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FY 2000 Annual Freedom of Information Report

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
 Washington, D.C. 20460

April 6, 2001

At the direction of the Office of the Administrator of the Environmental Protection Agency, beginning January 2001, the Agency has undertaken a full review of its administration of the Freedom of Information Act (FOIA), 5 U.S.C. 552. This report represents the Agency's first step in an ongoing effort to ensure full compliance with the Electronic FOIA Amendments of 1996 and guidelines issued by the U.S. Department of Justice, Office of Information and Privacy. As a result, this report differs from those of previous years.

While preparing its FY 2000 Annual FOIA Report to Congress, the Agency encountered several obstacles in its ability to compile some of the required data elements such as the number of all pending FOIA requests at the start of the fiscal year, regardless of the date received, the disposition of the processed requests rather than the office assignments, and the total cost to operate the program (staffing levels and fees). The Agency is working diligently to resolve these issues while searching for a long-term technological solution to accurately track its FOIA requests and generate a comprehensive accounting of this data. The Agency also has begun to take aggressive steps to reduce its backlog of pending requests, streamline its procedures for processing requests, and improve its overall response time. We are committed to providing the best possible service to the public both now and in the future.

Betty A. Lopez, Associate Director
 Freedom of Information Operations
 Office of the Executive Secretariat



FY 2000 ANNUAL FREEDOM OF INFORMATION REPORT

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I. Basic Information

A. Agency Contact

Betty A. Lopez, Associate Director
Freedom of Information Operations
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460
(202) 564-7311

B. Electronic Address for Report

<http://www.epa.gov/foia>

C. How to obtain a paper copy of report

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II. How to File A FOIA Request

A. The EPA brochure "**How to Make a Freedom of Information Act Request**" is available on the <http://www.epa.gov/foia> web-site.

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Individual Agency FOIA Offices can be found on the <http://www.epa.gov/foia> web-site.

C. Response time ranges

The Agency responded to 23% of its requests within 10 days. Nineteen percent of the requests were responded to within the 20-day time limit.

D. Description of why some requests were not granted

Exemption 4 (used 381 times), Exemption 5 (used 288 times), and Exemption 7(A) (used 180 times) were used most frequently for not granting requests. These records usually related to confidential business information, privileged inter-agency/intra-agency memoranda, or ongoing enforcement proceedings, respectively.

III. Definitions of Terms and Acronyms Used

A. Agency specific acronyms or other terms

None.

B. Basic terms, expressed in common terminology

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, which includes Privacy Act requests.
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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.
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12. **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).
13. **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).
14. **Median number** -- the middle, not average, number of working days.
15. **Days** -- refers to actual working days, excluding weekends and holidays.

IV. Exemption 3 Statutes

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

1. A brief description of type(s) of information withheld under each statute:
 - a. Federal Property and Administrative Services Act, 41 U.S.C. 253b(m)(1)(2)(3)
Contractor proposals
 - b. Procurement Integrity Act, 41 U.S.C. 423
Source selection information
 - c. Federal Rules of Criminal Procedure, F.R. Cr.P. 6(e)
Records relating to grand jury investigations or proceedings
 - d. Alternative Dispute Resolution Act, 5 U.S.C. 571
Communications relating to proceedings arising under this act
 - e. Chemical Safety Information, Site Security, and Fuels Regulatory Relief Act, 42 U.S.C. 7412
Offsite consequence analysis sections of risk management plans
 - f. The Patent Act, 35 U.S.C. 205
Information relating to inventions for which a patent application had not yet been filed
 - g. Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), 7 U.S.C. 136h
Studies from registrants who engage in the distribution of pesticides in countries other than the United States

2. A statement of whether a court has upheld the use of each statute. If so, then cite

example:

- a. The Federal Rules of Criminal Procedure, F.R. Cr.P 6(e), was upheld by Senate of Puerto Rico vs. Department of Justice, 823 F.2d 574 (D.C. Cir. 1987).
-

V. Initial FOIA/PA Access Requests

A. Numbers of initial requests

1. Number of requests pending as of end of preceding fiscal year: 8,772
2. Number of requests received during current fiscal year: 15,906
3. Number of requests processed during current fiscal year: 14,837
4. Number of requests pending as of end of current fiscal year: 9,841

B. Disposition of initial requests

1. Number of total grants: 10,178
2. Number of partial grants: 628
3. Number of denials: 77
 - a. number of times each FOIA exemption used
 - (1) Exemption 1: 0
 - (2) Exemption 2: 6
 - (3) Exemption 3: 15
 - (4) Exemption 4: 381
 - (5) Exemption 5: 288
 - (6) Exemption 6: 93
 - (7) Exemption 7(A): 180
 - (8) Exemption 7(B): 1
 - (9) Exemption 7(C): 57
 - (10) Exemption 7(D): 26
 - (11) Exemption 7(E): 14
 - (12) Exemption 7(F): 2

