



**DEPARTMENT OF AGRICULTURE
CHIEF FREEDOM OF INFORMATION ACT OFFICER REPORT
March 2025**

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 Peggy Greb, USDA/ARS

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EXECUTIVE SUMMARY

The United States Department of Agriculture (USDA) 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, USDA 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, USDA 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.

USDA’s success is dependent on several core values. Among them is transparency. Central to USDA’s effort to increase transparency is its Freedom of Information Act (FOIA) program. The Department’s General Counsel provides program oversight for USDA’s FOIA offices at the agency and mission area. These offices interpret records requests, seek clarification from requesters, make fee determinations, redact, and release records, perform referrals and consultations, prepare appeals, consider discretionary releases, contact business submitters, and assist the Office of General Counsel (OGC) with FOIA litigation. And collectively, they process tens of thousands of records requests annually.

USDA’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 except for 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 (FPAC), Food Nutrition and Conservation Services (FNCS), Food Safety (FS), Marketing and Regulatory Programs (MRP), Natural Resources and Environment (NRE), and Rural Development (RD) mission areas all continue to process independently but do coordinate with the OIA to ensure standardization in the areas of policy, management, training, and processing.

In Fiscal Year 2024, USDA received a total of 24,722 FOIA requests. Approximately 70% of these incoming FOIA requests were directed to the USDA's FPAC mission area. The OIA received 8%, the MRP mission area about 7.5%, NRE mission area received about 7.3%, and RD about 3%. The remaining agencies all collectively received 4.2% of the incoming requests. As for processing, USDA closed 21,113 initial requests. USDA also closed its ten oldest initial requests.

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 2024. This report encompasses the efforts of the following mission areas and staff offices:

Mission Areas:

Farm Production and Conservation (FPAC)¹

Farm Service Agency (FSA)

Natural Resources Conservation Service (NRCS)

¹ 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.

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)²

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

Trade and Foreign Agricultural Affairs (TFAA)³

Foreign Agricultural Service

² On September 7, 2017, USDA announced the realignment of several 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.

³ 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.

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)

Section I: FOIA Leadership and Applying the Presumption of Openness

A. Leadership Support for FOIA:

- 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 Principal Deputy General Counsel, Mary Beth Schultz, was designated as the Department's CFO for the reporting period. Ms. Schultz directly reported to the Secretary of Agriculture.

- 3. What steps has your agency taken to incorporate FOIA into its core mission? For example, has your agency incorporated FOIA milestones into its strategic plan.**

USDA has not yet incorporated FOIA in its overall strategic plan. There are however components that have included FOIA in their agency and/or office plans.

As an example, USDA's Food and Nutrition Consumer Services (FNCS) included FOIA in its Agency Priorities Planning System (APPS) – Active Action Plan hosted on its internal SharePoint site. This Plan details FNCS' priorities, goals, objectives, action plans, and special initiatives for the Fiscal Year and achievements made to date. FNCS' progress against the Plan is tracked through monthly updates and reports. There are three goals in APPS related to its FOIA administration ---- reduce the backlog by 10%, close the 10 oldest

initial requests, and improve FNCS' staff knowledge of FOIA requirements and processes through training and bulletins.

There are other components like our Food Safety and Inspection Service (FSIS) that incorporate FOIA, specifically a backlog reduction.

B. Presumption of Openness:

4. The Attorney General's 2022 FOIA Guidelines provides that "agencies should confirm in response letters to FOIA requesters that they have considered the foreseeable harm standard when reviewing records and applying FOIA exemptions. Does your agency provide such confirmation in its response letters?"

Yes. In compliance with the Attorney General's FOIA Guidelines, USDA's FOIA components now confirm they have considered the foreseeable harm standard in response letters.

5. In some circumstances, agencies may respond to a requester that it can neither confirm nor deny the existence of requested records if acknowledging the existence of records would harm an interest protected by a FOIA exemption. This is commonly referred to as a Glomar response. If your agency tracks Glomar responses, please provide:

- a. The number of times your agency issued a full or partial Glomar response (separate full and partial if possible).**
- b. The number of times a Glomar response was issued by exemption.**

While not a frequent occurrence, USDA does on occasion invoke Glomar. This reporting cycle USDA invoked 9 full and 1 partial Glomar responses in

conjunction with FOIA Exemptions 6 and 7(c). Glomar was also invoked in part in conjunction with just FOIA Exemption 6 in another 3 instances.

