



At a Glance

Catalyst for Improving the Environment

Why We Did This Review

We sought to determine if the U.S. Environmental Protection Agency's (EPA's) Freedom of Information Act (FOIA) processing and reporting procedures were meeting current FOIA requirements and if any improvements could be made.

Background

On December 14, 2005, President Bush signed Executive Order 13392, *Improving Agency Disclosure of Information*. In 2006, Congress introduced FOIA amendment legislation to improve agencies' responses to FOIA requests. Similar amendment legislation was introduced in Congress in 2007: HR1326, S849, S2427, and S2488. Public Law 110-175 was signed by President Bush on December 31, 2007, as the *Openness Promotes Effectiveness in our National Government Act of 2007*.

For further information, contact our Office of Congressional, Public Affairs and Management at (202) 566-2391.

To view the full report, click on the following link:
www.epa.gov/oig/reports/2009/20090325-09-P-0127.pdf

EPA Has Improved Its Response to Freedom of Information Act Requests But Further Improvement Is Needed

What We Found

We found the following conditions during our evaluation:

1. EPA has reduced its backlog of FOIA initial requests and appeals.
2. EPA's procedures did not always ensure that FOIA responses were timely in all EPA program offices and regions, or that appeals were processed timely.
3. Optional training provided by the National FOIA Officer was only attended by some EPA employees from each region.

Some of the annual personnel and cost statistics gathered and provided to the National FOIA Officer for inclusion in the annual report to the Department of Justice (DOJ) were not accurate. The effect of these conditions is that EPA as a whole (and not individually by region or program office) is not giving timely responses to FOIA requests or appeals. The lack of complete and correct cost information supplied to the DOJ in the annual report means that EPA may not know how much of its budget it is spending on FOIA-related costs, and also that it is not meeting the specific statutory reporting requirement in Title 5 United States Code § 552(e)(1)(G).

What We Recommend

We recommend that EPA issue a policy mandating training for its FOIA officers, coordinators, and individuals who have FOIA responsibilities. The policy should be supplemented by written standard operating procedures created for each regional and program office that issues FOIA responses. EPA should conduct a review of the regional and program FOIA offices in order to make recommendations for any improvements.

EPA concurred with our recommendations.