



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

OFFICE OF
GENERAL COUNSEL

July 10, 2019

Via Email

Andrea Issod
Sierra Club
2101 Webster Street, Suite 1300
Oakland, CA 94612
andrea.issod@sierraclub.org

Re: Eleventh Interim Production, *Sierra Club v. EPA* (3:18-cv-3472); FOIA Requests EPA-HQ-2017-009482, EPA-HQ-2017-009615, EPA-HQ-2017-009684, and EPA-HQ-2018-007559

Dear Ms. Issod,

This letter concerns an interim production of records responsive to the above-referenced case. Consistent with the Court's March 20, 2019 Order, EPA has completed review of the records in "Tier 6." After review, 1,352 records are released in full, 446 are released with redaction, and no records are withheld in full. EPA is also producing the calendars for Christian Palich and Troy Lyons with some redaction.

Some of the withholdings in today's production are pursuant to FOIA Exemption 4 for information initially determined to be Confidential Business Information. If you would like for the Agency to commence its CBI determination process for these documents, or require more information about that process, please let us know. Additionally, some withholdings are pursuant to Exemption 6 for personal privacy information. 5 U.S.C. §552(b)(4), (6).

There are 25 "Tier 6" records that the Agency has processed, but that involve the equities of another agency. These records have been circulated for interagency consultation, but the other agency has not completed its review. When review is complete, the releasable records will be provided to you. The EPA expects review will be complete prior to the next scheduled production.

Today's production also includes four "Tier 2" documents initially determined to be CBI: ED_002061_00156807, ED_002061_00157429, ED_002061_00157732, and ED_002061_00157759. The Agency has determined that there is no CBI claim, and the documents are being produced to you now. One document, the attachment referred to in ED_002061_00157429, was claimed by the company as CBI and is withheld in full. Please let us know if you would like EPA to continue with the CBI review process on this document.

The records are released as individual PDF documents organized by custodian in the Box.com folder titled “Sierra Club v. EPA, 18-cv-3472, ND Cal. - FOIA Productions.”¹ The released records will also be publicly available on FOIAonline at <https://foiaonline.gov/foiaonline/action/public/home> by searching the FOIA request number, EPA-HQ-2017-009482.

If you have any further questions regarding this production, please contact Assistant U.S. Attorney Adrienne Zack at 415.436.7031.

Sincerely,

/s/ Peter Bermes

Peter Bermes
Attorney-Advisor
Office of General Counsel
U.S. Environmental Protection Agency

¹ In this production, the majority of records on which Michael Abboud was a custodian were mass-mailers sent from the Florida Governor’s Press Office. To simplify your review, the Agency has placed these files into a separate folder titled “FL GOV PRESS OFFICE” within the Michael Abboud folder.