



FOIA ANNUAL REPORT

FOR
10/01/2004
THROUGH
09/30/2005

The following **Annual Freedom of Information Act** report covers the Period 10/01/2004, through 09/30/2005, as required by 5 U.S.C. 552.

I. Basic Information Regarding Report

A. Name, Title, Address, and Telephone Number

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B. Electronic Address for report on World Wide Web

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

C. How to obtain copy in paper form

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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>

III. Definitions of 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/PA request - Freedom of Information Act/Privacy Act request. A FOIA request is generally a request for access to records concerning a third party, an organization, or a particular topic of interest. A Privacy Act request is a request for records concerning oneself; such requests are also treated as FOIA requests. (All requests for access to records, regardless of which law is cited by the requester, are included in this report.)
2. Initial request - a request to a federal agency for access to records under the 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 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 (see below).
6. Expedited processing - an agency will process a FOIA request on an expedited basis when a requester has shown an exceptional need or urgency for the records which warrants prioritization of his or her request over other requests that were made earlier.

7. Simple request - a FOIA request that an agency using multi-track processing places in its fastest (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 - an agency decision to disclose all records in full response to a FOIA request.
10. Partial grant - an agency decision to disclose a record in part in response to a FOIA request, deleting information determined to be exempt under one or more of the FOIA's exemptions; or a decision to disclose some records in their entireties, but to withhold others in whole or in part.
11. Denial - an agency decision not to release any part of a record or records in response to a FOIA request because all the information in the requested records is determined by the agency to be exempt under one or more of the FOIA's exemptions, or for some procedural reason (such as because no record is located in response to a FOIA request).
12. Time limits - the time period in the Freedom of Information Act for an agency to respond to a FOIA request (ordinarily 20 working days from proper receipt of a Perfected FOIA request).
13. Perfected request - a FOIA request for records that adequately describes the records sought, which has been received by the FOIA office of each agency or agency component in possession of the records, and for which there is no remaining question about the payment of applicable fees.
14. Exemption 3 statute - a separate federal statute prohibiting the disclosure of a certain type of information and authorizing its withholding under FOIA subsection (b) (3).
15. Median number - the middle, not average number. For example, of 3, 7, and 14, the median number is 7.
16. Average number - the number obtained by dividing the sum of a group of numbers by the quantity of numbers in the group. For example, of 3, 7, and 14, the average number is 8.

IV. EXEMPTION 3 STATUTES.

Statute/Rule(A.1.)	Type of Information Withheld	Case Citation (A.2.)
Procurment Integrity Act, 41 U.S.C. 253b(m)(1)	Contract Proposal	<u>Hornbosel v. Dept. of Interior</u> , 305 F. Supp. 2d 21 (D.D.C 2003) <u>as amended</u> (2004), <u>aff'd on other grounds</u> , 2004 WL 1900562 (D.C. Cir. 2004)
Federal Insecticide, Fungicide, and Rodenticide Act 7 U.S.C. 136 h.	Prohibits registrants from disclosing information to foreign competitors.	None

V. INITIAL FOIA ACCESS REQUESTS.

A. Numbers of Initial Requests.

	NUMBER OF REQUESTS PENDING AS OF END OF PRECEDING YEAR (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.)
01	30	281	251	60
02	561	2345	1915	991
03	125	1728	1708	145
04	100	884	923	61
05	159	1924	1923	160
06	157	819	626	350
07	92	724	769	47
08	30	364	332	62
09	58	626	627	57
10	53	397	273	177
HQ	533	2109	1761	881
TOTALS	1898 ¹	12201	11108	2991

B. Disposition of Initial Requests.

	TOTAL GRANTS (B.1.)	PARTIAL GRANTS (B.2.)	DENIALS (B.3.)	OTHER (B.4.)
01	137	5	5	104
02	500	4	1	1410
03	924	36	4	744
04	449	90	5	379
05	886	49	7	981
06	331	16	3	276
07	317	34	3	415
08	193	11	2	126
09	318	29	4	276
10	187	7	3	76
HQ	1143	237	58	323
TOTALS	5385	518	95	5110

¹ This number is reduced from the 2146 requests reported pending at the end of FY 04 due to a review and correction of the FOIA database eliminating duplicate, test, and erroneous entries.

