

IV. EXEMPTION 3 STATUTES

Statute	Type of Information Withheld	Case Citation	Number of Times Relied upon
Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) 7 U.S.C. § 136	Location where restricted use pesticides are applied		1
Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) 7 U.S.C. § 136i-1(b)	The identity, and/or any information leading to the identity of users of restricted use pesticides, Location where restricted use pesticides are applied		2
Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) 7 U.S.C. § 1381-1(b)	The identity, and/or any information leading to the identity of users of restricted use pesticides, Location where restricted use pesticides are applied		1
Bioterrorism Act of 2002, Section 212	Entire record set withheld -Information concerning select agents and toxins		2

V. FOIA REQUESTS

A. Received, Processed, and Pending FOIA Requests

Number of Requests Pending as of Start of Fiscal Year	Number of Requests Received in Fiscal Year	Number of Requests Processed in Fiscal Year	Number of Requests Pending as of End of Fiscal Year
901 (Reported 895) **	1229	1249	881

**APHIS uses an Access database to track the FOIA requests. In FY07, the Access database was not fully populated and contained errors. In preparing the FY08 annual report, APHIS corrected all errors and input missing data.

B. (1) Disposition of FOIA Requests – All Processed Requests

Number of Full Grants	Number of Partial Grants/ Partial Denials	Number of Full Denials Based on Exemptions	No Records	All Records Referred to Another Component or Agency	Request Withdrawn	Fee-Related Reason	Records not Reasonably Described	Improper FOIA Request for Other Reason	Not Agency Record	Duplicate Request	Other *Explain in chart below
104	832	14	162	2	99	0	0	12	7	17	

TOTAL _1249_

B (2) Disposition of FOIA Requests – “Other” Reasons for Full Denials

Description of “Other” Reasons for Denials from Chart B (1) & Number of Times Those Reasons Were Relied upon	TOTAL
N/A	
N?A	

B. (3) Disposition of FOIA Requests – Number of Times Exemptions Applied

Ex. 1	Ex. 2	Ex. 3	Ex. 4	Ex. 5	Ex. 6	Ex. 7(A)	Ex. 7(B)	Ex. 7(C)	Ex. 7(D)	Ex. 7(E)	Ex. 7(F)	Ex. 8	Ex. 9
0	17	6	69	67	837	26	0	729	0	2	1	0	0

VI. ADMINISTRATIVE APPEALS OF INITIAL DETERMINATIONS OF FOIA REQUESTS

A. Received, Processed, and Pending Administrative Appeals

Appeals Pending as of Start of Fiscal Year	Number of Appeals Received in Fiscal Year	Number of Appeals Processed in Fiscal Year	Number of Appeals Pending as of End of Fiscal Year
95	25	47	73

B. Disposition of Administrative Appeals – All Processed Appeals

Number Affirmed on Appeal	Number Partially Affirmed & Partially Reversed/Remanded on Appeal	Number Completely Reversed/Remanded on Appeal	Number of Appeals Closed for Other Reasons	TOTAL
3	2	2	40	47

C. (1) Reasons for Denial on Appeal – Number of Times Exemptions Applied

Ex. 1	Ex. 2	Ex. 3	Ex. 4	Ex. 5	Ex. 6	Ex. 7(A)	Ex. 7(B)	Ex. 7(C)	Ex. 7(D)	Ex. 7(E)	Ex. 7(F)	Ex. 8	Ex. 9
0	0	0	0	1	6	0	0	4	0	0	0	0	0

C. (2) Reasons for Denial on Appeal – Reasons Other than Exemptions

No Records	Records Referred at Initial Request Level	Request Withdrawn	Fee-Related Reason	Records not Reasonably Described	Improper Request for Other Reasons	Not Agency Record	Duplicate Request or Appeal	Request in Litigation	Appeal Based Solely on Denial of Request for Expedited Processing	Other *Explain in chart below
0	0	0	0	0	0	0	0	0	0	40

