAR 30 2010  
FOIA  
APR 27 2010

RE: FOIA 2009-00156  
China Equivalency Records

Dear Ms. Woods:

The U.S. Department of Agriculture's Food Safety and Inspection Service (FSIS) received the enclosed Freedom of Information Act (FOIA) request dated March 30, 2009. The request was from Mr. Tony Corbo of Food and Water Watch, asking for copies of "all records pertaining to the applications made by the People's Republic of China for equivalence determinations for all products covered under the Federal Meat Inspection, the Poultry Products Inspection and Egg Products Inspection Acts, and the decisions rendered by the Food Safety and Inspection Service (FSIS) since January 1, 2000."

Upon completing our search for responsive records, we located numerous files on a compact diskette along with portions of 27 separate pages, which had originated from the U.S. Department of Agriculture, Animal and Plant Health Inspection Service. Therefore, we are referring the entire diskette along with the 25 separate pages to you for processing and direct response to Mr. Corbo. We have informed Mr. Corbo of this referral (enclosed).

If you have any questions concerning this request, please call me at (202) 720-8215.

Sincerely,

Jeff Ovall  
FOIA Supervisor  
Executive Correspondence  
and Issues Management Staff

Enclosure



**Clean • Separate • Cook • Chill**

Visit [befoodsafe.gov](http://befoodsafe.gov), [askkaren.gov](http://askkaren.gov), or call 1-888-MPHotline.



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Service

Washington, D.C.  
20250

Mr. Tony Corbo  
Food & Water Watch  
1616 P Street, NW.  
Suite 300  
Washington, D.C. 20036

MAR 26 2010

RE: FOIA-2009-00156  
China Equivalency Records

Dear Mr. Corbo:

This is the second interim response to your Freedom of Information Act (FOIA) request dated March 30, 2009. In your request you asked for a copy of all records pertaining to the applications made by the People's Republic of China for equivalence determinations for all products covered under the Federal Meat Inspection Act, the Poultry Products Inspection Act, and the Egg Products Inspection Act, and the decisions rendered by the Food Safety and Inspection Service (FSIS) since January 1, 2000.

In responding to a FOIA request, the Department of Agriculture's (USDA) FSIS search will include responsive records in its control on the date the search began.

Your request is granted in part at no cost to you. For this interim response, we located 1,373 pages that are responsive, in addition to 1 compact diskette of records which had originated from the Animal and Plant Health Inspection Service (APHIS). Included within the 1,373 pages are several hundred which had originated from agencies outside of FSIS, and have therefore been referred to each respective agency for their release determination and direct response to you.

Below is a listing of the agencies to which these records have been referred, along with the number of pages affected. For your convenience, we have provided the contact information below for each agency in the event you wish to contact them directly:

- Foreign Agriculture Service (FAS): 544 pages in full and portions of 27 pages.
  - Sally Klusaritz, FOIA Officer, 1400 Independence Avenue, Room 5074-South, Ag Stop 1004, Washington, D.C. 20250-1004; telephone: (202) 690-4064, fax: (202) 720-1727.
- Animal and Plant Health Inspection Service (APHIS): 1 compact diskette and portions of 27 separate pages.
  - Tonya Woods, FOIA/PA Officer, 4700 River Road, Unit 50, Riverdale, MD 20737-1232; telephone: (301) 734-5267, fax: (301) 734-5941.
- USDA Office of General Counsel: 286 pages in full.
  - Betty Ollila, 1400 Independence Avenue, Room 3311-S, Washington, D.C. 20250-1004; telephone: (202) 720-5565, fax: (202) 720-5837.

Mr. Tony Corbo

Page 2

After a thorough review, we have determined that portions of the documents within FSIS purview are exempt from disclosure under (b)(5) and (b)(6) of the Freedom of Information Act of 1974, 5 U.S.C. § 552, as amended. We are releasing a total of 332 pages in their entirety, and 211 pages are released in part.

