



**DEPARTMENT OF AGRICULTURE  
CHIEF FREEDOM OF INFORMATION ACT  
OFFICER REPORT  
March 2022**

*We provide leadership on food, agriculture, natural resources, rural development, nutrition, and related issues based on public policy, the best available science, and effective management.*

*We have a vision to provide economic opportunity through innovation, helping rural America to thrive; to promote agriculture production that better nourishes Americans while also helping feed others throughout the world; and to preserve our Nation's natural resources through conservation, restored forests, improved watersheds, and healthy private working lands.*



*Photo Courtesy of USDA Agricultural Research Service*

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## EXECUTIVE SUMMARY

The United States Department of Agriculture (Department) was founded by President Abraham Lincoln in 1862 and was quickly coined “The People’s Department.” At the time, more than half of all American either lived or worked on farms, compared with the two percent today. Despite this decrease, the Department is still fulfilling Lincoln’s vision of touching the lives of every American through its mission to provide leadership on food, agriculture, natural resources, and related issues based on sound public policy, the best available science, and efficient management.

To successfully accomplish its mission, the Department operates more than 300 programs through an extensive network of Federal, State, and local cooperators. These programs affect every American, every day, by providing a safe and stable food supply, nutrition assistance, renewable energy, rural economic development, care for forest and conservation lands, and global opportunities for farm and forest products. These programs also hold the answers to pressing global issues like the need for renewable energy, increasing crop yields to combat hunger, protecting the food supply, and optimizing internal trade.

The Department’s success is dependent on several core values. Among them is transparency. Central to the Department’s effort to increase transparency is its Freedom of Information Act (FOIA) program. The Department’s General Counsel, Janie Simms Hipp provides program oversight for the Department’s FOIA offices at the agency and mission area. These offices all collaborate throughout the year to process the tens of thousands of records requests received at the Department.

The Department’s FOIA program is led by the General Counsel’s, Office of Information Affairs (OIA). The OIA provides day-to-day coordination and ensures statutory compliance with the FOIA. The OIA also processes FOIA requests, consultations, and appeals on behalf of all USDA staff offices with the exception of the Office of the Inspector General (OIG). The OIA also handles the FOIA functions for the Research, Education and Economics (REE) and the Trade and Foreign Agricultural Affairs (TFAA) mission areas. The Farm Production and Conservation Service, Food Nutrition and Conservation Services, Food Safety, Rural Development, and the Marketing and Regulatory Programs mission areas all continue to process independently but do coordinate with the OIA to ensure standardization in the areas of processing, training, and management.

In Fiscal Year 2021, the Department received a total of 20,956 FOIA requests. Approximately 76.8% of these incoming FOIA requests were directed to the USDA’s Farm Production and Conservation (FPAC) mission area. The Natural Resources and Environment (NRE) mission area received about 8.8%, the Marketing and Regulatory Programs mission area about 5.1%, and the Food and Nutrition & Consumer Services mission area about 1.3%. The remaining mission areas and staff offices all received 7.8% of the incoming requests. Collectively, the Department processed 21,815 requests and realized an approximate 19% reduction in its overall backlog for initial requests.



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The following report provides a comprehensive review of the steps taken throughout the Department of Agriculture to improve its FOIA administration since publication of the last Chief FOIA Officer Report in March 2020.

This report encompasses the efforts of the following mission areas and staff offices:

**Mission Areas:**

**Farm Production and Conservation (FPAC)<sup>1</sup>**

*Farm Service Agency (FSA)*  
*Natural Resources Conservation Service (NRCS)*  
*Risk Management Agency (RMA)*

**Food and Nutrition & Consumer Services (FNCS)**

*Food and Nutrition Service (FNS)*

**Food Safety**

*Food Safety and Inspection Service (FSIS)*

**Marketing Regulatory Programs**

*Agricultural Marketing Service (AMS)<sup>2</sup>*  
*Animal & Plant Health Inspection Service (APHIS)*

**Natural Resources and Environment (NRE)**

*Forest Service (FS)*

**Research, Education and Economics (REE)**

*Agricultural Research Service (ARS)*  
*Economic Research Service (ERS)*  
*National Agricultural Statistics Service (NASS)*  
*National Institute of Food and Agriculture (NIFA)*

**Rural Development (RD)**

*Rural Business Service*  
*Rural Utilities Service*  
*Rural Housing Service*

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<sup>1</sup> On May 11, 2017, USDA announced the standing up of a newly named Farm Production and Conservation (FPAC) mission area to have a customer focus and meet USDA constituents in the field.

