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FY 1998 Annual Freedom Of Information Report

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FY 1998 ANNUAL FREEDOM OF INFORMATION REPORT

I. Basic Information

Agency Contact:

Jeralene B. Green
Agency FOI Officer
U.S. Environmental Protection Agency
401 M St, S.W. (1105)
Washington, D.C. 20460

(202) 260-4048

Electronic Address for Report

<http://www.epa.gov/epafoia1/foiarept.htm>

How to obtain a paper copy of report

A paper copy can be obtained by contacting the Agency FOI Officer listed above.

II. How to File a FOIA Request

Before making a request under the FOIA, make sure the information you seek is not already available to the public in reading rooms or the Agency's Web site on the Internet. Copies of this public material can also be requested by writing to the Agency's headquarters office or to the appropriate Agency's regional office. If the information you seek is not already available to the public, submit a written request to the Agency FOI Officer in Washington, DC or the Regional FOI Officer in the appropriate regional office (addresses listed below). If you cannot determine where within the Agency to send your request, you may send it to the Agency FOI Officer in Washington, DC. To assist the EPA in the processing of your request, include: (a) readable information such as your name, address, and phone number; (b) try to be as specific as possible in identifying the records sought in a way that will permit their identification and location; and (c) a statement of your willingness to pay fees up to the amount you wish to specify.

Generally, you have a right to a decision with regard to the release of the requested records within 20 working days of receipt of your request and the EPA makes every effort to meet this timeframe. However, due to the complexity of certain requests, the Agency may take a substantially longer time to fully respond to a request.

If your request is initially denied in whole or in part, in accordance with exemptions provided by the FOIA, you will be advised of your right to appeal. Generally, you will have a right to a decision on the appeal within 20 working days of receipt.

All requests made under the FOIA are a matter of public record and may be placed in the Agency's public files.

The EPA brochure "[How to Make a Freedom of Information Act Request](#)" is available from the Agency FOI Offices listed below:

Agency Components Receiving FOIA Requests

Jeralene B. Green

Agency FOI Officer
Environmental Protection Agency
401 M St, S.W. (1105)
Washington, D.C. 20460

(202) 260-4048
FAX (202) 260-4499
Email: hq.foia@epamail.epa.gov

Tricia Leahy

EPA, Region 1
One Congress Street
Boston, MA 02114

(617) 918-1103 FAX (617) 918-1124
Email: leahy.tricia@epamail.epa.gov
(States: CT, ME, MA, NH, RI, VT)

Wanda Vasquez

EPA, Region 2
290 Broadway 26TH FL
New York, NY 10007

(212) 637-3668 FAX (212) 637-5046
Email: vasquez.wanda@epamail.epa.gov
(States: NJ, NY, PR, VI)

Richard VanHolt

EPA, Region 3
1650 Arch Street
Philadelphia, PA 19103

(215) 814-5553 FAX (215) 814-5102
Email: vanholt.richard@epamail.epa.gov
(States: DE, DC, MD, PA, VA, WV)

Damita David

EPA, Region 4
61 Forsyth Street
Atlanta, GA 30303

(404) 562-8034 FAX (404) 562-8054
Email: r4foia@epamail.epa.gov

(States: AL, FL, GA, KY, MS, NC, SC, TN)

Wendy Schumacher

EPA, Region 5
77 West Jackson Blvd MRI-9
Chicago, IL 60604-3507

(312) 886-0182 FAX (312) 886-1515
Email: r5foia@epamail.epa.gov
(States: IL, IN, MI, MN, OH, WI)

Jerva Durham

EPA, Region 6
1445 Ross Avenue
Dallas, TX 75202-2733

(214) 665-6597 FAX (214) 665-2146
Email: r6foia@epamail.epa.gov
(States: AR, LA, NM, OK, TX)

Pat Pennington

EPA, Region 7
726 Minnesota Avenue
Kansas City, KS 66101

(913) 551-7764 FAX (913) 551-7066
Email: r7foia@epamail.epa.gov
(States: IA, KS, MO, NE)

Vicki Ferguson

EPA, Region 8
999 18th St. Suite 500
Denver, CO 80202-2466

(303) 312-6940 FAX (303) 312-6961
Email: R8FOIAS@epamail.epa.gov
(States: CO, MT, ND, SD, UT, WY)

Sharon Jang

EPA, Region 9
75 Hawthorne St. (CGR-3-1)
San Francisco, CA 94105

(415) 744-1593 FAX (415) 744-1605
Email: r9.info@epamail.epa.gov
(States: AZ, CA, HI, NV, AS, GU)

Stephanie Kercheval

EPA, Region 10

1200 6th Ave. EXA-124
Seattle, WA 98101

(206) 553-8665 FAX (206) 553-0149
Email: Region10-FOIA@EPAMAIL.EPA.GOV
(States: AK, ID, OR, WA)

Response Time Graphs/Ranges

Days Taken to Close Requests	Requests
0 - 5	2,237
6 - 10	2,968
11 - 15	2,683
16 - 20	3,415
21 - 30	3,312
Over 30	4,233
Total Closed Requests	18,848

Description of Why Some Requests are not Granted

- Exemption 1 - Matters of National Defense or Foreign Policy
- Exemption 2 - Internal Agency Rules
- Exemption 3 - Information Exempted by Other Statutes
- Exemption 4 - Trade Secrets, Commercial or Financial Information
- Exemption 5 - Privileged Inter- or Intra-Agency Memoranda
- Exemption 6 - Personal Privacy
- Exemption 7 - Records or Information Compiled for Law Enforcement Purposes
- Exemption 8 - Records of Financial Institutions
- Exemption 9 - Geological or Geophysical Information and Data Concerning Wells

III. Definitions of Terms and Acronyms Used

A. Agency specific acronyms or other terms

1. **FIFRA** -- Federal Insecticide, Fungicide, & Rodenticide Act

2. **Action Office Assignments** -- The EPA component office(s) where the FOI Office assigns a request for action and direct reply to the requester. Many requests are assigned to multiple components for separate responses/ action.

B. Basic terms

1. **FOIA Request** -- Freedom of Information Act request. A FOIA request is a request for access to records concerning a third party, an organization, or a particular topic of interest.

2. **Initial Request** -- a request to a federal agency for access to records under the Freedom of Information Act.

3. **Appeal** -- a request to a federal agency asking that it review at a higher administrative level a full denial or partial denial of access to records under the Freedom of Information Act, or any other FOIA determination such as a matter pertaining to fees.

4. **Processed Request or Appeal** -- a request or appeal for which an agency has taken a final action on the request or the appeal in all respects.

5. **Multi-track processing** -- a system in which simple requests requiring relatively minimal review are placed in one processing track and more voluminous and complex requests are placed in one or more other tracks. Requests in each track are processed on a first-in/first-out basis. A requester who has an urgent need for records may request expedited processing.

6. **Expedited processing** -- an agency will process a FOIA request on an expedited basis when a requester has shown an exceptional need or urgency for the records which warrants prioritization of his or her request over other requests that were made earlier.

7. **Basic Request** -- a FOIA request that an agency using multi-track processing places in its fastest (nonexpedited) track based on the volume and/or simplicity of records requested.

8. **Unusual Circumstances**-- an agency may take up to an additional ten working days to respond to a request. However, the agency must notify the requester that additional time is required and offer the requester the opportunity "to limit the scope of the request" and or "to arrange with the agency an alternative time frame for processing the request or a modified request."

9. **Exceptional Circumstances**-- the agency may delay responding to requests when able to demonstrate reasonable progress in reducing its FOIA backlog of pending requests, or, where a requester refuses to reasonably modify the scope of a request or arrange an alternative time frame for processing it.

10. **Grant** -- the agency decision to disclose all records in full in response to a FOIA request.

11. **Partial grant** -- the agency decision to disclose a record in part in response to a FOIA request, deleting information determined to be exempt under one or more of the FOIA's exemptions; or a decision to disclose some records in their entireties, but to withhold others in whole or in part.

12. **Denial** -- the agency decision not to release any part of a record or records in response to a FOIA request because all the information in the requested records is determined by the agency to be exempt under one or more of the FOIA's exemptions, or for some procedural reason (such as because no record is located in response to a FOIA request).

13. **Time limits** -- the time period in the Freedom of Information Act for an agency to respond to a FOIA request (ordinarily 20 working days from proper receipt of the FOIA request).

14. **Exemption 3 statute** -- a separate federal statute prohibiting the disclosure of a certain type of information and authorizing its withholding under FOIA subsection (b) (3).

15. **Median number** -- the middle, not average, number. (**NOTE:** EPA calculated all median numbers based on working days rather than calendar days.)

IV. Exemption 3 Statutes

A. List of Exemption 3 statutes relied on by agency during current fiscal year

- 7 USC 136h
- 41 USC 253b(m)
- 41 USC Section 27
-

1. Description of type(s) of information withheld under each statute:

- FIFRA Records
- Contractor Proposals
- Source Information
-

2. Statement of whether a court has upheld the use of each statute. If so, then cite example:

There have been no court decisions relating to the above statutes.

V. Initial FOIA Requests

A. Number of initial requests

1. Number of requests pending from last year: 3,745
2. Number of requests received during current year: 21,220
3. Number of requests processed during current year: 18,848
4. Number of requests pending this year: 6,117

B. Dispositions of initial requests

Answers to this section are based upon action office assignments rather than individual FOIA requests.

1. Number of total grants: 16,718
2. Number of partial grants: 746
3. Number of denials: 127

C. Number of times each FOIA Exemption used

Exemption 552(b)	Number of times invoked
(1)	2
(2)	4
(3)	1
(4)	322
(5)	139
(6)	54
(7)	16
(7)(A)	116
(7)(B)	1
(7)(C)	5
(7)(E)	5
(2)(7)(E)	2
(3)(4)	15
(3)(5)	2
(4)(5)	22
(4)(6)	1

(4)(7)	1
(4)(7)(A)	2
(4)(7)(B)	1
(4)(7)(C)	1
(4)(7)(E)	1
(5)(6)	8
(5)(7)	11
(5)(7)(A)	47
(5)(7)(B)	1
(5)(7)(C)	5
(5)(7)(D)	2
(5)(7)(E)	7
(6)(7)	1
(6)(7)(C)	5
(6)(7)(D)	1
(7)(A)(7)(B)	1
(7)(A)(7)(C)	3

(7)(A)(7)(D)	1
(7)(A)(7)(E)	5
(7)(B)(7)(C)	1
(7)(E)(7)(F)	1
(2)(5)(7)(C)	1
(3)(4)(7)(A)	1
(4)(5)(6)	1
(4)(5)(7)	4
(4)(5)(7)(A)	4
(4)(5)(7)(B)	1
(4)(5)(7)(C)	2
(4)(5)(7)(E)	1
(4)(7)(A)(7)(E)	1
(5)(6)(7)(A)	4
(5)(6)(7)(B)	1
(5)(6)(7)(C)	3
(5)(7)(A)(7)(D)	2
(5)(7)(A)(7)(E)	5
(5)(7)(A)(9)	1