Section II: Ensuring Fair and Effective FOIA Administration

A. FOIA Training

- 1. 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 Chief FOIA Officer's (CFO) Office of Information Affairs (OIA) continues to have a FOIA training provision requiring each Government Information Specialists (GIS) to participate in a minimum of two substantive training courses annually to strengthen employees' knowledgebase and ensure skills continue to match the changes in the evolving caselaw. The OIA's professionals also meet monthly to discuss select cases on the Department of Justice, Office of Information Policy's (DOJ-OIP) Court Decision Overview and their relevance to records routinely reviewed.

The CFO also continues to require onboarding attorneys and legal professionals in the Office of General Counsel (OGC) to participate in a 60-minute substantive OIA 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 met with offboarding OGC employees weeks before departure to ensure satisfaction of any outstanding FOIA searches and consultations.

The OIA also continues to circulate training opportunities across USDA. These include opportunities offered via USDA's internal online training repository, AgLean as well as instruction offered by the DOJ-OIP, the

National Archives and Records Administration (NARA), and the American Society of Access Professionals (ASAP).

2. 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 during the reporting period.

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

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

- Virtual Advanced Freedom of Information Act Training
- Virtual Exemptions 1 and 7 Training
- Virtual Exemptions 4 and 5 Training
- Virtual Privacy Considerations Training
- Virtual Administrative Appeals, FOIA Compliance and Customer Service Training
- U.S. Attorney Office's / District of Colorado FOIA Training

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

- ASAP National Conference
- ASAP FOIA/Privacy Act Training Workshop

Many USDA components also continued to provide substantive FOIA training for their Government Information Specialists.

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- 4. 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 94% of USDA's FOIA professionals participated in either one or more substantive FOIA training courses.

- 5. 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 USDA's FOIA professionals participated in substantive FOIA training courses.

- 6. 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 continues to provide virtual and in-person FOIA training to all new onboarding political appointees. This 30-minute FOIA training provides an overview of USDA's FOIA program, the importance of conducting timely searches and promptly returning records, the importance of senior leadership support in USDA's administration of FOIA, and overall best practices. The OIA also continues to participate in USDA's subcabinet and other appointee meetings to provide a short “FOIA moment,” that emphasizes one or two FOIA best practices.

The OIA also continues to provide virtual training to all new onboarding attorney advisors, legal professionals, and interns in the OGC. This training is coupled with Records Management and emphasizes the role of OGC in the FOIA process, specifically, legal sufficiency reviews for USDA FOIA administrative appeals and requirements for FOIA litigation.

The OIA also continues to provide training upon request to various offices across USDA. This reporting cycle, training was provided to the team of professionals supporting the Secretary and the Deputy Secretary, the Office of Communications, and the Office of Congressional Relations.

The Agricultural Marketing Service (AMS) offered multiple training sessions for its program colleagues and members of its Research and Promotion Boards. Topics for the AMS training included an introduction to FOIA responsibilities, search requirements, and frequently invoked FOIA exemptions.

Similarly, the Forest Service's (FS) FOIA Service Centers (Washington Office, Rocky Mountain Region, Southern Region, and Eastern Region) regularly held virtual FOIA training presentations for non-FOIA program area colleagues. Topics for the and FS training included an introduction to FOIA responsibilities, search requirements, and frequently invoked FOIA exemptions.

The Farm Production and Conservation Business Center (FPAC-BC) FOIA office has developed Service Areas for direct response to the Farm Service Agency (FSA), Natural Resources Conservation Service (NRCS), and Risk Management Agency (RMA) personnel located in field, county, area, state, and regional offices across the country. Personnel within these offices are designated as State FOIA Liaisons and have FOIA duties as an additional responsibility to their regular position. The Service Areas dictate the states of responsibility and specifies one Government Information Specialist (GIS) within the FPAC-BC FOIA office as a direct contact not only for the State

FOIA Liaison, but also for any agency employee within the state. These Areas establish rapport among the State FOIA Liaisons and the assigned GIS, who provides the fundamental guidance and direction, when requested, as well as FOIA-specific trainings to all agency personnel within a state.

The Food Safety and Inspection Service (FSIS) FOIA office provided FOIA and Privacy Trainings to FSIS's Office of Investigation, Enforcement and Audit (OIEA) that included a brief overview of exemptions applicable to OIEA, and what is required by the program area under the FOIA. Additionally, the FOIA Staff conducted a FOIA session for an Equal Employment Opportunity Advisory Committee Lunch and Learn Series.