<sup>2</sup> On September 7, 2017, USDA announced the realignment of a number of offices within the USDA. The Grain Inspection, Packers, and Stockyards Administration (GIPSA) and several program areas from the Farm Service Agency (FSA) joined the Agricultural Marketing Service (AMS) to help us better meet the needs of farmers, ranchers, and producers, while providing improved customer service and maximize efficiency.



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## **Trade and Foreign Agricultural Affairs (TFAA)<sup>3</sup>**

*Foreign Agricultural Service  
Codex Alimentarius Commission*

### **Staff Offices:**

#### **Departmental Administration (DA)**

*Office of Advocacy and Outreach (OAO)  
Office of the Chief Information Officer (OCIO)  
Office of the Executive Secretariat (OES)  
Office of Homeland Security & Emergency Coordination (OHSEC)  
Office of Human Resource Management (OHRM)  
Office of Operations (OO)  
Office of Procurement & Property Management (OPPM)  
Office of Small & Disadvantaged Business Utilization (OSDBU)  
Office of Budget & Program Analysis (OBPA)*

#### **Office for the Assistant Secretary of Civil Rights (OASCR)**

#### **Office of Hearing and Appeals**

*National Appeals Division (NAD)  
Office of the Administrative Law Judge (OALJ)  
Office of the Judicial Officer (OJO)*

#### **Office of the Chief Financial Officer (OCFO)**

*National Finance Center (NFC)*

#### **Office of the General Counsel (OGC)**

*Office of Ethics (OE)  
Office of Information Affairs (OIA)*

#### **Office of Inspector General (OIG)**

#### **Office of the Secretary (OSEC)**

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<sup>3</sup> In keeping with Congress' directive in the 2014 Farm Bill and to advance agricultural trade, the Department created an Under Secretary for Trade and Foreign Agricultural Affairs (TFAA). While reviewing options for improving coordination on trade and international activities, USDA determined that the Codex Alimentarius program (U.S. Codex Office), currently housed in the Food Safety and Inspection Service (FSIS), will be moved to the newly created TFAA mission area. The U.S. Codex Office is an interagency partnership which engages stakeholders in the development of international governmental and non-governmental food standards. The focus of the Codex Office aligns better with the mission of TFAA.

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## Section I: Steps Taken to Apply the Presumption of Openness

### FOIA Leadership:

- 1. The FOIA requires each agency to designate a Chief FOIA Officer who is a senior official at least at the Assistant Secretary or equivalent level. See 5 U.S.C. § 552(j)(1)(2018). Is your agency's Chief FOIA Officer at this level?**

Yes. USDA's Chief FOIA Officer (CFO) is a senior official at least at the Assistant Secretary or equivalent level in accordance with 5 U.S.C. §552(j)(1).

- 2. Please provide the name and title of your agency's Chief FOIA Officer.**

USDA's General Counsel, Janie Simms Hipp, was designated as the Department's CFO. Ms. Simms Hipp is a senior official and direct report to the Secretary of Agriculture.

### FOIA Training:

- 3. The FOIA directs agency Chief FOIA Officers to ensure that FOIA training is offered to agency personnel. See 5 U.S.C. § 552(a)(j)(2)(F). Please describe the efforts your agency has undertaken to ensure proper FOIA training is made available and used by agency personnel.**

All performance plans in the CFO's Office of Information Affairs (OIA) have a FOIA training provision requiring each government information specialists to participate in a minimum of two substantive training courses during the fiscal year. The CFO also requires onboarding attorneys and legal professionals in the Office of General Counsel to participate in a substantive legal primer on FOIA, that includes instruction on procedural requirements, how to perform a reasonable search, and exemption application for the Department's commonly invoked exemptions.

The OIA also continues to recommend the inclusion of a substantive FOIA training provision in performance and individualized development plans for Government Information Specialists (GIS) to the Department's senior leaders and community of FOIA Officers. To assist GIS with the training provision, the OIA circulates training opportunities offered by the Department of Justice, Office of Information Policy (DOJ-OIP), the Office of Government and Information Services (OGIS), the American Society of Access Professionals (ASAP), and the Graduate School USA.

- 4. Did your FOIA professionals or the personnel at your agency who have FOIA responsibilities attend substantive FOIA training during the reporting period such as that provided by the Department of Justice?**

Yes. USDA's FOIA professionals continued to participate in substantive FOIA training and conferences during the reporting period. These training sessions were hosted by the OIA, the DOJ-OIP, the OGIS, and the ASAP.



**5. If yes, please provide a brief description of the type of training attended or conducted and the topics covered.**

**OIA:** The OIA continued to promote its online training *FOIA for FOIA Professionals* in the Department’s online training repository in addition to the suite of online courses offered by the DOJ-OIP.