(5)(7)(C)(7)(D)	4
(6)(7)(A)(7)(C)	1
(6)(7)(C)(7)(E)	1
(7)(C)(7)(D)(7)(E)	2
(4)(5)(6)(7)	2
(4)(5)(6)(7)(C)	1
(4)(5)(7)(A)(7)(C)	1
(4)(5)(7)(A)(7)(D)	1
(4)(5)(7)(A)(7)(E)	2
(4)(6)(7)(C)(7)(E)	1
(5)(6)(7)(A)(7)(C)	1
(5)(6)(7)(C)(7)(D)	1
(5)(7)(A)(7)(C)(7)(D)	3
(4)(5)(6)(7)(A)(7)(C)	1
(4)(5)(6)(7)(A)(7)(D)	1
(5)(7)(A)(7)(B)(7)(C)(7)(E)	1
(5)(7)(A)(7)(C)(7)(D)(7)(E)	4

D. Other reasons for nondisclosure (total): 19,235

Reason for nondisclosure	Number of times used

CLOSED	3,168
CLOSED - DUPLICATE REQUEST	412
CLOSED - FEE RELATED REASON	13
CLOSED - NO RECORDS EXIST	12,623
CLOSED - NO RESPONSE FROM REQUESTOR	548
CLOSED - RECORDS NOT REASONABLY DESCRIBED	42
CLOSED - REFERRALS	2
CLOSED - REFERRED TO ANOTHER FED. AGENCY	100
CLOSED - REFERRED TO NTIS/GPO	68
CLOSED - REFERRED TO STATE AGENCY	982
CLOSED - WITHDRAWN BY REQUESTOR	1,277

VI. Appeals of Initial Denials of FOIA Requests

A. Number of appeals

1. Number of appeals received this year: 124
2. Number of appeals processed this year: 38

B. Disposition of appeals

1. Number completely upheld: 12
2. Number partially reversed: 8
3. Number completely reversed: 1

C. Number of times each FOIA Exemption used

Exemption 552(b)	Number of times invoked
(4)	1
(5)	4
(6)	5
(7)(A)	3
(4)(5)	1
(5)(7)(A)	2
(6)(7)(C)	1
(7)(C)(7)(E)	1
(4)(5)(6)	1
(5)(6)(7)(A)(7)(E)	1

D. Other reasons for nondisclosure (total): 17

Reason for nondisclosure	Number of times used
Closed	5
Closed - Negotiated Reply	2
Closed - Records Sent by Program	2
Closed - Records Sent by OGC - No Determination Issued	1
Closed - Records Sent by Regions - No Determination Issued	3

Closed - Withdrawn by Requestor	1
No Records	3

Via. Previous Year Appeals

A. Number of previous year appeals processed: 50

B. Disposition of previous year appeals

1. Number of partially reversed: 4
2. Number completely upheld: 7

C. Number of times each FOIA Exemption used

Exemption 552(b)	Number of times invoked
(4)	2
(5)	1
(6)	1
(6)(7)(C)	1
(7)(A)(7)(E)	2
(5)(6)(7)(C)	3
(4)(6)(7)(A)(7)(C)	1

D. Other reasons for nondisclosure (total): 39

Reason for nondisclosure	Number of times used
Closed	9

Closed - Negotiated Reply	6
Closed - Records Sent by Program	3
Closed - Records Sent by OGC - No Determination Issued	1
Closed - Records Sent by Regions - No Determination Issued	6
Closed - Withdrawn by Requestor	12
No Records	2

Vlb. Final Confidentiality Determinations

Under Agency regulations appearing in 40 CFR Part 2, Subpart B, each Agency program office that receives a request for business information claimed as confidential by the submitter must issue an initial denial of the request. The Agency General Counsel (or a Regional Counsel) automatically reviews the matter after receiving comments from the submitter and makes a final confidentiality determination. **This final confidentiality determination is the equivalent of an appeal determination and is the final Agency action.** (The person making the request need not appeal the initial denial to obtain the final confidentiality determination.) Listed below are the figures for Agency final confidentiality determinations issued under these regulations:

A. Number of Final Confidential Determinations

1. Number of final confidentiality determinations made pursuant to 40 CFR Part 2, Subpart B: 13

B. Disposition of Final Determinations

1. Number of completely upheld: 5
2. Number partially reversed: 5
3. Number completely reversed: 3

C. Number of times each FOIA Exemption used

Exemption 552(b)	Number of times invoked

(4)

10

VII. Time Limits/Status of Pending Requests

Answers to this section are based upon action office assignments rather than individual FOIA requests.

A. Median processing time for requests processed this year

1. Basic Requests

a. Number of assignments processed:
36,748

b. Median number of days to process: 16

2. Unusual Requests

a. Number of assignments processed: 69

b. Median number of days to process: 27

3. Exceptional Requests

a. Number of assignments processed: 6

b. Median number of days to process: 20

4. Expedited Requests

a. Number of assignments processed: 3

b. Median number of days to process: 7

B. Number of requests pending

1. Number of requests pending this year: 6,117

2. Median number of days pending: 195

VIII. Comparisons with Previous Years

A. Number of requests received:

- Calendar Year 1997 - 17,867
- Fiscal Year 1998 - 21,220
- Percentage Change - 19 %

B. Number of requests processed:

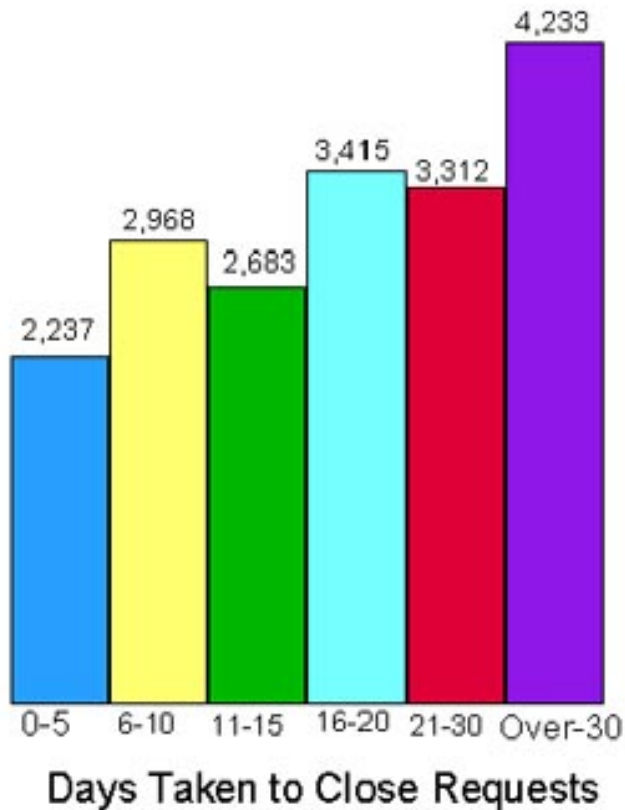
- Calendar Year 1997 - 14,118
- Fiscal Year 1998 - 18,848
- Percentage Change - 34 %

C. Median number of days requests were pending:

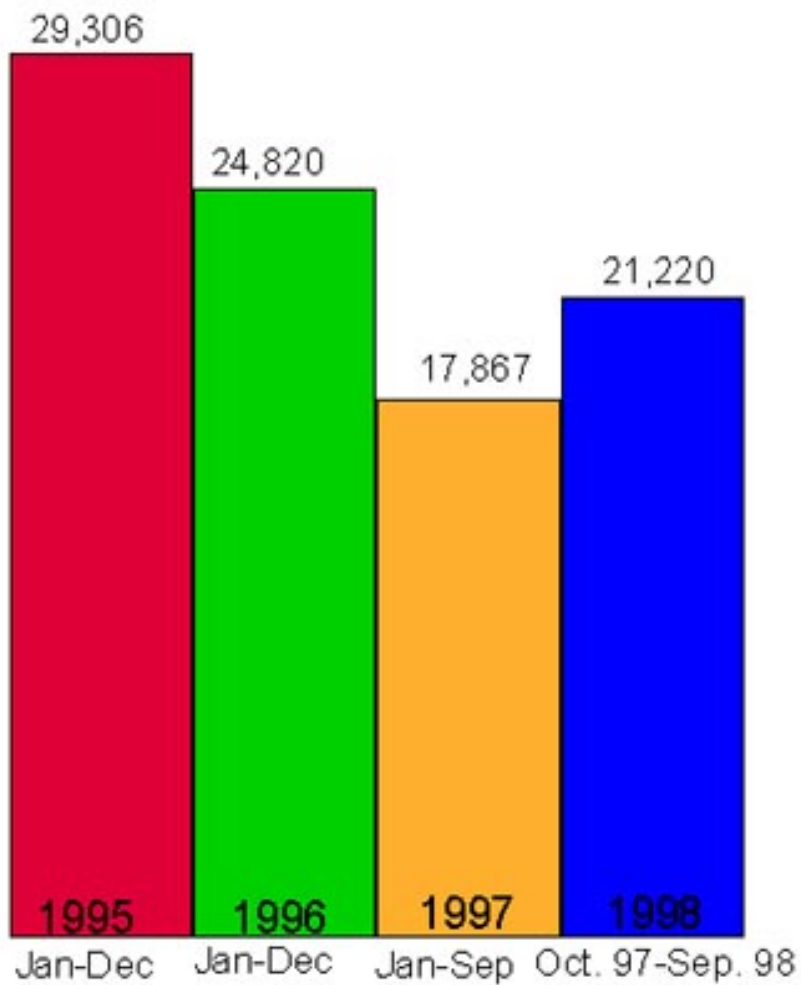
- Calendar Year 1997 - 77
- Fiscal Year 1998 - 195

D. Other statistics significant to agency

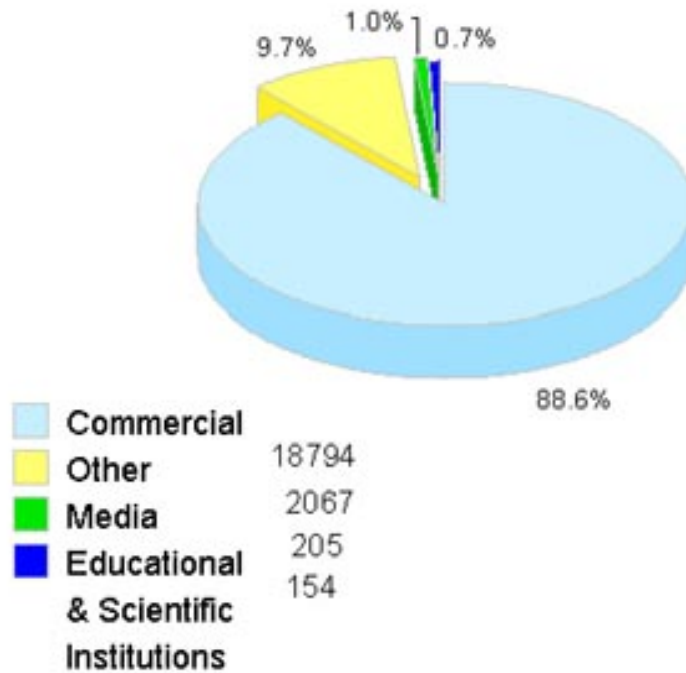
**Closed FOIA Requests Response Time
Oct. 97 through Sep. 98**