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

	(b)(1)	(b)(2)	(b)(3)	(b)(4)	(b)(5)	(b)(6)	(b)(7) (A)	(b)(7) (B)	(b)(7) (C)	(b)(7) (D)	(b)(7) (E)	(b)(7) (F)	(b)(8)	(b)(9)
01	0	1	0	2	5	2	0	0	0	0	0	0	0	0
02	0	1	0	0	2	0	3	0	0	0	0	0	0	0
03	0	1	0	7	31	15	19	0	2	3	0	0	0	0
04	0	3	1	38	60	54	33	1	16	0	0	0	0	0
05	0	2	0	10	39	6	15	4	2	2	0	0	0	1
06	0	7	0	2	13	5	9	0	6	6	3	0	0	0
07	0	1	4	13	26	11	9	0	0	1	0	0	0	1
08	0	1	0	1	10	2	6	0	2	1	0	0	0	0
09	1	2	0	10	21	2	6	0	1	0	1	0	0	0
10	0	2	0	1	7	1	5	0	1	1	0	0	0	0
HQ	0	27	17	174	86	55	30	0	36	22	8	1	0	0
TOTALS	1	48	22	258	300	153	135	5	66	36	12	1	0	2

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

	No records	Referrals	Request withdrawn	Fee-related reason	Records not reasonably described	Not a proper FOIA request for some other reason	Not an agency record	Duplicate request	Other
01	70	4	19	0	0	0	2	7	2
02	1250	2	118	1	20	2	0	15	2
03	677	1	46	0	0	0	0	14	6
04	241	3	105	28	1	0	0	1	0
05	815	1	128	16	3	2	1	13	2
06	230	2	34	1	0	0	1	0	8
07	351	1	47	3	1	0	0	7	5
08	87	1	28	0	0	2	0	7	1
09	213	15	25	6	6	1	3	1	6
10	52	2	19	2	0	0	0	1	0
HQ	146	3	120	8	0	3	0	39	4
TOTALS	4132	35	689	65	31	10	7	105	36

VI. Appeals of Initial Denials of FOIA Requests

A. Numbers of Appeals.

	NUMBER OF REQUESTS PENDING AS OF END OF PRECEDING YEAR (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.)
01	0	0	0	0
02	0	0	0	0
03	0	0	0	0
04	0	0	0	0
05	0	0	0	0
06	0	0	0	0
07	0	0	0	0
08	0	0	0	0
09	0	0	0	0
10	0	0	0	0
HQ	307	117	110	314
TOTALS	307	117	110	314

B. Disposition of Appeals.

	TOTAL GRANTS (B.1.)	PARTIAL GRANTS (B.2.)	DENIALS (B.3.)	OTHER (B.4.)
01	0	0	0	0
02	0	0	0	0
03	0	0	0	0
04	0	0	0	0
05	0	0	0	0
06	0	0	0	0
07	0	0	0	0
08	0	0	0	0
09	0	0	0	0
10	0	0	0	0
HQ	6	24	30	50
TOTALS	6	24	30	50

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

	(b)(1)	(b)(2)	(b)(3)	(b)(4)	(b)(5)	(b)(6)	(b)(7) (A)	(b)(7) (B)	(b)(7) (C)	(b)(7) (D)	(b)(7) (E)	(b)(7) (F)	(b)(8)	(b)(9)
01	0	0	0	0	0	0	0	0	0	0	0	0	0	0
02	0	0	0	0	0	0	0	0	0	0	0	0	0	0
03	0	0	0	0	0	0	0	0	0	0	0	0	0	0
04	0	0	0	0	0	0	0	0	0	0	0	0	0	0
05	0	0	0	0	0	0	0	0	0	0	0	0	0	0
06	0	0	0	0	0	0	0	0	0	0	0	0	0	0
07	0	0	0	0	0	0	0	0	0	0	0	0	0	0
08	0	0	0	0	0	0	0	0	0	0	0	0	0	0
09	0	0	0	0	0	0	0	0	0	0	0	0	0	0
10	0	0	0	0	0	0	0	0	0	0	0	0	0	0
HQ	0	3	1	2	15	8	2	0	1	0	0	0	0	0
TOTALS	0	3	1	2	15	8	2	0	1	0	0	0	0	0

