



**United States
Environmental Protection Agency
Chief FOIA Officer Report
*2023***

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
2023 CHIEF FOIA OFFICER REPORT
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Executive Summary

The Environmental Protection Agency (EPA) is committed to implementing the Freedom of Information Act (FOIA) to promote transparency and build public trust in agency actions. In the period covered by this 2023 Chief FOIA Officer Report, EPA significantly enhanced its FOIA processing program by building on initiatives started in prior years, by launching new initiatives under a commitment to continuous improvement, and by procuring a new FOIA case management software system to replace FOIAonline.

EPA Implemented DOJ and Chief FOIA Council Recommendations.

In this reporting period, EPA implemented Department of Justice guidance and Chief FOIA Officer Council recommendations to enhance its FOIA program. On March 17, 2022, EPA Administrator Michael S. Regan emailed all EPA employees, telling them about their FOIA responsibilities, encouraging EPA offices to look for new opportunities to proactively disclose EPA records, and highlighting the recently issued Attorney General Garland FOIA Memo. Administrator Regan encouraged “offices to identify information useful to the public and consider the best ways to make that information accessible on the agency’s website, without waiting for a request from the public to do so.” This was Administrator Regan’s second annual email to all EPA employees on their FOIA responsibilities, thereby implementing the Office of Government Services¹ recommendation to raise the profile of FOIA by calling for agency heads to annually issue a memorandum reminding the agency employees of their responsibilities and obligations under the FOIA.

EPA’s National FOIA Office (NFO) implemented the Garland Memo’s recommendation that all offices should confirm in response letters to FOIA requesters that EPA considered the foreseeable harm standard when reviewing records and applying FOIA exemptions. The NFO provided a training on May 15, 2022, and January 12, 2023, to EPA’s FOIA Community on the importance of telling requesters about EPA’s consideration of the foreseeable harm standard in applying exemptions. Additionally, the NFO provided a template letter and FOIA Toolkit updates illustrating how to tell requesters about EPA’s consideration of the foreseeable harm standard in applying exemptions.

FOIAonline Replacement and Support for FOIAonline Partners.

On March 7, 2023, EPA entered a contract with OPEXUS (formerly AINS) to provide EPA and FOIA requesters with the next generation FOIA case management software solution to replace

¹ In March 2013, OGIS issued “Policy Recommendations for Improving Freedom of Information Act Procedures, recommending that agency leadership actively support FOIA programs and encouraged senior agency officials to issue memos. See <https://www.archives.gov/files/ogis/assets/ogis-2013-recommendations.pdf>. In a subsequent FOIA Ombudsman blog, OGIS shared a supportive memorandum from the Archivist of the United States on FOIA and encouraged leadership at other agencies to issue similar memos to promote FOIA’s importance. See <https://foia.blogs.archives.gov/2013/04/03/foia-spread-the-word/> (April 3, 2013). Additionally, the 2020 FOIA Advisory Committee Recommendation 17 states “We propose that the Chief FOIA Officers Council recommend that agency leadership annually issue a memorandum reminding the workforce of its responsibilities and obligations under FOIA and encouraging the workforce to contact the agency’s FOIA officer for assistance with the FOIA process.” See, <https://www.archives.gov/files/ogis/assets/foiaac-final-report-and-recs-2020-07-09.pdf#page=17>.

FOIAonline, which will cease operation as of the end of FY 2023. During the remainder of the 2023 fiscal year, EPA will work with OPEXUS to configure FOIAXpress for EPA's FOIA operations, migrate data, and train EPA employees and requesters on the use of FOIAXpress. EPA anticipates that the selection of FOIAXpress as EPA's next generation FOIA case management software solution will provide the following FOIA service enhancements: public access link, document management, reporting, role-based permissions, advanced integrated search engine, real-time dashboards & analytics, and collaboration tools.

Throughout EPA's procurement process, EPA's National FOIA Office worked with other FOIAonline partners to share information and support them in their procurement process. For example, EPA's NFO shared its procurement documents with nine federal agencies to assist them in their procurement process.

EPA Enhanced Requester Communication, Quickened Adjudication of Expedited Processing Applications, and Maintained a Zero Appeals Backlog.

In FY 2022, EPA maintained its extraordinary achievement of a zero FOIA appeals backlog. EPA reduced its average appeal response time from 256.93 days in FY 2019 to 13.66 days in FY 2022—a 95% reduction—by applying lean management methods, such as weekly workflow meetings on all pending appeals. In FY 2022, EPA processed 100% of the appeals within the statutory timeframe.

In FY 2022, EPA continued to increase the speed of issuing decisions on applications for expedited processing, an improvement project EPA began in FY 2021. EPA applied lean management methods and techniques to dramatically reduce the average time to issue these decisions from 21.06 days in FY 2020 to only 3.39 days in FY 2022, an overall 84% improvement. All decisions were issued in less than ten days. This measurable processing speed improvement illustrates the results EPA achieved by its commitment to continual improvement through lean management methods, techniques, and principles throughout EPA's centralized intake team and decentralized FOIA processing program. While management identified the need for this improvement, credit goes to the NFO staff member, Gail Davis, who reviewed their own process steps and identified ways to speed the process through focused attention and continuous problem solving.

While EPA was not able this year to reduce its backlog of FOIA requests as shown in its FOIA Annual Report, nevertheless through better, more consistent, and earlier communication with requesters, the Agency was able to extend due dates on many requests thereby reducing the number of requests that are statutorily overdue, an accomplishment not reflected in the reported request backlog data.

EPA Proposed FOIA Rulemaking Enhancements to Reduce Access Barriers to Records About the Most Vulnerable Communities

In November 2022, EPA proposed a new regulatory provision to allow requesters to seek expedited processing of their request, and fee waiver, if the records sought pertain to an environmental justice-related need and will be used to inform an affected community. EPA has

defined Environmental justice (EJ) as the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation and enforcement of environmental laws, regulations, and policies. This proposed provision would recognize that timely access to information contained in EPA records may play an important role in the opportunity for meaningful involvement by communities that potentially experience disproportionately high and adverse human health or environmental effects.

EPA is currently considering comments on the proposed new regulatory provision and anticipates issuing a final rulemaking decision in FY 2023. The link to the proposed rule is: <https://www.federalregister.gov/documents/2022/11/17/2022-24678/freedom-of-information-act-regulations-update-phase-ii>

Section I: FOIA Leadership and Applying the Presumption of Openness

The guiding principle underlying the Attorney General's [FOIA Guidelines](#) is the presumption of openness. The Guidelines also highlight the importance of agency leadership in ensuring effective FOIA administration. Please answer the following questions about FOIA leadership at your agency and describe the steps your agency has taken to ensure that the presumption of openness is being applied to all decisions involving the FOIA.

A. Leadership Support for FOIA

1. The FOIA requires each agency to designate a Chief FOIA Officer who is a senior official at least at the Assistant Secretary or equivalent level. See 5 U.S.C. § 552(j)(1) (2018). Is your agency's Chief FOIA Officer at or above this level?

Yes, the EPA's Chief FOIA Officer is the Agency's General Counsel, a Presidentially appointed, Senate confirmed position.

2. Please provide the name and title of your agency's Chief FOIA Officer.

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3. What steps has your agency taken to incorporate FOIA into its core mission? For example, has your agency incorporated FOIA milestones into its strategic plan?

The *FY 2022-2026 EPA Strategic Plan* establishes a long-term performance goal to enhance its efforts to meet statutory deadlines for responding to Freedom of Information Act (FOIA) requests and eliminate the backlog of overdue responses by September 30, 2026. Through enhanced transparency, the public and local communities can participate more meaningfully and partner with EPA in protecting human health and the environment.

B. Presumption of Openness

4. The Attorney General's 2022 FOIA Guidelines provides that "agencies should confirm in response letters to FOIA requesters that they have considered the foreseeable harm standard when reviewing records and applying FOIA exemptions." Does your agency provide such confirmation in its response letters?

Yes, in response letters EPA provides confirmation that the foreseeable harm standard was considered when reviewing records and applying FOIA exemptions. On May 15, 2022, and January 12, 2023, the EPA's NFO provided training to the EPA FOIA Community highlighting Attorney General Garland's March 15, 2022, Memorandum Regarding Freedom of Information Act Guidelines. NFO provided an updated template letter and updated FOIA Toolkit illustrating how to tell requesters about EPA's consideration of the

foreseeable harm standard in applying exemptions and determining the releasability of records when issuing FOIA responses.