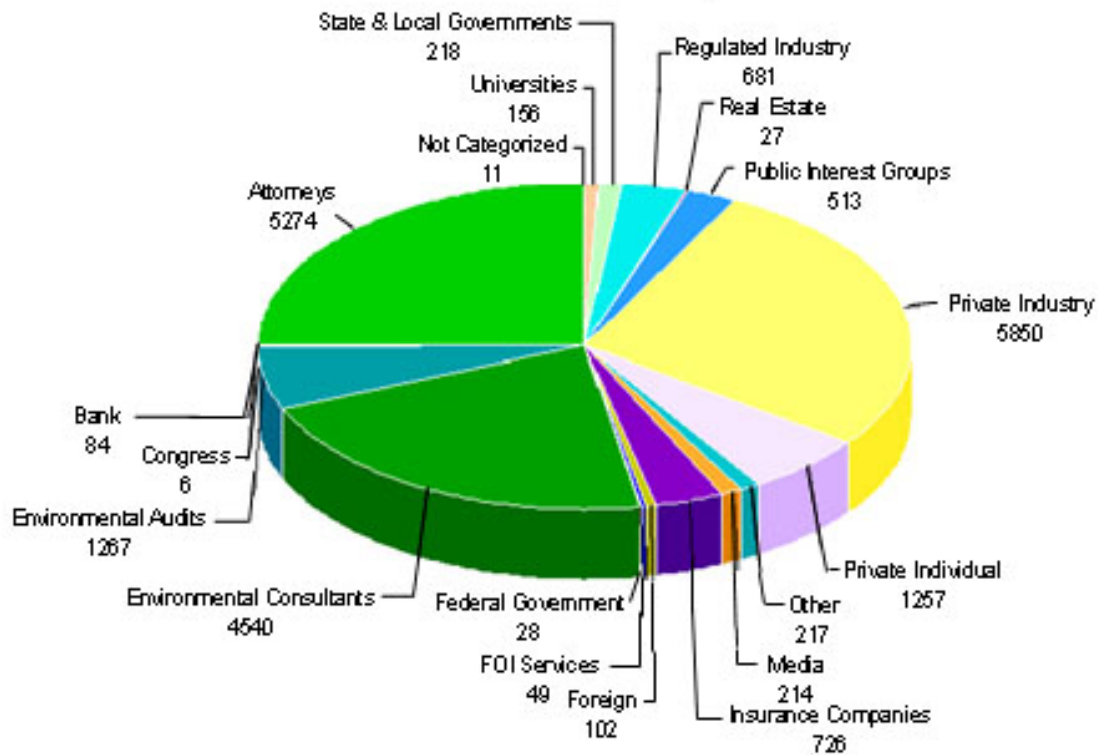
FOIA Requests from CY-95 through FY-98



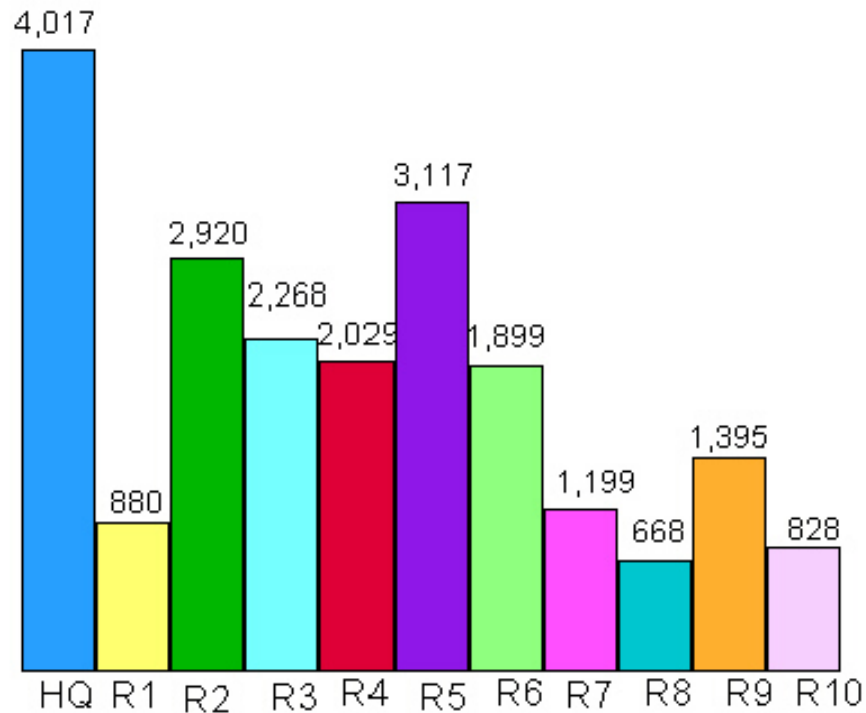
FOIA Fee Categories Received in FY-98 Oct. 97 through Sep. 98



FOIA Requester Type FY-1998 Oct. 97 through Sep. 98



All FOIA Requests for FY-98 Oct. 97 through Sep. 98



E. EPA's FOIA request workload has steadily decreased since 1993 -- from 41,102 requests in 1993 to 21,220 in FY-1998. This decrease is due largely because the Agency is continuing to place many routinely requested records and databases on the Internet (website address at <http://www.epa.gov>). EPA operates decentrally and the majority of the Headquarters and Regional components have developed Internet homepages. Providing Internet access to records maintained throughout the Agency has significantly reduced routine FOIA request workloads and improved the Agency's Public Access and Customer Service efforts.

IX. Cost/FOIA Staffing

A. Staffing Level

The numbers below represent full and part time FOI employees within Headquarters and Regional offices, including FOI, Legal and Program

Office components. Other employees participate in FOIA processing on a collateral basis ranging from 5 - 15% of time spent.

1. Number of Full-Time employees: 93

2. Number of Part-Time employees: 909

3. Total number of personnel: 1,002

B. Total Costs (including staff and all resources)

EPA did not implement an "actual cost" tracking system for this information until FY 1999. Therefore, this cost represents a best estimate based on staff salaries, equipment, and supplies for the staffing level listed in A above.

1. Total cost: \$4,500,000.00

X. Fees

A. Total amount of fees collected by agency for processing requests: \$524,840.66

B. Percentage of total cost: 12%

XI. Regulations and Fee Schedule (EFFECTIVE FEBRUARY 4, 1988)

MANUAL SEARCH FOR RECORDS:

EPA EMPLOYEES: For each 1/2 hour or portion thereof:

- Personnel at GS-8 and below: \$4.00
- Personnel at GS-9 and above: \$10.00

CONTRACTOR EMPLOYEES:

Actual charges up to but not exceeding the rate charged had EPA employees conducted the search.

COMPUTER SEARCH FOR RECORDS:

EPA EMPLOYEES: For each 1/2 hour or portion thereof:

- Personnel at GS-8 or below:\$4.00
- Personnel at GS-9 or above:\$10.00

PLUS Contractors operators (actual charges up to but not exceeding the

rate charges had EPA employees conducted the search).

PLUS Actual computer resources usage charges for this search

REVIEW OF RECORDS (EPA EMPLOYEES) :

For each 1/2 hour or portion thereof:

- Personnel at GS-8 and below:\$4.00
- Personnel at GS-9 and above:\$10.00

REPRODUCTION OF DOCUMENTS (paper copy of paper original):

0.15 per page

COMPUTER PRINTOUTS:

0.15 per page

OTHER METHODS OF DUPLICATIONS OR REPRODUCTIONS, INCLUDING, BUT NOT LIMITED TO DUPLICATION OF PHOTOGRAPHS, MICROFILM AND MAGNETIC TAPE AND SPECIAL HANDLING OR TRANSPORTATION OF RECORDS WILL BE CHARGED AT THE ACTUAL DIRECT COST TO EPA.

CERTIFICATION OR AUTHENTICATION OF RECORDS:

\$25.00 per certification of authentication

FEES WILL BE ASSESSED ACCORDING TO THE FOUR CATEGORIES OF REQUEST

COMMERCIAL USE REQUEST: Requester charged for search, review, and duplication costs

EDUCATIONAL AND NON-COMMERCIAL SCIENTIFIC INSTITUTIONS: Requester charged for duplication cost excluding the first 100 pages (no fee will be charged for search time)

REPRESENTATIVES OF THE NEWS MEDIA: Requester charged for duplication costs excluding the first 100 pages (no fee will be charged for search time)

ALL OTHER REQUESTS: Requester charged for search and duplication time excluding the first two hours of search time and the first 100 pages of duplication

NO FEE WILL BE CHARGED IF THE TOTAL FEE UNDER ANY CATEGORY IS LESS THAN \$25.00, OR IF THE COST OF COLLECTING THE FEES WOULD OTHERWISE EXCEED THE AMOUNT COLLECTED

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Last updated on undefined, undefined NaNth, NaN
URL: <http://www.epa.gov/foia/foiarept.htm>

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New site to help

Tribes protect the

environment Sep 14 -

The new online Tribal Compliance

Assistance Center will help tribal

environmental



EPA Administrator

[Steve Johnson's page](#)

professionals and facility owners meet environmental regulations.

[News release](#) | [the Tribal Compliance Assistance Center](#)

20th anniversary of Montreal Protocol

Sep 13 - Since 1987, 191 countries have signed on to the treaty, to phase out production and use of compounds that deplete ozone in the stratosphere. The ozone layer has not grown thinner since 1998.

[News release](#) | [More on the Montreal 20th anniversary meeting](#)

Import Safety Message from Administrator Johnson

Sep 10 - EPA continues to improve technology and focus enforcement to protect Americans from harmful imports.

[Statement](#) | [Declaración en español](#) | [中文: 繁體版](#) | [Read the workgroup's report to the president](#)

Discussion of climate change and energy -

Regional News

- CT [New Haven landlords fined for lead paint violations](#)
- IL [EPA to sample airborne asbestos at Zion beach](#)
- IL [Waukegan rejects harbor cleanup agreement](#)
- LA [Drinking water ordered to meet standards in W Monroe](#)
- MA [Grant to protect Vietnamese floor finishers](#)
- MD [Army ordered to clean up haz waste sites at Ft Meade](#)
- MD [Cleanup proposed for Chevron gasoline spill in Chillum](#)
- MI [EPA issues demand for Midland dioxin sampling data](#)
- NY [Cleanup proposed for Old Roosevelt Field site](#)

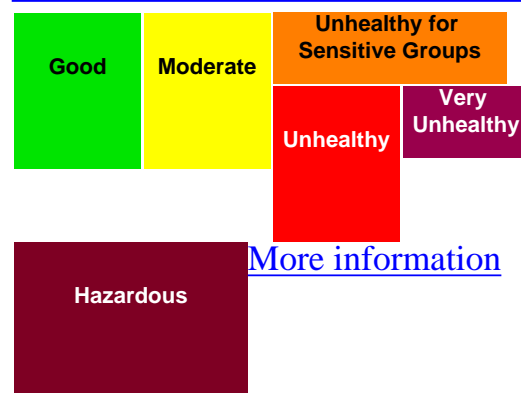
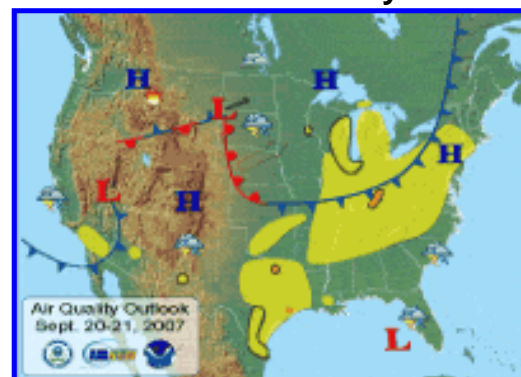


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- [Action Plan](#)
- [2006-2011 EPA Strategic Plan](#)
- [Performance & Accountability](#)

[Cooperative Conservation](#) 



Your Air Quality



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El medio ambiente y su salud

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In his new blog, "The Flow of the River," EPA Deputy Administrator Marcus Peacock offers his insights on helping achieve EPA's mission. [Read the blog](#)

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United States Environmental Protection Agency
Agency Freedom of Information Office (2822T)
1200 Pennsylvania Avenue NW
Washington, DC 20460
PHONE: (202) 566-1667
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FY 1998 Annual Freedom Of Information Report

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FY 1998 ANNUAL FREEDOM OF INFORMATION REPORT

I. Basic Information

Agency Contact:

Jeralene B. Green
Agency FOI Officer
U.S. Environmental Protection Agency
401 M St, S.W. (1105)
Washington, D.C. 20460

(202) 260-4048

Electronic Address for Report

<http://www.epa.gov/epafoia1/foiarept.htm>

How to obtain a paper copy of report

A paper copy can be obtained by contacting the Agency FOI Officer listed above.

