



**DEPARTMENT OF AGRICULTURE  
CHIEF FREEDOM OF INFORMATION ACT  
OFFICER REPORT  
March 2018**

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

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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 Acting Chief Information Officer, Mr. Gary Washington provides program oversight for all of 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 FOIA requests received at the Department.

The Department’s FOIA program is led by the Office of the Chief Information Officer’s (OCIO) Department FOIA Office (DFO). The DFO provides day-to-day coordination and oversight and ensures statutory compliance with the FOIA. The DFO also processes FOIA requests, consultations, and appeals on behalf of the Office of the Secretary (OSEC) and Departmental Management.

In Fiscal Year 2017, the Department processed approximately 94% of the 25,461 FOIA requests received. Of these received requests, about 84% were processed in less than twenty working days. Additionally, many of the Department’s components made substantial progress on reducing their request backlog. The Agricultural Marketing Service (AMS) had a 20% reduction, the Forest Service (FS) a 32% reduction, Food Safety & Inspection Service (FSIS) a 53.9% reduction, the Natural Resource Conservation Service (NRCS) a 8% reduction, the Office of the Inspector General a 12% reduction, Rural Development a 41.4% reduction, the Research, Education and Economics (REE) a 25% reduction, and the Risk Management Agency (RMA) a 12.5% reduction.



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

Agricultural Marketing Service (AMS)<sup>1</sup>  
Animal & Plant Health Inspection Service (APHIS)  
Farm Service Agency (FSA)  
Departmental Management (DM)  
    *Office of the Administrative Law Judges (OALJ)*  
    *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)*  
Food, Nutrition & Consumer Services (FNCS)  
Food Safety & Inspection Service (FSIS)  
Foreign Agricultural Service (FAS)  
Forest Service (FS)  
Grain Inspection, Packers & Stockyards (GIPSA)  
National Appeals Division (NAD)  
Natural Resources Conservation Service (NRCS)  
Office of Budget & Program Analysis (OBPA)  
Office of Communications (OC)  
Office of the Chief Financial Officer (OCFO)  
    *National Finance Center (NFC)*  
Office for the Assistant Secretary of Civil Rights (OASCR)  
Office of the General Counsel (OGC)  
    *Marketing, Regulatory, and Food Safety Programs (MRFSP)*  
    *International Affairs, Food Assistance, and Farm and Rural Programs*  
    *Natural Resources and Environment (NRE)*  
    *General Law and Research (GLRD)*  
    *Civil Rights, Labor and Employment Law*  
    *Office of Ethics (OE)*  
Office of the Secretary (OSEC)  
Office of Inspector General (OIG)  
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)*  
Risk Management Agency (RMA)  
Rural Development (RD)

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<sup>1</sup> On September 7, 2017, Agriculture Secretary Sonny Perdue 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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## Section I: Steps Taken to Apply the Presumption of Openness

### FOIA Training:

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

Yes. USDA's FOIA professionals participated in substantive FOIA training and conferences during the reporting period hosted by the Department, the Department's Office of General Counsel, General Law and Research Division (OGC-GLRD), the Department of Justice, Office of Information Policy (DOJ-OIP), the Office of Government Information Services (OGIS), the American Society of Access Professionals (ASAP), the Graduate School USA, AINS Inc., and USDA's various components.

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

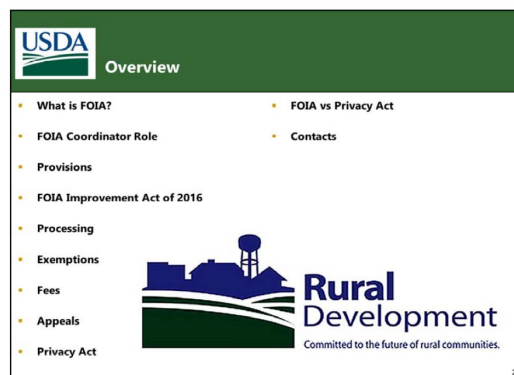
**DFO:** The DFO continued to promote its online training *FOIA for FOIA Professionals* in the Department's online training repository in addition to the suite of online courses offered by the DOJ-OIP. The DFO also upon request provided training to several components on issues such as the application of Exemptions 4 and 5, assessing fees, and how to conduct an adequate search.

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

- Introduction to the Freedom of Information Act
- The Freedom of Information Act for Attorneys and Access Professionals
- Advanced Freedom of Information Act Seminar
- Best Practices: Collaborating for Results
- Best Practices: Self Assessments and Improving FOIA Processes

**OGC-GLRD:** The OGC-GLRD provided classroom instruction to APHIS' FOIA professionals on a variety of issues to include procedural issues and application of Exemptions 4, 5 and 6 as part of phase two of its continued Business Process Improvement plan.

**RD:** The FOIA professionals in RD's Washington, D.C.; office provided training to its state FOIA professionals. An overview of the topics covered are included below.



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

- ASAP: 10<sup>th</sup> Annual National Training Conference
- ASAP: 2017 FOIA-Privacy Training Workshop (Chicago)
- OGIS: Dispute Resolution Skills for FOIA Professionals
- USA Graduate School: Freedom of Information and Privacy Acts
- AINS: FOIAXpress User Conference & Technology Summit 2017

**3. 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 90% of USDA’s FOIA professionals participated in either one or more substantive FOIA training courses.

**4. 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 facilitated by the Department, OGC-GLRD, DOJ-OIP, OGIS, ASAP, USA Graduate School, AINS Inc., and various USDA components.

