



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460**

FY 2001 ANNUAL FREEDOM OF INFORMATION REPORT

I. BASIC INFORMATION REGARDING REPORT.

A. Name, title, address, and telephone number of person to be contacted with questions about the report.

Betty A. Lopez
National FOIA Officer
U.S. Environmental Protection Agency
Office of Environmental Information
Records, FOIA and Privacy Branch
1200 Pennsylvania Avenue, N.W.
Mail Code 2822T
Washington, D.C. 20460
(202) 564-7333

B. Electronic address for this report on our Web site.

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

C. How to obtain a copy of this report in paper form.

Contact:

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II. HOW TO MAKE A FOIA REQUEST.

For basic information on how to make a FOIA request, visit our Web site at <http://www.epa.gov/foia>

A. Names, addresses, and telephone numbers of all individual agency components and offices that receive FOIA requests.

For these names, addresses, and telephone numbers, visit our Web site at <http://www.epa.gov/foia>

B. Brief Description of Agency's Response-Time Ranges (On a Component-by-Component Basis).

The Agency responded to 49% of its requests within the 20-day time limit.

For a detailed breakdown of each component's response times, see Section VII of this report, Compliance With Time Limits/Status of Pending Requests.

C. Brief Description Why Requests are Not Granted.

Exemption 4 (used 343 times), Exemption 5 (used 302 times), and Exemption 7(A) (used 182 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 BASIC TERMS AND ACRONYMS USED IN THE REPORT.

A. Agency-specific acronyms or other terms.

Acronym	Areas Served
HQ	EPA Headquarters
Region 1	New England Region
Region 2	New Jersey, New York, Puerto Rico, U.S. Virgin Islands and 7 Tribal Nations
Region 3	Mid-Atlantic Region
Region 4	Southeast Region
Region 5	Mid-West Region
Region 6	South Central Region
Region 7	America's Heartland Region
Region 8	Mountains and Plains Region
Region 9	Pacific Southwest Region
Region 10	Pacific Northwest Region

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.
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. **Simple Request** -- a FOIA request that an agency using multi-track processing places in its fastest (non-expedited) track based on the volume and/or simplicity of records requested.
8. **Complex Request** -- a FOIA request that an agency using multi-track processing places in a slower track based on the volume and/or complexity of records requested.
9. **Grant** -- the agency decision to disclose all records in full in response to a FOIA request.
10. **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 entirety, but to withhold others in whole or in part.
11. **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 when no record is located in response to a FOIA request.
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.

	Statute/Rule (A.1.)	Type of Information Withheld	Case Citation (A.2.)
HQ	Federal Rules of Criminal Procedure, F.R. Cr.P. 6(e)	Records relating to Grand Jury Investigations or Proceedings	<u>Senate of Puerto Rico v. Department of Justice</u> , 823 F.2d 574 (D.C.Cir. 1987)
	Procurement Integrity Act, 41 U.S.C. § 253b(m)(1)	Contract Proposals	None.
	Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), 7 U.S.C. § 136h, Section 10(g)	Studies from registrants who engage in the distribution of pesticides in countries other than the United States	None.
	Archeological Resources Protection Act, 16 U.S.C. § 470hh(a)	Maps and information that would have identified the exact location and the nature of the tribe's cultural resources	None.
REGION 4	Alternative Dispute Resolution Act, 5 U.S.C. § 571	Preliminary and Final Allocation Reports and other communications arising under this Act	None.
REGION 5	Federal Rules of Criminal Procedure, F.R. Cr.P. 6(e)	Records relating to Grand Jury Investigations or Proceedings	<u>Senate of Puerto Rico v. Department of Justice</u> , 823 F.2d 574 (D.C.Cir. 1987)
REGION 9	Archeological Resources Protection Act, 16 U.S.C. § 470hh(a)	Maps and information that would have identified the exact location and the nature of the tribe's cultural resources	None.