Rural Development (RD), in conjunction with the OIA, conducted two Office Hours sessions with its appointees and senior executives on conducting effective manual searches in response to recent incoming records requests. Other FOIA briefings were held throughout the year to assist with searches in other multi-component requests.

B. Outreach

7. As part of the standard request process, do your FOIA professionals proactively contact requesters concerning complex or voluminous requests to clarify or narrow the scope of the request so requesters can receive responses more quickly.

Yes. USDA's FOIA components continue to reach out to requesters for clarification regarding complex requests to see if we can effectively narrow the scope so that we can get the records of greatest interest to the requester in a timely manner. The substance of the communication varies based on the request and whether it is unmanageable as written or just requires clarification to avoid a voluminous number of records. In many cases, we continue to advise requesters after consulting with our subject-matter experts so that we can provide specific suggestions for narrowing a complex request and set realistic expectations with response times.

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- 8. Outside of the standard request process or routine FOIA liaison or FOIA Requester Service Center interactions, did your FOIA professionals engage in any outreach or dialogue, with the requester community or open government groups regarding your administration of the FOIA? For example, did you proactively contact frequent requesters, host FOIA related conference calls with open government groups, or provide FOIA training to members of the public? 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. The Animal and Plant Health Inspection Service (APHIS) FOIA office provides proactive negotiations with stakeholders regarding agency records, ensuring FOIA requests were clear, meeting their needs, and consolidated where possible. As a result, APHIS negotiated approximately 172 of the over 1430 incoming requests, 32 identified and administratively closed as duplicate requests, redirected another 45 requests to other agencies and offices, worked with requesters and program experts to clarify and narrow more than 70 requests, and negotiating the withdrawal of 25 requests.

- 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 2024.**

USDA estimates that it received less than 25 requests for service by our FOIA Public Liaisons.

C. Other Initiatives

- 10. Has your agency evaluated the allocation of agency personnel**
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resources needed to respond to current and anticipated FOIA demands? If so, please describe what changes your agency has or will implement.

Yes. USDA's FOIA components routinely evaluate the allocation of agency personnel resources needed to respond to both current and anticipated FOIA demands.

The Farm Production and Conservation Business Center's (FPAC-BC) FOIA office had an 8.6% increase in FY24. These increases resulted in the hiring of two full-time GIS employees to help shoulder the increased workload. To help with the monitoring of the office's shared email box, the primary avenue for request submission, a detailee was hired for a 90-day period, thus freeing up GIS personnel to focus on processing requests, rather than the input and coordination tasks necessary for managing a shared inbox. The group will be seeking a detailee for another 90-day period to manage the inbox and perform other necessary administrative duties.

Some of the Forest Service (FS) offices found that their existing resources do not meet their current demands. Accordingly, the Intermountain Region identified three employees to support FOIA administrative functions part-time. Two of the employees committed to helping one day per week and the third on an ad hoc basis. In the Southern Region and the Eastern Region FOIA Service Centers, two employees were allocated to assist with FOIA correspondence temporarily. Although this arrangement had initial impact on reducing the FOIA backlog, over time they were returned to original duties. And finally in the Washington Office FOIA Service Center has received funding support for two contract senior-level FOIA analysts through June 2025.

11. How does your agency use data or processing metrics to ensure efficient management of your FOIA workload? For example, case management reports, staff processing statistics, etc. In addition,

please specifically highlight any data analysis methods or technologies used.

All our FOIA components use data or processing metrics to ensure efficient management. For example, Animal and Plant Health Inspection Service (APHIS) continues to generate quarterly reports to its mission programs to document and reconcile outstanding record searches using data from our enterprise wide FOIA tracking system. APHIS also generates monthly reports detailing the number of cases received, closed, backlogged, as well as the number of pages received and delivered. Using these metrics, APHIS creates its yearly employee performance metrics and tracks progress on closure of its ten oldest requests, consultations, and appeals.

The Forest Service (FS) FOIA Community shares monthly FOIA statistics to track activity across the agency. Generally, each Regional FOIA Service Center and the Washington Office FOIA Center track their specific backlog through reporting capabilities on our enterprise wide FOIA tracking system. Some reports may capture specific data in spreadsheet format, using simple visual techniques like color coding to highlight status with internal stakeholders. The Washington Office FOIA Service Center tracks incoming requests (number, requester, request description) weekly; and number of requests 500 days or older. Methodology is a simple spreadsheet to calculate basic workload – total requests received per fiscal year and average number of requests received per week.