II. How to File a FOIA Request

Before making a request under the FOIA, make sure the information you seek is not already available to the public in reading rooms or the Agency's Web site on the Internet. Copies of this public material can also be requested by writing to the Agency's headquarters office or to the appropriate Agency's regional office. If the information you seek is not already available to the public, submit a written request to the Agency FOI Officer in Washington, DC or the Regional FOI Officer in the appropriate regional office (addresses listed below). If you cannot determine where within the Agency to send your request, you may send it to the Agency FOI Officer in Washington, DC. To assist the EPA in the processing of your request, include: (a) readable information such as your name, address, and phone number; (b) try to be as specific as possible in identifying the records sought in a way that will permit their identification and location; and (c) a statement of your willingness to pay fees up to the amount you wish to specify.

Generally, you have a right to a decision with regard to the release of the requested records within 20 working days of receipt of your request and the EPA makes every effort to meet this timeframe. However, due to the complexity of certain requests, the Agency may take a substantially longer time to fully respond to a request.

If your request is initially denied in whole or in part, in accordance with exemptions provided by the FOIA, you will be advised of your right to appeal. Generally, you will have a right to a decision on the appeal within 20 working days of receipt.

All requests made under the FOIA are a matter of public record and may be placed in the Agency's public files.

The EPA brochure "[How to Make a Freedom of Information Act Request](#)" is available from the Agency FOI Offices listed below:

Agency Components Receiving FOIA Requests

Jeralene B. Green

Agency FOI Officer
Environmental Protection Agency
401 M St, S.W. (1105)
Washington, D.C. 20460

(202) 260-4048
FAX (202) 260-4499
Email: hq.foia@epamail.epa.gov

Tricia Leahy

EPA, Region 1
One Congress Street
Boston, MA 02114

(617) 918-1103 FAX (617) 918-1124
Email: leahy.tricia@epamail.epa.gov
(States: CT, ME, MA, NH, RI, VT)

Wanda Vasquez

EPA, Region 2
290 Broadway 26TH Fl
New York, NY 10007

(212) 637-3668 FAX (212) 637-5046
Email: vasquez.wanda@epamail.epa.gov
(States: NJ, NY, PR, VI)

Richard VanHolt

EPA, Region 3
1650 Arch Street
Philadelphia, PA 19103

(215) 814-5553 FAX (215) 814-5102
Email: vanholt.richard@epamial.epa.gov
(States: DE, DC, MD, PA, VA, WV)

Damita David

EPA, Region 4
61 Forsyth Street
Atlanta, GA 30303

(404) 562-8034 FAX (404) 562-8054
Email: r4foia@epamail.epa.gov
(States: AL, FL, GA, KY, MS, NC, SC, TN)

Wendy Schumacher

EPA, Region 5
77 West Jackson Blvd MRI-9
Chicago, IL 60604-3507

(312) 886-0182 FAX (312) 886-1515
Email: r5foia@epamail.epa.gov
(States: IL, IN, MI, MN, OH, WI)

Jerva Durham

EPA, Region 6
1445 Ross Avenue
Dallas, TX 75202-2733

(214) 665-6597 FAX (214) 665-2146
Email: r6foia@epamail.epa.gov
(States: AR, LA, NM, OK, TX)

Pat Pennington

EPA, Region 7
726 Minnesota Avenue
Kansas City, KS 66101

(913) 551-7764 FAX (913) 551-7066
Email: r7foia@epamail.epa.gov
(States: IA, KS, MO, NE)

Vicki Ferguson

EPA, Region 8
999 18th St. Suite 500
Denver, CO 80202-2466

(303) 312-6940 FAX (303) 312-6961
Email: R8FOIAS@epamial.epa.gov
(States: CO, MT, ND, SD, UT, WY)

Sharon Jang

EPA, Region 9
75 Hawthorne St. (CGR-3-1)
San Francisco, CA 94105

(415) 744-1593 FAX (415) 744-1605
Email: r9.info@epamail.epa.gov

*(States: AZ, CA, HI, NV, AS, GU)***Stephanie Kercheval**

EPA, Region 10
 1200 6th Ave. EXA-124
 Seattle, WA 98101

(206) 553-8665 FAX (206) 553-0149
 Email: Region10-FOIA@EPAMAIL.EPA.GOV
(States: AK, ID, OR, WA)

Response Time Graphs/Ranges

Days Taken to Close Requests	Requests
0 - 5	2,237
6 - 10	2,968
11 - 15	2,683
16 - 20	3,415
21 - 30	3,312
Over 30	4,233
Total Closed Requests	18,848

Description of Why Some Requests are not Granted

- Exemption 1 - Matters of National Defense or Foreign Policy
- Exemption 2 - Internal Agency Rules
- Exemption 3 - Information Exempted by Other Statutes
- Exemption 4 - Trade Secrets, Commercial or Financial Information
- Exemption 5 - Privileged Inter- or Intra-Agency Memoranda
- Exemption 6 - Personal Privacy
- Exemption 7 - Records or Information Compiled for Law Enforcement Purposes
- Exemption 8 - Records of Financial Institutions

- Exemption 9 - Geological or Geophysical Information and Data Concerning Wells

III. Definitions of Terms and Acronyms Used

A. Agency specific acronyms or other terms

1. **FIFRA** -- Federal Insecticide, Fungicide, & Rodenticide Act
2. **Action Office Assignments** -- The EPA component office(s) where the FOI Office assigns a request for action and direct reply to the requester. Many requests are assigned to multiple components for separate responses/ action.

B. Basic terms

1. **FOIA Request** -- Freedom of Information Act request. A FOIA request is a request for access to records concerning a third party, an organization, or a particular topic of interest.
2. **Initial Request** -- a request to a federal agency for access to records under the Freedom of Information Act.
3. **Appeal** -- a request to a federal agency asking that it review at a higher administrative level a full denial or partial denial of access to records under the Freedom of Information Act, or any other FOIA determination such as a matter pertaining to fees.
4. **Processed Request or Appeal** -- a request or appeal for which an agency has taken a final action on the request or the appeal in all respects.
5. **Multi-track processing** -- a system in which simple requests requiring relatively minimal review are placed in one processing track and more voluminous and complex requests are placed in one or more other tracks. Requests in each track are processed on a first-in/first-out basis. A requester who has an urgent need for records may request expedited processing.
6. **Expedited processing** -- an agency will process a FOIA request on an expedited basis when a requester has shown an exceptional need or urgency for the records which warrants prioritization of his or her request over other requests that were made earlier.
7. **Basic Request** -- a FOIA request that an agency using multi-track processing places in its fastest (nonexpedited) track based on the volume and/or simplicity of records requested.
8. **Unusual Circumstances**-- an agency may take up to an additional ten

working days to respond to a request. However, the agency must notify the requester that additional time is required and offer the requester the opportunity "to limit the scope of the request" and or "to arrange with the agency an alternative time frame for processing the request or a modified request."

9. **Exceptional Circumstances**-- the agency may delay responding to requests when able to demonstrate reasonable progress in reducing its FOIA backlog of pending requests, or, where a requester refuses to reasonably modify the scope of a request or arrange an alternative time frame for processing it.

10. **Grant** -- the agency decision to disclose all records in full in response to a FOIA request.

11. **Partial grant** -- the agency decision to disclose a record in part in response to a FOIA request, deleting information determined to be exempt under one or more of the FOIA's exemptions; or a decision to disclose some records in their entireties, but to withhold others in whole or in part.

12. **Denial** -- the agency decision not to release any part of a record or records in response to a FOIA request because all the information in the requested records is determined by the agency to be exempt under one or more of the FOIA's exemptions, or for some procedural reason (such as because no record is located in response to a FOIA request).

13. **Time limits** -- the time period in the Freedom of Information Act for an agency to respond to a FOIA request (ordinarily 20 working days from proper receipt of the FOIA request).

14. **Exemption 3 statute** -- a separate federal statute prohibiting the disclosure of a certain type of information and authorizing its withholding under FOIA subsection (b) (3).

15. **Median number** -- the middle, not average, number. (**NOTE:** EPA calculated all median numbers based on working days rather than calendar days.)

IV.Exemption 3 Statutes

A. List of Exemption 3 statutes relied on by agency during current fiscal year

- 7 USC 136h
- 41 USC 253b(m)
- 41 USC Section 27
-

1. Description of type(s) of information withheld under each statute:

- FIFRA Records
- Contractor Proposals
- Source Information
-

2. Statement of whether a court has upheld the use of each statute. If so, then cite example:

There have been no court decisions relating to the above statutes.

V. Initial FOIA Requests

A. Number of initial requests

1. Number of requests pending from last year: 3,745
2. Number of requests received during current year: 21,220
3. Number of requests processed during current year: 18,848
4. Number of requests pending this year: 6,117

B. Dispositions of initial requests

Answers to this section are based upon action office assignments rather than individual FOIA requests.

