



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

FY 2003 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.**

Deborah Williams  
Branch Chief  
Records, FOIA, and Privacy Branch  
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:

Deborah Williams  
Branch Chief  
Records, FOIA, and Privacy Branch  
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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 51% 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 336 times), Exemption 5 (used 397 times), Exemption 6 (used 178 times), and Exemption 7(A) (used 182 times) were used most frequently for not granting requests. These records usually related to confidential business information, privileged inter-agency/intra-agency memoranda, invasion of privacy, or ongoing enforcement proceedings, respectively.

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

#### A. Agency-specific acronyms or other terms.

<b>Acronym</b>	<b>Areas Served</b>
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.**

	<b>Statute/Rule (A.1.)</b>	<b>Type of Information Withheld</b>	<b>Case Citation (A.2.)</b>
<b>HQ</b>	Federal Rules of Criminal Procedure, F.R. Cr.P. 6(e)	Records relating to Grand Jury Investigations or Proceedings	<u>Fund for Constitutional Government v. National Archives and Records Services</u> , 656 F.2d 856 (D.C. Cir. 1980)
	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.
<b>REGION 4</b>	FIFRA 7 U.S.C. § 136h, Section 10(d)	Manufacturing, processing, production, distribution, sale, and/or inventory information on pesticides	None.
	FIFRA 7 U.S.C. § 136h, Section 10(g)	Studies from registrants who engage in the distribution of pesticides in countries other than the U.S.	None.
<b>REGION 7</b>	Procurement Integrity Ad, 41 U.S.C. § 253b (m)(1)	Contract Proposal	None.

## V. INITIAL FOIA/PA ACCESS REQUESTS.

### A. Numbers of Initial Requests.

	NUMBER OF REQUESTS PENDING AS OF END OF PRECEDING YEAR <sup>1</sup> (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	745	2354	2465	634
REGION 1	76	305	306	75
REGION 2	2596	2245	3654	1187
REGION 3	138	1768	1803	103
REGION 4	116	1019	1013	122
REGION 5	123	1915	1917	121
REGION 6	175	955	965	165
REGION 7	70	695	713	52
REGION 8	63	438	452	49
REGION 9	118	623	694	47
REGION 10	48	470	472	46
TOTALS	4268	12787	14454	2601

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<sup>1</sup> EPA reported **4567 pending requests** at the close of FY 2002. 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.**

	<b>TOTAL GRANTS (B.1.)</b>	<b>PARTIAL GRANTS (B.2.)</b>	<b>DENIALS (B.3.)</b>
<b>HQ</b>	1512	277	72
<b>REGION 1</b>	180	15	3
<b>REGION 2</b>	966	4	1
<b>REGION 3</b>	1208	15	6
<b>REGION 4</b>	579	85	8
<b>REGION 5</b>	1209	46	7
<b>REGION 6</b>	713	20	4
<b>REGION 7</b>	546	21	3
<b>REGION 8</b>	296	7	3
<b>REGION 9</b>	396	45	5
<b>REGION 10</b>	320	29	3
<b>TOTALS</b>	7925	564	115

**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	0	31	35	190	117	48	27	0	26	19	9	4	0	0
REGION 1	0	1	0	1	12	3	3	2	0	0	0	0	0	0
REGION 2	0	1	0	0	4	1	2	0	2	0	0	0	0	0
REGION 3	1	4	0	7	16	3	12	0	5	3	1	0	0	2
REGION 4	0	3	9	79	101	79	58	6	38	2	0	0	0	0
REGION 5	0	1	0	10	36	8	35	0	0	1	4	0	0	0
REGION 6	0	2	0	6	17	8	5	0	1	1	3	0	0	0
REGION 7	0	3	2	13	21	19	9	0	1	0	0	1	0	0
REGION 8	0	0	0	0	11	0	6	0	0	0	0	0	0	0
REGION 9	0	0	0	23	40	5	13	0	4	3	4	0	0	0
REGION 10	0	0	0	7	22	4	12	0	4	1	1	0	0	0
TOTALS	1	46	46	336	397	178	182	8	81	30	22	5	0	2