The Farm Production and Conservation (FPAC) FOIA team has implemented scheduled, custom reports for expedited processing status, fee waiver status, and requests over 100 days old to be emailed monthly from the enterprise wide FOIA tracking system to the OIA and a government information specialist within the office. These reports are automatically delivered to monitor processors' compliance with best practices and statutory time limits, in addition to reducing the overall backlog of the oldest requests. These reports encompass all agency personnel who

perform the processing of FOIA requests, including the State FOIA Liaisons and the FPAC FOIA office.

Rural Development (RD) utilizes two automation tools for FOIA data analysis. RD created a PoweApp that interfaces with Excel to manage case assignments and workloads. Customized reports are also generated frequently from our enterprise wide FOIA tracking system. Both systems are leveraged to produce reports that are cross-referenced to determine trends and fluctuations, and to make the appropriate case assignments.

12. The federal [FOIA Advisory Committee](#), comprised of agency representatives and members of the public, was created to foster dialogue between agencies and the requester community, solicit public comments, and develop recommendations for improving FOIA administration. Since 2020, the FOIA Advisory Committee has issued a number of [recommendations](#). Is your agency familiar with the FOIA Advisory Committee and its recommendations? Has your agency implemented any of its recommendations or found them to be helpful? If so, which ones?

Yes. USDA is familiar with the FOIA Advisory Committee and its recommendations. The recommendations listed below were helpful to USDA's administration of FOIA.

- [Recommendation No. 2024-05](#) - The Office of Personnel Management (OPM) should add the 0306 Government Information Specialist (GIS) Job Series to the direct hiring authority list.
- [Recommendation No. 2024-10](#) - The Archivist of the United States should propose that the Office of Management and Budget, the Office of Information Policy, and other agency participants in future U.S. National Action Plans for Open

Government include new and continuing commitments to improving FOIA administration.

- Recommendation No. 2020-04 - The National Archives and Records Administration (NARA) and the Department of Justice, Office of Information Policy (OIP), will offer records management training to FOIA officers and FOIA Public Liaisons in federal agencies, and include a FOIA module in records management training courses open to all federal employees.
- Recommendation No. 2020-05 - The Department of Justice, Office of Information Policy (OIP), will issue guidance requesting agencies to provide annual mandatory FOIA training to all new and current employees and contractors. The Office of Government Information Services (OGIS) and OIP will review agencies' current FOIA training requirements and content.
- Recommendation No. 2020-07 - The Office of Government Information Services (OGIS) and the Department of Justice, Office of Information Policy (OIP), will review the FOIA performance measures used in Agency Performance Plans and Reports, encourage agencies to include FOIA in their performance plans and submit the results of their review and any recommendations to Congress and the President.

Section III: Proactive Disclosure

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

Steps continue to 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. Does your agency post logs of its FOIA requests?

Yes. Many USDA FOIA components post PDF versions of their request logs. They generally contain the FOIA tracking number associated with the request, the requester’s name and organization if known, the date the request was received, and a brief description of the records sought.

Links to the available logs are below:

<https://www.ams.usda.gov/about-ams/foia/reading-room>

<https://www.aphis.usda.gov/freedom-information-act/foia-logs>

<https://www.fns.usda.gov/foia/electronic-reading-room>

<https://www.fsis.usda.gov/about-fsis/freedom-information-act-foia/fsis-foia-reading-room>

3. 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.

Links to frequently requested items are in the chart below.

Component	Links to Proactive Releases
AMS	For 100 years, AMS has provided free, unbiased price and sales information to assist in the marketing and distribution of farm commodities. Each year, Market News issues thousands of reports, providing the industry with key wholesale, retail and shipping data. The reports give farmers, producers and other agricultural businesses the information they need to evaluate market conditions, identify trends, make purchasing decisions, monitor price patterns, evaluate transportation equipment needs and accurately assess movement.