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

	No records	Referrals	Request withdrawn	Fee-related reason	Records not reasonably described	Not a proper FOIA request for some other reason	Not an agency record	Duplicate request	Other
01	0	0	0	0	0	0	0	0	0
02	0	0	0	0	0	0	0	0	0
03	0	0	0	0	0	0	0	0	0
04	0	0	0	0	0	0	0	0	0
05	0	0	0	0	0	0	0	0	0
06	0	0	0	0	0	0	0	0	0
07	0	0	0	0	0	0	0	0	0
08	0	0	0	0	0	0	0	0	0
09	0	0	0	0	0	0	0	0	0
10	0	0	0	0	0	0	0	0	0
HQ	8	0	35	0	0	0	1	0	6
TOTALS	8	0	35	0	0	0	1	0	6

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

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

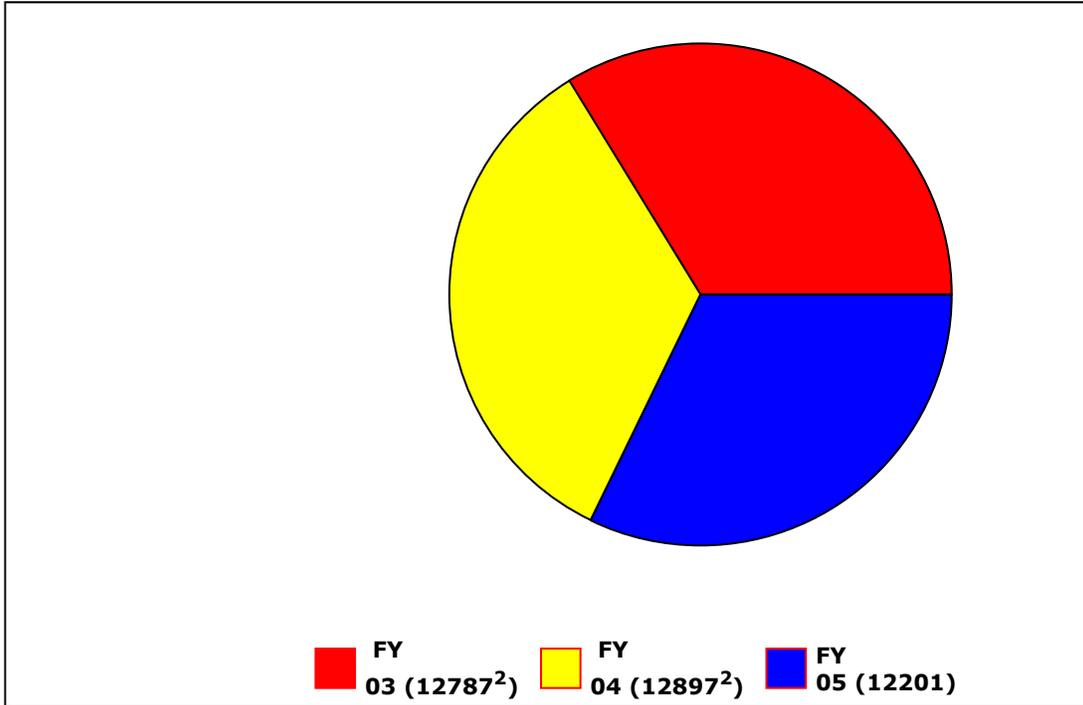
	Simple Requests (A.1)		Complex Requests (A.2)		Requests Accorded Expedited Processing (A.3)	
	Number of Requests Processed (A.1.a.)	Median Number of Days To Process (A.1.b.)	Number of Requests Processed (A.2.a.)	Median Number of Days To Process (A.2.b.)	Number of Requests Processed (A.3.a.)	Median Number of Days To Process (A.3.b.)
01	249	18	2	46	0	0
02	1912	30	2	40	1	8
03	1699	13	9	4	0	0
04	852	19	71	41	0	0
05	1920	18	3	30	0	0
06	624	32	0	0	2	109
07	767	27	2	166	0	0
08	332	15	0	0	0	0
09	588	18	39	38	0	0
10	273	20	0	0	0	0
HQ	1717	19	42	58	2	20
TOTALS	10933	N/A	170	N/A	5	N/A