**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 REASONABLY DESCRIBED	NOT AN AGENCY RECORD	DUPLICATE REQUESTS	NOT A PROPER FOIA REQUEST	Other
HQ	252	9	263	8	1	2	64	5	0
REGION 1	69	1	17	0	0	1	20	0	0
REGION 2	1706	0	955	2	6	1	12	1	0
REGION 3	473	1	77	0	0	0	23	0	0
REGION 4	241	4	86	1	0	0	6	2	0
REGION 5	551	1	71	2	3	2	21	4	0
REGION 6	177	0	47	2	0	0	2	0	0
REGION 7	91	0	48	0	0	0	4	0	0
REGION 8	96	0	35	2	2	0	10	1	0
REGION 9	183	8	48	3	3	0	1	2	0
REGION 10	68	4	41	3	1	0	3	0	0
TOTALS	3907	28	1688	23	16	6	166	15	0

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

### A. Numbers of appeals.

1. Number of appeals received during fiscal year 137
2. Number of appeals processed during fiscal year 152

### B. Disposition of appeals.

1. Number completely upheld 42
2. Number partially reversed 31
3. Number completely reversed 8
  - a. Number of times each FOIA exemption was used (counting each exemption once per appeal):
    - (1) Exemption 1 0
    - (2) Exemption 2 7
    - (3) Exemption 3 0
    - (4) Exemption 4 7
    - (5) Exemption 5 46
    - (6) Exemption 6 14
    - (7) Exemption 7(A) 17
    - (8) Exemption 7(B) 1
    - (9) Exemption 7(C) 8
    - (10) Exemption 7(D) 3
    - (11) Exemption 7(E) 4
    - (12) Exemption 7(F) 0

(13) Exemption 8 0

(14) Exemption 9 0

4. Other reasons for nondisclosure (total) 71
- a. No records 6
  - b. Referrals 0
  - c. Request withdrawn 59
  - d. Fee-related reason 3
  - e. Records not reasonably described 0
  - f. Not a proper FOIA request for some other reason 0
  - g. Not an agency record 2
  - h. Duplicate request 0
  - i. Other (expedited) 1

\*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.**

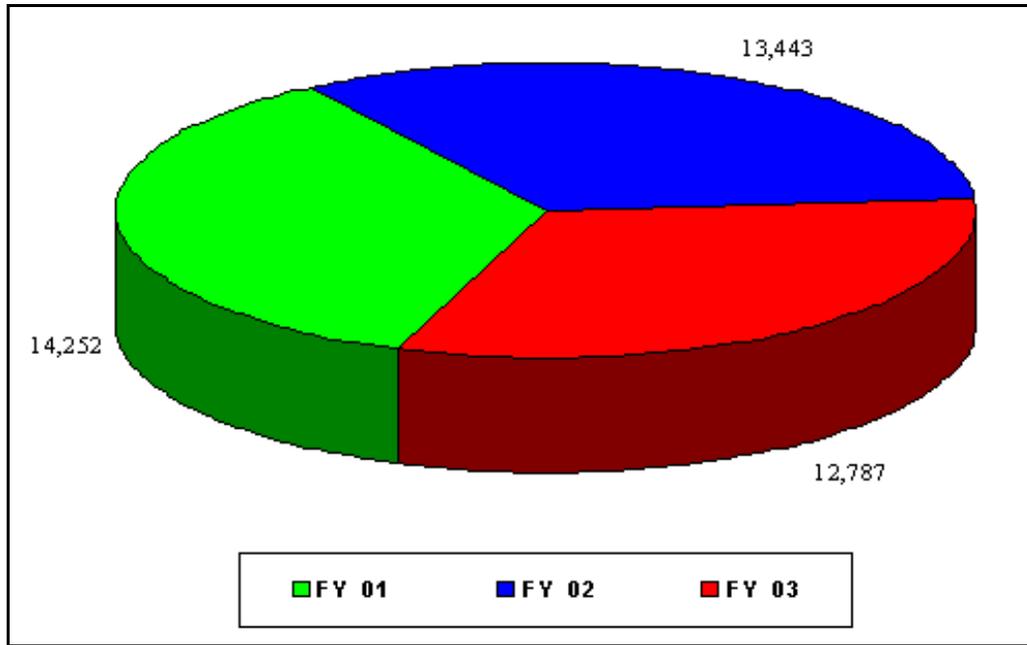
	Simple Requests (A.1.)		Complex Requests (A.2.)		Requests Accorded Expedited Processing (A.3.)	
	Number of Requests Processed (A.1.a.)	Median Number of Days To Process (A.1.b.)	Number of Requests Processed (A.2.a.)	Median Number of Days To Process (A.2.b.)	Number of Requests Processed (A.3.a.)	Median Number of Days To Process (A.3.b.)
<b>HQ</b>	2464	20	0	0	1	11
<b>REGION 1</b>	305	19	1	20	0	0
<b>REGION 2</b>	3652	120	1	182	1	18
<b>REGION 3</b>	1803	16	0	0	0	0
<b>REGION 4</b>	1007	22	6	150	0	0
<b>REGION 5</b>	1900	15	17	50	0	0
<b>REGION 6</b>	963	19	1	9	1	49
<b>REGION 7</b>	713	23	0	0	0	0
<b>REGION 8</b>	452	16	0	0	0	0
<b>REGION 9</b>	694	19	0	0	0	0
<b>REGION 10</b>	471	18	0	0	1	0
<b>TOTALS</b>	14424	N/A	26	N/A	4	N/A