5. *In some circumstances, agencies may respond to a requester that it can neither confirm nor deny the existence of requested records if acknowledging the existence of records would harm an interest protected by a FOIA exemption. This is commonly referred to as a Glomar response. With respect to these responses, please answer the below questions:*

a. *In addition to tracking the asserted exemption, does your agency specifically track whether a request involved a Glomar response?*

EPA does not currently track the use of “Neither Confirm nor Deny” (NCND)/Glomar responses.

b. *If yes, please provide:*

- i. *the number of times your agency issued a full or partial Glomar response (separate full and partial if possible);*
- ii. *the number of times a Glomar response was issued by exemption (e.g., Exemption 7(C) – 20 times, Exemption 1 – 5 times).*

This is not applicable to the EPA.

c. *If your agency does not track the use of Glomar responses, what would your agency need to do to track in the future? If possible, please describe the resources and time involved.*

EPA’s current FOIA case management system does not have the capability to track the use of Glomar in final response letters. EPA has recently completed the procurement of a new FOIA case management system and anticipates having the new system in use by the end of FY 2023. EPA does not yet know whether the new system will have the capability to separately track use of Glomar responses.

6. *Optional -- If there are any other initiatives undertaken by your agency to ensure that the presumption of openness is being applied, please describe them here.*

EPA worked to enhance transparency throughout the reporting year to improve compliance with the FOIA and to ensure EPA applies the presumption of openness. Steps taken included:

- Monthly FOIA Backlog Reports to Senior Leadership. The National FOIA Office issued monthly FOIA backlog reports to the heads of all Agency program and regional offices, identifying each office’s existing FOIA backlog and the change from the prior month.
- Routine Meetings of EPA FOIA Professionals. The National FOIA Office emphasized the presumption of openness and FOIA compliance during regular monthly meetings of the FOIA Community.

- Requester Engagement for More Efficient Processing. EPA's FOIA professionals regularly work with requesters throughout the FOIA process to seek clarification and to develop schedules for interim releases when appropriate.
- Post Simplified Calendars of Senior Officials on EPA Webpage. In response to inquiries from the requester community, EPA proactively posts on the EPA webpage simplified, or abridged, calendars of Agency senior leadership. The simplified calendars provide the public with information regarding key activities of EPA Senior Leaders.
- Proactively Release Monthly Visitors Logs of Headquarters Buildings. EPA uploads Headquarters visitors logs to the FOIA website by the 15th of each month. Posting the visitors logs eliminates the need for the public to submit a FOIA request to obtain this information.
- Publication of Administrator Regan's Messages to EPA Employees. EPA maintains on the agency webpage Administrator Regan's messages to EPA employees regarding transparency and maintaining the public trust.
- Updates to Environmental Justice Mapping Tool EJScreen. EPA updated and added new capabilities to EJScreen, the Agency's public environmental justice (EJ) screening and mapping tool. EJScreen combines environmental and socioeconomic information to identify areas overburdened by pollution. EJScreen 2.1 includes the addition of new data on US territories, threshold maps which provides a cumulative outlook, and supplemental indexes providing additional socioeconomic information.
- New Chemicals Review Program Website Redesign and Updates to Statistics. The update includes additional information and metrics on the Agency's review of new chemicals under the Toxic Substances Control Act (TSCA), increasing transparency for the public, the regulated community and other stakeholders. The new information and features will help users understand EPA's new chemicals review process, and trends, while highlighting the progress the program has made despite ongoing resource challenges.

Section II: Ensuring Fair and Effective FOIA Administration

The Attorney General’s FOIA Guidelines provide that “[e]nsuring fair and effective FOIA administration requires . . . proper training, and a full understanding of FOIA obligations by the entire agency workforce.” The Guidelines reinforce longstanding guidance to “work with FOIA requesters in a spirit of cooperation.” The Attorney General also “urge[s] agency Chief FOIA Officers to undertake comprehensive review of all aspects of their agency’s FOIA administration” as part of ensuring fair and effective FOIA administration.

A. FOIA Training

1. The FOIA directs agency Chief FOIA Officers to ensure that FOIA training is offered to agency personnel. See 5 U.S.C. § 552(a)(j)(2)(F). Please describe the efforts your agency has undertaken to ensure proper FOIA training is made available and used by agency personnel.

EPA Annual FOIA Training (In-house).

EPA requires all employees to take annual online FOIA training. This year’s training focused on the intersection of the FOIA and the Privacy Act and FOIA Exemption 6, Personal Privacy. In FY 2022, 93%² of EPA employees successfully completed the training.

EPA FOIA Training Committee (In-house).

Launched in FY 2021, EPA launched a new, centralized FOIA training committee to review and progressively strengthen the training provided throughout EPA’s decentralized FOIA processing program. This initiative aims to increase the quality and consistency of EPA’s training while building on EPA’s strong tradition of encouraging EPA FOIA professionals to share their skills, knowledge, enthusiasm, and leadership by developing or presenting FOIA trainings to the EPA FOIA Community and EPA at-large.

2. Did your FOIA professionals or the personnel at your agency who have FOIA responsibilities attend substantive FOIA training during the reporting period such as that provided by the Department of Justice?

Yes. FOIA professionals and staff who have FOIA responsibilities attended substantive FOIA training during the reporting period.

3. If yes, please provide a brief description of the type of training attended or conducted and the topics covered.

Department of Justice, Office of Information Policy Trainings (External).

EPA FOIA professionals and staff with FOIA responsibilities attended the following training offered by the Department of Justice (DOJ), Office of Information Policy:

² In this report, EPA rounded percentages to the nearest whole number using commonly applied decimal rounding rules. If the calculated number in the tenths place was 5 or higher, EPA rounded up to the next whole number; if the calculated number in the tenths place was 4 or lower, EPA rounded down to the nearest whole number.

Virtual FOIA Summit for Agency FOIA Professionals: An opportunity for agency FOIA professionals to hear about how some of their colleagues are modifying their FOIA plans and process in light of COVID-19 and best practices for leveraging FOIA data to strengthen FOIA programs. Discussion of recent Government Accountability Office FOIA reports and recommendations, and perspectives on FOIA litigation trends.

Virtual Exemption 4 and Exemption 5 Workshop: An overview of the requirements of Exemption 4, protecting trade secrets and certain commercial and financial information, as well as the submitter-notice process for exemption determinations. An overview of Exemption 5, which incorporates civil discovery privileges into the FOIA.

Virtual Freedom of Information Act Litigation Seminar: Discussion of current legal and policy developments impacting FOIA administration, and an overview of recent FOIA court decisions.

Virtual Procedural Requirements and Fees Training: Overview of the FOIA's procedural requirements, and statutory fees and fee waiver provisions.

Virtual Advanced Freedom of Information Act Training: Introduction of the FOIA's personal privacy exemptions, an overview of the various FOIA procedural requirements and, an advanced overview of the FOIA's requirements to make information available proactively to the public.

Virtual Privacy Considerations Training: Overview of FOIA Exemptions 6 and 7(C) and interface between the FOIA and the Privacy Act.

Virtual Continuing FOIA Education: Discussion of current topics in FOIA administration, including an update of current legal and policy developments impacting FOIA administration, and an overview of recent FOIA court decisions.

Virtual Annual/Quarterly FOIA Report Training: Overview of requirements for completing and submitting agencies' Annual and Quarterly FOIA Reports in accordance with the FOIA and DOJ guidance.

Virtual Chief FOIA Officer Report Training: Overview of requirements for agencies' Chief FOIA Officer Reports.

American Society of Access Professionals (External).

EPA FOIA professionals and staff with FOIA responsibilities attended the National Training Conference offered by the American Society of Access Professionals.

EPA FOIA Training Committee (In-house).

In FY 2021, EPA launched a new, centralized FOIA training committee to review and progressively strengthen the training provided throughout EPA's decentralized FOIA processing program. This initiative aims to increase the quality and consistency of EPA's training while building on EPA's strong tradition of encouraging EPA FOIA professionals to

share their skills, knowledge, enthusiasm, and leadership by developing or presenting FOIA trainings to the EPA FOIA Community and EPA at-large.

