



U.S. Chemical Safety and Hazard Investigation Board

Freedom of Information Act (FOIA) Report for Fiscal Year 2005

I. Basic Information Regarding This Report

A. Point of contact for questions about this report:

Christopher Kirkpatrick
FOIA Officer
U.S. Chemical Safety and Hazard Investigation Board
2175 K Street, NW
Suite C-100
Washington, DC 20037
(202) 261-7600

B. Electronic address for this report on the World Wide Web: <http://www.csb.gov>. Located on the "Legal Affairs / FOIA" page.

C. How to obtain a copy of the report in paper form: Please mail a written request to the point of contact listed in section I.A., above.

II. How to Make a FOIA Request

Requests for records believed to be in the possession of the U.S. Chemical Safety and Hazard Investigation Board (CSB) must be made in writing to the address listed in section II.A., below. The request itself, and the envelope containing it, should be clearly marked "FOIA Request." Improperly addressed or unclearly marked correspondence may delay the processing of a request. A request must reasonably describe the desired records in sufficient detail to enable CSB personnel to locate the records with a reasonable amount of effort. Whenever possible, a request should include specific information about each record sought, such as the date, title or name, author, recipient, and subject matter of the record. A request is considered an agreement by the requester to pay all applicable fees up to \$25, unless the requester seeks a fee waiver. Requesters may specify a willingness to pay a greater or lesser amount.

Additional information on how to make a FOIA request can be found in the [CSB FOIA Reference Guide](#), which is available by request to the address listed in section II.A., below, and on the World Wide Web at <http://www.csb.gov>, on the "Legal Affairs / FOIA" page.

- A. All FOIA requests for records believed to be in the possession of the CSB are received at the following address:

FOIA Officer
U.S. Chemical Safety and Hazard Investigation Board
2175 K Street, NW
Suite C-100
Washington, DC 20037
(202) 261-7600

- B. Estimated agency response-times:

Simple request: 20 – 30 days.

Complex request: initial response within 20 days; final disposition may take from three to nine months, depending on volume and complexity of records.

- C. Why some requests are not granted:

- The requested records are exempt from disclosure pursuant to one of the nine exemptions under the FOIA.
- The requested records do not exist or are not yet in existence.
- The requested records were properly disposed of prior to the date of the request.
- The request would require the CSB to compile or create records solely for the purpose of satisfying that request.
- The requester failed to comply with administrative requirements, e.g., reasonable description of records, agreement to pay fees.

III. Definitions of Terms and Acronyms Used in This Report

- A. Agency-specific acronyms or other terms.

CSB – the U.S. Chemical Safety and Hazard Investigation Board.

- B. Basic terms.

1. FOIA/PA request – Freedom of Information Act/Privacy Act request. A FOIA request is generally a request for access to records concerning a third party, an organization, or a particular topic of interest. A Privacy Act request is a request for records concerning oneself; such requests are also treated as FOIA requests. (All requests for access to records, regardless of which law is cited by the requester, are included in this report.)
2. Initial Request – a request to a federal agency for access to records under the FOIA.
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 FOIA, 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 (see below).
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 (nonexpedited) 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 – an agency decision to disclose all records in full in response to a FOIA request.
10. Partial grant – an 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.
11. Denial – an 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).
12. Time limits – the time period in the FOIA for an agency to respond to a FOIA request (ordinarily 20 working days from proper receipt of a "perfected" FOIA request).
13. "Perfected" request – a FOIA request for records which adequately describes the records sought, which has been received by the FOIA office of the agency or agency component in possession of the records, and for which there is no remaining question about the payment of applicable fees.
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. For example, of 3, 7, and 14, the median number is 7.

16. Average number – the number obtained by dividing the sum of a group of numbers by the quantity of numbers in the group. For example, of 3, 7, and 14, the average number is 8.

IV. Exemption 3 Statutes

A. Exemption 3 statutes relied on by the CSB during Fiscal Year 2005 – NONE.

1. Description of type(s) of information withheld under each statute – N/A.
2. Court approval of the use of each statute – N/A.

V. Initial FOIA/PA Access Requests

A. Numbers of initial requests.

1. Number of requests pending as of end of Fiscal Year 2004 13 .
2. Number of requests received during Fiscal Year 2005 57 .
3. Number of requests processed during Fiscal Year 2005 46 .
4. Number of requests pending as of end of Fiscal Year 2005 24 .

B. Disposition of initial requests.

1. Number of total grants 15 .
2. Number of partial grants 9 .
3. Number of denials 10 .

a. Number of times each FOIA exemption used (counting each exemption once per request):

- (1) Exemption 1 0 .
- (2) Exemption 2 1 .
- (3) Exemption 3 0 .
- (4) Exemption 4 3 .
- (5) Exemption 5 4 .
- (6) Exemption 6 5 .
- (7) Exemption 7(A) 15 .