V. INITIAL FOIA/PA ACCESS REQUESTS.

A. Numbers of Initial Requests.

	NUMBER OF REQUESTS PENDING AS OF END OF PRECEDING YEAR (A.1.)	NUMBER OF REQUESTS RECEIVED IN CURRENT YEAR (A.2.)	NUMBER OF REQUETS PROCESSED IN CURRENT YEAR (A.3.)	NUMBER OF REQUESTS PENDING AS OF END OF CURRENT YEAR (A.4.)
HQ	2717	3211	3244	2684
REGION 1	378	497	467	408
REGION 2	7727	2372	2066	8033
REGION 3	371	1587	1574	384
REGION 4	288	1197	1171	314
REGION 5	205	1908	1961	152
REGION 6	174	1162	1181	155
REGION 7	209	766	836	139
REGION 8	35	391	380	46
REGION 9	522	676	905	293
REGION 10	204	485	507	182
TOTALS	12830	14252	14292	12790

B. Disposition of Initial Requests.

	TOTAL GRANTS (B.1.)	PARTIAL GRANTS (B.2.)	DENIALS (B.3.)
HQ	2080	320	28
REGION 1	335	17	3
REGION 2	934	13	1
REGION 3	1260	9	4
REGION 4	674	66	2
REGION 5	1371	25	6
REGION 6	882	41	7
REGION 7	654	30	2
REGION 8	270	19	5
REGION 9	493	22	3
REGION 10	366	26	1
TOTALS	9319	588	62

**EXEMPTIONS CLAIMED UNDER THE FREEDOM OF INFORMATION ACT
(B.3.a)**

	(1)	(2)	(3)	(4)	(5)	(6)	(7)(A)	(7)(B)	(7)(C)	(7)(D)	(7)(E)	(7)(F)	(8)	(9)
HQ	2	11	10	259	109	69	50	0	31	7	11	0	0	3
REGION 1	0	2	0	14	12	2	17	0	8	8	2	0	0	0
REGION 2	0	0	0	1	11	2	4	0	0	0	2	0	0	0
REGION 3	0	0	0	1	9	4	8	0	0	0	0	0	0	0
REGION 4	0	0	2	31	44	33	22	1	14	2	3	0	0	0
REGION 5	1	0	1	2	16	0	17	0	2	0	1	0	0	0
REGION 6	0	1	0	6	37	13	22	0	7	9	9	0	0	0
REGION 7	0	0	0	8	15	12	12	0	3	0	1	0	0	0
REGION 8	0	0	0	6	17	5	12	0	0	0	1	0	0	0
REGION 9	0	1	1	11	15	1	6	1	0	0	2	0	0	1
REGION 10	0	1	0	4	17	6	11	0	1	2	3	0	0	0
	0	0	0	0	0	0	0	0	0	0	0	0	0	0
TOTALS	3	16	14	343	302	147	181	2	66	28	35	0	0	4

**EXPLANATION OF DISPOSITION OF FOIA/PA INITIAL REQUESTS:
OTHER REASONS FOR NONDISCLOSURE**

(B.4.)

	NO RECORDS	REFERRALS	REQUEST WITH-DRAWN	FEE-RELATED REASON	RECORDS NOT REASON-ABLY	NOT AN AGENCY RECORD	DUPLICATE REQUESTS	NOT A PROPER FOIA REQUEST	Other
HQ	238	14	404	11	8	22	116	3	0
REGION 1	67	8	20	0	0	0	17	0	0
REGION 2	970	34	110	0	0	0	4	0	0
REGION 3	239	2	31	0	0	1	28	0	0
REGION 4	210	4	152	0	0	45	18	0	0
REGION 5	193	0	83	4	5	239	29	6	0
REGION 6	189	6	39	0	0	15	2	0	0
REGION 7	35	0	112	0	0	0	3	0	0
REGION 8	54	6	21	0	0	0	5	0	0
REGION 9	168	3	206	1	0	3	6	0	0
REGION 10	66	3	37	1	0	0	6	1	0
TOTALS	2429	80	1215	17	13	325	234	10	0

VI. APPEALS OF INITIAL DENIALS OF FOIA/PA REQUESTS.*

A. Numbers of appeals.

1. Number of appeals received during fiscal year 121
2. Number of appeals processed during fiscal year 75

B. Disposition of appeals.

1. Number completely upheld 10
2. Number partially reversed 15
3. Number completely reversed 20
 - a. Number of times each FOIA exemption was used (counting each exemption once per appeal):
 - (1) Exemption 1 0
 - (2) Exemption 2 0
 - (3) Exemption 3 0
 - (4) Exemption 4 9
 - (5) Exemption 5 20
 - (6) Exemption 6 2
 - (7) Exemption 7(A) 11
 - (8) Exemption 7(B) 1
 - (9) Exemption 7(C) 0
 - (10) Exemption 7(D) 1
 - (11) Exemption 7(E) 0

(12) Exemption 7(F) 0

(13) Exemption 8 0

(14) Exemption 9 0

4. Other reasons for nondisclosure (total) 30

a. No records 9

b. Referrals 0

c. Request withdrawn 21

d. Fee-related reason 0

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

*Appeals are processed centrally at EPA Headquarters.

