



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

FY 2002 ANNUAL FREEDOM OF INFORMATION REPORT

I. BASIC INFORMATION REGARDING REPORT.

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

Betty A. Lopez
National FOIA Officer
U.S. Environmental Protection Agency
Office of Environmental Information
Records, FOIA and Privacy Branch
1200 Pennsylvania Avenue, N.W.
Mail Code 2822T
Washington, D.C. 20460
(202) 566-1667

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

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

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

Contact:

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II. HOW TO MAKE A FOIA REQUEST.

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

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

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

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

The Agency responded to 55% of its requests within the 20-day time limit.

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

C. **Brief Description Why Requests are Not Granted.**

Exemption 4 (used 311 times), Exemption 5 (used 307 times), and Exemption 7(A) (used 147 times) were used most frequently for not granting requests. These records usually related to confidential business information, privileged inter-agency/intra-agency memoranda, or ongoing enforcement proceedings, respectively.

III. DEFINITIONS OF BASIC TERMS AND ACRONYMS USED IN THE REPORT.

A. Agency-specific acronyms or other terms.

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

B. Basic Terms, Expressed in Common Terminology.

1. **FOIA Request** -- Freedom of Information Act request. A FOIA request is a request for access to records concerning a third party, an organization, or a particular topic of interest, which includes Privacy Act requests.
2. **Initial Request** -- a request to a federal agency for access to records under the Freedom of Information Act.
3. **Appeal** -- a request to a federal agency asking that it review at a higher administrative level a full denial or partial denial of access to records under the Freedom of Information Act, or any other FOIA determination such as a matter pertaining to fees.
4. **Processed Request or Appeal** -- a request or appeal for which an agency has taken a final action on the request or the appeal in all respects.
5. **Multi-track processing** -- a system in which simple requests requiring relatively minimal

review are placed in one processing track and more voluminous and complex requests are placed in one or more other tracks. Requests in each track are processed on a first-in/first-out basis. A requester who has an urgent need for records may request expedited processing.

6. **Expedited processing** -- an agency will process a FOIA request on an expedited basis when a requester has shown an exceptional need or urgency for the records which warrants prioritization of his or her request over other requests that were made earlier.
7. **Simple Request** -- a FOIA request that an agency using multi-track processing places in its fastest (non-expedited) track based on the volume and/or simplicity of records requested.
8. **Complex Request** -- a FOIA request that an agency using multi-track processing places in a slower track based on the volume and/or complexity of records requested.
9. **Grant** -- the agency decision to disclose all records in full in response to a FOIA request.
10. **Partial grant** -- the agency decision to disclose a record in part in response to a FOIA request, deleting information determined to be exempt under one or more of the FOIA's exemptions; or a decision to disclose some records in their entirety, but to withhold others in whole or in part.
11. **Denial** -- the agency decision not to release any part of a record or records in response to a FOIA request because all the information in the requested records is determined by the agency to be exempt under one or more of the FOIA's exemptions, or for some procedural reason, such as when no record is located in response to a FOIA request.
12. **Time limits** -- the time period in the Freedom of Information Act for an agency to respond to a FOIA request (ordinarily 20 working days from proper receipt of the FOIA request).
13. **Exemption 3 statute** -- a separate federal statute prohibiting the disclosure of a certain type of information and authorizing its withholding under FOIA subsection (b)(3).
14. **Median number** -- the middle, not average, number of working days.
15. **Days** -- refers to actual working days, excluding weekends and holidays.

IV. EXEMPTION 3 STATUTES.

	Statute/Rule (A.1.)	Type of Information Withheld	Case Citation (A.2.)
HQ	Federal Rules of Criminal Procedure, F.R. Cr.P. 6(e)	Records relating to Grand Jury Investigations or Proceedings	<u>Senate of Puerto Rico v. Department of Justice</u> , 823 F.2d 574 (D.C. Cir. 1987)
	Procurement Integrity Act, 41 U.S.C. § 253b(m)(1)	Contract Proposals	None.
	Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), 7 U.S.C. § 136h, Section 10(g)	analytical, health, environmental effects and efficacy data that prohibits registrants from disclosing information to foreign competitors	None.
REGION 4	Chemical Safety Information, Site Security, and Fuels Regulatory Relief Act, 42 U.S.C. § 7412	Offsite consequence analysis sections of risk management plans	None.
REGION 6	Chemical Safety Information, Site Security, and Fuels Regulatory Relief Act, 42 U.S.C. § 7412	Offsite consequence analysis sections of risk management plans	None.

