



United States  
Department of  
Agriculture

Food Safety  
and Inspection  
Service

Washington, D.C.  
20250

SEP 12 2008

To: Boyd K. Rutherford  
Assistant Secretary for Administration

From: Terri Nintemann *Terri Nintemann*  
Assistant Administrator  
Office of Public Affairs and Consumer Education

Subject: Freedom of Information Act (FOIA) Backlog Reduction Plans

RE: Department of Justice, Office of Information and Privacy, memorandum dated June 26, 2008; Subject: Guidance on Preparing Backlog Reduction Plans.

Enclosed is a FOIA Backlog Reduction Plan as required by the referenced Department of Justice memorandum.

If you need further information, please do not hesitate to contact the FSIS FOIA Liaison, Jonathan C. Theodule, Director of the Executive Correspondence and Issues Management Staff, which houses the FSIS FOIA Service Center. Mr. Theodule may be reached at (202) 690-3882.

Enclosure



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**Food Safety and Inspection Service (FSIS)  
Executive Correspondence and Issues Management Staff (ECIMS)**

**FOIA Backlog Reduction Plan**

RE: Department of Justice memo dated June 26, 2008; Subj: Guidance on Preparing Backlog Reduction Plans

**A. SUBMISSION REQUIREMENT FOR BACKLOG REDUCTION PLAN**

The Department of Justice's memorandum dated June 26, 2008, directs agencies to prepare a Backlog Reduction Plan if they meet the following criteria: Agencies with a backlog of pending FOIAs, and for which the number of pending requests was higher at the end of Fiscal Year 2007 than it was at the end of Fiscal Year 2005.

FSIS Annual FOIA Reports show we had a backlog of 117 at the end of Fiscal Year 2005, and a backlog of 140 at the end of Fiscal Year 2007. We currently have a backlog of 161 FOIA cases.

Because FSIS meets the criteria listed above, we have prepared this FOIA Backlog Reduction Plan.

**B. VARIOUS CAUSES FOR FSIS FOIA BACKLOG**

Before presenting our Backlog Reduction Plan, below is a brief explanation highlighting some of the causes for our backlog.

1. During Fiscal Year 2007, the FSIS FOIA office underwent a 100 percent turnover of FOIA specialists. The new FOIA specialists all arrived in July 2007. While they came with a wealth of FOIA experience, time to acclimate to their new Agency and become familiar with its various record systems and programs was necessary.
2. To date, in Fiscal Year 2008, FSIS has experienced a 39% increase in the number of FOIA requests received as compared to the same period in Fiscal Year 2007. This increase is largely due to the significant increased number of recalls announced by FSIS in 2007 and in 2008. For example, in September 2007, FSIS announced one of the largest meat recalls in U.S. history, in which approximately 21.7 million pounds of frozen ground beef products was recalled. Seventeen additional recalls followed in Calendar Year 2007, and another 33 to date in Calendar Year 2008. Included in the 2008 recalls were the Hallmark/Westland Meat Packing Co., and the Nebraska Beef Ltd, recalls, both of which continue to draw national media attention. The combined public interest and litigation potential for these recalls has resulted in a correspondingly large number of FOIA requests.
3. Despite diligent efforts by the FOIA staff to process backlogged and new FOIA requests, we experienced turnover with the staff that left us short-handed for part of this year. We are actively recruiting to fill the staff vacancy.

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**FOIA Backlog Reduction Plan**

**C. PLAN FOR REDUCING OVERALL NUMBER OF BACKLOGGED REQUESTS**

1. Retain a fully staffed FOIA office.
  - a. Hire new FOIA specialist to replace outgoing.
  - b. Authorize the use of telecommuting as a way to focus on redacting voluminous cases without interruption, and as a positive workforce retention tool.
  - c. Add new FOIA Specialist position to the staff in place of a lower graded FOIA assistant position. In addition to enhancing the institutional knowledge through greater longevity of this position, it also increases the FOIA experience which directly impacts our ability to reduce our backlog.
2. Review opportunities for posting frequently requested FOIA cases in the Electronic Reading Room.
  - a. Continue posting our FOIA logs on our Electronic Reading Room, including sending e-mail notices to individuals who request to be notified every time a new month's FOIA log is posted. Sending these posting notices is a new initiative that began on August 20, 2008; we've already received 142 requests from individuals around the world asking to receive these notices. By directing potential FOIA requesters to our FOIA logs, rather than submitting a new FOIA request for various records, they may find a FOIA request for similar records that has already been submitted and simply reference that request in their letter. Consequently, we expect the processing efforts for these additional FOIA requests will be reduced dramatically, saving crucial time to spend on other FOIA requests.
  - b. Evaluate potential improvements to popular records already posted on our electronic reading room. For example, proposing additional ways in which data can be culled from the Meat, Poultry and Egg Product Inspection directory – a popular directory among FOIA requesters – such as sorting data by State, or by types of Establishments, i.e., Meat, Poultry and/or Egg Establishments.
3. Continue to enhance hardware and software capabilities to streamline FOIA processing.
  - a. Purchased a production grade scanner in August 2008 that is capable of scanning up to 500 pages at a time, in lieu of the previous scanner that could only scan 35 pages at a time. Because many of our FOIA cases exceed 2,000 pages, the scanning process could take up to a day or two using the old scanners. With the new production grade scanner this delay has been nearly eliminated.

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- b. Replacing standard desktop monitors with 22" Pivot monitors to reduce the time needed for FOIA Specialists to scroll through pages when asserting redactions.
- 4. Improve awareness within the Agency about FOIA requirements.
  - a. With a goal toward reducing the time it takes program offices to provide responsive records to the FOIA staff, implement an updated training regimen to educate program offices of the need to meet statutory time frames and to provide a greater understanding of the FOIA exemptions.
  - b. With same goal as above, raise awareness of FOIA requirements to program office administrators.

**D. PLAN FOR REDUCING THE AGE OF THE OLDEST OF THOSE BACKLOGGED REQUESTS**

- 1. In addition to the measures listed above, conduct bi-weekly meetings with FOIA staff to discuss any issues affecting the completion of pending FOIA requests with an emphasis on the ten oldest requests.
- 2. By July 1<sup>st</sup> of every fiscal year, marshal all available resources, particularly all the FOIA Specialists, to combine efforts and complete any remaining FOIA cases that were cited as one of the ten oldest cases on the previous year's FOIA Annual Report.