**DOJ-OIP:** USDA’s FOIA professionals also attended the following training programs provided by the DOJ-OIP:

- Virtual Procedural Requirements and Fees Workshop
- Virtual Freedom of Information Act Litigation Seminar
- Virtual Introduction to the Freedom of Information Act
- Virtual Exemptions 1 and 7 Workshop

**Other External Training Courses and Conferences:** USDA’s FOIA professionals also participated in the following external training courses and conferences:

- ASAP: Tech Talk: Challenges in the Digital World
- ASAP: Virtual National FOIA Conference
- ASAP: Food and Privacy Act Interface
- ASAP: FOIA Court Case Update
- ASAP: Food for Thought
- OGIS: Saving the Freedom of Information Act

Many USDA components also reported providing substantive FOIA training for its GIS. For example, the Agricultural Marketing Service (AMS) provided training on the handling of investigative files, the Farm Production and Conservation (FPAC) on its most frequently used confidentiality statute, and Rural Development (RD) on its frequently requested Rural Utility Service Form 12.

**6. Provide an estimate of the percentage of your FOIA professionals and staff with FOIA responsibilities who attended substantive FOIA training during this reporting period.**

Approximately 92% of USDA’s FOIA professionals participated in either one or more substantive FOIA training courses.

**7. OIP has [directed agencies](#) to “take steps to ensure that all of their FOIA professionals attend substantive FOIA training at least once throughout the year.” If your response to the previous question is that less than 80% of your FOIA professionals attended training, please explain your agency’s plan to ensure that all FOIA professionals receive or attend substantive FOIA training during the next reporting year.**

Not applicable. More than 80% of our FOIA professionals participated in substantive FOIA training courses.

**8. Did the personnel at your agency who have FOIA responsibilities attend training in federal records management during this reporting period?**

Yes. All USDA employees and contractors are required to complete the OIA's annual mandatory records management training course. To date, USDA has an overall completion rate of 90%.

**Outreach:**

**9. Did your FOIA professionals engage in any outreach or dialogue, outside of the standard request process, with the requester community or open government groups regarding your administration of the FOIA? Please describe any such outreach or dialogue, and, if applicable, any specific examples of how this dialogue has led to improvements in your agency's FOIA administration.**

Yes. Our Food Safety and Inspection Service (FSIS) routinely engages with members of the general public via their weekly Constituent Update subscription service. To date, more than 47k individuals subscribe to the service. Recently, FSIS announced in its Constituent Update that new data sets (e.g., egg product sampling data, raw ground beef sampling data, etc.) will be proactively posted.

**Other Initiatives:**

**10. Describe any efforts your agency has undertaken to inform non-FOIA professionals of their obligations under the FOIA. In particular, please describe how often and in what formats your agency provides FOIA training or briefings to non-FOIA staff and if senior leaders at your agency received a briefing on your agency's FOIA resources, obligations, and expectations during the FOIA process.**

The OIA is continuing to provide weekly virtual FOIA training via Microsoft Teams to all of the Department's onboarding political appointees. The OIA also provides short micro learning opportunities for political appointees at least monthly at either subcabinet or other senior level meetings that emphasizes their role in the FOIA process.

The OIA was also invited to submit routine briefings to the Office of the Secretary and meet with Secretary Thomas Vilsack on the status of USDA's FOIA program. Among other items, the OIA addressed the impact of the 2019 realignment of the Departmental FOIA program to the General Counsel, funding, progress on the reduction of our backlog, end of the year goals, and processing trends. Our Secretary is deeply committed to ensuring FOIA compliance. In early September 2021, he circulated the below message to all USDA employees to both acknowledge the work of USDA's FOIA community but most importantly, remind the Department that FOIA is everyone's responsibility.



**This email is intended for all USDA employees.**  
**\*\*\*\*\* Please do not respond to this mailbox. Thank you. \*\*\*\*\***

Colleagues,

I would like to highlight the outstanding work of USDA's Freedom of Information Act (FOIA) professionals. Since 1967, the FOIA has provided the public the right to request access to records from any federal agency. It is often described as the law that keeps citizens in the know about their government. At USDA, we are committed to ensuring transparency and trust with the public. Although the USDA community has a number of full-time FOIA professionals, there are also many staff members performing FOIA functions across the country in addition to other assigned duties. This is testament to the shared responsibility and dedication towards this priority. I applaud the teams' hard work and diligent effort to respond promptly to FOIA requests, to adapt a presumption in favor of disclosure, and to provide exemplary customer service for the tens of thousands of requesters seeking records annually.

In fiscal year 2020, the FOIA community decreased its overall initial backlog by 12.8% and its administrative appeal backlog by 20.4%. The FOIA community also successfully closed all 10 of its overall oldest initial requests and administrative appeals. This is significant progress, and this team was able to do this because of your help.