V. INITIAL FOIA/PA ACCESS REQUESTS.

A. Numbers of Initial Requests.

	NUMBER OF REQUESTS PENDING AS OF END OF PRECEDING YEAR ¹ (A.1.)	NUMBER OF REQUESTS RECEIVED IN CURRENT YEAR (A.2.)	NUMBER OF REQUESTS PROCESSED IN CURRENT YEAR (A.3.)	NUMBER OF REQUESTS PENDING AS OF END OF CURRENT YEAR (A.4.)
HQ	2266	2612	4111	767
REGION 1	288	431	637	82
REGION 2	6594	2420	6254	2760
REGION 3	189	1715	1768	136
REGION 4	302	1011	1147	166
REGION 5	151	1901	1931	121
REGION 6	132	1069	1021	180
REGION 7	74	764	761	77
REGION 8	41	388	359	70
REGION 9	258	613	739	132
REGION 10	88	519	531	76
TOTALS	10383	13443	19259	4567

¹ EPA reported **12,790 pending requests** at the close of FY 2001. However, we later discovered that many requests from the early 1990's were closed in previous years, but had not been accounted for in our database. This finding was part of our ongoing effort to reduce the Agency's backlog, verify information in our database, and improve our overall methods of tracking and accounting for FOIA/PA requests.

B. Disposition of Initial Requests.

	TOTAL GRANTS (B.1.)	PARTIAL GRANTS (B.2.)	DENIALS (B.3.)
HQ	1836	329	50
REGION 1	298	9	4
REGION 2	1277	13	0
REGION 3	1321	18	6
REGION 4	648	94	7
REGION 5	1292	36	7
REGION 6	735	20	4
REGION 7	641	15	0
REGION 8	242	20	7
REGION 9	435	19	1
REGION 10	355	30	2
TOTALS	9080	603	88

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

	(1)	(2)	(3)	(4)	(5)	(6)	(7)(A)	(7)(B)	(7)(C)	(7)(D)	(7)(E)	(7)(F)	(8)	(9)
HQ	2	16	14	243	108	54	34	0	31	13	8	0	0	0
REGION 1	0	0	0	2	7	2	8	0	0	1	0	0	0	0
REGION 2	0	0	0	1	11	2	4	0	1	0	0	0	0	0
REGION 3	0	0	0	7	14	3	6	0	1	2	3	0	0	0
REGION 4	0	2	11	28	67	57	21	0	14	2	0	0	0	1
REGION 5	2	0	0	7	25	6	27	1	3	0	0	0	0	0
REGION 6	0	1	1	8	14	8	5	0	5	5	3	0	0	0
REGION 7	0	1	0	4	8	7	8	0	0	0	0	1	0	0
REGION 8	0	0	0	4	21	1	10	0	0	0	0	0	0	0
REGION 9	0	0	0	4	14	0	7	0	0	0	2	0	0	0
REGION 10	0	0	0	3	18	5	17	0	4	2	1	0	0	0
TOTALS	4	20	26	311	307	145	147	1	59	25	17	1	0	1

**EXPLANATION OF DISPOSITION OF FOIA/PA INITIAL REQUESTS:
OTHER REASONS FOR NONDISCLOSURE
(B.4.)**

	NO RECORDS	REFERRALS	REQUEST WITH-DRAWN	FEE-RELATED REASON	RECORDS NOT REASON-ABLY DESCRIBE	NOT AN AGENCY RECORD	DUPLICATE REQUESTS	NOT A PROPER FOIA REQUEST	Other
HQ	232	9	1542	6	2	1	103	1	0
REGION 1	80	7	200	0	0	0	39	0	0
REGION 2	1344	3	3607	0	6	0	4	0	0
REGION 3	366	2	40	0	0	0	15	0	0
REGION 4	268	3	117	0	0	0	6	1	3
REGION 5	474	6	78	4	5	0	29	0	0
REGION 6	198	7	45	0	0	11	1	0	0
REGION 7	61	1	35	1	0	0	7	0	0
REGION 8	70	0	10	0	0	0	10	0	0
REGION 9	152	6	121	0	0	0	5	0	0
REGION 10	75	2	58	3	0	0	6	0	0
TOTALS	3320	46	5853	14	13	12	225	2	3

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

A. Numbers of appeals.

1. Number of appeals received during fiscal year 91
2. Number of appeals processed during fiscal year 105

B. Disposition of appeals.

1. Number completely upheld 14
2. Number partially reversed 13
3. Number completely reversed 4
 - a. Number of times each FOIA exemption was used (counting each exemption once per appeal):
 - (1) Exemption 1 0
 - (2) Exemption 2 1
 - (3) Exemption 3 0
 - (4) Exemption 4 2
 - (5) Exemption 5 14
 - (6) Exemption 6 9
 - (7) Exemption 7(A) 1
 - (8) Exemption 7(B) 0
 - (9) Exemption 7(C) 4
 - (10) Exemption 7(D) 2
 - (11) Exemption 7(E) 1
 - (12) Exemption 7(F) 0
 - (13) Exemption 8 0

