



1400 Independence Avenue, SW.
Room 2095-S, STOP 0203
Washington, DC 20250-0203

July 31, 2018

Delivered via Electronic Mail

Jason Cole
The Cornucopia Institute
P.O. Box 126
Cornucopia, WI 54827
cole@cornucopia.org

**Re: First Interim Response to Freedom of Information Act (FOIA) Request
Request No. 2018-AMS-03660-F**

Dear Mr. Cole:

This is a first interim response for the above referenced FOIA request which sought:

[A]ll correspondence between the USDA and any individual or organization outside of the agency in which the word “carrageenan” occurs between November 18, 2016 and April 4, 2018. This request includes, but is not limited to, any and all correspondence to or from the office of the Secretary of Agriculture, the office of Undersecretary for Marketing and Regulatory Programs, the office of the Director of the Agricultural Marketing Service, and the National Organic Program.

We notified you in an email dated April 24, 2018 that the first two categories of your request related to correspondence to or from the office of the Secretary of Agriculture and the office of the Undersecretary for Marketing and Regulatory Programs was referred to the Departmental FOIA office for processing. AMS would respond to the last two categories, the office of the Director of the Agricultural Marketing Service and the National Organic Program.

In an email exchange with JoAnna Gorsage of the Agricultural Marketing Service (AMS) FOIA Office, you agreed to amend your request to:

All correspondence between the USDA and any individual or organization outside of the agency in which the word “carrageenan” occurs between November 18, 2016 and April 4, 2018. This request includes any and all correspondence to or from:

3. The Agricultural Marketing Service Administrator
4. Miles McEvoy
5. Ruihong Guo or Jennifer Tucker.

(Items 1 and 2 in the above list related to the Office of the Secretary of Agriculture and the Office of the Marketing and Regulatory Programs Under Secretary which is being processed by the Departmental FOIA Office.)

A search was conducted within the National Organic Program, Agricultural Marketing Service. The National Organic Program (NOP) is a regulatory program housed within the USDA Agricultural Marketing Service responsible for developing national standards for organically-produced agricultural products. These standards assure consumers that products with the USDA organic seal meet consistent, uniform standards. At this time, the search resulted in the identification of 150 pages of responsive records. 44 pages have been partially redacted pursuant to 5 U.S.C. §552 (b)(4), (b)(5), and (b)(6). The remaining 106 pages are being released to you in full.

The following information provides the basis for our withholding under the applicable FOIA exemptions:

Trade Secrets, Commercial and Financial Information, and Confidential Information –
Exemption 5 U.S.C. §552(b)(4)

Exemption (b)(4) of the FOIA protects “trade secrets and commercial or financial information obtained from a person [that is] privileged or confidential” (5 U.S.C. §552(b)(4) (2006), amended by the OPEN Government Act of 2007, Pub. L. No. 100-175, 121 Stat. 2524). The information withheld consists of subscriber-only newsletters. If released to the public, this would information could be used or sold by competitors exposing the submitting organization to substantial competitive harm.

Personal Privacy Interests – Exemption 6 U.S.C. §552(b)(6)

Exemption (b)(6) of the FOIA permits the government to withhold information regarding individuals in “personnel and medical files and similar files” when the disclosure of such information “would constitute a clearly unwarranted invasion of personal privacy” and where such privacy interests outweigh any public interest which would be advanced by the disclosure of their contact information. Within this record set, AMS is withholding mobile phone numbers, conference numbers and conference call numbers. Release of this information could result in unwanted contact with the individuals concerned and the possibility of identity theft.

We will continue to process your request. You can expect to receive our next response no later than August 31, 2018.

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If you have any questions, please contact AMS.FOIA@AMS.USDA.gov.

Sincerely,

David W. Trykowski

David W. Trykowski

Director

Compliance, Safety & Security Division

Management & Analysis Program

Agricultural Marketing Service

Enclosures: as stated