	https://www.ams.usda.gov/market-news
APHIS	<p>Avian Influenza Resources</p> <p>https://www.aphis.usda.gov/livestock-poultry-disease/avian/avian-influenza</p>
ARS	<p>The Agricultural Research Service programs generate many publicly accessible data products that are catalogued in Ag Data Commons. These databases, datasets, and data collections may be maintained by ARS or by ARS in cooperation with other organizations. Ag Data Commons is searchable for ARS specific and National Program specific datasets.</p>
FAS	<p>Monthly report on crop acreage, yield and production in major countries worldwide. Sources include reporting from FAS's worldwide offices, official statistics of foreign governments, and analysis of economic data and satellite imagery. The report reflects official USDA estimates released in the monthly.</p> <p>https://www.usda.gov/about-usda/general-information/staff-offices/office-chief-economist/commodity-markets/wasde-report</p>
FNS	<p>This report explores different approaches to reevaluating the Thrifty Food Plan, which represents a low-cost, nutritious diet comprised of foods and beverages consumed at home and is used to calculate SNAP benefit amounts. The current method for reevaluating the Thrifty Food Plan uses a model that selects quantities of foods and beverages to represent a healthy, practical, cost-effective diet.</p> <p>To promote transparency and support FNS's commitment to continuous process improvement, this contractor-authored report describes three potential alternative approaches as well as three potential revisions to the existing model, including the advantages, disadvantages, and expected level of effort of each based-on input from external experts. The report does not include feasibility testing, which will be covered in a follow-up report.</p> <p>https://www.fns.usda.gov/cnpp/TFP-alternative-approaches-2024</p>

<p>FSIS</p>	<p>Data postings are part of the Agency's efforts to prevent pathogens from entering the food supply throughout the farm-to-fork continuum. Posting these datasets may help industry identify repetitive subtypes and implement control measures. It may allow researchers to identify trends to address basic research questions or to develop new diagnostics or therapies such as vaccines.</p> <p>These datasets are posted for informational purposes only and are not sufficient to determine if there is an association between multiple samples. Therefore, this data should not be used to identify foodborne illness outbreaks, associate samples with foodborne illness outbreaks or determine whether two or more samples are causally related.</p> <p>https://www.fsis.usda.gov/science-data/data-sets-visualizations/laboratory-sampling-data</p>
<p>NASS</p>	<p>The USDA's National Agricultural Statistics Service (NASS) conducts hundreds of surveys every year and prepares reports covering virtually every aspect of U.S. agriculture. Production and supplies of food and fiber, prices paid and received by farmers, farm labor and wages, farm finances, chemical use, and changes in the demographics of U.S. producers are only a few examples. Access to NASS Reports For your convenience, you may access NASS reports and products the following ways:</p> <ul style="list-style-type: none"> ➤ All reports are available electronically, at no cost, on the NASS web site: www.nass.usda.gov. ➤ Both national and state specific reports are available via a free e-mail subscription. To setup this free subscription, visit www.nass.usda.gov and click on "National" or "State" in upper right corner above "search" box to create an account and select the reports you would like to receive. ➤ Cornell's Mann Library has launched a new website housing NASS's and other agency's archived reports. <p>The new website, https://usda.library.cornell.edu. All email subscriptions containing reports will be sent from the new website, https://usda.library.cornell.edu. To continue receiving the reports via e-mail, you will have to go to the new website, create a new account and re-subscribe to the reports. If you need instructions to set up an account or subscribe, they are located at: https://usda.library.cornell.edu/help. You should whitelist notifications@usdaemis.library.cornell.edu in your email client to avoid the emails going into spam/junk folders.</p>

FS	<p>Future of the Red: Management in the Red River Gorge</p> <p>https://www.fs.usda.gov/detail/dbnf/home/?cid=FSEPRD835636</p>
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4. Please provide a link where your agency routinely posts its frequently requested records.

Component	Links to Frequently Requested Records
APHIS	https://www.aphis.usda.gov/freedom-information-act/frequently-requested-foia-records
FNS	https://www.fns.usda.gov/foia/popular-requests
FSA	https://www.fsa.usda.gov/tools/informational/freedom-information-act-foia/electronic-reading-room/frequently-requested
FSIS	https://www.fsis.usda.gov/about-fsis/freedom-information-act-foia/frequently-requested-records
FS	https://www.fs.usda.gov/about-agency/foia/reading-room
RD	https://www.rd.usda.gov/contact-us/freedom-information-act-foia/foia-reading-room

5. 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 the posted information more useful to the public by providing them in machine-readable formats that facilitate ease of use by a range of audiences and minimize the obstacles to using information contained in data files.

6. Does your proactive disclosure process or system involve any collaboration with agency staff outside the FOIA office, such as IT or data personnel?

Yes. Online postings continue to require coordination between program offices, Government Information Specialists, USDA's IT service provider, Section 508 Coordinators, the Office of Communications, and in some instance the Office of Congressional Relations.