B. Status of pending requests.

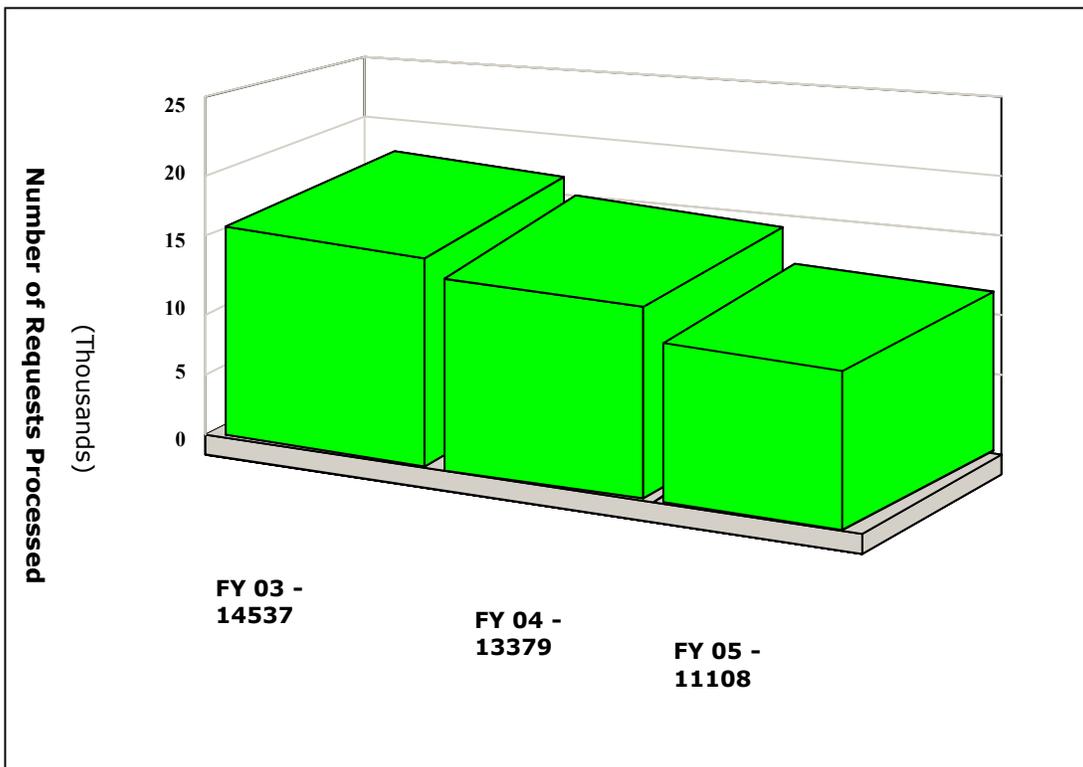
	NUMBER OF REQUESTS PENDING AS OF END OF FISCAL YEAR (B.1.)	MEDIAN NUMBER OF DAYS TO PROCESS (B.2.)
01	60	44
02	991	59
03	145	10
04	61	11
05	160	11
06	350	68
07	47	17
08	62	52
09	57	13
10	177	59
HQ	881	115
TOTALS	2991	N/A