The Committee leverages the FOIA knowledge and expertise of its members from regional and headquarters FOIA professional staff to ensure the quality of FOIA training provided throughout EPA. The Committee has the following objectives:

- Identify and respond to EPA FOIA Community needs for new training resources;
- Facilitate access to existing training resources, including the development and maintenance of an archive or library for use by the EPA FOIA Community;
- Ensure training resources are tailored to diverse roles, tasks, and concepts related to EPA FOIA processing; and
- Design resources that emphasize prevailing FOIA best practices and improve consistency in FOIA practice across the Agency in accordance with statutory requirements, regulatory requirements, and EPA FOIA Policy and Procedures.

Building on its accomplishments from last fiscal year, in FY 2022 the EPA FOIA Training Committee:

- Delivered a training at a monthly FOIA Community Meeting on the Attorney General’s FOIA Guidelines, with particular focus on the foreseeable harm statements in response letters;
- Provided training on fee assessments to support EPA’s FOIA Fee Invoice Verification and Improvement Project;
- Continued a regular practice of reporting at FOIA Community Meetings on significant new court decisions and on frequent counseling questions; and
- Oversaw the creation of the FY 2023 all-staff training and initiated the conversion of the companion Supervisor Training eLearning module on the application of exemptions, to be hosted in EPA’s FedTalent learning management system.

Focused EPA FOIA Training Events (In-house).

FOIA experts in EPA’s Office of General Counsel also provided a wide variety of training, briefing, and assistance on an as needed or project-specific basis throughout the year.

- The National FOIA Office, in the Office of General Counsel, provided comprehensive training to FOIA professionals and agency employees in several FOIA topic areas, including: Identifying Proactive Disclosures; Choosing the Appropriate Disposition at Closeout; Negotiating with FOIA Requesters; Conducting Self-Audits of Due Date Extensions and Supporting Documentation; EPA’s Awareness Notification Process; several fees-related topics; EPA Proprietary Business Information Procedures; Foreseeable Harm Statements in Release Letters; and Protecting Privileges Practice Tips.

EPA FOIA Community Meetings (In-house).

The National FOIA Office held monthly meetings with the Agency’s FOIA Community to provide guidance and updates on FOIA-related matters. These monthly meetings provided key FOIA personnel with ongoing training relevant to the performance of their duties,

including but not limited to: information on Agency FOIA processes and procedures; explanations of how to apply FOIA exemptions, negotiate with requesters and appropriately extend the response due date, estimate fees, and make discretionary disclosures; as well as guidance on other administrative processing matters, case law developments, and FOIA related topics.

E-Discovery & Technology Training for FOIA Experts (External & In-house).

EPA FOIA professionals attended several eDiscovery training events:

- RelativityFest 2022 conference to stay abreast of advances in eDiscovery technology and best practices applicable to processing FOIA document reviews using Relativity software.
- The EPA provided training throughout the year to EPA FOIA professionals on the analytics tools included in EPA's e-Discovery Relativity platform that can be leveraged to more efficiently review records for response to FOIA requests.

4. Please provide an estimate of the percentage of your FOIA professionals and staff with FOIA responsibilities who attended substantive FOIA training during this reporting period.

EPA estimates nearly all EPA FOIA professionals took substantive FOIA training in FY 2022. Ninety-three percent of all EPA employees completed the FY 2022 Annual FOIA Training, and EPA identified less than 5 FOIA professionals who did not take this annual training. In addition, EPA's National FOIA Office provides substantive training as part of its monthly "FOIA Community" meetings, which are routinely attended by more than 150 FOIA professionals and managers.

5. OIP has directed agencies to "take steps to ensure that all of their FOIA professionals attend substantive FOIA training at least once throughout the year." If your response to the previous question is that less than 80% of your FOIA professionals attended training, please explain your agency's plan to ensure that all FOIA professionals receive or attend substantive FOIA training during the next reporting year.

This is not applicable to EPA.

6. Describe any efforts your agency has undertaken to inform non-FOIA professionals of their obligations under the FOIA. In particular, please describe how often and in what formats your agency provides FOIA training or briefings to non-FOIA staff; and if senior leaders at your agency received a briefing on your agency's FOIA resources, obligations and expectations during the FOIA process?

Annual FOIA Message from Administrator Regan.

On March 17, 2022, Administrator Regan issued an email message to all EPA employees in celebration of Sunshine Week and to emphasize the importance of the FOIA as a tool that "implements a bedrock principle of democracy that the public is entitled to 'know what their government is up to.'" This annual message implements the 2018-2020 FOIA Federal Advisory Committee Recommendation 17, which encourages "agency leadership

annually issue a memorandum reminding the workforce of its responsibilities and obligations under FOIA and encouraging the workforce to contact the agency's FOIA officer for assistance with the FOIA process.”

Administrator Regan pointed to the Attorney General's FOIA Guidelines and committed EPA “to conducting its business in an open and transparent manner through high quality and timely FOIA responses” and “to being a flagship example of transparent, efficient, and effective government.” Further, Administrator Regan called on EPA employees “to work together to serve the public interest, ensure the public trust, and emphasize transparency, disclosure, and cooperation.”

Mandatory Annual FOIA Training.

EPA required all employees to complete mandatory FOIA Awareness Training in FY 2022. The training was provided via an online training platform, FedTalent, with regular reminders to each employee and to their supervisors to ensure completion by the end of the fiscal year. The online platform also provided data tracking for accountability. In FY 2022, 93% of employees successfully completed the required training, which focused on the intersection of the FOIA and the Privacy Act, and FOIA Exemption 6, Personal Privacy.

FOIA-Related Performance Standards.

EPA requires that all senior manager performance agreements contain FOIA-related performance responsibilities to ensure Agency management promotes compliance with FOIA laws, regulations, policies, and Executive Orders. Managers are accountable to manage FOIA responses and to supervise and train all EPA employees who have a role in administering the FOIA.

FOIA Supervisor Training.

The National FOIA Office is currently developing a companion Supervisor-focused eLearning module focusing on the application of the most frequently applied FOIA exemptions by EPA, Exemptions 5 (Civil Discovery Privileges) and 6 (Personal Privacy). Like the primary Supervisor Training eLearning module, this companion module will be remote, on-demand, Section 508 compliant, and user accessibility tested for assistive technologies.

Self-Learning Resources.

The National FOIA Office regularly reviewed and updated the Agency's FOIA Intranet site available to EPA FOIA professionals and agency employees. This site includes a subsection on “FOIA Training and How To's,” training records and guidance issued by the Department of Justice, and other learning resources useful to non-FOIA professionals new to FOIA processing or needing refresher training. The FOIA Intranet site also prominently displays news highlights including regarding recent court decisions.

B. Outreach

7. Did your FOIA professionals engage in any outreach or dialogue, outside of the standard request process, with the requester community or open government groups regarding your administration of the FOIA? Please describe any such outreach or dialogue, and, if applicable, any specific examples of how this dialogue has led to improvements in your agency's FOIA administration.

Yes. The EPA FOIA Public Liaison, FOIA Officers, and FOIA professionals engaged in dialogue with members of the FOIA requester community regularly throughout the year regarding administration of the FOIA.

Proposed Rule - Freedom of Information Act Regulations Update: Phase II

On November 17, 2022, EPA published in the Federal Register a Proposed Rule to update the agency FOIA regulations at 40 C.F.R. part 2 and sought public comments on 22 distinct issues. The Phase II Proposed Rule set out changes that would alter the process by which individuals and entities request records from EPA under the FOIA, as well as clarify certain provisions and align with the FOIA and with EPA and government-wide policy.

Environmental Justice Expedited Processing Criteria. EPA proposed a provision to allow requesters to seek expedited processing of their request if the records sought pertain to an environmental justice-related need and will be used to inform an affected community. EPA has recognized environmental justice concerns for many decades and has defined Environmental Justice as the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation and enforcement of environmental laws, regulations, and policies. EPA recognizes the role timely access to information contained in EPA records may play in the opportunity for meaningful involvement by communities that potentially experience disproportionately high and adverse human health or environmental effects. Establishing this new expedited processing category would target an understood need for timely access for communities with environmental justice concerns to information, which may not be met by the “compelling need” category set forth in the FOIA statute.

To qualify for expedited processing under the proposed Environmental Justice provision, a requester would need to show: (1) a pressing need; (2) to inform a community potentially experiencing disproportionately high and adverse human health or environmental effects; (3) about those effects; (4) affecting, or potentially affecting, that community.