**B. Status of pending requests.**

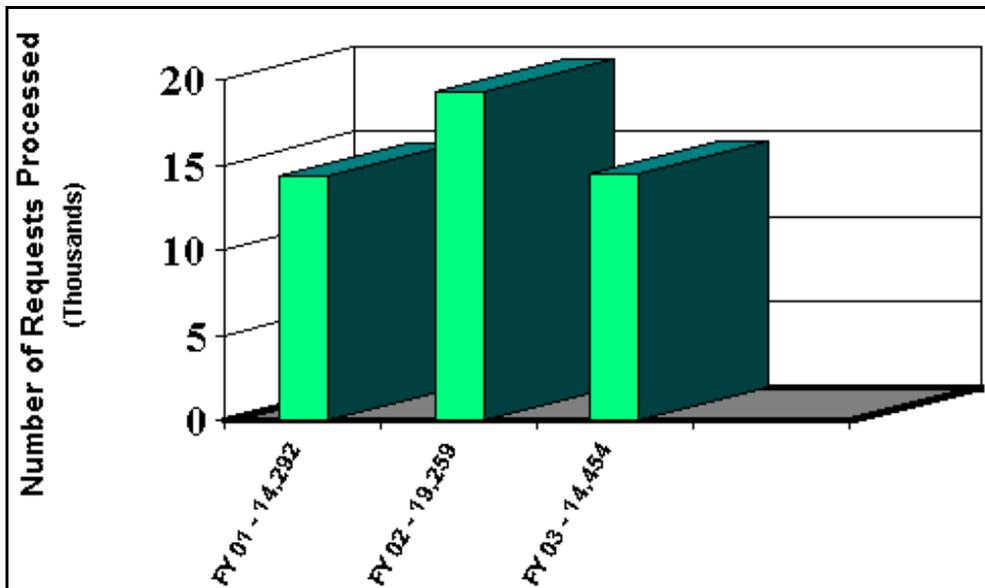
	<b>NUMBER OF REQUESTS PENDING AS OF END OF FISCAL YEAR (B.1.)</b>	<b>MEDIAN NUMBER OF DAYS TO PROCESS (B.2.)</b>
<b>HQ</b>	634	111
<b>REGION 1</b>	75	399
<b>REGION 2</b>	1187	265
<b>REGION 3</b>	103	6
<b>REGION 4</b>	122	15
<b>REGION 5</b>	121	11
<b>REGION 6</b>	165	118
<b>REGION 7</b>	52	16
<b>REGION 8</b>	49	27
<b>REGION 9</b>	47	7
<b>REGION 10</b>	46	22
<b>TOTAL</b>	2601	N/A