**Outreach:**

**5. Did your FOIA professionals engage in any outreach or dialogue with the requester community or open government groups regarding your administration of the FOIA?**

Yes. In an effort to improve dialogue and transparency, the Acting Undersecretary for Food Safety and FSIS’ Management Council meets monthly with its stakeholders to discuss items of interest. Recurring agenda items include updates from the Office of Food Safety, updates on the Public Health Information System, updates on illness outbreak investigations and lab methods,

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upcoming policy notices, issuances and directives. FSIS also presents on a topic of mutual interest like the New Poultry Inspection Systems, social media and digital outreach initiatives, and establishment specific data and postings. At the conclusion of each meeting, participants are encouraged to submit both agenda items and questions for upcoming meetings via their assigned FSIS liaison. Participation and attendance varies, but will typically include approximately 5-15 consumer stakeholder representatives and 15-25 industry representatives.

Other components have advised that they regularly engage in dialogue with requesters on issues like record keeping practices, search capabilities, and overall FOIA practices as this does in fact greatly assist with the formulation and processing of future requests.

#### **Other Initiatives:**

#### **6. Describe any efforts your agency has undertaken to inform non-FOIA professionals of their obligations under the FOIA.**

**DFO Outreach:** The DFO provided several one hour training sessions to component management teams with the hope participants will share with their employees the importance of timely returning records and following up to inquiries from its component's FOIA professionals.

**Component Outreach:** Several USDA components reported providing training to non-FOIA professionals. For example, APHIS implemented a quarterly training program for its record custodians. This program was led by the APHIS FOIA Director in coordination with the APHIS FOIA Liaison and provided participants more than sixteen hours of training on the FOIA Improvement Act of 2016, instruction on how to properly utilize the SharePoint for returning records to APHIS' FOIA professionals, requirements for conducting a search to include usage of the FOIA search form, and an explanation of why the grade and step of a record custodian and the total number of hours to perform a search is needed to complete a fee assessment.

The FS-WO also provided multiple training sessions for its record custodians. These sessions emphasized the importance of the timely return of records, proactive disclosures, some common questions typically raised by FOIA professionals during their review of the records, and points of contact to reach out to should questions arise. A few slides from some of those sessions are included on the next page.

## FOIA Requests

### Your Responsibility

- If the request came from a member of the **public**, send it to your FOIA POC where it will be logged in for processing and reporting purposes
- If you are tasked to search for records by a **FOIA POC**:
  - **Contact the FOIA analyst** as soon as possible if you need clarification
  - **Conduct the search** as quickly as possible
  - **Complete the form with detailed information related to the search**
  - Turn over **all responsive** records so they can be reviewed by the FOIA office
  - If you notice sensitive information, let the FOIA analyst know. You may include a second set of the documents with markups to show the sensitive information but be certain to include an unmarked copy
- **Cooperation and collaboration** are key

Reference: "FOIA Search – Quick Guide for Forest Service Employees"

## What Should My Search Capture?

- **Who** searched for the records
- **When** the search was conducted (date)
- **What** search terms were used
- **Where** you searched
  - Which offices and sub-offices were searched
  - Types of files searched (Computer, Paper Files, Systems of records, etc.)
- **Why** you used the selected search terms & why you focused your search to specific types of files or particular offices/sub-offices

Provided by FOIA Office, and must be returned with every search to complete the case file.

- Part I – Details of FOIA: This section is completed by the FOIA Office.
- Part III – Comments from the Search Office.
- Part IV – Certification of the Search
- Searcher or search coordinator certifies that the search was diligent and included paper and electronic records where appropriate.

Additionally, some of our components like the ASCR, FSA and OGC incorporate FOIA training for records custodians as part of their onboarding process for new hires.



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**7. If there are any other initiatives undertaken by your agency to ensure that the presumption of openness is being applied, please describe them here.**

Yes. USDA submitted for formal clearance its revisions to USDA's current regulations codified at 7 C.F.R. Part 1 Subpart A and last revised on July 28, 2000 that implement the FOIA. The revisions are modeled, in part, after the template published by the DOJ-OIP and will streamline USDA's FOIA processing procedures but, most importantly, incorporate both administrative and procedural changes brought about by the OPEN Government Act of 2007 and the FOIA Improvement Act of 2016, like the designation of a FOIA Public Liaison, the requirement for written notice by USDA to extend the time limits for processing, codification of the "foreseeable harm" standard, the extended window for requesters to file an appeal. The regulations will also ensure the presumption of openness when responding to FOIAs.

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

**Processing Procedures:**

**1. For Fiscal Year 2017, 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 11.65 calendar days.

**2. If your agency's average number of days to adjudicate requests for expedited processing was above ten calendar days, please describe the steps your agency will take to ensure that requests for expedited processing are adjudicated within ten calendar days or less.**

The DFO will continue on a quarterly basis to remind component FOIA Officers to review entries in the enterprise wide FOIA tracking database to ensure FOIA professionals, particularly those performing FOIA functions as a collateral duty are correctly inputting data regarding the adjudication of requests for expedited processing. The DFO will also continue to reiterate to component FOIA officers at its monthly FOIA Council meetings the importance of meeting the ten calendar day deadline.

**3. 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 DFO regularly conducts self-assessments of the Department's FOIA program, by reviewing both quarterly and the Annual FOIA report submissions, reviewing components internal operating procedures and providing recommendations, reviewing feedback from frequent requesters, as well as feedback from FOIA professionals.