VII. COMPLIANCE WITH TIME LIMITS/STATUS OF PENDING REQUESTS.

A. Median processing time for requests processed during the year.

	Simple Requests (A.1.)		Complex Requests (A.2.)		Requests Accorded Expedited Processing (A.3.)	
	Number of Requests Processed (A.1.a.)	Median Number of Days To Process (A.1.b.)	Number of Requests Processed (A.2.a.)	Median Number of Days To Process (A.2.b.)	Number of Requests Processed (A.3.a.)	Median Number of Days To Process (A.3.b.)
HQ	3,231	20	0	0	13	20
REGION 1	465	20	2	30	0	0
REGION 2	2058	36	7	41	1	42
REGION 3	1573	23	0	0	1	9
REGION 4	1168	33	3	138	0	0
REGION 5	1955	17	4	47	2	8
REGION 6	1178	20	0	0	3	10
REGION 7	835	18	0	0	1	105
REGION 8	377	19	2	24	1	10
REGION 9	904	24	1	121	0	0
REGION 10	505	19	2	333	0	0

B. Status of pending requests.

	NUMBER OF REQUESTS PENDING AS OF END OF FISCAL YEAR (B.1.)	MEDIAN NUMBER OF DAYS TO PROCESS (B.2.)
HQ	2684	939
REGION 1	408	736
REGION 2	8033	1524
REGION 3	384	243
REGION 4	314	52
REGION 5	152	10
REGION 6	155	48
REGION 7	139	39
REGION 8	46	57
REGION 9	293	423
REGION 10	182	1524

VIII. COMPARISONS WITH PREVIOUS YEAR(S).

Not reported.

IX. COSTS/FOIA STAFFING.

	Staffing Levels			Total Costs including staff and all resources		
	Number of Full Time Personnel (A.1.)	Number of Personnel With Part Time or Occasional FOIA Duties (In Total Work-Years) (A.2.)	Total Number of Personnel (In Work-Years) (A.3.)	FOIA Processing (Including Appeals) (Estimated) (B.1.)	Litigation-related activities (Estimated) (B.2.)	Total Costs (B.3.)
HQ	18	61.07	79.07	\$4,793,865.09	\$266,752.00	\$5,060,617.09
REGION 1	3	3.35	6.35	\$542,159.50	\$0.00	\$542,159.50
REGION 2	6	17	23	\$423,253.58	\$0.00	\$423,253.58
REGION 3	7	8	15	\$446,523.03	\$0.00	\$446,523.03
REGION 4	13	0.52	13.52	\$1,016,349.29	\$14,435.53	\$1,030,784.82
REGION 5	15	3.3	18.3	\$2,653,285.33	\$0.00	\$2,653,285.33
REGION 6	3	4	7	\$632,056.25	\$0.00	\$632,056.25
REGION 7	2	1.78	3.78	\$198,969.00	\$0.00	\$198,969.00
REGION 8	1	2.5	3.5	\$169,178.00	\$0.00	\$169,178.00
REGION 9	4	11	15	\$884,801.84	\$0.00	\$884,801.84
REGION 10	3	4	7	\$245,041.13	\$10,825.25	\$255,866.38
TOTALS	75	116.52	191.52	\$12,005,482.04	\$292,012.78	\$12,297,494.82

X. FEES.

	Total Fees Collected for processing requests (A)	Percentage of Total Costs (B)
HQ	\$155,402.85	3
REGION 1	\$22,914.36	4
REGION 2	\$13,695.66	3
REGION 3	\$22,906.93	5
REGION 4	\$32,508.06	3
REGION 5	\$48,397.80	1
REGION 6	\$53,829.09	9
REGION 7	\$40,618.38	2
REGION 8	\$13,430.00	8
REGION 9	\$7,759.02	.8
REGION 10	\$28,601.94	11
TOTALS	\$440,064.09	4