1. Number of total grants: 16,718
2. Number of partial grants: 746
3. Number of denials: 127

C. Number of times each FOIA Exemption used

Exemption 552(b)	Number of times invoked
(1)	2
(2)	4

(3)	1
(4)	322
(5)	139
(6)	54
(7)	16
(7)(A)	116
(7)(B)	1
(7)(C)	5
(7)(E)	5
(2)(7)(E)	2
(3)(4)	15
(3)(5)	2
(4)(5)	22
(4)(6)	1
(4)(7)	1
(4)(7)(A)	2
(4)(7)(B)	1

(4)(7)(C)	1
(4)(7)(E)	1
(5)(6)	8
(5)(7)	11
(5)(7)(A)	47
(5)(7)(B)	1
(5)(7)(C)	5
(5)(7)(D)	2
(5)(7)(E)	7
(6)(7)	1
(6)(7)(C)	5
(6)(7)(D)	1
(7)(A)(7)(B)	1
(7)(A)(7)(C)	3
(7)(A)(7)(D)	1
(7)(A)(7)(E)	5
(7)(B)(7)(C)	1

(7)(E)(7)(F)	1
(2)(5)(7)(C)	1
(3)(4)(7)(A)	1
(4)(5)(6)	1
(4)(5)(7)	4
(4)(5)(7)(A)	4
(4)(5)(7)(B)	1
(4)(5)(7)(C)	2
(4)(5)(7)(E)	1
(4)(7)(A)(7)(E)	1
(5)(6)(7)(A)	4
(5)(6)(7)(B)	1
(5)(6)(7)(C)	3
(5)(7)(A)(7)(D)	2
(5)(7)(A)(7)(E)	5
(5)(7)(A)(9)	1
(5)(7)(C)(7)(D)	4
(6)(7)(A)(7)(C)	1

(6)(7)(C)(7)(E)	1
(7)(C)(7)(D)(7)(E)	2
(4)(5)(6)(7)	2
(4)(5)(6)(7)(C)	1
(4)(5)(7)(A)(7)(C)	1
(4)(5)(7)(A)(7)(D)	1
(4)(5)(7)(A)(7)(E)	2
(4)(6)(7)(C)(7)(E)	1
(5)(6)(7)(A)(7)(C)	1
(5)(6)(7)(C)(7)(D)	1
(5)(7)(A)(7)(C)(7)(D)	3
(4)(5)(6)(7)(A)(7)(C)	1
(4)(5)(6)(7)(A)(7)(D)	1
(5)(7)(A)(7)(B)(7)(C)(7)(E)	1
(5)(7)(A)(7)(C)(7)(D)(7)(E)	4

D. Other reasons for nondisclosure (total): 19,235

Reason for nondisclosure	Number of times used
CLOSED	3,168

CLOSED - DUPLICATE REQUEST	412
CLOSED - FEE RELATED REASON	13
CLOSED - NO RECORDS EXIST	12,623
CLOSED - NO RESPONSE FROM REQUESTOR	548
CLOSED - RECORDS NOT REASONABLY DESCRIBED	42
CLOSED - REFERRALS	2
CLOSED - REFERRED TO ANOTHER FED. AGENCY	100
CLOSED - REFERRED TO NTIS/GPO	68
CLOSED - REFERRED TO STATE AGENCY	982
CLOSED - WITHDRAWN BY REQUESTOR	1,277

VI. Appeals of Initial Denials of FOIA Requests

A. Number of appeals

1. Number of appeals received this year: 124
2. Number of appeals processed this year: 38

B. Disposition of appeals

1. Number completely upheld: 12
2. Number partially reversed: 8
3. Number completely reversed: 1

C. Number of times each FOIA Exemption used

Exemption 552(b)	Number of times invoked
(4)	1
(5)	4
(6)	5
(7)(A)	3
(4)(5)	1
(5)(7)(A)	2
(6)(7)(C)	1
(7)(C)(7)(E)	1
(4)(5)(6)	1
(5)(6)(7)(A)(7)(E)	1

D. Other reasons for nondisclosure (total): 17

Reason for nondisclosure	Number of times used
Closed	5
Closed - Negotiated Reply	2
Closed - Records Sent by Program	2
Closed - Records Sent by OGC - No Determination Issued	1
Closed - Records Sent by Regions - No Determination Issued	3

Closed - Withdrawn by Requestor	1
No Records	3

Via. Previous Year Appeals

A. Number of previous year appeals processed: 50

B. Disposition of previous year appeals

1. Number of partially reversed: 4
2. Number completely upheld: 7

C. Number of times each FOIA Exemption used

Exemption 552(b)	Number of times invoked
(4)	2
(5)	1
(6)	1
(6)(7)(C)	1
(7)(A)(7)(E)	2
(5)(6)(7)(C)	3
(4)(6)(7)(A)(7)(C)	1

D. Other reasons for nondisclosure (total): 39

Reason for nondisclosure	Number of times used

Closed	9
Closed - Negotiated Reply	6
Closed - Records Sent by Program	3
Closed - Records Sent by OGC - No Determination Issued	1
Closed - Records Sent by Regions - No Determination Issued	6
Closed - Withdrawn by Requestor	12
No Records	2

Vlb. Final Confidentiality Determinations

Under Agency regulations appearing in 40 CFR Part 2, Subpart B, each Agency program office that receives a request for business information claimed as confidential by the submitter must issue an initial denial of the request. The Agency General Counsel (or a Regional Counsel) automatically reviews the matter after receiving comments from the submitter and makes a final confidentiality determination. **This final confidentiality determination is the equivalent of an appeal determination and is the final Agency action.** (The person making the request need not appeal the initial denial to obtain the final confidentiality determination.) Listed below are the figures for Agency final confidentiality determinations issued under these regulations:

A. Number of Final Confidential Determinations

1. Number of final confidentiality determinations made pursuant to 40 CFR Part 2, Subpart B: 13

B. Disposition of Final Determinations

1. Number of completely upheld: 5
2. Number partially reversed: 5
3. Number completely reversed: 3

C. Number of times each FOIA Exemption used

Exemption 552(b)	Number of times invoked
(4)	10

VII. Time Limits/Status of Pending Requests

Answers to this section are based upon action office assignments rather than individual FOIA requests.

A. Median processing time for requests processed this year

1. Basic Requests

- a. Number of assignments processed: 36,748
- b. Median number of days to process: 16

2. Unusual Requests

- a. Number of assignments processed: 69
- b. Median number of days to process: 27

3. Exceptional Requests

- a. Number of assignments processed: 6
- b. Median number of days to process: 20

4. Expedited Requests

- a. Number of assignments processed: 3
- b. Median number of days to process: 7

B. Number of requests pending

- 1. Number of requests pending this year: 6,117
- 2. Median number of days pending: 195

VIII. Comparisons with Previous Years

A. Number of requests received:

- Calendar Year 1997 - 17,867
- Fiscal Year 1998 - 21,220
- Percentage Change - 19 %

B. Number of requests processed:

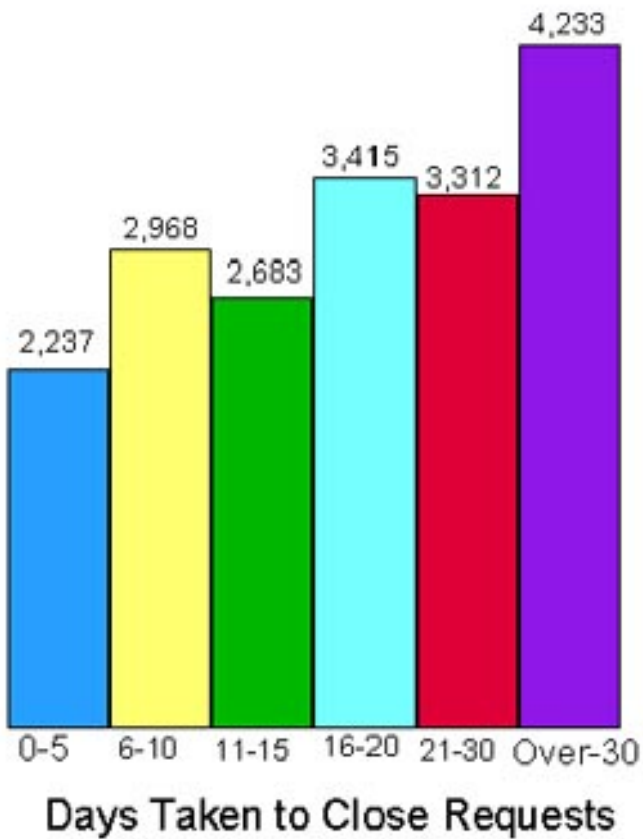
- Calendar Year 1997 - 14,118
- Fiscal Year 1998 - 18,848
- Percentage Change - 34 %

C. Median number of days requests were pending:

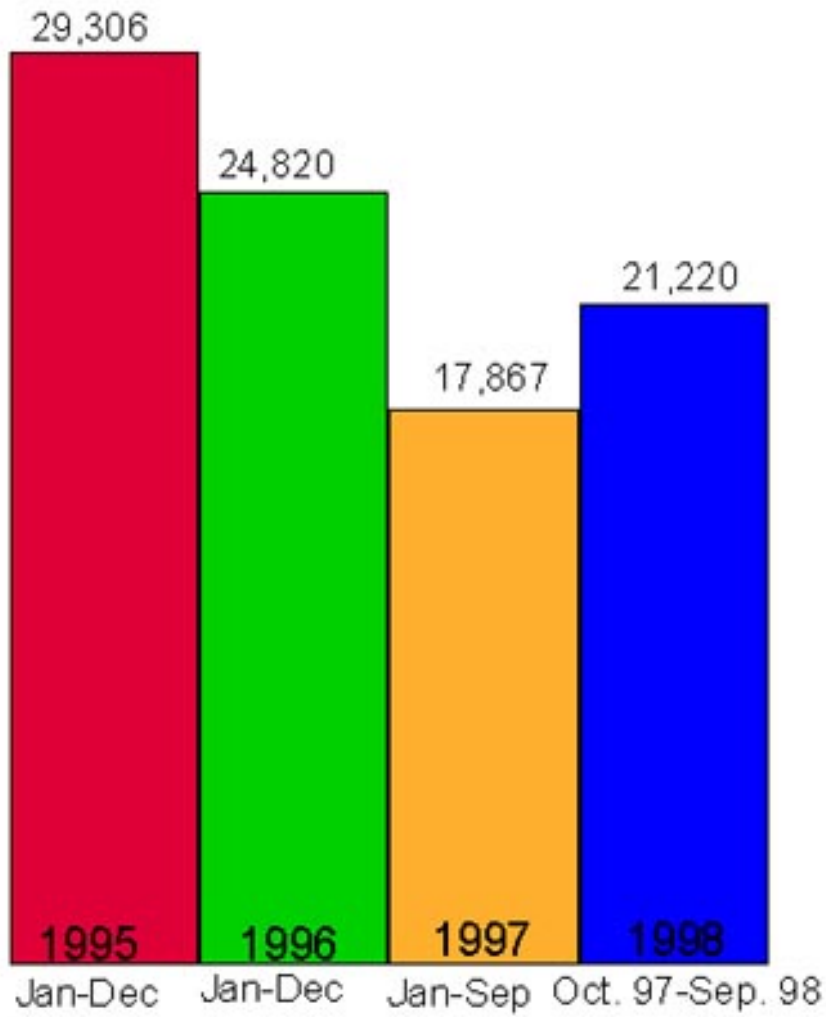
- Calendar Year 1997 - 77
- Fiscal Year 1998 - 195