APHIS continued work on its Business Process Improvement (BPI) plan. In Fiscal Year 2015, the BPI leaders provided a total of twenty-seven recommendations. In Fiscal Year 2017, APHIS completed its implementation of those recommendations. Among other items, APHIS developed a checklist of tasks for FOIA professionals processing requests, provided FOIA 101 training to record custodians, transitioned to the use of a SharePoint site to automate and receive records from the program offices, and trained staff on the available e-discovery software.

The FS' Region 2 Office invited FOIA professionals from the FS-WO and Region 5 to review its FOIA program and make recommendations for efficiencies and improved compliance. Since the review and implementation of some of the recommendations, Region 2 is pleased to report that it has successfully reduced its backlog.

Lastly, RD completed an internal Management Control Review (MCR) audit of its existing FOIA processes and procedures. MCR audits are conducted every two to three years and includes most of the same items contained in DOJ-OIP's FOIA Self-Assessment Toolkit published in September 2017. No significant findings were identified in the audit.

**4. 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 FY 2017 (please provide a total number or an estimate of the number).**

<b>Component/ Mission Area</b>	<b>Estimated Number of Times Requesters Sought Assistance from the Component's FOIA Public Liaison</b>
AMS	0
APHIS	50
ASCR	0
FAS	0
FNCS	0
FSA	3
FSIS	12
FS	12
GIPSA	1
NAD	0
NRCS	12
OBPA	0
OCFO	0
OGC	1
OIG	1
DFO	1

RD	4
REE	3
RMA	0

**5. If possible, please provide an estimate of the average number of pages that your agency processes for each request.**

<b>Component/ Mission Area</b>	<b>Estimated Number of Pages a Component Processes Per Request</b>
AMS	1,000 – 5,000 pages
APHIS	500 – 1,000 pages
ASCR	320 pages
FAS	270 pages
FNCS	42 pages
FSA	1,000 pages
FSIS	1,000 pages
FS	20,000 – 85,000
GIPSA	1,000 pages
NAD	100 pages
NRCS	100 pages
OBPA	20 pages
OCFO	100 pages
OGC	10,450 pages
OIG	1,000 pages
DFO	10,000 – 20,000 pages
RD	1,500 – 3,000 pages
REE	48 pages
RMA	500 pages

**6. If there are any other steps your agency has undertaken to ensure that your FOIA system operates efficiently and effectively, such as improving search processes, eliminating redundancy, etc., please describe them here.**

Yes. APHIS led an initiative to improve the way FOIA records are returned to its FOIA professionals. This initiative required APHIS record custodians to utilize a SharePoint site to deliver records to FOIA professionals. To date, the programs have returned records for +400 FOIA requests while lessening the need for email server space, PII vulnerabilities, and more efficient tracking of returned records

Additionally, USDA’s CloudVault has allowed the FS-WO to move large files from program offices to FOIA professionals, and has been used frequently to securely deliver large responses

to FOIA requesters. Other components, like the DFO and REE are currently using an ad hoc transfer web app, to share large files with employees and FOIA requesters.

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

**1. Provide examples of material that your agency has proactively disclosed during the past reporting year, including links to the posted material.**

A few examples of proactive disclosures are included in the chart below.

Component/ Mission Area	Examples of Proactive Disclosures
AMS	AMS disclosed settlement agreements in disputes involving violations of the Organic Food Protection Act, reports on internal reviews conducted by our enforcement division, and a log of incoming requests received by our FOIA office. All of these <a href="#">records</a> are available online.
ASCR	<ul style="list-style-type: none"> <li>• No Fear Data: <a href="https://www.usda.gov/nofear/">https://www.usda.gov/nofear/</a></li> <li>• USDA Civil Rights Agencies &amp; Offices: <a href="https://www.ascr.usda.gov/usda-civil-rights-agencies-and-offices">https://www.ascr.usda.gov/usda-civil-rights-agencies-and-offices</a></li> <li>• EEO Counselor List: <a href="https://www.ascr.usda.gov/eo-counselors">https://www.ascr.usda.gov/eo-counselors</a></li> <li>• USDA Civil Rights Directives and Regulation: <a href="https://www.ascr.usda.gov/directives-and-regulations">https://www.ascr.usda.gov/directives-and-regulations</a></li> </ul>
FNCS	<p>FNCS posts program data, research reports, and information on benefits:</p> <ul style="list-style-type: none"> <li>• <a href="http://www.fns.usda.gov/pd/supplemental-nutrition-assistance-program-snap">http://www.fns.usda.gov/pd/supplemental-nutrition-assistance-program-snap</a></li> <li>• <a href="http://www.fns.usda.gov/ops/research-and-analysis">http://www.fns.usda.gov/ops/research-and-analysis</a></li> <li>• <a href="http://www.fns.usda.gov/snap/supplemental-nutrition-assistance-program-snap">http://www.fns.usda.gov/snap/supplemental-nutrition-assistance-program-snap</a></li> </ul> <p>In FY 17, FNCS started posting Final Agency Decisions:  <a href="https://www.fns.usda.gov/snap/retailer-sanctions-final-agency-decisions-fads">https://www.fns.usda.gov/snap/retailer-sanctions-final-agency-decisions-fads</a></p> <p>FNCS also posted to the public important information pertaining to court case that resulted in many FOIA requests:  <a href="https://www.fns.usda.gov/snap-retailer-data">https://www.fns.usda.gov/snap-retailer-data</a></p>
FSIS	<p>FSIS proactively disclose data regarding import refusals due to consumer and stakeholder interest. These records are linked in the FSIS FOIA Reading Room and available on the FSIS website under Data Collection and Reports:  <a href="https://www.fsis.usda.gov/wps/portal/fsis/topics/data-collection-and-reports/data/fsis-datasets">https://www.fsis.usda.gov/wps/portal/fsis/topics/data-collection-and-reports/data/fsis-datasets</a></p>
FS	<ul style="list-style-type: none"> <li>• <a href="https://www.fs.usda.gov/detail/cibola/home/?cid=FSEPRD521529">https://www.fs.usda.gov/detail/cibola/home/?cid=FSEPRD521529</a></li> </ul>