Federal FOIA Advisory Committee.

Two EPA personnel, Patricia Weth, a manager in EPA's Office of General Counsel and Matthew Schwarz, an attorney advisor in EPA's Office of General Counsel, served as government members of the FOIA Advisory Committee for the 2020-2022 term. Patricia Weth continues to serve as a government member for the current 2022-2024 term. The FOIA Advisory Committee establishes an open and transparent way for the public to provide the

federal government advice regarding FOIA implementation, and it consists of members both inside and outside the federal government, who have considerable FOIA expertise. NARA created the Advisory Committee to foster dialogue between the federal government and the requester community and to solicit public comments and develop recommendations for improving FOIA administration and proactive disclosures.

Chief FOIA Officers Council Technology Committee.

Five EPA personnel, Jennifer MacDonald, an attorney-adviser in EPA's Region 10 Office of Regional Counsel, Mark Muro, a government information specialist in EPA's Region 5, Brian Thompson, a manager in the EPA's Office of Mission Support, and Heather Thompson, an attorney-adviser in EPA's Office of Enforcement and Compliance Assurance, and Joan Moubleaux a government information specialist in EPA's Office of General Counsel; represent EPA on the Chief FOIA Officers Council, Technology Committee. The Chief FOIA Officers Council established the Technology Committee to study the use and deployment of technology in FOIA programs across agencies, and to identify best practices and recommendations that can be implemented across agencies.

Chief FOIA Officers Council Committee on Cross-Agency Collaboration and Innovation.

Two EPA personnel, Brittany Pugh, a government information specialist in EPA's Office of Chemical Safety and Pollution Prevention, and Nicole Rementer, an attorney-adviser in EPA's Office of General Counsel, serve as EPA members on the Chief FOIA Officers Council, Committee of Cross-Agency Collaboration and Innovation (COCACI). The Chief FOIA Officers Council created the COCACI in October 2020 to implement Recommendation 16 from the 2018-2020 FOIA Advisory Committee Final Report and Recommendations. Its purpose is to research and propose cross-agency grant programs and funding sources, create federal career paths for FOIA professionals, and promote models to align agency resources with agency transparency. Nicole Rementer co-chairs the Government Information Specialists (Job Series) Professionalization Subcommittee.

8. As part of the standard request process, do your FOIA professionals proactively contact requesters concerning complex or voluminous requests in an effort to clarify or narrow the scope of the request so requesters can receive responses more quickly? Please describe any such outreach or dialogue, and, if applicable, any specific examples.

Yes. EPA FOIA professionals regularly contact requesters concerning complex or voluminous requests. Agency FOIA procedures encourage FOIA Program Offices to contact a requester as many times as needed to clarify the scope of the request at any step in the FOIA process. EPA's centralized FOIA request intake team located within EPA's National FOIA Office evaluate requests for complexity within the first few days of receipt. NFO FOIA professionals contact requesters to provide recommendations on ways to clarify or narrow requests. Additionally, the NFO provided several trainings in FY 2022 for agency FOIA professionals on best practices when proactively contacting requesters to discuss the scope of requests and when seeking clarification. For internal communications to the EPA FOIA processing community and Agency leadership, EPA uses FOIA backlog data display that takes into account due date extensions where EPA

offices appropriately reach out to requesters about requests that are complex or seek voluminous records.

9. The FOIA Improvement Act of 2016 requires additional notification to requesters about the services provided by the agency's FOIA Public Liaison. Please provide an estimate of the number of times requesters sought assistance from your agency's FOIA Public Liaison during Fiscal Year 2022 (please provide a total number or an estimate of the number).

For FY 2022, EPA's FOIA Public Liaison responded to an estimated 1-2 phone calls for assistance per month. The FOIA Public Liaison and FOIA Requester Service Center email account received approximately 800 inquiries this year, including 200 specifically requesting FOIA Public Liaison services. The National FOIA Office responds to emailed inquiries by email or follow up phone call. In addition, the National FOIA Office, which includes EPA's FOIA Public Liaison and FOIA Requester Service Center, issues a unique correspondence to each requester as part of its intake review of FOIA requests and includes information on how to contact EPA's FOIA Public Liaison in that correspondence, as well as in every FOIA final letter and interim response letters.

C. Other Initiatives

10. Has your agency evaluated the allocation of agency personnel resources needed to respond to current and anticipated FOIA demands? If so, please describe what changes your agency has or will implement.

In 2022 EPA has continued to use lean management principles, methods and techniques to continuously review and improve EPA's FOIA response processing. By deploying lean management methods agency-wide, many offices across the agency conducted lean management improvement events around FOIA processing and deployed visual management tools to bring greater focus to FOIA processing. Root cause analysis is a critical lean management method that requires offices to analyze whether FOIA processing goals and targets can be met through process improvements, deployment of technology, or changes in personnel resources. Through application of these methods, some EPA offices reorganized FOIA processing in various ways including by changing personnel resource allocations.

In FY 2022, in looking at root cause analysis pertaining to loss of momentum on backlog reduction, EPA identified delays in hiring and onboarding staff to replace certain key employees who retired or left the agency in offices with the highest backlogs. EPA concluded that existing allocation of agency personnel resources remained appropriate, subject to filling these vacancies. Replacement hiring was completed in one office by the end of the fiscal year.

EPA's National FOIA Office has conducted several office-specific and agency-wide reviews of FOIA staffing. As an outgrowth of those reviews, EPA's National FOIA Office partnered with EPA's Office of Chemical Safety and Pollution Prevention, EPA's Office of Water, and EPA's Office of the Administrator to establish a contract for FOIA

document reviewers for up to 3 years and \$4 million in contractor document review services. This contract is a pilot designed to provide additional contractor staff to assist with two offices that have the largest backlogs of overdue FOIA requests at the agency and as surge capacity where needed in response to evolving circumstances during the life of the contract.

11. How does your agency use data or processing metrics to ensure efficient management of your FOIA workload? For example, case management reports, staff processing statistics, etc. In addition, please specifically highlight any data analysis methods or technologies used.

The EPA regularly creates various reports to track the review status of FOIA requests and response times and to make case assignments. EPA uses lean management methods and techniques, including daily and weekly huddle data display and monthly and quarterly business meeting review of data, throughout its decentralized FOIA program administration. Several EPA program offices have developed their own FOIA processing display dashboards for tracking FOIA processing through various stages of initial triage through final response and use such data for daily and weekly allocation of resources to keep FOIA processing on schedule and to identify when further contact with requesters regarding estimated due dates is warranted. Additionally, the EPA compares the Quarterly Reports and the FOIA Annual Reports to assess quarterly and yearly trends and levels of productivity. The EPA will continue to use data reporting to assess productivity and assist it in streamlining processes and procedures. Additionally, the NFO holds EPA FOIA Community meeting to review and discuss the Annual FOIA Report, the Chief FOIA Officer's Report, and the DOJ Chief FOIA Officers' Report Assessment and Summary to illustrate areas of improvement and to identify opportunities for improvement in the next fiscal year.

12. Optional -- If there are any other initiatives undertaken by your agency to ensure fair and effective FOIA administration, please describe them here.

Procuring a New FOIA Case Management System.

On March 7, 2023, EPA entered a contract with OPEXUS (formerly AINS) to provide EPA and FOIA requesters with the next generation FOIA case management software solution to replace FOIAonline, which will cease operation as of the end of FY 2023. During the remainder of the 2023 fiscal year, EPA will work with OPEXUS to configure FOIAXpress for EPA's FOIA operations, migrate data, and train EPA employees and requesters on the use of FOIAXpress. EPA anticipates that the selection of FOIAXpress as EPA's next generation FOIA case management software solution will provide the following FOIA service enhancements: public access link, document management, reporting, role-based permissions, advanced integrated search engine, real-time dashboards & analytics, and collaboration tools.

FOIA Expert Assistance Team (FEAT).

EPA's FOIA Expert Assistance Team (FEAT), located in EPA's National FOIA Office in the Office of General Counsel, was created in 2014 to provide strategic direction and project management assistance on the most challenging or complex FOIA requests. It continues to

provide valuable centralized coordination and training to improve FOIA processing, consistent with its original functional statement:

This unit provides legal counsel on all issues pertaining to selected FOIA requests that have been determined to be [the] most complex and/or potentially sensitive requests received across the Agency. Utilizing an extraordinary breadth of FOIA knowledge and experience, together with in-depth organizational and external awareness, the team provides advice and guidance to the highest echelons of management within the Agency.