FOIA Exemption 5 protects from disclosure, inter-agency or intra-agency memoranda or letters, which would not be available, by law, to a party other than an agency in litigation with the agency. Incorporated within Exemption 5 is the deliberative-process privilege. This privilege is invoked: (1) to encourage open, frank discussions on matters of policy between subordinates and their superiors; (2) to protect against premature disclosure of proposed policies before they are finally adopted; and (3) to protect against public confusion that might result from disclosure of reasons and rationales that were not, in fact, ultimately the grounds for an agency's action. Under this privilege, we are withholding internal communications between agency employees wherein policy and/or procedural issues and associated recommendations are discussed. Because these documents are deliberative and pre-decisional in nature, their release could inhibit candor and the open and frank discussions and expressions of opinion necessary for agency decision-makers to make informed decisions in the administration of their duties.

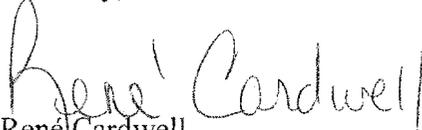
Exemption 6 exempts from disclosure, information whose release would constitute a clearly unwarranted invasion of personal privacy. Under Exemption 6, we have withheld the names of non-policy level officials within FSIS and those affiliated with the agencies/firms visited during the equivalency review.

FSIS will continue processing records that are responsive to your request, and will forward them promptly upon completion. As this is not a final response to your FOIA request, we will include your appeal rights in our final release.

Your FOIA request, including your identity and the information made available, is releasable to the public under subsequent FOIA requests. In responding to these requests, FSIS does not release personal privacy information, such as home addresses, telephone numbers, or social security numbers, all of which are protected from disclosure under FOIA Exemption 6.

Thank you for your interest in FSIS programs and policies.

Sincerely,



René Cardwell

Deputy Director

Executive Correspondence

and Issues Management Staff

Enclosures



Food & Water Watch - 1616 P Street, NW Suite 300 Washington, DC 20036

www.foodandwaterwatch.org T: (202) 693-3023 F: (202) 693-2501

March 30, 2008

Note: Request has wrong year. It should be "2009"

FSIS Freedom of Information Act Office  
Room 1140-South Building  
14th and Independence Avenue, SW  
Washington, DC 20250-3700

09-156

Transmitted via facsimile: (202) 690-3023

Dear Sir or Madam:

**Re: Freedom of Information Request**

Pursuant to the Freedom of Information Act, 5 U.S.C. § 552, I hereby request copies of all records pertaining to the applications made by the People's Republic of China for equivalence determinations for all products covered under the Federal Meat Inspection, the Poultry Products Inspection and Egg Products Inspection Acts, and the decisions rendered by the Food Safety and Inspection Service (FSIS) since January 1, 2000.

Specifically, I am requesting all correspondence, memos, notes of telephone calls, electronic messages, transcripts, minutes and notes of meetings and/or other memorializations of contact related to this issue.

I would be willing to visit the FSIS headquarters offices to view the files and select the pertinent documents for copying that would satisfy this Freedom of Information Act request.

I am requesting these records as a representative of Food & Water Watch, a non-profit consumer organization.

I request a waiver of fees because my interest in the records is not primarily commercial, and disclosure of the information will contribute significantly to public understanding of the operations or activities of the government because it will explain how the Food Safety and Inspection Service determines equivalence and executes equivalency agreements with foreign governments.

I will expect a response within 20 working days as provided by law. If my request is denied in whole or in part, I expect a detailed justification for withholding the records. I also request any segregable portions that are not exempt to be disclosed.

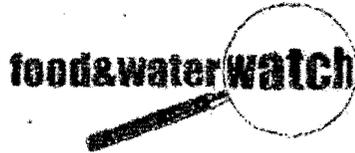
Should you have questions regarding this request, please feel free to contact me at (202) 683-2449.

Thank you for your prompt attention to this matter.

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Sincerely,

Tony Corbo, Legislative Representative



FAX

To: <i>FSS FOIA Office</i>	From: <i>Tommy Conbo</i>
Fax Number: <i>(202) 690-3023</i>	Pages (including cover page): <i>2</i>
Phone Number:	Date: <i>MARCH 30 2009</i>
Re: <i>FOIA - Equivalence of People's Republic of China</i>	CC:

- Urgent   
  For Review   
  Please Comment   
  Please Reply

Notes:

*FOIA - Equivalence -  
People's Republic of China*

U.S. Department of Agriculture  
Animal and Plant Health Inspection Service  
Attn: Ms. Tonya Woods/FOIA/PA Officer  
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