	<ul style="list-style-type: none"> <li>• <a href="https://www.fs.usda.gov/main/tongass/landmanagement/planning">https://www.fs.usda.gov/main/tongass/landmanagement/planning</a></li> <li>• <a href="https://srs.fs.usda.gov/forestfutures/data/">https://srs.fs.usda.gov/forestfutures/data/</a></li> <li>• <a href="https://www.srs.fs.fed.us/pubs/new-publications/">https://www.srs.fs.fed.us/pubs/new-publications/</a></li> <li>• <a href="https://forestthreats.org/">https://forestthreats.org/</a></li> <li>• <a href="https://www.fs.usda.gov/srsfia/program_information/September%202017.pdf">https://www.fs.usda.gov/srsfia/program_information/September%202017.pdf</a></li> <li>• <a href="https://www.fs.usda.gov/srsfia/">https://www.fs.usda.gov/srsfia/</a></li> <li>• <a href="https://www.srs.fs.fed.us/">https://www.srs.fs.fed.us/</a></li> </ul>
NRCS	<p>NRCS conducts soil surveys and publishes this information at: <a href="https://websoilsurvey.sc.egov.usda.gov/App/HomePage.htm">https://websoilsurvey.sc.egov.usda.gov/App/HomePage.htm</a>.</p> <p>The Environmental Quality Incentives Program (EQIP) page includes information on the program: <a href="https://www.nrcs.usda.gov/wps/portal/nrcs/main/national/programs/financial/eqip/">https://www.nrcs.usda.gov/wps/portal/nrcs/main/national/programs/financial/eqip/</a>. This same page also identifies regional and national initiatives that producers may want to enroll in.</p>
OBPA	<p>OBPA’s primary documents of public interest are USDA’s Annual Budget documents and USDA’s Shutdown Plans. USDA’s Annual Budget documents are posted every year on OBPA’s website. USDA’s Shutdown Plans are updated and posted when events require their release.</p> <ul style="list-style-type: none"> <li>• <a href="https://www.obpa.usda.gov/index.html">https://www.obpa.usda.gov/index.html</a></li> <li>• <a href="https://usdasearch.usda.gov/search/docs?affiliate=usda&amp;dc=166&amp;query=Shutdown+Plans">https://usdasearch.usda.gov/search/docs?affiliate=usda&amp;dc=166&amp;query=Shutdown+Plans</a></li> </ul>
REE	<p>ARS posts the 5-year Action Plans for its National Programs on its web site at <a href="https://www.ars.usda.gov/research/programs/">https://www.ars.usda.gov/research/programs/</a>. By March 2018, ARS anticipates posting Action Plans for the following National Programs:</p> <ul style="list-style-type: none"> <li>• Human Nutrition (NP #107),</li> <li>• Pasture, Forage and Rangeland Systems (NP #215), and</li> <li>• Agricultural System Competitiveness and Sustainability (NP #216).</li> </ul> <p>In addition, every ARS National Program posts its Annual Report along with the Annual Reports for the supporting research projects to their respective National Program web page. ARS also will be posting its Annual Report on Science to <a href="https://www.ars.usda.gov/docs/plans-reports/">https://www.ars.usda.gov/docs/plans-reports/</a>.</p> <p>ARS posts executive summaries of Institutional Animal Care and Use Committee’s (IACUC) meeting minutes on each animal research location’s website. In addition, the Animal and Plant Health Inspection Service (APHIS) post results of unannounced inspections from ARS locations. Reports are posted here: <a href="https://www.aphis.usda.gov/aphis/ourfocus/animalwelfare/sa_awa/awa-inspection-and-annual-reports">https://www.aphis.usda.gov/aphis/ourfocus/animalwelfare/sa_awa/awa-inspection-and-annual-reports</a>.</p> <p>The results of ERS research are freely available on the agency website,</p>