The FEAT also provides consulting services to EPA programs that need help assessing and identifying areas of improvement in their FOIA programs or processes. Depending on the specific needs of the Agency and each request for assistance, the FEAT adjusts its level of involvement on a particular project.

Section III: Proactive Disclosures

The Attorney General's [FOIA Guidelines](#) emphasize that "proactive disclosure of information is . . . fundamental to the faithful application of the FOIA." The Guidelines direct agencies to post "records online quickly and systematically in advance of any public request" and reiterate that agencies should post records "in the most useful, searchable, and open formats possible."

1. Please describe what steps your agency takes to identify, track, and post (a)(2) proactive disclosures.

Through the agency's current FOIA case management system, FOIAonline, the EPA can identify, track, and post responsive records.

2. Provide examples of any material that your agency has proactively disclosed during the past reporting year, including records that have been requested and released three or more times in accordance with 5 U.S.C. § 552(a)(2)(D). Please include links to these materials as well.

EPA continually updates its website with new information regarding public health and environmental protection topics. These updates demonstrate EPA's commitment to proactively disclose information to the public. The following illustrate these proactive disclosures:

EPA Launched Updates to Environmental Justice Mapping Tool EJScreen

- EPA updated and added new capabilities to EJScreen, the Agency's public environmental justice (EJ) screening and mapping tool. EJScreen combines environmental and socioeconomic information to identify areas overburdened by pollution.
- EJScreen 2.1 includes the addition of new data on US territories, threshold maps which provides a cumulative outlook, and supplemental indexes providing additional socioeconomic information.
- EJScreen 2.1 now includes environmental, demographic, and index data for the US Virgin Islands, Guam, American Samoa, and the Northern Mariana Islands.
- EPA also created a set of "supplemental indexes" as an additional method to highlight vulnerable populations that may be disproportionately impacted by pollution, incorporating a new five-factor supplemental demographic index. The five socioeconomic indicators considered are percent low-income, percent limited English-speaking, percent less than high school education, percent unemployed, and low life expectancy.
- EJScreen is located at <https://www.epa.gov/ejscreen>.

EPA Updated New Chemical Review Program Webpage, and Metrics

- EPA redesigned and updated the statistics webpage for the New Chemicals Review Program. The update added information and metrics on the Agency's review of new chemicals under the Toxic Substances Control Act (TSCA), increasing transparency for the public, the regulated community and other

stakeholders. The new information and features help users understand EPA's new chemicals review process, throughput, and trends, while highlighting the progress the program has made despite ongoing resource challenges.

- The webpage now contains month-by-month counts of new chemical submissions, completed risk assessments and completed risk management actions for all notices and exemptions, allowing users to track monthly progress on EPA's new chemicals workload.
- New tables and graphs on the webpage visualize new chemicals submission trends and changes from FY 2010-2022.
- The revised webpage now also includes a tracker for other applications submitted to the New Chemicals Program, including Low-Volume Exemptions (LVEs), Low Release and Low Exposure Exemptions (LoREXs), Test Market Exemptions (TMEs), TSCA Environmental Release Applications (TERAs) and Tier II Exemptions for Microorganisms (Tier IIs).
- The new webpage provides greater detail about the new chemicals review process, including explanations of each step of the review process for notices and exemptions. Also new to the webpage is an explanation of factors that EPA considers when triaging new chemical submissions for review.
- This webpage is located at <https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca>

EPA Publishes State-Level Greenhouse Gas Emissions Data, Resources to Promote State Action on Climate

- EPA released new and updated resources to support states as they work to address the climate crisis and reduce climate pollution:
 - State-level data on greenhouse gas emissions and sinks: The Inventory of U.S. Greenhouse Gas Emissions and Sinks by State provides state-by-state emission and sinks data consistent with the national greenhouse gas inventory, and with international standards. The state-level GHG Inventory provides annual emissions estimates from 1990 through 2019 and will be updated each year. This webpage is located at <https://www.epa.gov/ghgemissions/state-ghg-emissions-and-removals>.
 - Updates to the State Inventory Tool: EPA's existing State Inventory Tool helps states to compile and analyze their own estimates of GHG emissions and sinks. The new version of the tool updates and extends calculations through 2019 and better aligns the tool with the new Inventory by State estimates. This tool is located at <https://www.epa.gov/statelocalenergy/state-inventory-and-projection-tool>
 - Information on state-level opportunities to reduce emissions of potent greenhouse gases: The U.S. State-level Non-CO2 Mitigation Analysis provides states with improved data to better understand the costs and opportunities for reducing emissions of potent greenhouse gases, including methane, nitrous oxide, and fluorinated gases. This report looks at projected emissions of these gases through 2050 and provides

comprehensive technical and economic data on the opportunities and costs for reducing emissions. This report is located at <https://www.epa.gov/global-mitigation-non-co2-greenhouse-gases/us-state-level-non-co2-ghg-mitigation-report>.

EPA Launched New Online Tools to Provide Communities with Information on Environmental Enforcement and Compliance.

- EPA launched three new online tools available to the public that provide additional information on environmental enforcement and compliance in their communities.
- EPA integrated Environmental Justice metrics with ECHO. Members of the public can use EPA's Enforcement and Compliance History Online (ECHO) website, which is located at <https://echo.epa.gov/>, to search for facilities in their community to assess their compliance with environmental regulations. EPA has now integrated Environmental Justice (EJ) metrics in the basic ECHO facility features, allowing users to:
 - Search for Facilities in Areas with Possible EJ Concerns
 - Investigate Pollution Sources in Areas with Possible EJ Concerns
 - Examine and Create EJ Enforcement-Related Maps
 - Analyze Trends in Compliance & Enforcement EJ Data
- Customized Updates on Local Enforcement and Compliance Activities. EPA launched “ECHO Notify,” which is located at <https://echo.epa.gov/tools/echo-notify> and empowers members of the public to stay informed about important environmental enforcement and compliance activities in their communities. Through ECHO Notify, users can sign up to receive weekly emails when new information is available within the selected geographic area, such as when a violation or enforcement action has taken place at a nearby facility.
- Benzene Fenceline Monitoring Dashboard. Beginning in 2015, petroleum refineries were required to install air monitors around the perimeter of their facilities to monitor benzene concentrations and report the results to EPA on a quarterly basis. Those results are now accessible to the public on EPA’s Benzene Fenceline Monitoring Dashboard, which is located at https://awsedap.epa.gov/public/extensions/Fenceline_Monitoring/Fenceline_Monitoring.html?sheet=MonitoringDashboard

3. Beyond posting new material, is your agency taking steps to make the posted information more useful to the public, especially to the community of individuals who regularly access your agency’s website?

Yes. EPA upgraded its internet web content management system, ensuring that the site is 508 compliant and allowing the FOIA public site to be re-configured for clarity. The home page is now structured in three distinct columns with links to Frequently Requested Records featured prominently in the center of the page.

4. *If yes, please provide examples of such improvements. In particular, please describe steps your agency is taking to post information in open, machine-readable, and machine-actionable formats, to the extent feasible. If not posting in open formats, please explain why and note any challenges.*

Please see response to question 2 above.

To further the Open Government Initiative, EPA is posting information in open, machine readable, machine actionable formats by providing the public with an Environmental Dataset Gateway (EDG). The EDG offers data consumers a catalog of all EPA open data content, available at <https://edg.epa.gov/metadata/catalog/main/home.page>.

Further, EPA provides open data policies governing the open data initiative as well as guidance for viewing or downloading datasets curated by the EPA, available at <https://www.epa.gov/data>.

5. *Does your proactive disclosure process or system involve any collaboration with agency staff outside the FOIA office, such as IT or data personnel? If so, describe this interaction.*

EPA Program Offices and Regions work with the Office of Mission Support to post records or databases on the agency website.

6. *Optional -- Please describe the best practices used to improve proactive disclosures and any challenges your agency faces in this area.*

EPA continually strives to improve and increase disclosure of important environmental and public health information to the public. EPA does this in a variety of ways, including the following best practices:

- Disclosure to One is Disclosure to All. EPA makes publicly available most records that have been released under FOIA (except records responsive to first party requests) through FOIAonline regardless of the number of times requested.
- EPA program offices continuously disclose to the public, including through interactive websites, the public health and environmental information that EPA collects.