D. Other statistics significant to agency

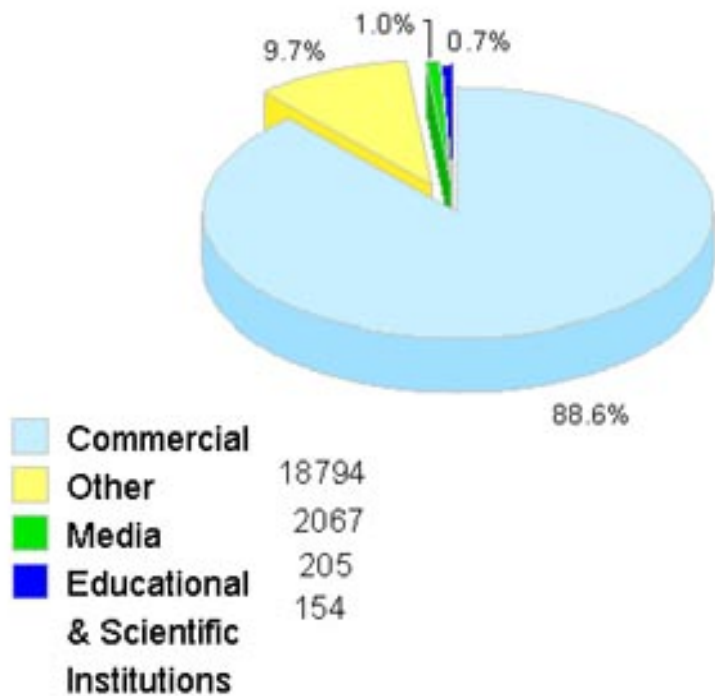
Closed FOIA Requests Response Time Oct. 97 through Sep. 98



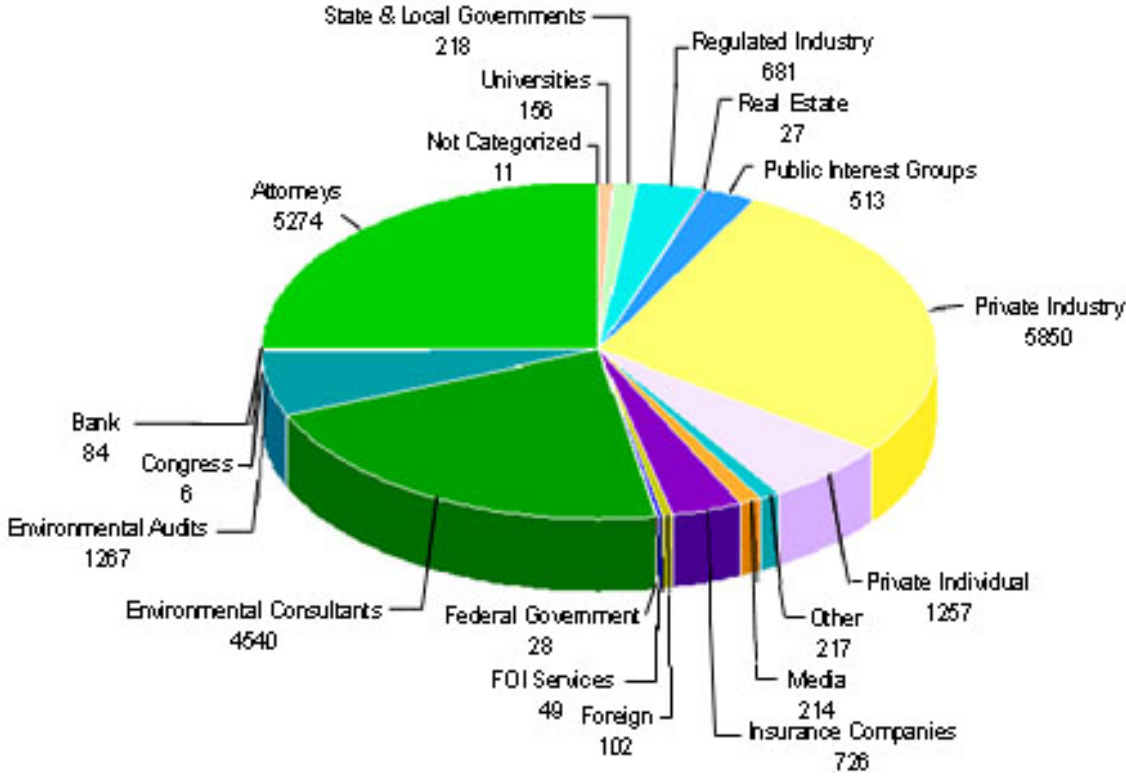
FOIA Requests from CY-95 through FY-98



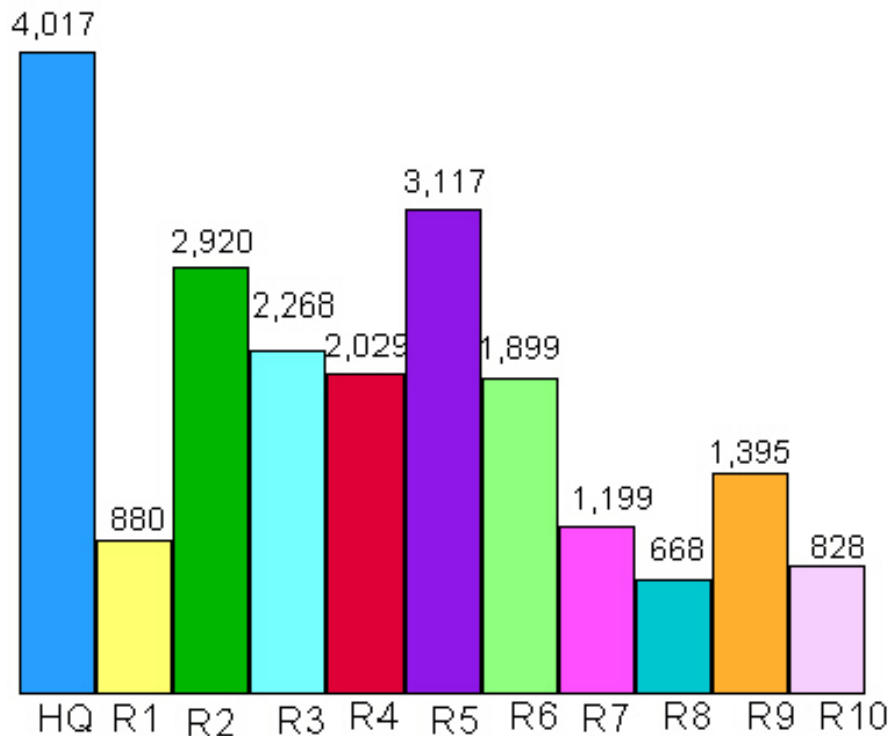
FOIA Fee Categories Received in FY-98 Oct. 97 through Sep. 98



FOIA Requester Type FY-1998 Oct. 97 through Sep. 98



All FOIA Requests for FY-98 Oct. 97 through Sep. 98



E. EPA's FOIA request workload has steadily decreased since 1993 -- from 41,102 requests in 1993 to 21,220 in FY-1998. This decrease is due largely because the Agency is continuing to place many routinely requested records and databases on the Internet (website address at <http://www.epa.gov>). EPA operates decentrally and the majority of the Headquarters and Regional components have developed Internet homepages. Providing Internet access to records maintained throughout the Agency has significantly reduced routine FOIA request workloads and improved the Agency's Public Access and Customer Service efforts.

IX. Cost/FOIA Staffing

A. Staffing Level

The numbers below represent full and part time FOI employees within Headquarters and Regional offices, including FOI, Legal and Program Office components. Other employees

participate in FOIA processing on a collateral basis ranging from 5 - 15% of time spent.

1. Number of Full-Time employees: 93
2. Number of Part-Time employees: 909
3. Total number of personnel: 1,002

B. Total Costs (including staff and all resources)

EPA did not implement an "actual cost" tracking system for this information until FY 1999. Therefore, this cost represents a best estimate based on staff salaries, equipment, and supplies for the staffing level listed in A above.

1. Total cost: \$4,500,000.00

X. Fees

A. Total amount of fees collected by agency for processing requests: \$524,840.66

B. Percentage of total cost: 12%

XI. Regulations and Fee Schedule (EFFECTIVE FEBRUARY 4, 1988)

MANUAL SEARCH FOR RECORDS:

EPA EMPLOYEES: For each 1/2 hour or portion thereof:

- Personnel at GS-8 and below: \$4.00
- Personnel at GS-9 and above: \$10.00

CONTRACTOR EMPLOYEES:

Actual charges up to but not exceeding the rate charged had EPA employees conducted the search.

COMPUTER SEARCH FOR RECORDS:

EPA EMPLOYEES: For each 1/2 hour or portion thereof:

- Personnel at GS-8 or below:\$4.00
- Personnel at GS-9 or above:\$10.00

PLUS Contractors operators (actual charges up to but not exceeding the rate charges had EPA employees conducted the search).

PLUS Actual computer resources usage charges for this search

REVIEW OF RECORDS (EPA EMPLOYEES) :

For each 1/2 hour or portion thereof:

- Personnel at GS-8 and below:\$4.00
- Personnel at GS-9 and above:\$10.00

REPRODUCTION OF DOCUMENTS (paper copy of paper original):

0.15 per page

COMPUTER PRINTOUTS:

0.15 per page

OTHER METHODS OF DUPLICATIONS OR REPRODUCTIONS, INCLUDING, BUT NOT LIMITED TO DUPLICATION OF PHOTOGRAPHS, MICROFILM AND MAGNETIC TAPE AND SPECIAL HANDLING OR TRANSPORTATION OF RECORDS WILL BE CHARGED AT THE ACTUAL DIRECT COST TO EPA.

CERTIFICATION OR AUTHENTICATION OF RECORDS:

\$25.00 per certification of authentication

FEES WILL BE ASSESSED ACCORDING TO THE FOUR CATEGORIES OF REQUEST

COMMERCIAL USE REQUEST: Requester charged for search, review, and duplication costs

EDUCATIONAL AND NON-COMMERCIAL SCIENTIFIC INSTITUTIONS: Requester charged for duplication cost excluding the first 100 pages (no fee will be charged for search time)

REPRESENTATIVES OF THE NEWS MEDIA: Requester charged for duplication costs excluding the first 100 pages (no fee will be charged for search time)

ALL OTHER REQUESTS: Requester charged for search and duplication time excluding the first two hours of search time and the first 100 pages of duplication

NO FEE WILL BE CHARGED IF THE TOTAL FEE UNDER ANY CATEGORY IS LESS THAN \$25.00, OR IF THE COST OF COLLECTING THE FEES WOULD OTHERWISE EXCEED THE AMOUNT COLLECTED

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Welcome to EPA's FOIA Homepage. It is EPA's policy to make the fullest possible disclosure of information without unjustifiable expense or unnecessary delay to any requester. Before making a request under the FOIA, please make sure the information you seek is not already available on EPA's Web site.