	<p>provided in a variety of forms and formats. In Fiscal Year 2017, ERS produced approximately 240 research reports and Outlook reports (see publications at <a href="https://www.ers.usda.gov/publications/">https://www.ers.usda.gov/publications/</a>), and over 75 new/updated data products (see data sets at <a href="https://www.ers.usda.gov/data-products/">https://www.ers.usda.gov/data-products/</a>).</p> <p>NASS posts notices in the Federal Register, to give the public time to comment on the planned upcoming surveys. The Office of Management and Budget (OMB) provides oversight working closely with NASS on the statistical Agricultural Estimates program and the Census of Agriculture program. One of the latest Federal Register notices NASS posted the intent to conduct surveys to collect important data for the Pollinator Health Initiative.</p> <p>NASS maintains a Web based official schedule made available to the public online for the Agricultural Statistics Board report releases, including county estimates. The information provides transparency and equal access to all NASS releases and reports annually on a calendar year basis. NASS has another tool, Quick Stats Lite, which queries the Quick Stats database and presents data in a streamlined format that data users had requested. An Application Programming Interface (API) continues to allow developers to write applications that directly access data online in the Quick Stats database and should further enhance the usefulness of these data.</p> <ul style="list-style-type: none"> <li>• Report Release Calendar: <a href="http://www.nass.usda.gov/Publications">www.nass.usda.gov/Publications</a></li> <li>• County Estimates Data Release Schedule: <a href="http://www.nass.usda.gov/Data_and_Statistics">www.nass.usda.gov/Data_and_Statistics</a></li> <li>• Quick Stats Lite: <a href="#">Quick Stats API</a></li> </ul> <p>NIFA launched a <a href="#">grants modernization initiative</a> to streamline the agency’s grant application and award process. This business transformation initiative resulted in increased efficiency and reduced costs (in system maintenance and staff time) for NIFA grantees and staff. NIFA is using <a href="#">ezFedGrants</a>, to support this initiative.</p>
RMA	<p>Crop Insurance Data, Bulletins and Handbooks. The link to information browser is: <a href="https://www.rma.usda.gov/tools/">https://www.rma.usda.gov/tools/</a>. Also, you can receive email updates for the Summary of Business Reports and Data. The link for that is: <a href="https://public.govdelivery.com/accounts/USDARMA/subscriber/new">https://public.govdelivery.com/accounts/USDARMA/subscriber/new</a>.</p>
RD	<p>RD has proactively disclosed approximately 2,150 records. Below are a few of the links to records released:</p> <ul style="list-style-type: none"> <li>• <a href="https://www.rd.usda.gov/newsroom/news-release/usda-invests-rural-electric-infrastructure">https://www.rd.usda.gov/newsroom/news-release/usda-invests-rural-electric-infrastructure</a></li> <li>• <a href="https://www.usda.gov/media/press-releases/2017/05/10/usda-awards-first-loans-rural-energy-savings-program">https://www.usda.gov/media/press-releases/2017/05/10/usda-awards-first-loans-rural-energy-savings-program</a></li> <li>• <a href="https://www.usda.gov/media/press-releases/2017/11/17/usda-invests-more-1-billion-improve-health-care-rural-areas">https://www.usda.gov/media/press-releases/2017/11/17/usda-invests-more-1-billion-improve-health-care-rural-areas</a></li> </ul>

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## **2. Did your agency use any means to publicize or highlight important proactive disclosures for public awareness? If yes, please describe those efforts.**

Yes. USDA continues to use various tools to highlight important proactive disclosures for public awareness. Just recently, OSEC identified its [seven strategic goals](#) for Fiscal Years 2018-2022 via YouTube. OSEC also continues to use its Really Simple Syndication (RSS) to distribute information from the USDA website to its users automatically. To use it, the public only needs a RSS reader such as My MSN, My Yahoo, or Firefox Browser.

The FS' Southern Research Station (FS-SRS) also uses innovated approaches such as webinars, conferences, and twitter to share information with the interested public. Also, new publications, technical reports, and other types of media and public announcements are featured at the FS-SRS external website which makes it easier for the public to stay abreast of developments. The CompassLive blog posted at the site features the latest information on the work FS-SRS is doing across the thirteen southern states and spotlights new and archived journal articles, general technical reports and other publications of interest. The CompassLive is also keeping the public informed about scientific topics of high interest in the scientific community.

ERS highlights the results of research across the agency website, such as on [Topic](#) pages, in the [Newsroom](#), in [FAQs](#), and on Staff Bio pages. Information is also synthesized in the popular [Amber Waves online magazine](#), and occasionally in USDA blogs, as appropriate. In all cases, information/products are leveraged/cross-referenced and cited in related topics, related reports, related data, related Amber Waves articles, and others.

ERS also advertises its new and updated material on its [Calendar of Releases](#). It is also distributed daily in the agency [Twitter feed](#), to subscribers to the weekly [ERS email notification service](#), and when appropriate to the USDA Facebook.

## **3. 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.

## **4. If yes, please provide examples of such improvements.**

Yes. FSIS has been working closely with the Office of Public Health Science and the Office of Data Integration and Food Protection to not only improve the quality of data releases but also ensure that it is digestible for anyone viewing it. To assist with this initiative, these three FSIS components established a technical team to field questions regarding the data posted. This same team also hopes to create in the very near future a data dictionary to assist those reviewing FSIS' data.

ARS launched a newly designed website that improves access to information about ARS research. The new site features mobile responsiveness allowing users to better navigate and view information on both mobile and desktop devices. ARS maintains scientific information stemming from research conducted by nearly 2,000 Federal scientists researching animal and



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crop health, human nutrition, food safety, and natural resources. The ARS website features more than 300,000 dynamic pages.

ERS is continually evolving its website and content to meet users' needs, to expand its reach, and to improve customer satisfaction. For example, the ERS website's new device-agnostic design provides fast, mobile-friendly pages that automatically adapt to PCs, tablets, and smartphones—without having to pinch or expand—ensuring the website is available anywhere, anytime, from any device.

ERS offers [data visualizations](#) via interactive charts, maps, and graphs to more effectively deliver data in ways that are more meaningful, useful, and easier for customers to use.