Today I am asking each USDA employee to renew your commitment to open government and transparency and embrace the challenge of living up to the FOIA's aims and aspirations. Ensuring fulfillment of both the letter and the spirit of the FOIA is the responsibility of everyone at USDA.

If you should receive a request for records from a FOIA professional, please promptly conduct a search and return any potentially responsive records unredacted to the assigned FOIA professional. Similarly, if you receive a FOIA consultation request from a FOIA professional, please promptly arrange a review of the records and keep an open a line of communication with the assigned FOIA professional. Time is of the essence. Generally speaking, the FOIA only provides 20 working days to satisfy records requests. Requests not promptly satisfied can result in costly litigation for our programs.

If you have any outstanding search or consultation requests, please immediately coordinate with your assigned FOIA professionals. By taking action today, you can ensure the timely production of records that sheds light on the great work we do at USDA. Let us continue working together to promote public trust. FOIA remains an emblem of a free society, that values openness and ultimately, the peoples' right to know.

Once again, I would like to thank our FOIA community for their outstanding efforts and continually pushing themselves to improve USDA's administration of the FOIA. For more information about FOIA, please visit [FOIA.gov](https://www.foia.gov). If you have specific questions about USDA's FOIA process, please email [USDAFOIA@usda.gov](mailto:USDAFOIA@usda.gov).

Sincerely,

Tom Vilsack  
Secretary of Agriculture



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## Section II: Steps Taken to Ensure that Your Agency Has an Effective System in Place for Responding to Requests

- 1. For Fiscal Year 2021, what was the average number of days your agency reported for adjudicating requests for expedited processing?**

USDA's average number of days to adjudicate requests for expedited processing is 20.5 calendar days.

- 2. If your agency's average number of days to adjudicate requests for expedited processing was above ten calendar days, according to Section VIII.A. of your agency's Fiscal Year 2021 Annual FOIA Report, please describe the steps your agency will take to ensure that requests for expedited processing are adjudicated within ten calendar days or less.**

During the fiscal year, USDA realized a 74% reduction in the average number of days to adjudicate expedited processing requests. The OIA will continue to provide notice to those GIS with requests that are either close to or going beyond the statutory timeframe for adjudication with the aim of seeing further reductions in 2022.

- 3. The FOIA Improvement Act of 2016 required all agencies to update their FOIA regulations within 180 days. In 2016, OIP issued Guidance for Agency FOIA Regulations and the accompanying Template for Agency FOIA Regulations to assist agencies in updating their regulations in accordance with the statute. Has your agency updated its FOIA regulations in accordance with the FOIA Improvement Act of 2016? If not, what is your agency's plan to update your regulations?**

Yes. USDA has updated its FOIA regulations. For a copy of our regulations, please click [here](#).

- 4. Standard Operating Procedures (SOPs) generally document your agency's internal process for administering the FOIA beyond your FOIA regulations and FOIA Reference Guide. As noted in OIP's guidance, having SOPs can improve the consistency and quality of an agency's FOIA process. SOPs can also serve as a significant resource for incoming FOIA professionals and a way to preserve much of the agency's institutional knowledge on administering the FOIA from how to handle requests from start-to-finish, to identifying and making proactive disclosures, to maintaining a FOIA website. Does your agency have up-to-date internal SOPs for your FOIA administration?**

All USDA FOIA components have internal SOPs. However, some components advised that updates are required to reflect changes in processes and procedures as a result of the maximum telework posture.

**5. If not, please provide a timeline for when your agency plans to develop or update its SOPs.**

Our components requiring updates to their SOPs anticipate completion by the end of calendar year 2022.

**6. Has your agency established alternative means of access to first party requested records outside the FOIA process?**

Yes. Some of our components with first party requests have established alternative means of access outside the FOIA process.

**7. If yes, please provide examples. If not, please explain if such opportunities exist at your agency and whether there are any challenges in establishing alternative means of access.**

FS continues to operate a process whereby unsuccessful job applicants can request hiring records for those positions applied for directly from Human Resources Management in accordance with Master Agreement and Merit Promotion and Internal Placement directive (DR 4030-355-002). The hope continues to be that the swift return of records will facilitate better preparation for future employment opportunities.

RD recently added a link to its FOIA [page](#) to make it easier for requesters and homeowners to obtain information related to Single-Family Housing Direct loans such as payment history, balance, and payoff instruction directly from the RD Servicing Office.

**8. During the reporting period, did your agency conduct a self-assessment of its FOIA program? If so, please describe the methods used, such as reviewing Annual Report data, using active workflows and track management, reviewing and updating processing procedures, etc.**

Yes. The OIA continued to regularly conduct self-assessments of the Department's FOIA program by reviewing data collected in the enterprise wide FOIA tracking system and our component's internal operating procedures. Findings were memorialized and shared with the Secretary, CFO and other senior FOIA champions across the Department with the aim of helping to increase resource allocations and the program's overall visibility.