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- [EPA's Annual 2005 FOIA Report \(PDF\)](#) (12 pp, 193K)
- [EPA's Annual 2004 FOIA Report \(PDF\)](#) (17 pp, 425K)
- [EPA's Annual 2003 FOIA Report \(PDF\)](#) (18 pp, 459K)
- [EPA's Annual 2002 FOIA Report \(PDF\)](#) (17 pp, 281K)
- [EPA's Annual 2001 FOIA Report \(PDF\)](#) (16 pp, 37K)
- [EPA's Annual 2000 FOIA Report](#)
- [EPA's Annual 1999 FOIA Report](#)
- [EPA's Annual 1998 FOIA Report](#)

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Contacts

Headquarters

National Freedom of Information Officer
 U.S. EPA, Records, FOIA and Privacy Branch
 1200 Pennsylvania Avenue, NW (2822T)
 Washington, DC 20460
 (202) 566-1667 FAX (202) 566-2147
 Email: hq.foia@epa.gov
 URL Address: <http://www.epa.gov/foia/>

Region 1 (States: CT, ME, MA, NH, RI, VT)

Regional Freedom of Information Officer
 U.S. EPA, Region 1
 JFK Federal Bldg
 1 Congress St. Suite 1100 (OARM)
 Boston, MA 02114-2023
 (617) 918-1103 FAX (617) 918-1809
 Email: r1foia@epa.gov
 URL Address: <http://www.epa.gov/ne/foia/>

Region 2 (States: NJ, NY, PR, VI)

Regional Freedom of Information Officer
 U.S. EPA, Region 2
 290 Broadway, 26th Floor
 New York, NY 10007-1866
 (212) 637-3668 FAX (212) 637-5046
 Email: r2foia@epa.gov
 URL address: <http://www.epa.gov/region02/foia/>

Region 3 (States: DE, DC, MD, PA, VA, WV)

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U.S. EPA, Region 3
1650 Arch Street (3CG10)
Philadelphia, PA 19103
(215) 814-5553 FAX (215) 814-5102
Email: r3foia@epa.gov
URL address: <http://www.epa.gov/region03/foia/>

Region 4 (States: AL, FL, GA, KY, MS, NC, SC, TN)

Regional Freedom of Information Officer
U.S. EPA, Region 4
AFC Bldg, 61 Forsyth Street., S.W., 9th Flr (4PM/IF)
Atlanta, GA 30303-8960
(404) 562-9891 FAX (404) 562-8054
Email: r4foia@epa.gov
URL address: <http://www.epa.gov/region4/foiapps>

Region 5 (States: IL, IN, MI, MN, OH, WI)

Regional Freedom of Information Officer
U.S. EPA, Region 5
77 West Jackson Boulevard (MI-9J)
Chicago, IL 60604-3590
(312) 886-6686 FAX (312) 886-1515
Email: r5foia@epa.gov
URL Address: <http://www.epa.gov/region5/foia.htm>

Region 6 (States: AR, LA, NM, OK, TX)

Regional Freedom of Information Officer
U.S. EPA, Region 6
1445 Ross Avenue (6MD-II)
Dallas, TX 75202-2733
(214) 665-6537 FAX (214) 665-2146
Email: r6foia@epa.gov
URL Address: <http://www.epa.gov/earth1r6/6md/foia.html>

Region 7 (States: IA, KS, MO, NE)

Regional Freedom of Information Officer
U.S. EPA, Region 7
901 N. 5th Street
Kansas City, KS 66101
(913) 551-7003 FAX (913) 551-7066
Email: r7foia@epa.gov

URL Address: <http://www.epa.gov/region07/citizens/foia/index.htm>

Region 8 (States: CO, MT, ND, SD, UT, WY)

Regional Freedom of Information Officer

U.S. EPA, Region 8

1595 Wynkoop Street

Denver, CO 80202-1129

(303) 312-6940 FAX (303) 312-6859

Email: r8foia@epa.gov

URL Address: <http://www.epa.gov/region08/foia/foia.html>

Region 9 (States: AZ, CA, HI, NV, AS, GU)

Regional Freedom of Information Officer

U.S. EPA, Region 9

75 Hawthorne Street (OPPA-2)

San Francisco, CA 94105

(415) 947-4251 FAX (415) 947-3591

Email: r9foia@epa.gov

URL Address: <http://www.epa.gov/region09/foia/index.html>

Region 10 (States: AK, ID, OR, WA)

Regional Freedom of Information Officer

U.S. EPA, Region 10

Office of External Affairs

1200 6th Avenue (CEC-142)

Seattle, WA 98101

(206) 553-8665 FAX (206) 553-0059

Email: r10.foia@epa.gov

URL Address: [http://yosemite.epa.gov/r10/extaff.nsf/208cfa50afd196da8825650f0070e8d9/2f3ede6de661e324882566ea007d7db2?](http://yosemite.epa.gov/r10/extaff.nsf/208cfa50afd196da8825650f0070e8d9/2f3ede6de661e324882566ea007d7db2?OpenDocument)

[OpenDocument](http://yosemite.epa.gov/r10/extaff.nsf/208cfa50afd196da8825650f0070e8d9/2f3ede6de661e324882566ea007d7db2?OpenDocument)

[OpenDocument](http://yosemite.epa.gov/r10/extaff.nsf/208cfa50afd196da8825650f0070e8d9/2f3ede6de661e324882566ea007d7db2?OpenDocument)

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CAUTION: Any information you submit is not secure, and could be observed by a third party.

Electronic FOIA requests should contain the following information:

FOIA Office for your request

Name

Company/Organization

Type of Requestor

Mailing Address

City

State

ZIP Code

E-Mail Address

Phone Number

Fax Number

Please provide the full and complete name(s) of the site(s)/facility(ies) you are inquiring about with the complete address(es).

Many facilities are regulated under more than one federal environmental law (CAA, CWA, TSCA, RCRA, SUPR, FIFRA.) Please provide any information which will enable the agency to perform a more comprehensive record search.

Select amount you are willing to reimburse the agency for fees incurred which exceed \$25.00

\$25-\$50

\$50-\$100

Other:

You will be informed if the estimated costs will exceed this limit.

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[5 USC 552 (a) (2)](A) final opinions, including concurring and dissenting opinions, as well as orders, made in the adjudication of cases.

[Statements of Policy and Interpretation](#)

[5 USC 552 (a) (2)](B) those statements of policy and interpretation which have been adopted by the agency and are not published in the Federal Register.

[Administrative Staff Manuals and Instructions](#)

[5 USC 552 (a) (2)](C) administrative staff manuals and instructions to staff that affect a member of the public.

[Frequently-Requested Records](#)

[5 USC 552 (a) (2)](D) copies of all records, regardless of form or format, which have been released to any person . . . and which, because of the nature of their subject matter, the agency determines have become or are likely to become the subject of subsequent requests for substantially the same record.

Final Opinions

- [Decisions of EPA Administrative Law Judges](#)
- [Decisions of Environmental Appeals Board](#)

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Statements of Policy and Interpretation

- [Non-Binding Guidance Documents](#)

Administrative Staff Manuals and Instructions

- [EPA Acquisition Regulation \(EPAAR\) \(PDF\)](#) (328 pp, 1.2MB)
- [Class Determination I-95 \(PDF\)](#) (9 pp, 97K)
- [Privacy Act Manual](#)
- [Revised RCRA Inspection Manual \(11/98 Revision\) \(PDF\)](#) , (121 pp, 32K)
- [Hazardous Waste Combustion Unit Permitting Manual](#)
- [Office of Pesticide Programs' Label Review Manual Table of Contents](#)
- **Uniform Rulemaking Docket Manual** *Currently not available.*
- [Environmental Investigations Standard Operating Procedures and Quality Assurance Manual](#) (EISOPQAM) November 2001
- [Continuous Emissions Monitoring Systems: Audit Manual](#)
- [RCRA Public Participation Manual](#)
- **Information Resources Management Policy Manual** *Currently not available.*
- [Multimedia Investigation Manual \(Revised 03/92\) \(EPA-330/9-89-003-R\) \(PDF\)](#) (234 pp, 518K)
- [Superfund / Oil Program Implementation Manual Fiscal Year 2002 / 2003](#)
- [Acid Rain Program Policy Manual](#)
- [RCRA Orientation Manual](#)

- [State Authorization Manual](#)
- [Manual for the Certification of Laboratories Analyzing Drinking Water](#)

Frequently-Requested Records

- [Acquisition Training and Purchase Card Service Center \(AT & PCSC\)](#)
- [Hurricane Response 2005](#)

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Reference Materials

- **FOIA Policy and Guidance**

- [Memo: Establishment of a New FOIA Requester Service Center and Public Liaison \(PDF\)](#) (41 KB, 2 pages, [About PDF](#))
- [Assistant Administrator for Environmental Information is designated EPA's new Chief FOIA Officer](#)
- [Guidance on Homeland Security](#) [EXIT Disclaimer](#)
- [Attorney General's Memo on FOIA](#) [EXIT Disclaimer](#)

- **[FOIA Manual](#)** (PDF, 681KB)

- **Special Reports**

- [EPA's Report in Response to Executive Order 13392 "Improving Agency Disclosure of Information"](#) (PDF, 66 KB, 8 pages)
- [FOIA Task Force Report](#) (PDF, 177KB)

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Related Programs

- [Privacy Act](#) [EXIT Disclaimer](#)
- [National Records Program](#) - The EPA National Records Management Program is responsible for providing leadership and direction for the Agency's national records management program.

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Public Information Regulations

CFR Title 40--Protection of Environment

CHAPTER I--ENVIRONMENTAL PROTECTION AGENCY

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- [2.100 General provisions.](#)
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Part 2 - Public Information; Subpart B - Confidentiality Business Information

- [2.201 Definitions.](#)
- [2.202 Applicability of subpart; priority where provisions conflict; records containing more than one kind of information.](#)
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demands, and forms; method of asserting business confidentiality claim; effect of failure to assert claim at time of submission.

- 2.204 Initial action by EPA office.
- 2.205 Final confidentiality determination by EPA legal office.
- 2.206 Advance confidentiality determinations.
- 2.207 Class determinations.
- 2.208 Substantive criteria for use in confidentiality determinations.
- 2.209 Disclosure in special circumstances.
- 2.210 Nondisclosure for reasons other than business confidentiality or where disclosure is prohibited by other statute.
- 2.211 Safeguarding of business information; penalty for wrongful disclosure.
- 2.212 Establishment of control offices for categories of business information.
- 2.213 Designation by business of addressee for notices and inquiries.
- 2.214 Defense of Freedom of Information Act suits; participation by affected business.
- 2.215 Confidentiality agreements.
- 2.301 Special rules governing certain information obtained under the Clean Air Act.
- 2.302 Special rules governing certain information obtained under the Clean Water Act.
- 2.303 Special rules governing certain information obtained under the Noise Control Act of 1972.
- 2.304 Special rules governing certain information obtained under the Safe Drinking Water Act.
- 2.305 Special rules governing certain information obtained under the Solid Waste Disposal Act, as amended.
- 2.306 Special rules governing certain information obtained under the Toxic Substances Control Act.
- 2.307 Special rules governing certain information obtained under the Federal Insecticide, Fungicide and Rodenticide Act.
- 2.308 Special rules governing certain information obtained under the Federal Food, Drug and Cosmetic Act.
- 2.309 Special rules governing certain information obtained under the Marine Protection, Research

and Sanctuaries Act of 1972.

- 2.310 Special rules governing certain information obtained under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended.
- 2.311 Special rules governing certain information obtained under the Motor Vehicle Information and Cost Savings Act.
- 2.401 Scope and purpose.
- 2.402 Policy on presentation of testimony and production of documents.
- 2.403 Procedures when voluntary testimony is requested.
- 2.404 Procedures when an employee is subpoenaed.
- 2.405 Subpoenas duces tecum.
- 2.406 Requests for authenticated copies of EPA documents.