Section IV: Steps Taken to Greater Utilize Technology

A key component of FOIA administration is using technology to make information available to the public and to gain efficiency in FOIA processing. The Attorney General's [FOIA Guidelines](#) emphasize the importance of making FOIA websites easily navigable and complying with the [FOIA.gov](#) interoperability requirements. Please answer the following questions to describe how your agency is using technology to improve its FOIA administration and the public's access to information.

1. Has your agency reviewed its FOIA-related technological capabilities to identify resources needed to respond to current and anticipated FOIA demands?

In November 2021, EPA announced its decision to sunset FOIAonline FOIA case management system in two years by the end of the 2023 calendar year. EPA's National FOIA Office conducted an extensive market research of alternative FOIA case management systems and solutions. For example, in February 2022, EPA attended the NexGen FOIA Tech Showcase in order to get gain knowledge of new FOIA technologies to assist the agency with its FOIA mission. The Chief FOIA Officers (CFO) Council's Technology Committee, in conjunction with the Office of Government Information Services (OGIS) at the National Archives and Records Administration and the U.S. Department of Justice (DOJ) Office of Information Policy (OIP), hosted this event for federal agencies. In July 2022, EPA also posted a request for information and in October 2022, EPA posted its request for quotes for a FOIA case management system to replace FOIAonline.

On March 7, 2023, EPA selected the winning quote for a FOIA case management system to replace FOIAonline and entered into a contract with OPEXUS to provide FOIAXpress. EPA anticipates that this new system will be fully configured, data will be migrated, staff will be trained, and it will be launched for the public to use for submitting FOIA requests to the Agency by October 1, 2023.

2. Please briefly describe any new types of technology your agency began using during the reporting period to support your FOIA program.

During this reporting period, EPA substantially migrated records from the on-premises version of Relativity to the newly launched RelativityOne cloud version.

3. Does your agency currently use any technology to automate record processing? For example, does your agency use machine learning, predictive coding, technology assisted review or similar tools to conduct searches or make redactions? If so, please describe and, if possible, estimate how much time and financial resources are saved since implementing the technology.

EPA uses the RelativityOne software solution for FOIA document review and redaction. The Relativity One software solution includes a variety of machine automation tools for use in document review.

4. OIP issued [guidance](#) in 2017 encouraging agencies to regularly review their FOIA websites to ensure that they contain essential resources and are informative and user-friendly. Has your agency reviewed its FOIA website(s) during the reporting period to ensure it addresses the elements noted in the guidance?

Beginning in 2022, the National FOIA Office started a review of its public-facing site. The NFO's goal is to make information about the FOIA, about EPA FOIA administration, and EPA's publicly available records, more findable and usable. During 2023, the NFO

plans to re-architect its web pages to provide simple, clear information about how to file a request as well as easy access to EPA records in the public domain.

5. Did all four of your agency's [quarterly reports](#) for Fiscal Year 2022 appear on FOIA.gov?

Yes. The EPA's Fiscal Year 2022 four quarterly reports appear in FOIA.gov. Additionally, EPA posted the FY 2022 quarterly reports to its public facing website, available at . <https://www.epa.gov/foia/department-justice-quarterly-reports>.

6. If your agency did not successfully post all quarterly reports on FOIA.gov, please explain why and provide your agency's plan for ensuring that such reporting is successful in Fiscal Year 2023.

This is not applicable to EPA.

7. The FOIA Improvement Act of 2016 requires all agencies to post the raw statistical data used to compile their Annual FOIA Reports. Please provide the link to this posting for your agency's Fiscal Year 2021 Annual FOIA Report and, if available, for your agency's Fiscal Year 2022 Annual FOIA Report.

The EPA FY 2021 FOIA Annual Report is posted on the agency website at <https://www.epa.gov/foia/foia-reports-quarterly-reports-annual-reports-chief-foia-officerreports#annual>.

The EPA FY 2022 FOIA Annual Report is posted on the agency website at <https://www.epa.gov/foia/foia-reports-quarterly-reports-annual-reports-chief-foia-officerreports#annual>

8. In February 2019, DOJ and OMB issued joint [Guidance](#) establishing interoperability standards to receive requests from the National FOIA Portal on FOIA.gov. Are all components of your agency in compliance with the guidance?

Yes. The EPA is in compliance with OMB M-19-10 Guidance for Achieving Interoperability with the National Freedom of Information Act (FOIA) Portal on FOIA.gov

9. Optional -- Please describe the best practices used in greater utilizing technology and any challenges your agency faces in this area.

EPA is exploring an opportunity to partner with MITRE to test its FOIA Assistant tool. The tool supports FOIA analysis by identifying and recommending redaction of exemption 5, 6, and 7(c) content. EPA's goal is to test the FOIA Assistant, which detects potential personally identifiable information and deliberative language, to determine whether the tool increases document review speed. MITRE is a not-for-profit

organization working in the public interest by sharing its independent research with the government.

The National FOIA Office's Intranet site is heavily used and relied upon by the EPA FOIA Community. The usage statics show approximately 150 visitors each day. Recently, the NFO redesigned the site giving it a modern look, making it user friendly, and providing easy one-stop-shop access to templates of FOIA letters for download, the FOIA Toolkit, the EPA FOIA Community Directory, and the FOIA Training Library. The user experience design made the site more readily accessible, including media blocks with representative pictures. The new site provides current FOIA "News" and "Events," such as the EPA FOIA Community Meeting, OGIS meetings, and DOJ training courses. The screen shot on the next page illustrates these site highlights. The successful smooth transition allowing users to seamlessly transition from the old to the new site is evidenced by the complete absence of any complaints and there was no drop in usage of the site.

FOIA

[EPA@Work Home](#) > FOIA

National FOIA Office

The National FOIA Office discharges the duties of the Freedom of Information Act (FOIA) and allies with the Agency's fundamental commitment to government accountability through information transparency and accessibility.

The FOIA allows any person access to federal agency records. All agencies, including the EPA, have the duty to release records to the public. To balance the public's right to know with efficient government operations, the FOIA allows agencies to withhold information from the public if disclosure would harm a government interest protected by any of nine exemptions.



FOIA Toolkit

Key steps to processing a FOIA request. Includes best practices, records search, review, and productions.



Delinquent Requester List

Requesters with outstanding fees.



FOIA Directories & Org Chart

EPA FOIA Professionals Directory, External Equity Review (Consultations) Directory, and NFO Organization Chart.



Awareness Notification Process & CBI Notification Process

ANP Template and Training; CBI Notices and Training.



White House Consultations

Submit and track FOIA consultations to White House Counsel, OMB, CEQ, and all other Executive Offices of the President.



FOIA Letter Templates

Template letters for FOIA processing.



FOIAonline & Relativity Access

Login to FOIAonline and Relativity.



Contact Us

Have an inquiry? Submit a comment.



Statute, Regulations, Policy, Procedures, and Case Law

FOIA Statute and Regulation; National and Program Policy and Procedures; FOIA Cases of Note and Weekly Case Law Decisions.

[View Legal Materials](#)



FOIA Training Library

FOIA Processing and Training Materials.

[View Training Materials](#)



Agendas, Reports, Announcements, Awards, and Celebrations

EPA FOIA Community Agendas; Annual Statistical Reports and Chief FOIA Officer Reports; Announcements, Awards, and Celebrations

[View Administrative Content](#)

News

[FOIA Community Meeting, Thursday December 15th 2PM to 330PM EST.](#)

December 5, 2022
A monthly meeting for the EPA FOIA professional community.

[New Decisions Received Week Ending October](#)

Events

DATES TO KEEP AN EYE ON

Dec 15

[EPA FOIA Community Meeting](#)

A monthly meeting for the EPA FOIA community....

Section V: Steps Taken to Remove Barriers to Access, Improve Timeliness in Responding to Requests, and Reduce Backlogs

The Attorney General's [FOIA Guidelines](#) instruct agencies "to remove barriers to requesting and accessing government records and to reduce FOIA processing backlogs." Please answer the following questions to describe how your agency is removing barriers to access, improving timeliness in responding to requests, and reducing FOIA backlogs.

A. Remove Barriers to Access

1. Has your agency established alternative means of access to first-party requested records outside of the FOIA process?

Yes.