**9. The FOIA Improvement Act of 2016 requires additional notification to requesters about the services provided by the agency's FOIA Public Liaison. Please provide an estimate of the number of times requesters sought assistance from your agency's FOIA Public Liaison during Fiscal Year 2021 (please provide a total number or an estimate of the number).**

Approximately 39 requests were received for assistance during Fiscal Year 2021.

**10. Has your agency reviewed its FOIA-related staffing capabilities to identify resources needed to respond to current and anticipated FOIA demands?**

Yes. Recognizing that the demands under FOIA can fluctuate, the OIA has a blanket purchase agreement in place to provide USDA’s FOIA components with varying levels of FOIA contractor support. These FOIA contractors provide a range of services to include backlog reduction initiatives, FOIA litigation support, and coordination with the processing of complex FOIAs.

**Section III: Steps Taken to Increase Proactive Disclosures**

**1. Please describe what steps your agency takes to identify, track, and post (a)(2) proactive disclosures.**

Steps will vary from component to component, but generally program offices will notify and seek the input of public affairs and communications staff about records involving significant policy decisions that they believe should be proactively disclosed to the public.

**2. Provide examples of any material that your agency has proactively disclosed during the past reporting year, including records that have been requested and released three or more times in accordance with 5 U.S.C. 552(a)(2)(D). Please include links to these materials as well.**

Component/	Examples
AMS	<a href="#">Economic Landscape Reports</a> <a href="#">2021 Organic Oversight and Enforcement Update</a> <a href="#">Meat Grading Reports</a>
ARS	This past year, the Agricultural Research Service’s National Bio and Agro-Defense Facility improved and expanded its website providing valuable records related to the construction of the facility and its research goals. The requester community responded favorably to the new information and appreciated the USDA’s transparency in regard to its valuable new facility.
APHIS	<a href="#">Animal Welfare and Horse Protection Actions</a> <a href="#">FOIA Logs</a>
FAS	The FAS regularly publishes data and analysis on foreign trade and related topics through its publicly available <a href="#">website</a> . FAS staff routinely update publications including reports on commodity data, current and historical data on international trade in agriculture products, weekly aggregate information on export sales by commodity and country, production and supply data, and provides insight and analysis from FAS’s overseas offices on issues affecting

	agricultural production and trade through the Global Agricultural Information
FSA	<a href="#">Payment Files</a> <a href="#">Crop Acreage Data</a>
FSIS	<a href="#">Monthly FOIA Logs</a> <a href="#">Monthly MPI Directory</a> <a href="#">Quarterly Enforcement Reports</a> <a href="#">Humane Handling Letters</a> <a href="#">Import Refusals</a> <a href="#">Annual Sampling Plan</a> <a href="#">Import Inspection Establishments Approved for Siluriformes</a> <a href="#">Laboratory Sampling Data</a> <a href="#">Quarterly Sampling Reports on Salmonella</a> <a href="#">Quarterly Sampling Reports on Ready-to-eat-Products and Egg Products</a> <a href="#">Weekly Residue Repeat Violators List</a> <a href="#">Senior Leadership Calendars</a>
FS	<a href="#">Compass Live</a> is the FS’ Southern Research Station’s online science magazine featuring the latest research information, new and archived journal articles, general technical reports, and other publications.
NASS	The National Agricultural Statistics Service (NASS) published Quality Measures for the Annual Crop Production, Grain Stocks, and Small Grains estimates. These records provide greater detail on the statistical methodology, sample sizes, response rates, and statistical quality measures associated with the estimates contained in the reports.
OCE	<a href="#">World Agricultural Supply and Demand Estimates</a>
RD	<a href="#">Grant Awards</a>

**3. Does your agency disseminate common types of materials outside of FOIA, including in online databases where the public may access them? If yes, please provide examples and, if applicable, statutory authority.**

Yes. The National Institute of Food and Agriculture’s (NIFA) [Data Gateway](#) has been extremely valuable to its stakeholders, the public, and Congress. It allows users to search all NIFA and Agricultural Research Service grants for funding information, project narratives, and data outcomes among other items.

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- 4. Beyond posting new material, is your agency taking steps to make the posted information more useful to the public, especially to the community of individuals who regularly access your agency's website?**

Yes. USDA is taking steps to make posted information more useful to the public.

- 5. If yes, please provide examples of such improvements. In particular, please describe steps your agency is taking to post information in open, machine-readable, and machine actionable formats, to the extent feasible. If not posting in open formats, please explain why and note any challenges.**

Yes. USDA's National Agricultural Library (NAL) through its [AgData Commons](#) service makes USDA funded research data open, accessible, and machine-readable. As part of its suite of services, the AgData Commons team offers several webinars for USDA employees on data management, making records machine-readable, and curation.