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. USDA has reviewed its FOIA-related technological capabilities to identify resources needed to respond to current and anticipated FOIA demands.

2. Please briefly describe any new types of technology your agency uses to support your FOIA program.

The Office of Information Affairs (OIA) continues its work to onboard USDA components in its electronic records management system, AgRecords. As relayed previously, AgRecords will be integrated into existing USDA systems via application programming interfaces, or APIs, as they are also called. This system will sit over existing systems such as Email, Shared Drives, Share Point, Office 365 products such as Microsoft Teams, and OneDrive, legacy files, databases, cases, and forms. Wherever USDA is creating records and

information, connectors can link the data to automatically capture records and information in the central repository, while allowing USDA to conduct its business in original applications.

With AgRecords, users will be able to track statuses, manage correspondence, search and manage documents, support knowledge transfer and capture, securely and safely collaborate and share documents within and outside of USDA, and run reports.

This reporting period the OIA ingested all day forward emails for all USDA custodians in AgRecords.

- 3. Does your agency currently use any technology to automate record processing? For example, does your agency use machine learning, predictive coding, technology assisted review or similar tools to conduct searches or make redactions? If so, please describe and, if possible, estimate how much time and financial resources are saved since implementing the technology.**

Yes. As relayed above, USDA is working on an initiative to aid record processing. No comprehensive assessments have been initiated to determine cost savings.

- 4. 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 the reporting period to ensure it addresses the elements noted in the guidance.**

USDA's FOIA components are advised to monitor their individual FOIA landing pages to ensure contact information is current, links are accessible, logs are up-to-date, and other essential resources are available and to the extent permitted, in a machine-readable format.

Some USDA components reported working with their IT professionals to revamp their FOIA landing pages. Items like search functionality and naming conventions are being evaluated to allow users to filter potentially hundreds of records with various search parameters.

5. Did all four of your agency's quarterly reports for Fiscal Year 2024 appear on your agency's website and on FOIA.gov?

Yes. All four quarterly reports for Fiscal Year 2024 appear on USDA's website and FOIA.gov.

6. 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 2025.

Not applicable. All four quarterly reports were posted.

7. 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.

Please see <https://www.usda.gov/ogc/office-information-affairs/foia-division>.

8. In February 2019, DOJ and OMB issued joint Guidance establishing interoperability standards to receive requests from the National FOIA Portal on FOIA.gov. Are all components of your agency in compliance with the guidance?

All USDA components are interoperable.

Section V: Steps Taken to Remove Barriers to Access, Improve Timeliness in Responding to Requests, and Reduce Backlogs

A. Remove Barriers to Access

1. Has your agency established alternative means of access to first-party requested records outside of the FOIA process.

Yes. USDA has established alternative means of access to first-party requested records outside of the FOIA process.

2. If yes, please provide examples.

The Food Safety and Inspection Service (FSIS) continues to grant access to a web-based system that collects information generated from inspections, compliance verification, notification, and monitoring activities regarding the slaughter, processing, import and export of meat, and poultry products.

The Forest Service (FS) continues to route first-party requests for employment verification and security clearance screening to its Human Resources Management Contact Center. FS' Region 2 also continued coordination with its Law Enforcement and Investigations team on a more efficient and direct method for first-party requesters to access accident reports.

Additionally, Rural Development (RD) FOIA Office continued its redirection of mortgage-related requests to the Agency's Customer Service Center (CSC) in St. Louis, Missouri. CSC is the servicer for borrowers with loans under the Agency's Single-Family Housing Program. Requesters now have a direct contact in CSC to address mortgage-related requests concerning loan payoffs, payment history, defaults, foreclosure, or any other inquiries concerning the serving of their loan. The implementation of this effort continues to be vital in the reduction of RD's inventory of backlog requests.

3. Please describe any other steps your agency has taken to remove barriers to accessing government information.

The Office of Information Affairs (OIA) continues to encourage USDA's FOIA professionals to identify record categories that are readily accessible for private use without filing a FOIA or Privacy Act request.

B. Timeliness

4. For Fiscal Year 2024, 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 17.81 days.

5. If your agency's average number of days to adjudicate requests for expedited processing was above ten calendar days on your agency's Fiscal Year 2024 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.

USDA is pleased to report that it continues to reduce its average number of days to adjudicate request for expedited processing. Since the number is still above ten calendar days, the OIA will continue to provide notices to those Government Information Specialist with requests that are either close to or going beyond the statutory timeframe for adjudication with the aim of seeing further reductions in 2025.