2. If yes, please provide examples. If no, please indicate why not. Please also indicate if you do not know.

MyProperty (<https://enviro.epa.gov/facts/myproperty>) is an internet-based tool for searching facility data that comes from multiple EPA data sources available through the EPA's Facility Registry System (FRS). This tool allows property owners, as well as real estate agents, mortgage banks, engineering and environmental consulting firms and the public, to determine if EPA's FRS system has records on a specific property without filing a FOIA request. If a search of an address returns a 'No Information Found for the Submitted Address' response, the user can generate a "No Records Certificate". Environmental due diligence professionals often require documentation that EPA does not possess environmental contamination records about a specific property, and submit FOIA requests to obtain such documentation. The MyProperty "No Records Certificate" satisfies such documentation requirements in several state and local jurisdictions. The public continues to increase use of the MyProperty site since EPA began informing FOIA requesters about the site. In FY 2022, the monthly average site Pageviews reached an all-time high of 4,465, compared to 4,002 in FY 2021. The MyProperty site issued 9,069 "No Records Certificates" in FY 2022, an increase of 23% over FY 2021.

EPA United States Environmental Protection Agency

Environmental Topics Laws & Regulations About EPA Search EPA.gov

Related Topics: [Envirofacts](#) [Contact Us](#)

MyProperty

Searching Properties for Environmental Concerns

MyProperty is a tool for searching facility data that come from multiple EPA data sources available through the EPA's Facility Registry System (FRS).

This tool allows Real Estate Agents, Mortgage Banks, Engineering and Environmental Consulting Firms and the public to determine if EPA's FRS system has records on a specific property without filing a [Freedom of Information Act \(FOIA\)](#) request. The results of this search will be identical to the information you would receive by filing a FOIA request with EPA for these records.

Search Property Location

Enter Street Address (ex, "1200 Pennsylvania Ave NW"), City (ex, "Washington") and State (ex, "DC"). Note, this search will attempt to find an address in the EPA database that is a "letter for letter" **exact match** with the address that is entered. Please be aware of the various forms of addresses that exist (for example "St" vs. "Street"). If a match is not initially found, try alternate forms of the address. Refer to possible alternate forms of addresses and abbreviations found at [usps.com](#) [EXIT Disclaimer](#).

Street Address:

City:

State:

[Submit Query](#) [Reset](#)

B. Timeliness

3. For Fiscal Year 2022, what was the average number of days your agency reported for adjudicating requests for expedited processing? Please see Section VIII.A. of your agency's Fiscal Year 2022 Annual FOIA Report.

EPA achieved a significant improvement in adjudicating requests for expedited processing by reducing the average number of days to 3.39 in FY 2022, as compared to an average of 7.77 days in FY 2021, and 21.06 days in FY 2020, an overall 84% improvement. In FY 2022, EPA adjudicated 224 of the 225 requests for expedited processing within 10 days or less.

4. If your agency's average number of days to adjudicate requests for expedited processing was above ten calendar days, according to Section VIII.A. of your agency's Fiscal Year 2022 Annual FOIA Report, please describe the steps your agency will take to ensure that requests for expedited processing are adjudicated within ten calendar days or less.

This is not applicable to EPA. EPA's average number of days to adjudicate requests for expedited processing was 3.39 days in FY 2022.

5. Does your agency utilize a separate track for simple requests?

Yes.

6. If your agency uses a separate track for simple requests, according to Annual FOIA Report section VII.A, was the agency overall average number of days to process simple requests twenty working days or fewer in Fiscal Year 2022?

No. While EPA's average number of days to process simple requests in FY 2022 was 40.86 days, EPA processed 64% of simple requests within 20 working days.

7. If not, did the simple track average processing time decrease compared to the previous Fiscal Year?

Yes, EPA reduced the average processing time for simple track requests in FY 2022 (40.86 days) as compared to FY 2021 (52.55 days).

8. Please provide the percentage of requests processed by your agency in Fiscal Year 2022 that were placed in your simple track. Please use the following calculation based on the data from your Annual FOIA Report: (processed simple requests from Section VII.C.1) divided by (requests processed from Section V.A.) x 100.

In FY 2022, EPA processed 47% of the requests in the simple track.

9. If your agency does not track simple requests separately, was the average number of days to process all non-expedited requests twenty working days or fewer?

This is not applicable to EPA, because EPA has a processing track for simple requests.

C. Backlogs

BACKLOGGED REQUESTS

10. If your agency had a backlog of requests at the close of Fiscal Year 2022, according to Annual FOIA Report Section XII.D.2, did that backlog decrease as compared with the backlog reported at the end of Fiscal Year 2021?

No, despite sizeable decreases for the prior three fiscal years, in FY 2022, EPA's backlog of FOIA requests increased by 37 according to Annual FOIA Report Section XII.D.2

11. If not, according to Annual FOIA Report Section XII.D.1, did your agency process more requests during Fiscal Year 2022 than it did during Fiscal Year 2021?

No, EPA processed fewer requests during FY 2022 (6630 FOIA requests) than it did during FY 2021 (6943 FOIA requests).

12. If your agency's request backlog increased during Fiscal Year 2022, please explain why and describe the causes that contributed to your agency not being able to reduce its backlog. When doing so, please also indicate if any of the following were contributing factors:

- An increase in the number of incoming requests
- A loss of staff
- An increase in the complexity of the requests received (if possible, please provide examples or briefly describe the types of complex requests contributing to your backlog increase)
- Impact of COVID-19 and workplace and safety precautions
- Any other reasons – please briefly describe or provide examples when possible

EPA experienced delays in hiring and onboarding staff to replace certain key employees who retired or left the agency in offices with the highest backlogs. EPA also had ongoing challenges accessing and reviewing hardcopy records to search for responsive records in certain offices due to the COVID-19 pandemic safety precautions and because of office location moves that resulted in the records being boxed and inaccessible during the moves.

13. If you had a request backlog, please report the percentage of requests that make up the backlog out of the total number of requests received by your agency in Fiscal Year 2022. Please use the following calculation based on data from your Annual FOIA Report: (backlogged requests from Section XII.A) divided by (requests received from Section V.A) x 100. This number can be greater than 100%. If your agency has no request backlog, please answer with "N/A."

The number of backlogged requests at the end of FY 2022 as a percentage of total requests received in FY 2022 was 23%.

BACKLOGGED APPEALS

14. If your agency had a backlog of appeals at the close of Fiscal Year 2022, according to Section XII.E.2 of the Annual FOIA Report, did that backlog decrease as compared with the backlog reported at the end of Fiscal Year 2021?

This is not applicable to EPA. EPA did not have a backlog of appeals at the close of both FY 2021 and FY 22.

15. If not, according to section XII.E.1 of the Annual FOIA Report, did your agency process more appeals during Fiscal Year 2022 than it did during Fiscal Year 2021?

This is not applicable to EPA. EPA did not have a backlog of appeals at the close of both FY 2021 and FY 22.

16. If your agency's appeal backlog increased during Fiscal Year 2022, please explain why and describe the causes that contributed to your agency not being able to reduce its backlog. When doing so, please also indicate if any of the following were contributing factors:

- An increase in the number of incoming appeals
- A loss of staff
- An increase in the complexity of the requests received (if possible, please provide examples or briefly describe the types of complex requests contributing to your backlog increase)
- Impact of COVID-19 and workplace and safety precautions
- Any other reasons – please briefly describe or provide examples when possible

This is not applicable to EPA. EPA did not have a backlog of appeals at the close of FY 2022.

17. If you had an appeal backlog please report the percentage of appeals that make up the backlog out of the total number of appeals received by your agency in Fiscal Year 2022. Please use the following calculation based on data from your Annual FOIA Report: (backlogged appeals from Section XII.A) divided by (appeals received from Section VI.A) x 100. This number can be greater than 100%. If your agency did not receive any appeals in Fiscal Year 2022 and/or has no appeal backlog, please answer with "N/A."

This is not applicable to EPA. EPA did not have a backlog of appeals at the close of FY 2022.

D. Backlog Reduction Plans

18. In the 2022 guidelines for Chief FOIA Officer Reports, any agency with a backlog of over 1000 requests in Fiscal and Year 2021 was asked to provide a plan for achieving backlog reduction in the year ahead. Did your agency implement a backlog reduction plan last year? If so, describe your agency's efforts in implementing this plan and note if your agency was able to achieve backlog reduction in Fiscal Year 2022?