- 6. Does your proactive disclosure process or system involve any collaboration with agency staff outside the FOIA office? If so, describe the interaction.**

Yes. While the process for posting may vary from component to component, if FOIA professionals identify a candidate for proactive disclosure, they will generally coordinate with (a) the program offices to confirm posting eligibility; (b) 508 coordinators to ensure compliance with the Rehabilitation Act; (c) IT service providers for assistance with posting; and finally, (d) the Office of Communications for general awareness.

#### **Section IV: Steps Taken to Greater Utilize Technology**

- 1. Has your agency reviewed its FOIA-related technological capabilities to identify resources needed to respond to current and anticipated FOIA demands?**

Yes. As part of its assessment of USDA's FOIA administration, the OIA routinely reviews existing tools and continues to explore others that may be of value to USDA's FOIA community.

- 2. Please briefly describe any new types of technology your agency began using during the report period to support your FOIA program.**

FS recently purchased Axon Evidence to assist with the growing number of requests for videos. FPAC reported purchasing an agency content management and file sharing platform to assist with the secure delivery of voluminous record sets to requesters. A few other components reported the purchase of the AutoPortfolio plug-in for Adobe to assist with the de-duplication of emails and extraction of email file attachments.

- 3. OIP issued guidance in 2017 encouraging agencies to regularly review their FOIA websites to ensure that they contain essential resources and are informative and user-friendly. Has your agency reviewed its FOIA website(s) during this reporting period to ensure it addresses the elements noted in the guidance.**



The OIA is pleased to report that it has fully revamped the Department’s main FOIA landing [page](#) in accordance with DOJ-OIP’s 2017 guidance. The new site is much more user-friendly and contains requirements for submitting a request, FOIA contact information, access to reading rooms, online submission portal, reports, and other FOIA resources.

Several USDA components also reported modernizing their individual sites. For example, RD performed an assessment of its reading room and identified areas for improvement. The site now features frequently requested datasets, updated information regarding RD’s FOIA program and processing procedures, updated resources tabs, and instructions for mortgage borrowers to retrieve information on their home loans.

FSIS also revised its site in early 2021 to make it more task-oriented and user friendly. The redesign involved reorganizing content into consistent sets of information (food safety, science and data, policy, and inspection) that are simpler to navigate and used faceted search tools to help users sift and sort libraries of content to find what they need. The site uses structured content that relies on taxonomy to make connections between related topics, so that users can find and explore related content or data. FSIS is currently evaluating publicly posted data documentation on an ongoing basis, to update and expand data dictionaries and other reference resources as needed.

**4. Did all four of your agency’s quarterly reports for Fiscal Year 2021 appear on your agency’s website and on FOIA.gov?**

Yes. All four quarterly reports appear on USDA’ FOIA website and FOIA.gov.

**5. If your agency did not successfully post all quarterly reports, with information appearing on FOIA.gov, please explain why and provide your agency’s plan for ensuring that such reporting is successful in Fiscal Year 2022.**

Not Applicable. USDA posted all four of its quarterly reports.

**6. The FOIA Improvement Act of 2016 requires all agencies to post the raw statistical data used to compile their Annual FOIA Reports. Please provide the link to this posting for your agency’s Fiscal Year 2020 Annual Report and, if available, for your agency’s Fiscal Year 2021 Annual FOIA Report.**

The raw statistical data for Fiscal Years 2020 and 2021 is available at <https://www.usda.gov/ogc/office-information-affairs/foia-division> under the “USDA Reports” tab.

## Section V: Steps Taken to Improve Timeliness in Responding to Requests and Reducing Backlogs

### A. Simple Track

#### 1. Does your agency utilize a separate track for simple requests?

Yes. USDA utilizes a separate track for simple requests.

#### 2. If your agency uses a separate track for simple requests, according to Annual FOIA Report section VII.A, was the agency overall average number of days to process simple requests twenty working days or fewer in Fiscal Year 2021?

No. The average number of days to process simple requests was 20.5 working days.

#### 3. Please provide the percentage of requests processed by your agency in Fiscal Year 2021 that were placed in your simple track.

The percentage of requests processed by USDA in Fiscal Year 2021 that were placed in the simple track is 41.06%

#### 4. If your agency does not track simple requests separately, was the average number of days to process all non-expedited requests twenty working days or fewer?

Not applicable. USDA tracks simple requests separately.

### B. Backlogs

#### BACKLOGGED REQUESTS

#### 5. If your agency had a backlog of requests at the close of Fiscal Year 2021, did that backlog decrease as compared with the backlog reported at the end of Fiscal Year 2020?