ERS's [daily Charts of Note](#) provides easily digestible research highlights, sent by email to subscribers and posted to the website. [Ag and Food Statistics: Charting the Essentials](#) provides the basics of food, farming, and rural America via a series of charts and maps covering key information about the farm and food sectors, including agricultural markets and trade, farm income, food prices and consumption, food security, rural economies, and the interaction of agriculture and natural resources.

ERS also continued to expand the use of webinars to more directly connect to customers at the time of release of new research and data. As part of the [ERS Insights Webinar Series](#), ERS presented 11 webinars in FY2017 on topics including farm income, rural America, and food security. These webinars both inform ERS audiences about complex topics in an easy-to-understand format, and also allow participants to ask ERS economic experts questions.

Lastly, ERS provided web content APIs (Application Programming Interface) for web content, offering digital professionals dynamic access to and a machine-readable option for accessing publications, charts, and other website content; programming tools (“widgets” pre-built off the APIs) that enable digital professionals to easily embed charts from the ERS webpage (such as the popular daily Charts of Note) into their websites/projects; and APIs for select data and geospatial/mapping applications, enabling researchers and developers to build applications using ERS data and processes for additional insights.

NASS continues to keep abreast of information needs through a variety of means, including hosting data user and advisory committees meetings, attending industry meetings, and sponsoring outreach activities. Even though most NASS reports consist of specific data series, improvements to reports and databases are constantly being made in terms of additional data breakouts, improved coverage, and improved timeliness. Special reports or additional categories within existing reports are added to best summarize the constantly changing character of agriculture.

NASS has started working on phase two of its data visualization project. The primary goal of this project is to better communicate information clearly and efficiently to users via statistical graphics, plots, information graphics, tables, and charts. Our goal is to make complex data more accessible, understandable and usable for customers. Over the next few years NASS will continue to use this as a base to expand our data visualization products and services.



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Using its media subscription services in FY2017 to date, NASS maintained media lists for states and key commodities and distributed 29 news releases and Agricultural Statistics Board (ASB) notices to hundreds of interested media outlets and to thousands of data users through subscription services.

NASS continues to use email subscription lists and social media tools such as Twitter, the USDA Blog, USDA Facebook page and USDA YouTube channel to notify the public about all data products available from NASS and to create two way conversation with our customers. Our e-mail subscribers to NASS national reports totaling 19,608, up from just under 19,000 last year; Twitter followers 31,290, up from approximately 28,000 last year; and national media distribution list of nearly 2,500.

In FY2017, NASS increased its Twitter following to more than 31,290 followers by sending 1,751 tweets on interesting and timely topics, including graph, chart and map data visualizations. NASS' tweets were seen 5.2 million times on Twitter and achieved a potential reach of more than 117.9 million Twitter users. NASS continued its monthly #StatChat series on Twitter with 8 #StatChats during the year, inviting Twitter users to ask questions directly to NASS representatives following major report releases.

NASS also contributed ten blogs to USDA's blog and Facebook page, down from the previous year but in alignment with a departmental hiatus and new guidelines of one post per month. We also contributed to posts by sister agencies. Importantly, NASS created video PSA's and testimonial videos distributing via the USDA's YouTube channel to promote census, the value of NASS data and key surveys. These videos were cross promoted via traditional news releases and multiple social platforms.

The [ezFedGrants Grants and Agreements Systems](#) went live in November 2016. NIFA is using the system to process all FY2017 and future capacity awards for eligible institutions. Competitive grant programs will not use ezFedGrants until a later date, although the long-term goal is for NIFA to manage all of its grant programs in ezFedGrants.

**5. If there are any other steps your agency has taken to improve proactive disclosures, please describe them here. For example, has your agency engaged requesters in determining how and what to post? Has your agency used web analytics to inform your proactive disclosures?**

Yes. USDA's digital team worked diligently alongside a team of contractors to launch a redesign of its website. Since its launch, USDA has welcomed over one million visitors to its new site and has already received positive feedback via multiple portals.

Through the redesign, USDA was able to introduce new design elements from the U.S. Federal Web Design Standards that help make the site more intuitive. USDA's primary goals for the redesign included highlighting more social and engaging information based off web analytics; making better use of real estate on our homepage; enhancing our site search to help the public

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find information faster; improving the site's architecture; and implementing responsive design across the entire site to provide a better viewing experience from any device.

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

**1. Has your agency identified any best practices to leverage technology to facilitate overall FOIA efficiency, such as improving record search capabilities, utilizing document sharing platforms for consultations and referrals, or employing software that can sort and de-duplicate documents? If yes please describe the best practices, the types of technology used and the impact on your agency's processing.**

Yes. In Fiscal Year 2013, the DFO purchased an e-discovery platform to complement the Department's existing enterprise-wide tracking database. The platform allows the Department's FOIA professionals to substantially reduce their processing time as it allows users to list and identify documents and sources, identify duplicate and near duplicate documents and mails, ensure that redactions are consistent across released documents, search, categorize and rank documents for ease of review, and quickly cull voluminous records. This past reporting period, the DFO's Program Manager continued to host training sessions for FOIA professionals to ensure the continued use of this platform for large volume requests and litigation. Due to the limitation on licenses for this platform, some FOIA professionals like those in APHIS and the FS-WO have opted to use and provide training for other e-discovery platforms currently employed within their component. Regardless of the platform used, FOIA professionals have reported that usage significantly reduced review times.