(8) Exemption 7(B)	<u>0</u>
(9) Exemption 7(C)	<u>4</u>
(10) Exemption 7(D)	<u>0</u>
(11) Exemption 7(E)	<u>1</u>
(12) Exemption 7(F)	<u>0</u>
(13) Exemption 8	<u>0</u>
(14) Exemption 9	<u>0</u>
4. Other reasons for nondisclosure (total)	<u>12</u>
a. No records	<u>11</u>
b. Referrals	<u>0</u>
c. Request withdrawn	<u>0</u>
d. Fee-related reason	<u>0</u>
e. Records not reasonably described	<u>0</u>
f. Not a proper FOIA request for some other reason	<u>1</u>
g. Not an agency record	<u>0</u>
h. Duplicate request	<u>0</u>
i. Other (specify)	<u>0</u>

VI. Appeals of Initial Denials of FOIA/PA Requests

A. Numbers of appeals.

1. Number of appeals received during fiscal year	<u>2</u>
2. Number of appeals processed during fiscal year	<u>2</u>

B. Disposition of appeals.

1. Number completely upheld	<u>2</u>
2. Number partially reversed	<u>0</u>
3. Number completely reversed	<u>0</u>

a. Number of times each FOIA exemption used (counting each exemption once per appeal):

(1) Exemption 1	<u>0</u>
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(2) Exemption 2	<u>0</u>
(3) Exemption 3	<u>0</u>
(4) Exemption 4	<u>0</u>
(5) Exemption 5	<u>0</u>
(6) Exemption 6	<u>0</u>
(7) Exemption 7(A)	<u>2</u>
(8) Exemption 7(B)	<u>0</u>
(9) Exemption 7(C)	<u>0</u>
(10) Exemption 7(D)	<u>0</u>
(11) Exemption 7(E)	<u>0</u>
(12) Exemption 7(F)	<u>0</u>
(13) Exemption 8	<u>0</u>
(14) Exemption 9	<u>0</u>
4. Other reasons for nondisclosure (total)	<u>0</u>
a. No records	<u>0</u>
b. Referrals	<u>0</u>
c. Request withdrawn	<u>0</u>
d. Fee-related reason	<u>0</u>
e. Records not reasonably described	<u>0</u>
f. Not a proper FOIA request for some other reason	<u>0</u>
g. Not an agency record	<u>0</u>
h. Duplicate request	<u>0</u>
i. Other (specify)	<u>0</u>

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 processed	<u>38</u>
b. Median number of days to process	<u>20</u>

2. Complex requests.

a. Number of requests processed	<u>7</u> .
b. Median number of days to process	<u>247</u> .
3. Requests accorded expedited processing.	
a. Number of requests processed	<u>1</u> .
b. Median number of days to process	<u>10</u> .
B. Status of pending requests.	
1. Number of requests pending as of end of Fiscal Year 2005	<u>24</u> .
2. Median number of days that such requests were pending as of that date	<u>124</u> .

VIII. Comparisons with Previous Years

A. Comparison of numbers of requests received

FY 2002	<u>14</u> .
FY 2003	<u>36</u> .
FY 2004	<u>46</u> .
FY 2005	<u>57</u> .

B. Comparison of numbers of requests processed

FY 2002	<u>8</u> .
FY 2003	<u>36</u> .
FY 2004	<u>40</u> .
FY 2005	<u>46</u> .

C. Comparison of median numbers of days requests were pending as of end of fiscal year

FY 2002	<u>137</u> .
FY 2003	<u>20</u> .
FY 2004	<u>102</u> .
FY 2005	<u>124</u> .

D. Other statistics

	1. Number of requests made for expedited processing	<u>1</u> .
	2. Number of requests for expedited process granted	<u>1</u> .
IX.	Costs/FOIA Staffing	
	A. Staffing levels.	
	1. Number of full-time FOIA personnel	<u>0</u> .
	2. Number of personnel with part-time or occasional FOIA duties (in total work-years)	<u>0.40</u> .
	3. Total number of personnel (in work-years)	<u>0.40</u> .
	B. Total costs (including staff and all resources).	
	1. FOIA processing (including appeals) (estimated)	<u>\$38,000.</u>
	2. Litigation-related activities	<u>\$ 0.</u>
	3. Total costs	<u>\$38,000.</u>
X.	Fees	
	A. Total amount of fees collected by agency for processing requests	<u>\$1,282</u> .
	B. Percentage of total costs	<u>3.4%</u> .
XI.	FOIA Regulations (Including Fee Schedule)	

The CSB’s FOIA regulations, which include a fee schedule, are available on the Web at <http://www.csb.gov>. Located on the “Legal Affairs / FOIA” page.