Yes. The overall number of backlogged requests decreased by 18.5% in Fiscal Year 2021.

	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
USDA OVERALL	2,546	2,081

#### 6. If not, did your agency process more requests during Fiscal Year 2021 than it did during Fiscal Year 2020?

No Applicable. USDA reduced its backlog in Fiscal Year 2021.

**7. If your agency’s request backlog increased during Fiscal Year 2021, please explain why, and describe the causes that contributed to your agency not being able reduce its backlog. When doing so, please also indicate if any of the following were contributing factors:**

- An increase in the number of incoming requests.
- A loss of staff.
- An increase in the complexity of the requests received. If possible, please provide examples or briefly describe the types of complex requests contributing to your backlog increase.
- Any other reasons – please briefly describe or provide examples when possible.

No Applicable. USDA reduced its backlog in Fiscal Year 2021.

**8. If you had a request backlog, please report the percentage of requests that make up the backlog out of the total number of requests *received* by your agency in Fiscal Year 2021.**

The percentage of requests that make up the backlog is 9.92%.

**BACKLOGGED APPEALS**

**9. If your agency had a backlog of appeals at the close of Fiscal Year 2021, did that backlog decrease as compared with the backlog reported at the end of Fiscal Year 2020?**

Yes. The overall number of backlogged appeals decreased by approximately 79.11% in Fiscal Year 2021.

	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
USDA OVERALL	814	170

**10. If not, did your agency process more appeals during Fiscal Year 2021 than it did during Fiscal Year 2020?**

No Applicable. USDA reduced its backlog in Fiscal Year 2021.

**11. If your agency’s appeal backlog increased during Fiscal Year 2021, please explain why, and describe the causes that contributed to your agency not being able to reduce its backlog. When doing so, please also indicate if any of the following were contributing factors:**

- **An increase in the number of incoming requests.**
- **A loss of staff.**
- **An increase in the complexity of the requests received. If possible, please provide examples or briefly describe the types of complex requests contributing to your backlog increase.**
- **Any other reasons – please briefly describe or provide examples when possible.**

Not Applicable. USDA reduced its backlog in Fiscal Year 2021.

**12. If you had an appeal backlog, please report the percentage of appeals that make up the backlog out of the total number of appeals received by your agency in Fiscal Year 2021.**

The percentage of appeals that make up the backlog out of the total number of appeals received by USDA in Fiscal Year 2021 is 112.5%.

**C. Backlog Reduction Plans:**

**13. In the guidelines for the Chief FOIA Officer Reports, any agency with a backlog of over 1,000 requests in Fiscal Year 2020 was asked to provide a plan for achieving backlog reduction in the year ahead. Did your agency implement a backlog reduction plan last year? If so, describe your agency’s efforts in implementing this plan and note if your agency was able to achieve backlog reduction in Fiscal Year 2021?**

While USDA did not have a plan, it did carefully track in real time and share with senior leaders, progress toward meeting end of year backlog reduction goals. USDA was successful in its efforts and realized an 18.5% reduction in its overall initial request backlog.

**14. If your agency had a backlog of more than 1,000 requests in Fiscal Year 2021, what is your agency’s plan to reduce this backlog during Fiscal Year 2022?**

USDA is committed to further reductions in Fiscal Year 2022. It will continue to monitor in real time progress in the Department’s enterprise wide FOIA tracking system and report dashboard. The OIA will also set and track quarterly milestones beginning in quarter 2 of Fiscal Year 2022. Additionally, the OIA’s BPA for FOIA contract support services will continue to be available to all USDA FOIA components needing additional support for short-term backlog initiatives, requests surges, and FOIA litigation.

**D. Status of Ten Oldest Requests, Appeals, and Consultations:**

**OLDEST REQUESTS**

**15. In Fiscal Year 2021, did your agency close the ten oldest requests that were reported pending in your Fiscal Year 2020 Annual FOIA Report?**

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No. USDA was unable to close its ten oldest requests reported pending in the Fiscal Year 2020 Annual FOIA Report.

**16. If no, please provide the number of these requests your agency was able to close by the end of the fiscal year, as listed in Section VII.E of your Fiscal Year 2021 Annual FOIA Report. If you had fewer than ten oldest requests to close, please indicate that.**

USDA closed eight of its ten oldest requests reported pending in the Fiscal Year 2020 Annual FOIA Report.

**17. Beyond work on the ten oldest requests, please describe any steps your agency took to reduce the overall age of your pending requests.**

Many of our FOIA components continued to refine their procedures for their intake teams that among other items, focused on negotiating the scope of requests alongside record custodians to conduct searches and reviews more efficiently. When the scope of a requests is understood by the requester, the record custodian, and the FOIA professional, all can work collaboratively to quickly satisfy the request and, in those instances, where the records requested are voluminous, initiate a manageable production schedule.