Several components also reported utilizing a document sharing platform for records retrievals. For example, APHIS is currently using SharePoint to automate and retrieve records from its program offices. To date, the programs have returned records for +400 FOIA requests while lessening the need for email server space, PII vulnerabilities, and more efficient tracking of returned records. Prior to the deployment of SharePoint, APHIS was receiving more than 75+ emails or packages from custodians each week that required multiple steps (e.g., logging to the appropriate case file and separation of files) before being processed by a FOIA professional.

**2. Did your agency successfully post all four quarterly reports for Fiscal Year 2017?**

Yes. USDA successfully posted all four of its quarterly reports for Fiscal Year 2016.

**3. 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 2017.**

Not applicable. USDA successfully posted all four of its quarterly reports for Fiscal Year 2017.

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**4. 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 2016 Annual FOIA Report and, if available, for your agency’s Fiscal Year 2017 Annual FOIA Report.**

The raw statistical data for Fiscal Years 2016 and 2017 will be available at <https://www.dm.usda.gov/foia/reading.htm#reports> no later than March 9, 2018.

**5. If there are any other steps your agency has taken to improve use of technology in FOIA, please describe them here.**

Yes. The DFO’s Program Manager in coordination with the vendor for the Department’s enterprise wide FOIA tracking database held multiple webinars to assist FOIA professionals with all features of the database to include logging, sending correspondence, records review, de-duplication of records, reports, and retention.

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

**Simple Track: Section VII.A of your agency’s Annual FOIA Report, entitled “FOIA Requests – Response Time for All Processed Requests,” includes figures that show your agency’s average response times for processed requests. For agencies utilizing a multi-track system to process requests, there is a category for “simple” requests, which are those requests that are placed in the agency’s fastest (non-expedited) track, based on the low volume and/or simplicity of the records requested.**

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

Yes. USDA utilizes a separate track for simple requests.

**2. If so, for your agency overall in Fiscal Year 2017, was the average number of days to process simple requests twenty working days or fewer?**

Yes. In Fiscal Year 2017, the average number of days to process a simple request was 11.09 days.

**3. Please provide the percentage of requests processed by your agency in Fiscal Year 2017 that were placed in your simple track.**

The percentage of requests processed by USDA in Fiscal Year 2017 that were placed in the simple track is 92.7%.

**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.

## Backlogs

Section XII.A of your agency’s Annual FOIA Report, entitled “Backlogs of FOIA Requests and Administrative Appeals” shows the numbers of any backlogged requests or appeals from the fiscal year. You should refer to these numbers from your Annual FOIA Reports for both Fiscal Years 2016 and Fiscal Year 2017 when completing this section of your Chief FOIA Officer Report.

### BACKLOGGED REQUESTS

**5. If your agency had a backlog of requests at the close of Fiscal Year 2017, did that backlog decrease as compared with the backlog reported at the end of Fiscal Year 2016?**

No. The overall number of backlogged requests increased by 58.8% in Fiscal Year 2016.

	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	1,493	2,371

**6. If not, 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.

Based on APHIS’ commitment to being transparent, remaining responsive to its stakeholders’ informational needs, and maintaining the privacy rights of individuals, the component is implementing actions to remove records it posts on APHIS’ website involving the Horse Protection Act (HPA) and the Animal Welfare Act (AWA) that contain personal information covered by the Privacy and Freedom of Information Acts or guidance from the U.S. Department of Justice regarding them. These records include inspection reports, research facility annual reports, regulatory correspondence (such as official warnings), lists of regulated entities, and enforcement records (such as pre-litigation settlement agreements and administrative complaints) that have not received final adjudication. In the interim, those seeking information from APHIS regarding inspection reports, research facility annual reports, regulatory correspondence, and enforcement records were directed to submit FOIA requests for that information. This in turn led to an influx of FOIAs and contributed significantly to the Department’s overall backlog.

**7. 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 2017.**

The percentage of requests that make up the backlog is 9.31%.

**BACKLOGGED APPEALS**

**8. If your agency had a backlog of appeals at the close of Fiscal Year 2017, did that backlog decrease as compared with the backlog reported at the end of Fiscal Year 2016?**

No. The overall number of backlogged appeals increased by 11.9 % in Fiscal Year 2017.

	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	521	583

**9. If not, explain why and describe the causes that contributed to your agency not being able to reduce 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.**

Most of USDA’s backlog appeals originate in FNCS. This upcoming fiscal, this component will continue partnering with the Department and the OGC-GLRD to streamline the legal sufficiency review process for appeals as required by the Department’s FOIA regulations. FNCS also recently completed work on an amendment to the existing rule which will tighten FNCS administrative sanction process and ultimately reduce the need for Supplemental Nutrition Assistance Program (SNAP) violators to appeal FNCS initial FOIA responses. Under the existing rule, FOIA requests can currently hold a FNCS administrative determination in abeyance while the request is processed. The amended rule will codify FNCS procedure which seeks to separate the FOIA request from the administrative sanction process, allowing administrative determinations to be made in a timely manner.

**10. 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 2017. If your agency did not receive any appeals in Fiscal Year 2017 and/or has no appeal backlog, please answer with “N/A.”**

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The percentage of appeals that make up the backlog out of the total number of appeals received by USDA in Fiscal Year 2017 is 167.05%.

**Backlog Reduction Plans:**

**11. In the 2017 guidelines for the Chief FOIA Officer Reports, any agency with a backlog of over 1,000 requests in Fiscal Year 2015 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 2017?**

Yes. The Department did implement a backlog reduction plan in Fiscal Year 2017. Unfortunately, do to unforeseen litigation and vacancies in multiple components, approximately 50% of the components were unable to realize reductions this reporting period.