**VIII. COMPARISONS WITH PREVIOUS YEAR(S).**

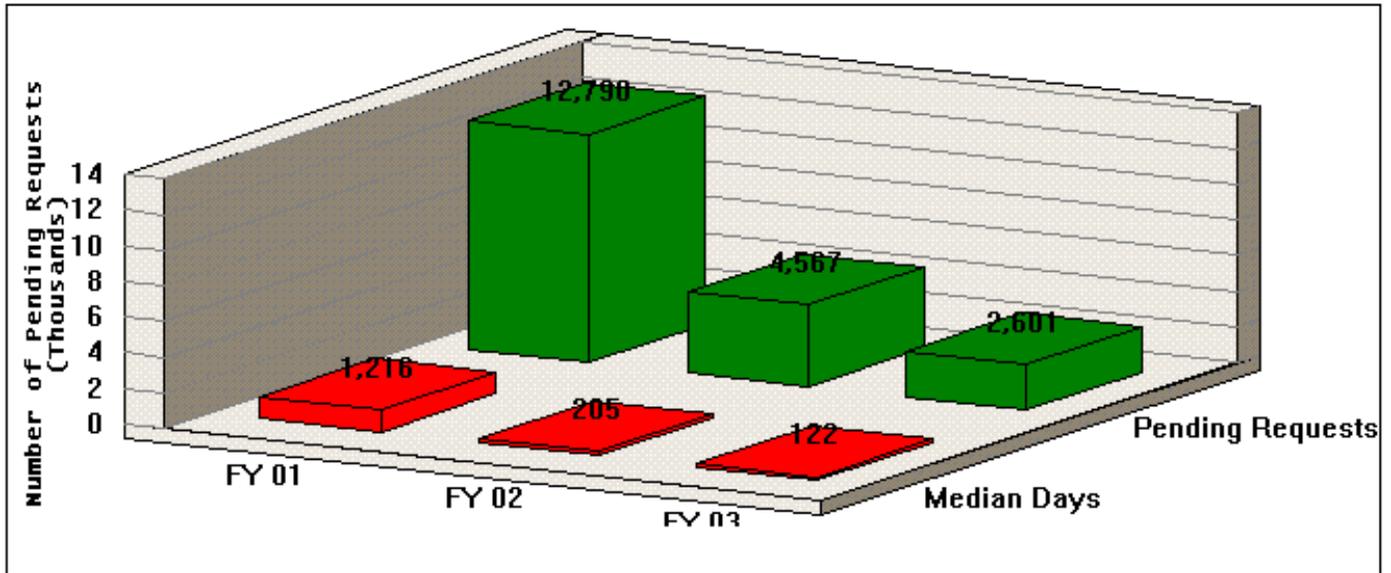
**A. Comparison of numbers of requests received:**