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How to Make a Freedom of Information Act Request

United States Environmental Protection Agency
Based on EPA/100-F-97-002 October 1997.
Content Updated March 2003

The Freedom of Information Act (FOIA) allows you to obtain information from various agencies of the federal government, including the Environmental Protection Agency (EPA). The purpose of this brochure is to provide you with a brief description of your rights and the manner in which the EPA will respond to your requests under the FOIA.

The information contained in this brochure is not exhaustive or definitive. Specific requests will be governed by the provisions of the FOIA, set forth in 5 U.S.C. 552, and in the Agency's regulations implementing the Act, set forth in 40 CFR Part 2. Copies of these regulations are available at the Agency's Freedom of Information Office (Headquarters) in Washington, DC and at its regional offices.

Questions may be directed to the

National Freedom of Information Operations Officer, 1200 Pennsylvania Avenue, N.W. (2822T, Washington, DC 20460; telephone (202) 566-1667. Also, questions may be directed to the regional office within your geographical jurisdiction (addresses listed under REGIONAL OFFICES).

INFORMATION YOU CAN OBTAIN

In general, you can inspect or obtain copies of publicly available material maintained by the EPA through public reading facilities in the Agency's headquarters and regional offices. Also, you may electronically access information by means of the Internet via the Agency's Web site at: <http://www.epa.gov>. All agency records must be made available to the public under the FOIA, except for records which are:

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1. properly classified as secret in the interest of national defense or foreign policy;
2. related solely to internal personnel rules and practices;
3. specifically made confidential by other statutes;
4. trade secrets and commercial or financial information which is obtained from a person and is privileged or confidential;
5. inter-agency or intra-agency memoranda or letters, except under certain circumstances;
6. personnel and medical files and similar files, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;
7. records or information compiled for law enforcement purposes, the release of which (a) could reasonably be expected to interfere with enforcement proceedings, (b) would deprive a person of a right to a fair trial or 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, (e) would disclose investigative techniques, and/or (f) could reasonably be expected to endanger the life or physical safety of any individual;
8. information contained in or related to certain examination, operating, or condition reports concerning financial institutions;
9. certain information concerning gas or oil wells.

In addition, if the foregoing types of information may be reasonably segregated and deleted from any records, the EPA will make the remainder of that record available to you for inspection or copying, if it is not otherwise available.

SUBMITTING YOUR REQUEST

Before making a request under the FOIA, make sure the information you seek is not already available to the public in reading rooms or the Agency's Web site on the Internet. Copies of this public material can also be requested by writing to the Agency's headquarters office or to the appropriate Agency's regional office.

If the information you seek is not already available to the public, **submit a written request to the National FOIA Operations Officer in Washington, DC or the Regional FOIA Officer in the appropriate regional office (addresses listed below).** To assist the EPA in the processing of your request, include: (A) readable information such as your name, address, and phone number; (B) try to be as specific as possible in identifying the records

sought in a way that will permit their identification and location; (C) whether payment of fees are guaranteed; and (D) if fees are incurred, you will be required to provide a Taxpayer Identification Number (TIN), if requesting information on behalf of a company/organization or Social Security Number (SSN), if requesting information as a private citizen which is required under the Debt Collection Improvement Act of 1996.

Generally, you have a right to a decision with regard to the release of the requested records within 20 working days of receipt of your inquiry and the EPA makes every effort to meet this time frame. However, due to the complexity of certain requests, the agency may take a substantially longer time to fully respond to a request.

If your request is initially denied in whole or in part, in accordance with exemptions provided by the FOIA, you will be advised of your right to appeal. Generally, you will have a right to a decision on the appeal within 20 working days of receipt.

All requests made under the FOIA are a matter of public record and may be placed in the Agency's public files.

INSPECTION OF RECORDS

Records requested (in writing) under the FOIA can be made available for inspection at the Agency's headquarters office in Washington, DC or at the Agency's regional offices.

Actual production and/or copying of records should be arranged with the staff after it is determined that records are in fact accessible.

SEARCH, REVIEW AND COPY CHARGES

With certain specific exceptions authorized by the FOIA Reform Act of 1986, a fee will generally be charged when more than one-half staff hour of work is devoted to locating, reviewing and making available for inspection or copying records requested pursuant to the FOIA. These fees will recoup the full allowable direct costs incurred. In accordance with the EPA's revised FOIA regulations (40 CFR 2.100, et. seq.), effective November 5, 2002, the Agency's fees for processing requests have changed. The new fee schedule is as follows:

- Clerical staff time billed at \$4.00 per 15 minutes of search and/or review
- Professional staff time billed at \$7.00 per 15 minutes of search and/or review
- Managers' time billed at \$10.25 per 15 minutes of search and/or review

- Duplication charges at \$.15 per page
- No fee will be charged for services at or below \$14.00
- Assurance of payment of fees above \$25.00 will be obtained from the requester before commencing any work
- Advance payment of fees above \$250 may be required by the Agency before commencing any work
- Any other services not listed above, such as certification of documents or priority mail, will be charged the direct costs

The EPA may determine to waive or reduce fees in cases where furnishing the information primarily benefits the general public by significantly assisting citizens in understanding how their government works. Requests for waiver or reduction of fees should be submitted with the requests for records under the FOIA. Please include in any waiver request relevant facts or arguments which might support the request.

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Thank you for visiting the Environmental Protection Agency Web site, a service of the U.S. Environmental Protection Agency. This notice informs you how we will handle information we learn about you from your visit to our site. Additionally, this notice informs you that EPA monitors network traffic to ensure Web site security.

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Privacy

Your Rights under the Privacy Act: The Privacy Act of 1974 protects the personal information the federal government keeps on you in “systems of records (SOR)” (information an agency controls that can be retrieved by name or some other personal identifier). The Privacy Act regulates how the government can disclose, share, provide access to, and maintain the personal information that it collects. Not all information collected online is covered by the Privacy Act.

The Act’s major provisions require agencies to:

- publish a Privacy Act Notice in the Federal Register explaining the existence, character and uses of a new or revised SOR;
- keep information about you accurate, relevant, timely, and complete to assure fairness in dealing with you; and
- allow you to, upon request, access and review your information held in a SOR and request amendment of the information if you disagree with it.

Your viewing of EPA's website does not result in the collection of any personal information that is contained in a Privacy Act System of Records as defined by the Privacy Act. Information concerning the Privacy Act can be found at: <http://www.epa.gov/privacy/>.

Children's Privacy: Some EPA Web pages provide content to children. It is EPA policy, in compliance with the requirements of the Children's Online Privacy Protection Act (COPPA), to collect no information online about or from children under the age of 13 except when it is needed to identify a submission or to answer a question. Any such instances where information is collected on Web pages for children will be clearly marked. Unless required by law, none of the information will be used for another purpose or shared with third parties, nor will personally identifying information be published on the EPA Web site. When EPA offices identify the work product of a child under thirteen on the EPA Public Access Web site, only the first name, age, and home state of the child will be stated (e.g., Mike, age 7, Kentucky) unless the parent makes a hardcopy request to have additional information posted.

EPA and Privacy: Please be assured that the privacy of our visitors is of utmost importance to us. We collect no personally identifiable information about you when you visit our site unless you choose to provide that information to us.

We want to inform you that, for each HTTP request (which is what your Web browser generates when you request a page or part of a page from a Web site) received, we collect and store only the following information, in what is called a log file:

- the date and time
- the originating Internet Provider address (IPA) (this address can refer to a specific computer; more frequently, commercial Internet providers use a temporary IPA which does not link to a specific computer)
- the type of browser and operating system used (if provided by the browser)
- the URL of the referring page (if provided by the browser)
- the object requested
- completion status of the request
- pages visited

We use the information that we automatically collect to measure the number of visitors to the different areas of our sites, and to help us make our pages more useful to visitors. This includes analyzing these logs periodically to determine the traffic through our servers, the number of pages served, and the level

of demand for pages and topics of interest.

How Long is the Information Retained: The logs for each day, with no personal information, are maintained indefinitely.

Cookies: EPA does not use "persistent cookies" or any other persistent tracking methods to collect personally identifiable information about visitors to our Web pages. However, some EPA pages have "session cookies," to facilitate use of that particular page. These disappear when the Web user terminates a Web session and closes the browser.

Cookies are small files that Web servers place on a user's hard drive. They can serve several functions, depending upon how they are designed:

- they allow the Web site to identify you as a previous visitor each time you access a site;
- they track what information you view at a site (important to commercial sites trying to determine your buying preferences);
- in the more advanced cases they track your movements through many Web sites but not the whole Web;
- businesses use them for customer convenience to allow them to produce a list of items to buy and pay for them all at one time and to garner information about what individuals are buying at their sites;
- advertisers use them to determine the effectiveness of their marketing and offer insights into consumer preferences and tastes by collecting data from many Web sites; and
- they can be used to help a Web site tailor screens for each customer's preference.

To protect your privacy, be sure to close your browser completely after you have finished conducting business with a Web site that does use cookies. If you are concerned about the potential use of the information gathered from your computer by cookies, you can set your browser to prompt you before it accepts a cookie. Most Internet browsers have settings that let you identify and/or reject cookies.

Other Information Collection: In addition to the information automatically collected by the server, EPA offices may collect other information from online visitors. Before collecting personally identifiable information through our Web pages, we will prominently disclose:

- why EPA is collecting the information;
- what information is to be collected;
- the intended use of the information;
- how it will be protected/secured;
- if it will be shared within or outside EPA, including on publicly available Web sites;
- if shared, with whom;
- the opportunity to consent to, or reject, the collection and/or sharing, and
- when it will be destroyed.

How the Information is Used: We may store **non-personally identifiable information** we collect (such as search engine queries and anonymous survey responses) indefinitely to help us better understand and meet the needs of our visitors. We may share **non-personally identifiable information** with others, including the public, in aggregated form (for instance, in a list of our most popular search engine queries), in partial or edited form (such as in a report summarizing responses to a questionnaire), or verbatim (for example, in a complete listing of survey responses).

How e-mail is Handled: By sending us an electronic mail message (for example, an e-mail message containing an official Freedom of Information Act request), you may be sending us personally-identifying information, such as name and address. In these cases, we may retain the information as long as necessary to respond to your request or otherwise resolve the subject matter of your e-mail. Please be aware that email is not necessarily secure from 3rd party interception or misdirection. For your own protection you may wish to communicate sensitive information using a method other than email.

Personal Information via Forms: Some of our pages provide forms allowing visitors to submit search engine queries, questionnaires, feedback, or other information. Some of these forms may request personally identifiable information (e.g., name, address, e-mail address) for specific purposes, such as when the submitter is requesting a personal response, registering for a conference, or subscribing to a mailing list. **All information submitted by visitors is voluntary.**

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Security

For site security purposes and to ensure that this service remains available to all users, EPA employs monitors and filters to identify and block unauthorized attempts to upload or change information, or otherwise cause damage to the information on our Web pages. Unauthorized attempts to upload or change information on this site are strictly prohibited and may be punishable under the Computer Fraud and Abuse Act of 1986 and the National Information Infrastructure Protection Act. Except for these authorized law enforcement investigations, no other attempts are made to identify individual users or their usage habits.

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