C. (3) Reasons for denial on Appeal – “Other” Reasons from Section VI, C(2) Chart

Description of “Other” Reasons for Denial on Appeal from Chart C (2) & Number of Times Those Reasons Were Relied upon	TOTAL
Withdrawal	40

C. (4) Response time for Administrative Appeals

*Median Number of Days	#Average Number of Days	Lowest Number of Days	Highest Number of Days
674	674 / 31,678	27	1783

C. (5) Ten Oldest Pending Administrative Appeals

	10 th Oldest	9 th	8 th	7 th	6 th	5 th	4 th	3 rd	2 nd	Oldest
Date	8-11-04	6-15-04	5-26-04	1-8-04	10-27-03	9-27-03	8-8-03	8-1-03	7-31-03	3-25-02
Number of Days Pending	1039	1079	1092	1189	1238	1257	1292	1297	1298	1639

VII. FOIA REQUESTS: RESPONSE TIME FOR PROCESSED AND PENDING REQUESTS

A. Processed Requests – Response Time for All Processed Perfected Requests

SIMPLE				COMPLEX				EXPEDITED PROCESSING			
*Median Number of Days	#Average Number of Days	Lowest Number of Days	Highest Number of Days	*Median Number of Days	#Average Number of Days	Lowest Number of Days	Highest Number of Days	*Median Number of Days	#Average Number of Days	Lowest Number of Days	Highest Number of Days
49	188 / 196,084	1	1866	298	598 / 104,052	7	2049	55	253 / 8,096	2	1742

B. Processed Requests – Response Time for Perfected Requests in Which Information Was Granted

SIMPLE				COMPLEX				EXPEDITED PROCESSING			
*Median Number of Days	#Average Number of Days	Lowest Number of Days	Highest Number of Days	*Median Number of Days	#Average Number of Days	Lowest Number of Days	Highest Number of Days	*Median Number of Days	#Average Number of Days	Lowest Number of Days	Highest Number of Days
47	156 / 121,836	2	1866	217	527 / 67,456	7	2049	48	184 / 4,968	2	1742

C. Processed Requests – Response Time in Day Increments

Simple Requests

1-20 Days	21- 40 Days	41-60 Days	61-80 Days	81-100 Days	101-120 Days	121-140 Days	141-160 Days	161-180 Days	181-200 Days	201-300 Days	301-400 Days	401+ Days	TOTAL
228	238	119	72	35	27	20	20	22	17	51	44	150	1043

Complex Requests

1-20 Days	21- 40 Days	41-60 Days	61-80 Days	81-100 Days	101-120 Days	121-140 Days	141-160 Days	161-180 Days	181-200 Days	201-300 Days	301-400 Days	401+ Days	TOTAL
6	15	18	5	9	2	7	1	2	2	20	8	79	174

Requests Granted Expedited Service

1-20 Days	21- 40 Days	41-60 Days	61-80 Days	81-100 Days	101-120 Days	121-140 Days	141-160 Days	161-180 Days	181-200 Days	201-300 Days	301-400 Days	401+ Days	TOTAL
7	5	4	1	3	1	0	1	0	0	3	0	7	32

D. Pending Requests – All Pending Perfected Requests

SIMPLE			COMPLEX			EXPEDITED PROCESSING		
Number Pending	*Median Number of Days	#Average Number of Days	Number Pending	*Median Number of Days	#Average Number of Days	Number Pending	*Median Number of Days	#Average Number of Days
264	315	324 / 85,536	599	168	288 / 172,512	18	277	388 / 6,984

E. Pending requests – Ten Oldest Pending Perfected Requests

	10 th Oldest	9 th	8 th	7 th	6 th	5 th	4 th	3 rd	2 nd	Oldest
Date	5-11-04	4/29/04	4/28/04	4/20/04	3/15/04	2/9/04	9/11/03	5/7/03	7/23/02	8/07/01
Number of Days Pending	1103	1111	1112	1118	1144	1168	1269	1357	1555	1795