6. Does your agency utilize a separate track for simple requests.

Yes. USDA utilizes a separate track for simple requests.

7. If your agency uses a separate track for simple requests, was the agency overall average number of days to process simple requests twenty working days or fewer in Fiscal Year 2024?

No. USDA is still slightly above twenty working days at 21.

8. If not, did the simple track average processing time decrease compared to the previous Fiscal Year?

Yes. USDA reduced its average processing time by 1.76 working days.

9. Please provide the percentage of requests processed by your agency in Fiscal Year 2024 that were placed in the simple track.

The percentage of requests processed by USDA that were placed in the simple track is 87.7 %.

10. 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 its simple requests separately.

C. Backlogs

Backlogged Requests

11. If your agency had a backlog of requests at the close of the Fiscal Year 2024, did that backlog decrease as compared with the backlog reported at the end of Fiscal Year 2023?

No. USDA's backlog increased by approximately 15% in Fiscal Year 2024.

	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	1,972	2,270

12. If not, did your agency process more requests during Fiscal Year 2024 than it did during Fiscal Year 2023?

Yes. USDA processed 30% more requests in Fiscal Year 2024.

13. If your agency’s request backlog increased during Fiscal Year 2024, please explain why, and describe the causes that contributed to your agency not being able to reduce its backlog.

In Fiscal Year 2024, USDA experienced a 48.8% increase in its total number of incoming requests. Many of these requests sought access to voluminous amounts of electronic data, including emails. Searches in connection with these requests produced records that required deduplication, business submitter reviews, and coordination with other federal agencies.

14. 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 2024.

The percentage of requests that make up the backlog out of the total number of requests received by USDA is 9.18%.

15. If your agency had a backlog of appeals at the close of Fiscal Year 2024, did that backlog decrease as compared with the backlog reported at the end of Fiscal Year 2023?

The backlog remained the same in Fiscal Year 2024.

	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	148	148

16. If not, did your agency process more appeals during Fiscal Year 2024 than it did during Fiscal Year 2023?

Yes. USDA processed 17.8% more administrative appeals in Fiscal Year 2024.

17. If your agency’s appeal backlog increased during Fiscal Year 2024, please explain why and describe the causes that contributed to your agency not being able to reduce its backlog.

Not applicable. USDA backlog remained the same at 148 requests. USDA components with administrative appeal backlogs advised that they have been significantly affected by attrition as many of their FOIA professionals process records requests as a collateral duty.

18. 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 2024.

The percentage of appeals that make up the backlog out of the total number of appeals received by USDA in Fiscal Year 2024 is 104.96%.

D. Backlog Reduction Plans

19. In the 2024 guidelines for Chief FOIA Officer Reports, any agency

with a backlog of over 1000 requests in Fiscal Year 2023 were 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 2024?

Yes. USDA did implement a backlog reduction plan. While USDA, did not meet every goal, it was able to increase its initial closures by about 30%, close out its ten oldest initial requests and consultations. Accordingly, the Office of Information Affairs (OIA) will continue to require each FOIA component to set quarterly backlog goals, share and reinforce request management tools, perform routine check-ins with FOIA leadership, and advocate for additional resources to support processing.

20. If your agency had a backlog of more than 1,000 requests in Fiscal Year 2024, please explain your agency’s plan to reduce this backlog during Fiscal Year 2025.

The Office of Information Affairs (OIA) will meet with each FOIA components to discuss challenges and identify a proposed plan for reduction in Fiscal Year 2025.

E. Reducing the Age of Requests, Appeals, and Consultations

Ten Oldest Requests

21. In Fiscal Year 2024, did your agency close the ten oldest pending perfected requests that were reported in Section VII.E. of your Fiscal Year 2023 Annual FOIA Report?

USDA closed its ten oldest pending perfected requests.

22. 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 2023 Annual FOIA Report. If you had less than ten total oldest requests to close, please indicate that.

Not applicable. USDA closed its ten oldest pending perfected requests.

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

The Office of Information Affairs (OIA) continued to meet with the FOIA components throughout Fiscal Year 2024 to assist them with developing individual plans aimed at the search, collection, and review of older complex requests.

TEN OLDEST APPEALS

- 24. In Fiscal Year 2024, did your agency close the ten oldest appeals that were reported pending in Section VI.C.5 of your Fiscal Year 2023 Annual FOIA Report?**

USDA did not close its ten oldest appeals.

