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Description of document: Department of Agriculture (USDA) Office of Inspector General (OIG) response to a Congressional request for "agency"-specific information on climate change, 2013

Requested date: 03-August-2013

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Source of document: USDA, Office of Inspector General
Room 441-E Jamie Whitten Bldg - Legal Staff
1400 Independence Avenue SW
Washington, DC 20250-2308
Fax: (202) 690-6305
Email: FOIASTAFF@oig.usda.gov

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UNITED STATES DEPARTMENT OF AGRICULTURE
OFFICE OF INSPECTOR GENERAL
Washington D.C. 20250



APR 18 2014

Subject: Log No. 13-00126

This letter responds to your August 3, 2013, Freedom of Information Act (FOIA)¹ request to the Office of Inspector General (OIG) at the Department of Agriculture (USDA). You requested records pertaining to the Bicameral Task Force on Climate Change in response to its February 25, 2013, letter request to OIG.

We are releasing eight pages of records that are responsive to your request. Pursuant to FOIA, certain information has been withheld as it is exempt from release. Specifically, in accordance with 5 U.S.C. § 552(b)(6), the names, signatures, initials, and other identifying information of individuals were withheld because release of this information could reasonably be expected to constitute an unwarranted invasion of personal privacy.

An explanatory sheet on FOIA exemptions is enclosed for your reference.

You have the right to appeal the decision by OIG to withhold information by writing to the Inspector General, U.S. Department of Agriculture, 1400 Independence Avenue SW., Whitten Building, Suite 441-E, Washington, D.C. 20250-2308. Your appeal must be received within 45 days of this letter. The outside of the envelope should be clearly marked "FOIA APPEAL."

For your information, Congress excluded three discrete categories of law enforcement and national security records from the requirements of the FOIA. *See* 5 U.S.C. 552(c) (2006 & Supp. IV 2010). This response is limited to those records that are subject to the requirements of the FOIA. This is a standard notification that is given to all our requesters and should not be taken as an indication that excluded records do, or do not, exist.

¹ 5 U.S.C. § 552.

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For information about OIG, please refer to our Web site at www.usda.gov/oig/home.htm. Should you have any questions or need additional information, you may contact our FOIA Servicing Center at (202) 720-5677.

Sincerely,

A handwritten signature in black ink that reads "Paul H. Seenev for". The signature is written in a cursive style with a large initial "P" and "S".

Alison Decker
Assistant Counsel

Enclosures: Exemptions sheet/documents

FOIA EXEMPTIONS

Exemption 2 (5 U.S.C. § 552(b)(2)): permits agencies to withhold documents which relate “solely to the internal personnel rules and practices of an agency.”

Exemption 3 (5 U.S.C. § 552(b)(3)): incorporates the disclosure prohibitions that are contained in various other federal statutes. Broadly phrased so as to simply cover information “specifically exempted from disclosure by statute.”

Exemption 4 (5 U.S.C. § 552(b)(4)): allows Federal agencies the discretion to withhold “... trade secrets and commercial or financial information obtained from a person [that is] privileged or confidential...” the release of which could be competitively harmful to the submitter of the information; which could impair the government’s ability to obtain similar necessary information in a purely voluntary manner in the future; and, which could affect other governmental interests, such as program effectiveness and compliance.

Exemption 5 (5 U.S.C. § 552(b)(5)): allows the agency the discretion to withhold “...inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency.” The purpose of this exemption is to protect the deliberative process by encouraging a frank exchange of views. In addition, this exemption protects from disclosure attorney-work product and attorney-client materials.

Exemption 6 (5 U.S.C. § 552(b)(6)): allows Federal agencies the discretion to withhold information the disclosure of which would “...constitute a clearly unwarranted invasion...” of individual privacy and might adversely affect the individual and his/her family.

Exemption 7 (5 U.S.C. § 552(b)(7)): protects from disclosure “records or information compiled for law enforcement purposes, but only to the extent that the production of such law enforcement records or information

- (A) could reasonably be expected to interfere with enforcement proceedings,
- (B) would deprive a person of a right to a fair trial or an impartial adjudication,
- (C) could reasonably be expected to constitute an unwarranted invasion of personal privacy,
- (D) could reasonably be expected to disclose the identity of a confidential source, including a State, local, or foreign agency or authority or any private institution which furnished information on a confidential basis, and, in the case of a record or information compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, information furnished by a confidential source, would disclose techniques and procedures for law enforcement investigations or prosecutions, or
- (E) would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law, or
- (F) could reasonably be expected to endanger the life or physical safety of any individual.”

Exemption 8 (5 U.S.C. § 552(b)(8)): protects matters that are “contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions.”

Exemption 9 (5 U.S.C. § 552(b)(9)): covers geological and geophysical information and data, including maps, concerning wells.