#### TEN OLDEST APPEALS

**18. In Fiscal Year 2021, did your agency close the ten oldest appeals that were reported pending in your Fiscal Year 2020 Annual FOIA Report?**

No. USDA was unable to close its ten oldest appeals reported pending in the Fiscal Year 2020 Annual FOIA Report.

**19. If no, please provide the number of these appeals your agency was able to close by the end of the fiscal year, as listed in Section VII.C.(5) of your Fiscal Year 2020 Annual FOIA Report. If you had less than ten total oldest appeals to close, please indicate that.**

USDA closed nine of its ten oldest appeals reported pending in the Fiscal Year 2020 Annual FOIA Report.

**20. Beyond work on the ten oldest appeals, please describe any steps your agency took to reduce the overall age of your pending appeals.**

FOIA components with the larger queue of backlogged appeals continued to employ teams of contractors to assist with the processing of existing and new incoming appeals.

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## TEN OLDEST CONSULTATIONS

**21. In Fiscal Year 2021, did your agency close the ten oldest consultations that were reported pending in your Fiscal Year 2020 Annual FOIA Report?**

Yes. USDA closed its ten oldest consultations that were reported pending in the Fiscal Year 2020 Annual FOIA Report.

**22. If no, please provide the number of these consultations your agency was able to close by the end of the fiscal year, as listed in Section XII.C. of your Fiscal Year 2018 Annual FOIA Report. If you had less than ten total oldest consultations to close, please indicate that.**

Not applicable. USDA closed its ten oldest consultation.

### **E. Additional Information on Ten Oldest Requests, Appeals, and Consultations & Plans:**

**23. Briefly explain any obstacles your agency faced in closing its ten oldest requests, appeals, and consultations from Fiscal Year 2021.**

Some of the items on components ten oldest lists involved large sets of paper records that GIS were unfortunately unable to retrieve from record custodians while the Department remained in a maximum telework status.

**24. If your agency was unable to close any of its ten oldest requests because you were waiting to hear back from other agencies on consultations you sent, please provide the date the request was initially received by your agency, the date when your agency sent the consultation, and the date when you last contacted the agency where the consultation was pending.**

Not applicable.

**25. If your agency did not close its ten oldest pending requests, appeals, or consultations, please provide a plan describing how your agency intends to close those “ten oldest” requests, appeals, and consultations during Fiscal Year 2021.**

The OIA will develop some quarterly milestones and then continue to monitor each component’s progress on closing its ten oldest requests, appeals, and consultations. The OIA is also working with a few components to secure FOIA contract support to help with the processing of some of the more complex backlogged requests. For those backlogged items that were primarily paper and inaccessible during the reporting cycle, USDA will prioritize upon employees’ safe return to the office.



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**F. Out of all the activities undertaken by your agency since March 2021 to increase transparency and improve FOIA administration, please briefly describe here at least one success story that you would like to highlight as emblematic of your agency’s efforts. The success story can come from any one of the five key areas. As noted above, these agency success stories will be highlighted during Sunshine Week by OIP. To facilitate this process, all agencies should use bullets to describe their success story and limit their text to a half page. The success story is designed to be a quick summary of key achievements. A complete description of all your efforts will be contained in the body of your Chief FOIA Officer Report.**

- USDA continued to operate efficiently and with flexibility during the COVID-19 pandemic by taking advantage of new technologies that facilitated remote collaboration. SharePoint sites, shared drives, and video conferencing allowed our professionals to review, share, and edit records while working remotely. To reduce delays in processing, USDA continued its promotion of its Public Access Link (PAL) and electronic general mailboxes for the submission of requests. USDA was also prompt in initiating dialogue with requesters about the accessibility of records responsive to their requests.
- USDA’s FOIA community continued to make significant strides in demonstrating its commitment to open government and transparency by further reducing its backlog of initial FOIA requests and administrative appeals. Initial FOIA requests were reduced by 18.5% and the administrative appeals by an astounding 79%. The key contributor for the initial request backlog was the General Counsel’s Office of Information Affairs (OIA), as it reduced the Departmental Administration and the Research Education and Economics queues by 60%, the Office of the Secretary’s queue by 50%, the Foreign Agricultural Service by 18.75%, and completely zeroed out the queues for the Office of the Chief Financial Officer and the Office of Hearing and Appeals. For the administrative appeals, the Food and Nutrition Service completely zeroed out its queue by closing an impressive 664 requests with the assistance of the Office of the General Counsel’s General Law and Research Division.