(13) Exemption 8: 0

(14) Exemption 9: 1

4. Other reasons for nondisclosure: 3,954

a. no records: 2,160

b. referrals: 658

c. request withdrawn: 856

d. fee-related reason: 3

e. records not reasonably described: 5

f. not a proper FOIA request for some other reason: 15

g. not an agency record: 0

h. duplicate request: 254

i. other (specify): 0

VI. Appeals of Initial Denials of FOIA/PA Requests

A. Numbers of appeals

1. Number of appeals received during fiscal year: 109

2. Number of appeals processed during fiscal year: 127

B. Disposition of appeals

1. Number completely upheld: 9

2. Number partially reversed: 18

3. Number completely reversed: 22

a. Number of times each FOIA exemption used

(1) Exemption 1: 0

(2) Exemption 2: 0

(3) Exemption 3: 0

(4) Exemption 4: 2

(5) Exemption 5: 17

(6) Exemption 6: 7

(7) Exemption 7(A): 14

(8) Exemption 7(B): 0

(9) Exemption 7(C): 4

(10) Exemption 7(D): 1

(11) Exemption 7(E): 1

(12) Exemption 7(F): 0

(13) Exemption 8: 0

(14) Exemption 9: 0

4. Other reasons for non-disclosure: 78

a. no records: 5

b. referrals: 0

c. request withdrawn: 71

d. fee-related reason: 2

e. records not reasonably described: 0

f. not a proper FOIA request for some other reason: 0

g. not an agency record: 0

h. duplicate request: 0

i. other (specify): 0

VII. Compliance with Time Limits/Status of Pending Requests

A. Median processing time for requests processed during the year

1. Simple requests:

a. Number of requests process: 14,553

b. Median number of days to process: 19

2. Complex requests:

a. Number of requests processed: 272

b. Median number of days to process: 31

3. Requests accorded expedited processing:

- a. Number of requests processed: 12
- b. Median number of days to process: 44

B. Status of pending requests.

- 1. Number of requests pending as of end of current fiscal year: 9,841
 - 2. Median number of days that such requests were pending: 517
-

VIII. Comparisons with Previous Years (optional)

Not reported.

IX. Costs/FOIA Staffing

A. Staffing levels.

- 1. Number of full-time FOIA personnel: 83
- 2. Number of personnel with part-time or occasional FOIA duties (in full-time years): 547
- 3. Total number of personnel: 630

B. Total costs including staff and all resources.

- 1. FOIA processing (including appeals): \$7,582,115.50
 - 2. Litigation-related activities (estimated): \$45,960
 - 3. Total costs: \$7,628,075.50
-

X. Fees

- A. Total amount of fees collected by agency for processing requests: \$394,970.41
 - B. Percentage of total costs: .052%
-

XI. FOIA Regulations (Including Fee Schedule)

EPA's FOIA Regulations and Fee Schedule can be found on the <http://www.epa.gov/foia> web-site.

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Tribes protect the

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The new online Tribal Compliance

Assistance Center will help tribal

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EPA Administrator

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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

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- 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](#)

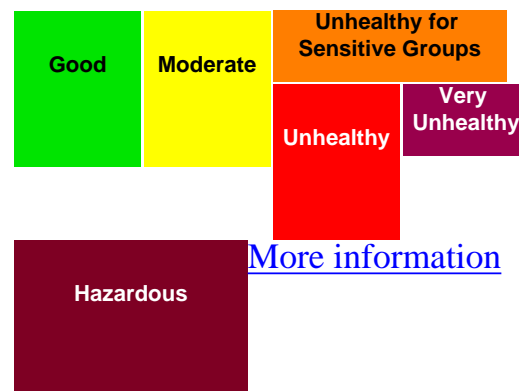
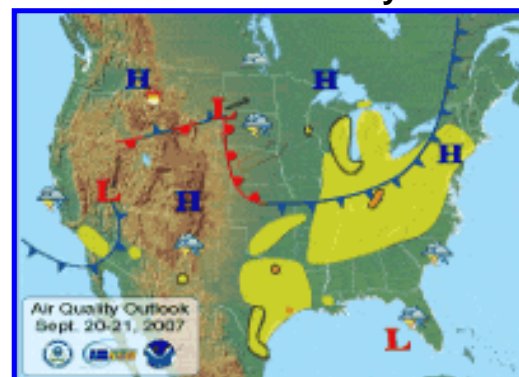


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EPA Administrator Steve Johnson hosted "Ask The White House" on Friday, September 7. He answered questions about President Bush's trip to the APEC summit in Australia, where climate change and energy security were discussed.

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Fuel economy label now easier to read Sep 5 - Starting in September 2007, the redesigned window sticker for new cars, light trucks, and SUVs will reflect test methods based on real-world driving conditions.

[News release](#) | [More on the fuel economy label](#)

\$1 million criminal fine for ammonia spill Sep 5 - Mid-America Pipeline pled guilty to negligently releasing 204,000 gallons of ammonia into a Kansas creek in 2004, requiring residents evacuation

Take only photos. Leave only footprints.