Yes, EPA implemented its backlog reduction plan in FY 2022, although it was not able to achieve a backlog reduction in FY 2022.

During this reporting cycle, EPA developed new initiatives and continued building actions started in previous reporting cycles to improve its FOIA program.

- In 2022, EPA set a Strategic Goal to increase transparency and public participation as part of the Agency's FY 2022-26 Strategic Plan.
- In FY 2022, EPA continued to use lean management principles, methods and techniques to continuously review and improve EPA's FOIA response processing. By deploying lean management methods agency-wide, EPA offices deployed visual management tools and pursued monthly and annual backlog reduction targets aligned with the Agency's Strategic Plan Goal and annual targets.

- EPA's National FOIA Office supported agency-wide backlog reduction efforts by issuing monthly FOIA backlog reports to EPA's senior leadership showing the backlog of overdue FOIA requests in each EPA headquarters and regional offices, as well as previous months' data trends.
- EPA's National FOIA Office also implemented the first year of a document review contract as a pilot to address need for additional document review capacity in two offices with the largest FOIA backlogs, and for surge capacity in other offices, if needed.
- EPA maintained FOIA accountability language in all senior manager performance agreements Agency-wide in FY 2022, and EPA continued delivering specialized FOIA training for supervisors.
- EPA sought to proactively disclose more records publicly available through FOIAonline and on the EPA website.
- Notwithstanding implementing these backlog reduction plan actions, EPA experienced delays in hiring and onboarding staff to replace certain key employees who retired or left the agency in offices with the highest backlogs, and EPA also had ongoing challenges accessing and reviewing hardcopy records to search for responsive records in certain offices due to the COVID-19 pandemic safety precautions and because of office location moves that resulted in the records being boxed and inaccessible during the moves.

19. If your agency had a backlog of more than 1,000 requests in Fiscal Year 2022, please explain your agency's plan to reduce this backlog during Fiscal Year 2023.

EPA plans to continue the reforms it started in the prior years that have led to an overall FOIA backlog reduction of 62 percent from FY 2018 through FY 2021, including monthly data reporting of overdue FOIA requests showing progress towards the agency-wide and office-specific backlog reduction goals. EPA will continue to provide training to supervisors and EPA FOIA professionals on their FOIA duties.

EPA will continue focus on accountability through the performance review process. EPA will also continue to apply lean management principles, methods and techniques to FOIA agency-wide, thereby promoting continuous improvement through initiatives developed in each FOIA processing office. EPA will also continue to enhance FOIA processing in EPA's Office of Chemical Safety and Pollution Prevention, which reorganized and centralized its FOIA program at the end of FY 2020. Through regular review of data and meetings to discuss both challenges and successes, EPA is committed to continuously identify ways to improve FOIA processing.

E. Reducing the Age of Requests, Appeals, and Consultations

TEN OLDEST REQUESTS

20. *In Fiscal Year 2022, did your agency close the ten oldest pending perfected requests that were reported in Section VII.E. of your Fiscal Year 2021 Annual FOIA Report?*

No, EPA did not close all of the ten oldest requests reported in the FY 2021 Annual FOIA Report.

21. *If no, please provide the number of these requests your agency was able to close by the end of the fiscal year, as listed in Section VII.E of your Fiscal Year 2021 Annual FOIA Report. If you had less than ten total oldest requests to close, please indicate that.*

In FY 2022, EPA successfully closed eight of the ten oldest FOIA requests that were pending and reported in the FY 2021 Annual FOIA Report.

22. *Beyond work on the ten oldest requests, please describe any steps your agency took to reduce the overall age of your pending requests.*

EPA's efforts to reorganize and improve FOIA processing described in response to the questions above are the steps that EPA took to reduce the overall age of FOIA requests pending with EPA.

TEN OLDEST APPEALS

23. *In Fiscal Year 2022, did your agency close the ten oldest appeals that were reported pending in Section VI.C.5 of your Fiscal Year 2021 Annual FOIA Report?*

Yes. EPA successfully closed all appeals reported in the FY 2021 Annual FOIA Report.

24. *If no, please provide the number of these appeals your agency was able to close by the end of the fiscal year, as listed in Section VII.C.(5) of your Fiscal Year 2021 Annual FOIA Report. If you had less than ten total oldest appeals to close, please indicate that.*

This is not applicable to EPA. EPA had fewer than ten total appeals in the FY 2021 Annual FOIA Report. EPA successfully closed five out of the five appeals reported as pending in the FY 2021 Annual FOIA Report.

25. *Beyond work on the ten oldest appeals, please describe any steps your agency took to reduce the overall age of your pending appeals.*

The EPA General Law Office (GLO), in the Office of General Counsel (OGC), maintained the prior fiscal year's process improvements to maximize efficiency. Within days of receiving an appeal, GLO notifies program offices and EPA regional offices

responsible for the initial response to the FOIA request that the response has been appealed and to be prepared to coordinate with an OGC attorney shortly. GLO holds a weekly group meeting for each attorney to give an update on the processing of each open appeal and to raise any issues for discussion and elevation. Additionally, attorneys abide by a strict timeline to draft appeal determinations to provide management sufficient time to review. To manage the operations of the Agency's FOIA appeals program, GLO established a Team Lead for Administrative Appeals position. Before a draft determination is presented to the Assistant General Counsel for review and signature, the Team Lead reviews the draft to ensure completeness and legal sufficiency. The Team Lead also briefs management with regular status updates, coordinates with EPA programs and regions on individual appeals, and assists attorneys with the processing of individual appeals as needed. Through these efforts, EPA was able to maintain a zero appeals backlog throughout FY 2022.

TEN OLDEST CONSULTATIONS

26. In Fiscal Year 2022, did your agency close the ten oldest consultations that were reported pending in Section XII.C. of your Fiscal Year 2021 Annual FOIA Report?

Yes, EPA closed all consultations that were pending and reported in the FY 2021 Annual FOIA Report.

27. If no, please provide the number of these consultations your agency was able to close by the end of the fiscal year, as listed in Section XII.C. of your Fiscal Year 2021 Annual FOIA Report. If you had less than ten total oldest consultations to close, please indicate that.

This is not applicable to EPA. EPA closed ten out of the ten consultations that were pending and reported in the FY 2021 Annual FOIA Report.

ADDITIONAL INFORMATION REGARDING TEN OLDEST

28. If your agency did not close its ten oldest pending requests, appeals, or consultations, please explain why and provide a plan describing how your agency intends to close those "ten oldest" requests, appeals, and consultations during Fiscal Year 2023.

This is not applicable to EPA. EPA closed all consultations that were pending and reported in the FY 2021 Annual FOIA Report.

F. Additional Information about FOIA Processing

29. Were any requests at your agency the subject of FOIA litigation during the reporting period? If so, please describe the impact on your agency's overall FOIA request processing and backlog. If possible, please indicate the number and nature of requests subject to litigation, common causes leading to litigation, and any other information to illustrate the impact of litigation on your overall FOIA administration.

Yes, during the reporting period EPA defended approximately 37 lawsuits relating to approximately 65 FOIA requests received by the agency. The most frequent allegation made in the lawsuits was an alleged failure by EPA to respond to a FOIA request or complete its response within the time requirements of 5 U.S.C. 552(a)(6).

Litigation over a FOIA response often requires EPA to dedicate increased staff attention to the response. Typically, the office that is leading EPA's response must dedicate additional staff time and attention to assist the litigation attorney to review all actions already taken in the FOIA response and to coordinate with the litigation attorney on subsequent action if the litigation was filed before EPA completed its final response. Litigation also often requires EPA staff to review and spend time preparing pleadings and declarations that are not needed for FOIA responses not in litigation. This additional staff time for review and coordination also must be done on compressed timelines due to court ordered or agreed to production schedules. In this way, litigation over a FOIA response can negatively impact a program office's ability to timely process other non-litigation requests in their queue by requiring EPA to prioritize work on responses that are in litigation. This can result in an increase in backlogged requests if an office has insufficient FOIA processing staff to simultaneously process both the litigation and non-litigation requests.

30. How many requests during Fiscal Year 2022 involved unusual circumstances as defined by the FOIA? (This information is available in your agency's FY22 raw data).

In Fiscal Year 2022, the EPA had 2191 requests, which involved unusual circumstances as defined by the FOIA.