- 25. 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 2023 Annual FOIA Report. If you had less than ten total oldest appeals to close, please indicate that.**

USDA closed a total of nine of its ten oldest appeals.

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

Some USDA FOIA components continued to utilize the OIA’s Blanket Purchase Agreement to procure FOIA contract support to process some of the older more complex administrative appeals.

Ten Oldest Consultations

27. In Fiscal Year 2024, did your agency close the ten oldest consultations that were reported pending in Section XII.C. of your Fiscal Year 2023 Annual FOIA Report?

No. USDA was unable to close its ten oldest consultations.

28. 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 2023 Annual FOIA Report. If you had less than ten total oldest consultations to close, please indicate that.

Not applicable. USDA closed nine of its ten oldest consultations.

Additional Information Regarding Ten Oldest

29. If your agency did not close its ten oldest pending requests, appeals, or consultations, please explain why, and provide a plan describing how your agency intends to close those “ten oldest” requests, appeals, and consultations during Fiscal Year 2024.

USDA closed nine of its oldest pending consultations, and administrative appeals. The Office of Information Affairs (OIA) continues to meet with the FOIA components to discuss the status of their requests on the Department’s ten oldest initial requests, consultations, and administrative appeals. The OIA will monitor progress via USDA’s enterprise wide FOIA tracking system and provide support if needed.

F. Additional Information about FOIA Processing

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- 30. Were any requests at your agency the subject of FOIA litigation during the reporting period? If so, please describe the impact on your agency's overall FOIA requests processing and backlog. If possible, please indicate:**
- a. The number and nature of requests subject to litigation**
 - b. Common causes leading to litigation**
 - c. Any other information to illustrate the impact of litigation on your overall FOIA administration.**

Yes. Many of our FOIA components were engaged in litigation this reporting period.

The Farm Production and Conservation (FPAC) mission area currently has two ongoing lawsuits. The first case includes a court-ordered production schedule which shifted all government information specialist (GIS) personnel from their own caseload to work solely on meeting the production schedule due to the voluminous records incoming from all 50 states. The second case has been assigned specifically to one GIS, whose entire caseload has been temporarily on hold due to the volume of Business Submitter Notices and the back-and-forth communication and negotiations among the Submitters, an NRCS headquarters office, and the FPAC-BC FOIA office.

Both FPAC suits challenge the application of Exemption 3 in conjunction with 7 U.S.C. 8791)(b)(2) which prohibits the USDA from releasing any "information provided by an agricultural producer or owner of agricultural land concerning the agricultural operation, farming or conservation practices, or the land itself, in order to participate in programs of the Department; or geospatial information otherwise maintained by the Secretary about agricultural land or operations for which information described in subparagraph (A) is provided." As a staff of six, any FPAC litigation hampers the office's ability to respond promptly to requests since litigation cases generally involve thousands of responsive records for each case. As the office's workload continues to increase year-over year, litigation

shifts the entire team's production away from day-to-day processing to focus on the litigated records.

Food Safety and Inspection Service (FSIS) had one FOIA request subject to litigation during the reporting period. FSIS' Team Lead expended roughly 200 hours on various tasks to respond to the suit challenging select FOIA Exemption 4 withholdings to a label application involving climate-friendly claims. The resources expended on this suit greatly impacted FSIS' FOIA administration by reducing the level of time the Team Lead spent on reviewing final responses to initial records requests.

Forest Service (FS) reported receiving eight new Complaints this reporting period while also handling a few suits received earlier in calendar year 2023. Most of these new suits are related to records from the National Forest System and are tied to constructive denials or withholdings under Exemptions 4 and 5. FS shared that from Fiscal Year 2023 to Fiscal Year 2024, litigation settlement costs increased by 365%. Additionally, the FS Washington Office's primary Government Information Specialist for appeals and litigation recently retired, and even though planned for, the separation did immediately double the workload of the remaining staff.

Rural Development (RD) also reported receiving one Complaint this reporting period alleging constructive denial. Luckily, RD was able to quickly release the records prior to the issuance of the Answer. Searches were complete and processing had already begun prior to the issuance of the Complaint.

The requests identified in the complaints were generally complex in nature, involving internal and external coordination in addition to the review of thousands of potentially responsive records. The FOIA professionals tasked with processing the records will typically work solely on the litigation for a period that can easily exceed 3-6 months. Accordingly, they are unable to work on other incoming initial requests or administrative appeals in their

queue. As those requests become backlogged, the components they service, run the risk of additional litigation.