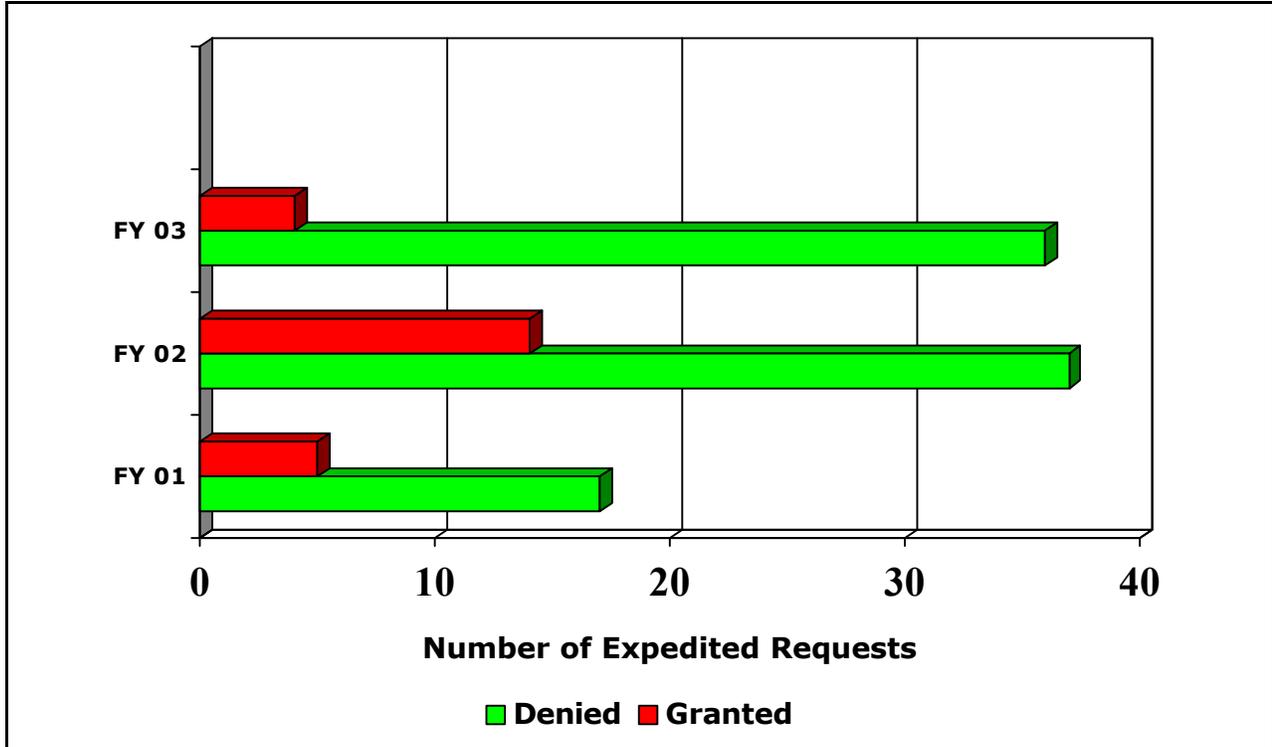
**B. Comparison of numbers of requests processed:**



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 FY03, the Agency received 40 requests for expedited processing, of which 4 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.) <sup>2</sup>
<b>HQ</b>	27	36.39	63.39	\$2,952,752.24	\$258,418.00	\$3,211,170.24
<b>REGION 1</b>	1	5	6	\$762,000.00	\$0.00	\$762,000.00
<b>REGION 2</b>	5	0	5	\$218,486.00	\$0.00	\$218,486.00
<b>REGION 3</b>	7	3.07	10.07	\$424,558.00	\$0.00	\$424,558.00
<b>REGION 4</b>	15	1.05	16.05	\$890,934.16	\$0.00	\$890,934.16
<b>REGION 5</b>	14	6.67	20.67	\$2,103,870.23	\$0.00	\$2,103,870.23
<b>REGION 6</b>	3	4	7	\$600,275.00	\$0.00	\$600,275.00
<b>REGION 7</b>	2	4.07	6.07	\$231,520.86	\$0.00	\$231,520.86
<b>REGION 8</b>	1	2.1	3.1	\$149,749.00	\$0.00	\$149,749.00
<b>REGION 9</b>	2	13	15	\$222,293.51	\$0.00	\$222,293.51
<b>REGION 10</b>	1	2	3	\$217,271.45	\$0.00	\$217,271.45
<b>TOTALS</b>	78	77.35	155.35	\$8,773,710.45	\$258,418.00	\$9,032,128.45

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<sup>2</sup> 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.**

	<b>Total Fees Collected for processing requests (A)</b>	<b>Percentage of Total Costs (B)</b>
<b>HQ</b>	\$131,188.97	1.5
<b>REGION 1</b>	\$5,729.94	0.1
<b>REGION 2</b>	\$12,979.04	0.1
<b>REGION 3</b>	\$18,975.00	0.2
<b>REGION 4</b>	\$21,625.68	0.2
<b>REGION 5</b>	\$42,577.00	0.5
<b>REGION 6</b>	\$33,202.55	0.4
<b>REGION 7</b>	\$18,240.63	0.2
<b>REGION 8</b>	\$11,460.00	0.1
<b>REGION 9</b>	\$16,058.70	0.2
<b>REGION 10</b>	\$12,165.69	0.1
<b>TOTALS</b>	\$324,203.20	3.6

## **XI. FOIA Regulations**

For more information, please consult the EPA FOIA Regulations. They can be found at the following website:  
<http://www.epa.gov/foia/foiaregs.htm>