VIII. REQUESTS FOR EXPEDITED PROCESSING AND REQUESTS FOR FEE WAIVER

A. Requests for Expedited Processing

Number Granted	Number Denied	*Median Number of Days to Adjudicate	#Average Number of Days to Adjudicate	Number Adjudicated Within Ten Calendar Days
3	4	8	15 / 105	6

B. Requests for Fee Waiver

Number Granted	Number Denied	*Median Number of Days to Adjudicate	#Average Number of Days to Adjudicate
0	0	0	0 / 0

IX. FOIA PERSONNEL AND COSTS

PERSONNEL			COSTS		
Number of “Full-Time FOIA Employees”	Number of “Equivalent Full-Time FOIA Employees”	Total Number of “Full-Time FOIA Staff” (The sum of Columns 1 & 2)	Processing Costs (At initial request and appeal levels)	Litigation-Related Costs	Total Costs
21	0	21	1,142,150.00	221,500.92	1,363,651.00

X. FEES COLLECTED FOR PROCESSING

Total Amount of Fees Collected	Percentage of Total Costs
0	0

XI – Nothing Here

XII. BACKLOGS, CONSULTATIONS, AND COMPARISONS

A. Backlogs of FOIA Requests and Administrative Appeals

Number of Backlogged Requests as of End of Fiscal Year	Number of Backlogged Appeals as of End of Fiscal Year
778	72

B. Consultations on FOIA Requests – Received, Processed, and Pending Consultations

Number of Consultations Received from Other Agencies that Were <u>Pending</u> at Your Agency as of Start of the Fiscal Year	Number of Consultations <u>Received</u> from Other Agencies During the Fiscal Year	Number of Consultations Received from Other Agencies that Were <u>Processed</u> by Your Agency During the Fiscal Year	Number of Consultations Received from Other Agencies that Were <u>Pending</u> at Your Agency as of End of the Fiscal Year
0	0	0	0

C. Consultations on FOIA Requests – Ten Oldest Consultations Received from Other Agencies

	10th Oldest	9th	8th	7th	6th	5th	4th	3rd	2nd	Oldest
Date	N/A									
Number of Days Pending										

D. Comparison of Number of Requests from Previous and Current Annual Report – Requests Received, Processed, and Backlogged

NUMBER OF REQUESTS RECEIVED		NUMBER OF REQUESTS PROCESSED	
Number Received During Fiscal Year from Last Year's Annual Report	Number Received During Fiscal Year from Current Annual Report	Number Processed During Fiscal Year from Last Year's Annual Report	Number Processed During Fiscal Year from Current Annual Report
1047 (Reported 1042)	1229	933 (Reported 1101)	1249

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Number of Backlogged Requests as of End of the Fiscal Year from Previous Annual Report	Number of Backlogged Requests as of End of the Fiscal Year from Current Annual Report
N/A	778

E. Comparison of Numbers of Administrative Appeals from Previous and Current Annual Report – Appeals Received, Processed, and Backlogged

NUMBER OF APPEALS RECEIVED		NUMBER OF APPEALS PROCESSED	
Number Received During Fiscal Year from Last Year’s Annual Report	Number Received During Fiscal Year from Current Annual Report	Number Processed During Fiscal Year from Last Year’s Annual Report	Number Processed During Fiscal Year from Current Annual Report
33	25	0	47

Number of Backlogged Appeals as of End of the Fiscal Year from Previous Annual Report	Number of Backlogged Appeals as of End of the Fiscal Year from Current Annual Report
N/A	72

F. Discussion of Other FOIA Activities (Optional)

* = 1) enter the median number; 2) provide a separate electronic spreadsheet with the relevant numbers entered and the median calculated electronically

= 1) provide the average in the top portion of the box; 2) multiply the average days by the number of requests and enter the result in the bottom portion of the box.