Animal and Plant Health Inspection Service

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	disclosure of any information regarding the location and the use of pesticides		**1**
41 U.S.C. 253b(m)	proposal not set forth or incorporated by reference in a contract entered into between the agency and the contractor		**2**
Agricultural Bioterrorism Protection Act of 2002, Sec. 212, Regulation of Certain Biological Agents and Toxins	disclosure of use and locations of biological agents and toxic		**3**

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
457 *(462)	708	909	261

* Five cases were inadvertently closed out of the database system in FY09 while there actually still pending at the end of FY09, therefore making the actually starting number of pending requests at the beginning of FY10 was 462.

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	Full Denials based on reasons other than 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			No Records	All Records Referred to Another Component or Agency	Request Withdrawn	Fee-Related Reason	Records not Reasonably Described	Improper FOIA Request for Other Reason	Not Agency Record	Duplicate Request	Other *Explain in chart below

127	470	33	169	14	49	0	2	0	1	12	32

TOTAL

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
Refer to the web for records	30
Litigation	2

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	47	6	75	37	446	79	0	277	0	1	21	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
72 *(70)	17	30	57

* two appeals which were actually closed in FY 09 were not updated in the database system until FY10, therefore making the number of pending appeals at the end of FY09 70.

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
1	0	0	29	30

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	0	1	0	0	1	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	3	0	0	0	0	0	0	0	26

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
Records provide as response to request	6
Unable to contact appelent	18
Records destroyed	2

C. (4) Response time for Administrative Appeals

*Median Number of Days	#Average Number of Days	Lowest Number of Days	Highest Number of Days
922	964	107	1741

C. (5) Ten Oldest Pending Administrative Appeals

	10th Oldest	9th	8th	7th	6th	5th	4th	3rd	2nd	Oldest
Date	6/14/05	5/31/05	5/3/05	4/25/05	11/2/04	8/12/04	6/15/04	10/27/03	8/1/03	7/31/03
Number of Days Pending	1345	1354	1373	1378	1501	1558	1599	1764	1824	1823

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
46	112	1	1106	322	368	12	1042	161	383	3	1189

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
50	124	1	1062	282	369	12	1042	97	445	22	1189

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
183	139	87	59	36	30	13	15	18	7	32	29	53	701

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
1	4	6	7	6	8	7	7	8	17	20	23	78	192

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
1	1	1	1	1	1	0	0	1	0	0	3	6	16

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
102	37	119	159	196	279	0	0	0

E. Pending requests – Ten Oldest Pending Perfected Requests

	10th Oldest	9th	8th	7th	6th	5th	4th	3rd	2nd	Oldest
Date	10/29/07	10/15/07	9/19/07	8/7/07	5/22/07	5/17/07	4/3/07	2/7/07	12/6/06	10/16/06
Number of Days Pending	764	774	792	823	878	881	913	952	997	1034

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
0	0	0	0	0

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

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
18	0	18	$1,619,102.37	$397,421.13	$2,413,944.63

X. FEES COLLECTED FOR PROCESSING

Total Amount of Fees Collected	Percentage of Total Costs
0	0

XI – FOIA REGULATIONS
http://www.dm.usda.gov/foia.htm

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
219	57

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

Number of Consultations Received from Other Agencies that Were Pending at Your Agency as of Start of the Fiscal Year	Number of Consultations Received from Other Agencies During the Fiscal Year	Number of Consultations Received from Other Agencies that Were Processed by Your Agency During the Fiscal Year	Number of Consultations Received from Other Agencies that Were Pending 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	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Number of Days Pending	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A

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
1232	708	1656	909

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
387	**219**

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
10	17	11	30

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
72	58

F. Discussion of Other FOIA Activities (Optional)