You can reduce waste when you travel for vacation or business. Turn off your home air conditioner to save power when you are away. Reuse your hotel towels to save on laundry. At beaches and parks, take a trash bag so you can remove your trash in case there's no proper trash container. [Get more travel tips](#) | [en español: Viaje y vacaciones](#)

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| <p>In Your Classroom For teachers For middle school For high school More ...</p> | <p>While At Work Commute smart Reduce energy use Reduce/reuse/recycle More ...</p> |
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and killing 25,000 fish.

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This is a close-up picture of something related to environmental protection.

[What is it?](#)

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Students, parents, and teachers can **Reduce**, **Reuse**, and **Recycle** during the school year. Carry your lunch in reusable containers you can wash. Buy or borrow used text books, and keep your text books in good shape so you can pass them along next year. [Read more](#) | [Podcast](#) | [De regreso a la escuela](#)

Students, educators, and school administrators can also help reduce greenhouse gas emissions. Bring science to life by studying topics about pollution and ecology. Schools can save money by partnering with Energy Star. [More ideas for schools.](#)

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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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hq.foia@epa.gov

You can also contact us at:

United States Environmental Protection Agency
Agency Freedom of Information Office (2822T)
1200 Pennsylvania Avenue NW
Washington, DC 20460
PHONE: (202) 566-1667
FAX: (202) 566-2147

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Studies from registrants who engage in the distribution of pesticides in countries other than the United States

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- b. referrals: 658
 - c. request withdrawn: 856
 - d. fee-related reason: 3
 - e. records not reasonably described: 5
 - f. not a proper FOIA request for some other reason: 15
 - g. not an agency record: 0
 - h. duplicate request: 254
 - i. other (specify): 0
-

VI. Appeals of Initial Denials of FOIA/PA Requests

A. Numbers of appeals

- 1. Number of appeals received during fiscal year: 109
- 2. Number of appeals processed during fiscal year: 127

B. Disposition of appeals

- 1. Number completely upheld: 9
- 2. Number partially reversed: 18
- 3. Number completely reversed: 22
 - a. Number of times each FOIA exemption used
 - (1) Exemption 1: 0
 - (2) Exemption 2: 0
 - (3) Exemption 3: 0
 - (4) Exemption 4: 2
 - (5) Exemption 5: 17
 - (6) Exemption 6: 7

(7) Exemption 7(A): 14

(8) Exemption 7(B): 0

(9) Exemption 7(C): 4

(10) Exemption 7(D): 1

(11) Exemption 7(E): 1

(12) Exemption 7(F): 0

(13) Exemption 8: 0

(14) Exemption 9: 0

4. Other reasons for non-disclosure: 78

a. no records: 5

b. referrals: 0

c. request withdrawn: 71

d. fee-related reason: 2

e. records not reasonably described: 0

f. not a proper FOIA request for some other reason: 0

g. not an agency record: 0

h. duplicate request: 0

i. other (specify): 0

VII. Compliance with Time Limits/Status of Pending Requests

A. Median processing time for requests processed during the year

1. Simple requests:

a. Number of requests process: 14,553

b. Median number of days to process: 19

2. Complex requests:

- a. Number of requests processed: 272
- b. Median number of days to process: 31

3. Requests accorded expedited processing:

- a. Number of requests processed: 12
- b. Median number of days to process: 44

B. Status of pending requests.

- 1. Number of requests pending as of end of current fiscal year: 9,841
 - 2. Median number of days that such requests were pending: 517
-

VIII. Comparisons with Previous Years (optional)

Not reported.

IX. Costs/FOIA Staffing

A. Staffing levels.

- 1. Number of full-time FOIA personnel: 83
- 2. Number of personnel with part-time or occasional FOIA duties (in full-time years): 547
- 3. Total number of personnel: 630

B. Total costs including staff and all resources.

- 1. FOIA processing (including appeals): \$7,582,115.50
 - 2. Litigation-related activities (estimated): \$45,960
 - 3. Total costs: \$7,628,075.50
-

X. Fees

A. Total amount of fees collected by agency for processing requests: \$394,970.41

B. Percentage of total costs: .052%

XI. FOIA Regulations (Including Fee Schedule)

EPA's FOIA Regulations and Fee Schedule can be found on the <http://www.epa.gov/foia> web-site.

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- [EPA's Annual 2004 FOIA Report \(PDF\)](#) (17 pp, 425K)
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- [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](#)
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 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/>

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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
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77 West Jackson Boulevard (MI-9J)
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(312) 886-6686 FAX (312) 886-1515
Email: r5foia@epa.gov
URL Address: <http://www.epa.gov/region5/foia.htm>

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Regional Freedom of Information Officer
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1445 Ross Avenue (6MD-II)
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(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
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901 N. 5th Street
Kansas City, KS 66101
(913) 551-7003 FAX (913) 551-7066
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URL Address: <http://www.epa.gov/region07/citizens/foia/index.htm>

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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

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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)

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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).

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

\$25-\$50

\$50-\$100

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

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[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.

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- [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](#)

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