(14) Exemption 9 0

4. Other reasons for nondisclosure (total) 74
- a. No records 2
 - b. Referrals 0
 - c. Request withdrawn 67
 - d. Fee-related reason 5
 - e. Records not reasonably described 0
 - f. Not a proper FOIA request for some other reason 0
 - g. Not an agency record 0
 - h. Duplicate request 0
 - i. Other (specify) 0

*Appeals are processed centrally at EPA Headquarters.

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

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

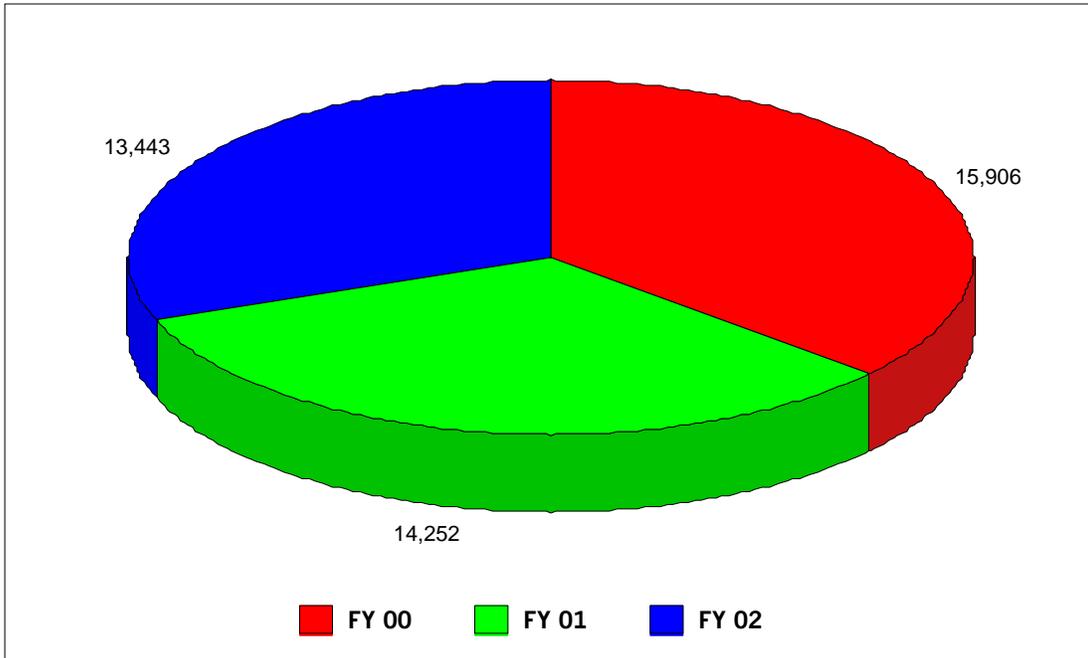
	Simple Requests (A.1.)		Complex Requests (A.2.)		Requests Accorded Expedited Processing (A.3.)	
	Number of Requests Processed (A.1.a.)	Median Number of Days To Process (A.1.b.)	Number of Requests Processed (A.2.a.)	Median Number of Days To Process (A.2.b.)	Number of Requests Processed (A.3.a.)	Median Number of Days To Process (A.3.b.)
HQ	4101	62	1	51	9	75
REGION 1	637	24	0	0	0	0
REGION 2	6250	1113	4	123	0	0
REGION 3	1767	18	1	31	0	0
REGION 4	1141	29	6	83	0	0
REGION 5	1925	15	6	45	0	45
REGION 6	1018	19	2	77	1	18
REGION 7	760	22	0	0	1	0
REGION 8	354	18	3	33	2	13
REGION 9	738	21	1	71	0	0
REGION 10	530	17	0	0	1	6