**12. If your agency had a backlog of more than 1,000 requests in Fiscal Year 2016, what is your agency's plan to reduce this backlog during Fiscal Year 2018?**

USDA is committed to reducing its backlog during FY2018. Each component with a backlog will be required to report progress to the DFO on a monthly basis, more specifically, confirm (1) items received for the component have been properly logged; (2) program offices are timely returning records; and (3) workloads for FOIA professionals are evenly distributed.

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

Section VII.E, entitled "Pending Requests – Ten Oldest Pending Requests," Section VI.C.(5), entitled "Ten Oldest Pending Administrative Appeals," and Section XII.C., entitled "Consultations on FOIA Requests – Ten Oldest Consultations Received from Other Agencies and Pending at Your Agency," show the ten oldest pending requests, appeals, and consultations. You should refer to these numbers from your Annual FOIA Reports for both Fiscal Year 2016 and Fiscal Year 2017 when completing this section of your Chief FOIA Officer Report.

**TEN OLDEST REQUESTS**

**13. In Fiscal Year 2017, did your agency close the ten oldest requests that were reported pending in your Fiscal Year 2016 Annual FOIA Report?**

No. USDA did not close its ten oldest requests reported pending in the Fiscal Year 2015 Annual FOIA Report.

**14. 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 2016 Annual FOIA Report. If you had less than ten total oldest requests to close, please indicate that.**

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USDA successfully closed eight out of its ten oldest requests.

**15. Of the requests your agency was able to close from your ten oldest, please indicate how many of these were closed because the request was withdrawn by the requester. If any were closed because the request was withdrawn, did you provide any interim responses prior to the withdrawal?**

None of the eight requests were withdrawn by the requester.

#### **TEN OLDEST APPEALS**

**16. In Fiscal Year 2017, did your agency close the ten oldest appeals that were reported pending in your Fiscal Year 2016 Annual FOIA Report?**

No. USDA did not close its ten oldest appeals reported pending in the Fiscal Year 2016 Annual FOIA Report.

**17. 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 2016 Annual FOIA Report. If you had less than ten total oldest appeals to close, please indicate that.**

USDA closed seven of its ten oldest appeals.

#### **TEN OLDEST CONSULTATIONS**

**18. In Fiscal Year 2017, did your agency close the ten oldest consultations that were reported pending in your Fiscal Year 2016 Annual FOIA Report?**

No. USDA did not close its ten oldest consultations.

**19. 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 2016 Annual FOIA Report. If you had less than ten total oldest consultations to close, please indicate that.**

USDA closed a total of six consultations reported in Fiscal Year 2016.

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

**20. Briefly explain any obstacles your agency faced in closing its ten oldest requests, appeals, and consultations from Fiscal Year 2017.**

A major obstacle continues to be the lack of human resources to process the growing number of multi-agency requests, complex appeals, and large consultations.



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**21. 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. USDA was not unable to close any of its ten oldest requests because it was waiting to hear back from other agencies.

**22. 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 2017.**

USDA remains committed to closing these items. In FY2017, the Department intends to continue monitoring progress on a monthly basis, providing tips on effective FOIA management, and providing substantive FOIA training in an effort to ensure closure.

**Out of all the activities undertaken by your agency since March 2017 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.**

- In Fiscal Year 2017, the Department processed approximately 94% of the 25,461 FOIA request received. Of these received requests, about 84% were processed in less than twenty working days. Additionally, many of the Department’s components made substantial progress on reducing their request backlog. The Agricultural Marketing Service (AMS) had a 20% reduction, the Forest Service (FS) a 32% reduction, Food Safety & Inspection Service (FSIS) a 53.9% reduction, the Natural Resource Conservation Service (NRCS) a 8% reduction, the Office of the Inspector General a 12% reduction, Rural Development a 41.4% reduction, the Research, Education and Economics (REE) a 25% reduction, and the Risk Management Agency (RMA) a 12.5% reduction.
- NIFA completed its first successful year of processing non-competitive grants in the new USDA [ezFedGrants \(eFG\) Grants and Agreements System](#). The agency processed 522 awards along with 457 amendments. The payments to its grantees represented more than \$720,000,000 of vital funds. For several years, NIFA has been working steadily to modernize and ease its grants process for the benefit of its grantees. In FY2018 NIFA will focus its efforts on refining the functionalities needed to make non-competitive grants processing more efficient and build a stronger foundation to enable competitive grant processing. Much work is needed to make competitive processing a possibility. NIFA will introduce functionality in phases over the next few years.



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- **USDA’s National Household Food Acquisition and Purchase Survey** (FoodAPS) is the first nationally representative survey of American households to collect unique and comprehensive data about household food purchases and acquisitions. ERS has developed a unique database from a survey on food purchases and acquisitions by U.S. households – USDA’s National Household Food Acquisition and Purchase Survey **FoodAPS**. Originally, to protect individual survey respondents’ privacy, access to the data had been restricted to researchers from academic institutions and government agencies. Now, a public version of FoodAPS masks identities of survey respondents to enable access by all interested parties to the valuable data for research and planning. FoodAPS is designed to fill a critical knowledge gap in support of evidence-based approach to Federal food assistance policies and programs. The data are being used to address a range of questions such as where households acquire food in a typical week, which foods they acquire, how much they pay for the food and how the acquired foods match recommendations for a healthy diet.