United States Department of Agriculture
Office of Inspector General
Washington, D.C. 20250



AUG 14 2013

The Honorable Henry A. Waxman
Co-Chair
Bicameral Task Force on Climate Change
2204 Rayburn House Office Building
Washington, D.C. 20515-0533

Dear Chairman Waxman:

Thank you for your letter of April 9, 2013, cosigned by your colleagues, requesting information concerning the Department of Agriculture's (USDA) activities related to climate change.

In a series of meetings with departmental staff, we have been advised that the Department is taking many actions with respect to climate change in a number of areas, although the climate change program continues to evolve. The Department has established a Climate Change Program Office, which coordinates climate change activities across USDA. Some examples of recent work on climate change are provided below.

- The Department announced that it issued a 5-year, \$9.9 million contract to the University of Wisconsin to study the environmental impact of various dairy production systems and to develop best management practices for producers to implement on the farm.
- Oklahoma State University received a 5-year, \$9.6 million contract with a goal of safeguarding regional beef production, while mitigating the environmental footprint of agriculture.
- The Department announced that it will establish seven regional climate hubs to work in partnership with producers and foresters to serve as a source of regional data and interpretation of climate change forecasts for hazard and adaptation planning for agriculture and natural resource management.
- USDA issued the Carbon Management and Evaluation Tool, a free online tool, that will help producers calculate how much carbon their land's soil and vegetation can remove from the atmosphere.

The Office of Inspector General (OIG) conducted our annual planning meeting on July 23-25, 2013, to determine our audit priorities for fiscal year (FY) 2014. We discussed USDA's climate change initiatives and determined that FY 2014 is not the appropriate time for us to plan a major review of this initiative, given USDA's recent actions and other audit priorities. Due to budget reductions, our audit efforts in FY 2014 will be focused on work we are required to do by statute

The Honorable Henry A. Waxman

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and regulation, as well as work to help the Department resolve its Management Challenges. In establishing our plan for FY 2014, we also considered priority work planned for FY 2013 that was not initiated due to reductions in our budget and staffing resources. We will continue to actively monitor USDA's climate change initiative in FY 2014 to factor it into our future planning.

If you would like a further briefing on climate change activities at USDA, we have spoken to USDA staff and they would be happy to provide a briefing for your staff. The Director of USDA's Climate Change Program Office, Mr. William Hohenstein, can be contacted at

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If you have any questions about OIG's work, please contact me at (202) 720-8001, or have a member of your staff contact Mr. Gil H. Harden, Assistant Inspector General for Audit, at (202) 720-6945. A similar letter is being sent to your colleagues.

Sincerely,

[b6]

Phyllis K. Fong
Inspector General

cc:

William Hohenstein, Director, CCPO



United States Department of Agriculture
Office of Inspector General
Washington, D.C. 20250



AUG 14 2013

The Honorable Benjamin L. Cardin
Co-Chair
Bicameral Task Force on Climate Change
SH-509 Hart Senate Office Building
Washington, D.C. 20510-2002

Dear Chairman Cardin:

Thank you for your letter of April 9, 2013, cosigned by your colleagues, requesting information concerning the Department of Agriculture's (USDA) activities related to climate change.

In a series of meetings with departmental staff, we have been advised that the Department is taking many actions with respect to climate change in a number of areas, although the climate change program continues to evolve. The Department has established a Climate Change Program Office, which coordinates climate change activities across USDA. Some examples of recent work on climate change are provided below.

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Phyllis K. Fong
Inspector General

cc:

William Hohenstein, Director, CCPO



United States Department of Agriculture
Office of Inspector General
Washington, D.C. 20250



AUG 14 2013

The Honorable Sheldon Whitehouse
Co-Chair
Bicameral Task Force on Climate Change
SH-530 Hart Senate Office Building
Washington, D.C. 20510-3904

Dear Chairman Whitehouse:

Thank you for your letter of April 9, 2013, cosigned by your colleagues, requesting information concerning the Department of Agriculture's (USDA) activities related to climate change.

In a series of meetings with departmental staff, we have been advised that the Department is taking many actions with respect to climate change in a number of areas, although the climate change program continues to evolve. The Department has established a Climate Change Program Office, which coordinates climate change activities across USDA. Some examples of recent work on climate change are provided below.

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The Honorable Sheldon Whitehouse
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Phyllis K. Fong
Inspector General

cc:

William Hohenstein, Director, CCPO



United States Department of Agriculture
Office of Inspector General
Washington, D.C. 20250



AUG 14 2013

The Honorable Edward J. Markey
Co-Chair
Bicameral Task Force on Climate Change
SR-218 Russell Senate Office Building
Washington, D.C. 20510

Dear Chairman Markey:

Thank you for your letter of April 9, 2013, cosigned by your colleagues, requesting information concerning the Department of Agriculture's (USDA) activities related to climate change.

In a series of meetings with departmental staff, we have been advised that the Department is taking many actions with respect to climate change in a number of areas, although the climate change program continues to evolve. The Department has established a Climate Change Program Office, which coordinates climate change activities across USDA. Some examples of recent work on climate change are provided below.

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The Honorable Edward J. Markey
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Phyllis K. Fong
Inspector General

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William Hohenstein, Director, CCPO