B. Status of pending requests.

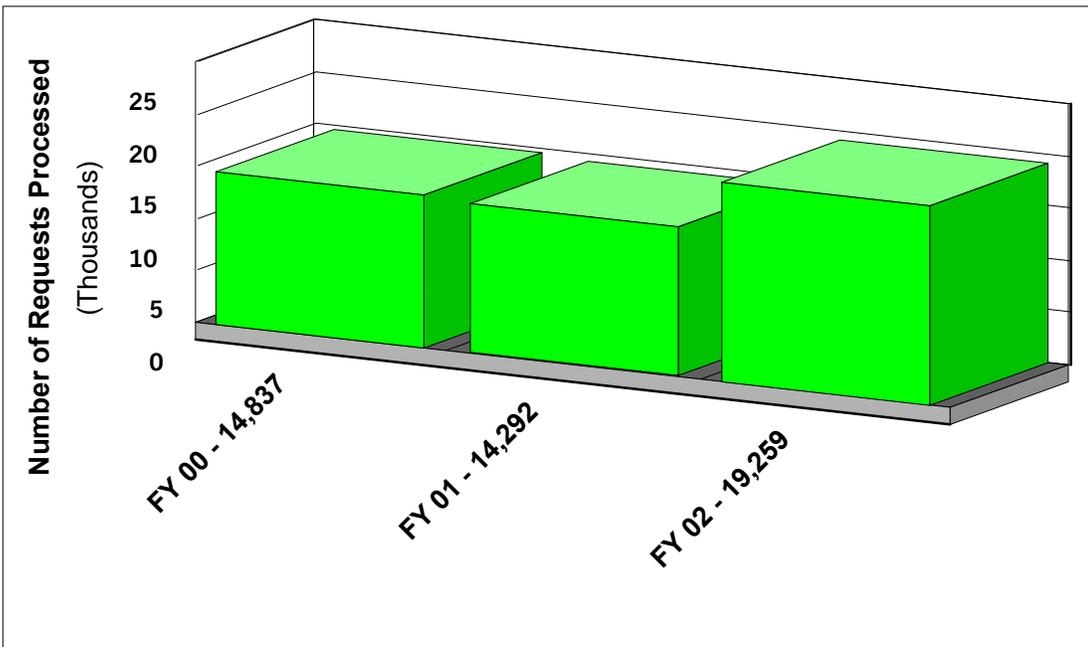
	NUMBER OF REQUESTS PENDING AS OF END OF FISCAL YEAR (B.1.)	MEDIAN NUMBER OF DAYS TO PROCESS (B.2.)
HQ	767	135
REGION 1	82	172
REGION 2	2760	438
REGION 3	136	11
REGION 4	166	88
REGION 5	121	12
REGION 6	180	38
REGION 7	77	20
REGION 8	70	70
REGION 9	132	222
REGION 10	76	246

VIII. COMPARISONS WITH PREVIOUS YEAR(S).

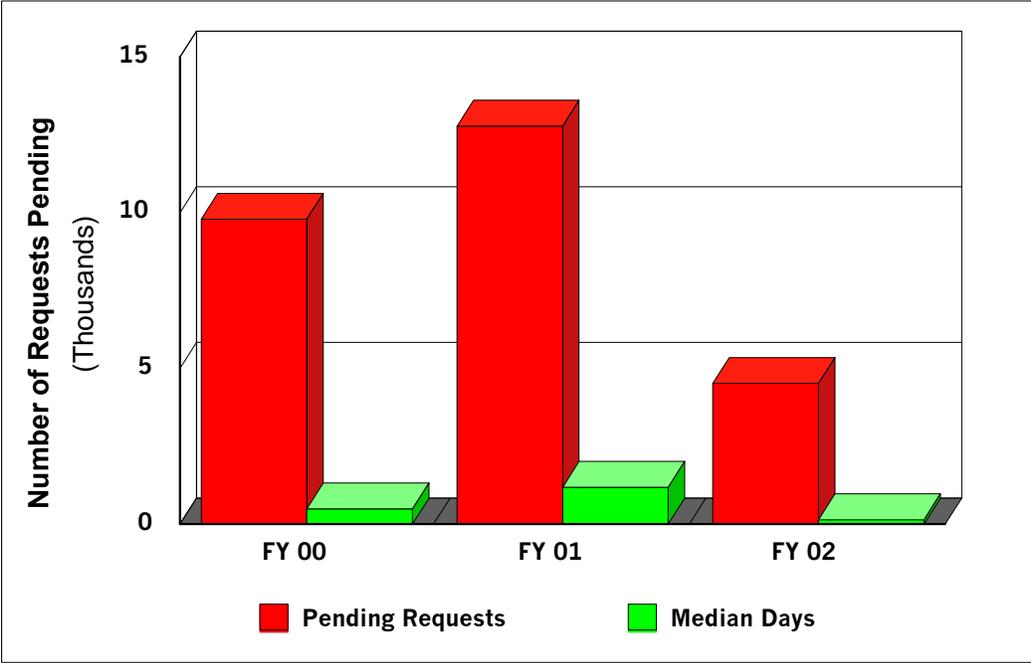
A. Comparison of numbers of requests received:



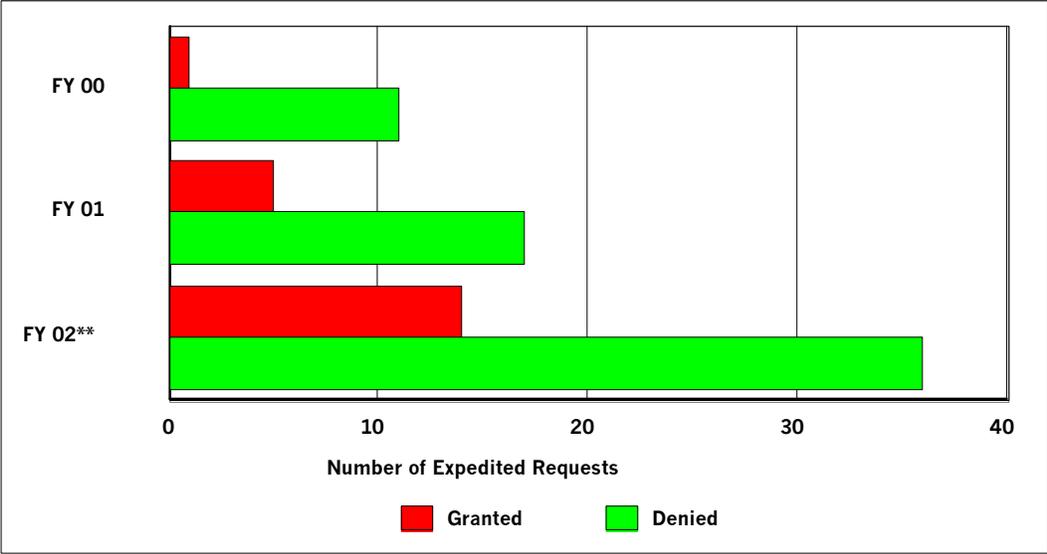
B. Comparison of numbers of requests processed:



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



D. Other statistics significant to the Agency:



**During FY02 the Agency received 50 requests for expedited processing, of which 14 were granted and placed in the “expedited track,” and 36 were denied and placed in the “simple track.”

IX. COSTS/FOIA STAFFING.

	Staffing Levels			Total Costs including staff and all resources		
	Number of Full Time Personnel (A.1.)	Number of Personnel With Part Time or Occasional FOIA Duties (In Total Work-Years) (A.2.)	Total Number of Personnel (In Work-Years) (A.3.)	FOIA Processing (Including Appeals) (Estimated) (B.1.)	Litigation-related activities (Estimated) (B.2.)	Total Costs (B.3.) ²
HQ	27	25.75	52.75	\$2,974,791.21	\$261,023.00	\$3,235,814.21
REGION 1	0	6	6	\$704,689.00	\$0.00	\$704,689.00
REGION 2	6	17	23	\$437,287.70	\$0.00	\$437,287.70
REGION 3	8	2.41	10.41	\$381,525.00	\$0.00	\$381,525.00
REGION 4	13	1.26	14.26	\$838,098.53	\$0.00	\$838,098.53
REGION 5	15	4.7	19.7	\$2,237,500.00	\$0.00	\$2,237,500.00
REGION 6	3	4	7	\$611,395.00	\$0.00	\$611,395.00
REGION 7	2	2.1	4.1	\$215,629.92	\$0.00	\$215,629.92
REGION 8	1	2.5	3.5	\$126,138.00	\$0.00	\$126,138.00
REGION 9	2	12.2	14.2	\$900,436.66	\$0.00	\$900,436.66
REGION 10	2	2	4	\$230,155.22	\$0.00	\$230,155.22
TOTALS	79	79.92	158.92	\$9,657,646.24	\$261,023.00	\$9,918,669.24

² The **Total Costs** and number of personnel are substantially less than previous years due to improved methods of tracking and accounting for FOIA/PA requests, a decrease in the backlog of pending requests, and fewer incoming requests.

X. FEES.

	Total Fees Collected for processing requests (A)	Percentage of Total Costs (B)
HQ	\$114,877.00	1.2
REGION 1	\$11,186.13	.1
REGION 2	\$15,953.91	.2
REGION 3	\$22,877.00	.2
REGION 4	\$16,765.61	.2
REGION 5	\$41,773.16	.4
REGION 6	\$31,986.53	.3
REGION 7	\$21,076.55	.2
REGION 8	\$25,406.00	.2
REGION 9	\$10,107.83	.1
REGION 10	\$29,315.28	.3
TOTALS	\$341,325.00	3.4