VIII. COMPARISONS WITH PREVIOUS YEAR(S).

A. Comparison of numbers of requests received:

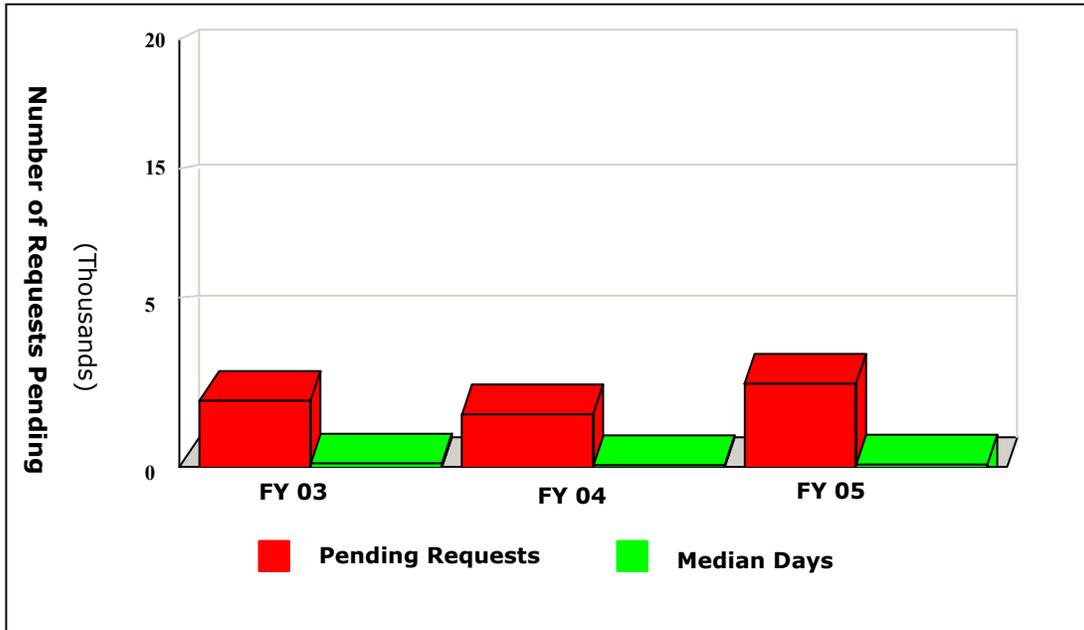


B. Comparison of numbers of requests Processed:

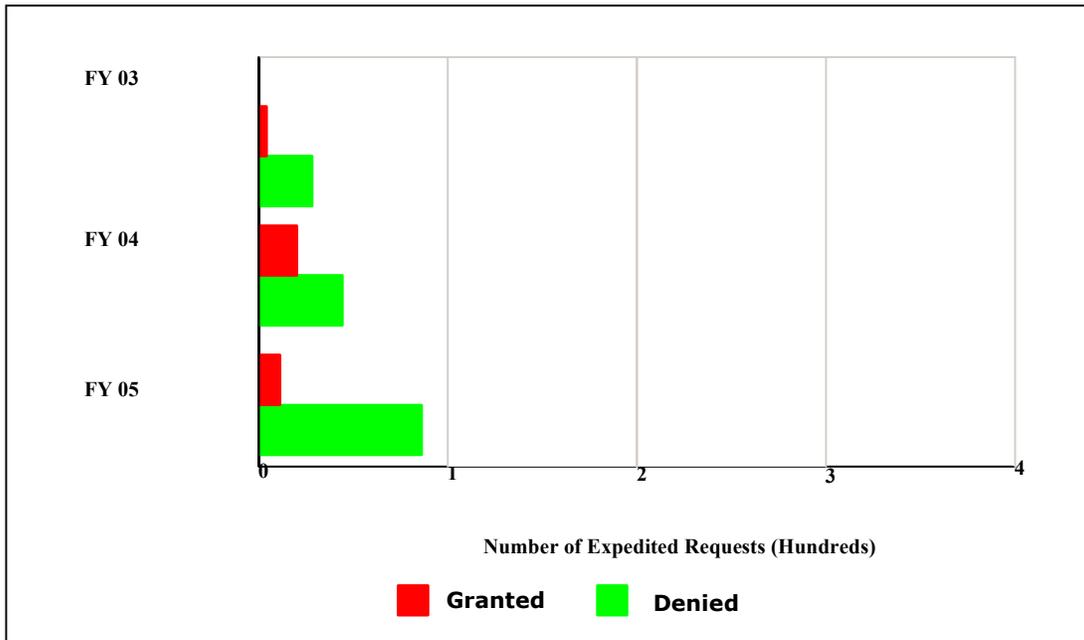


² These processed requests numbers are increased from 14,454 for FY 03 and 13,352 for FY 04 as reported at the end of FY 04 due to a review and correction of the FOIA database eliminating duplicate, test, and erroneous entries.

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



D. Other statistics significant to the Agency:



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.)
01	0.00	7.02	7.02	\$610,253.00	\$0.00	\$610,253.00
02	5.00	20.00	25.00	\$553,669.13	\$0.00	\$553,669.13
03	7.00	36.00	43.00	\$329,462.00	\$0.00	\$329,462.00
04	14.00	0.03	14.03	\$884,797.25	\$0.00	\$884,797.25
05	12.00	8.03	20.03	\$2,167,078.00	\$0.00	\$2,167,078.00
06	3.00	3.85	6.85	\$618,983.00	\$0.00	\$618,983.00
07	1.00	2.21	3.21	\$207,745.84	\$0.00	\$207,745.84
08	0.00	3.76	3.76	\$140,219.08	\$0.00	\$140,219.08
09	1.00	9.00	10.00	\$236,990.85	\$0.00	\$236,990.85
10	1.00	2.00	3.00	\$238,108.00	\$0.00	\$238,108.00
HQ	17.00	28.20	45.20	\$3,462,266.18	\$356,685.20	\$3,818,951.38
TOTALS	61.00	120.10	181.10	\$9,449,572.33	\$356,685.20	\$9,806,257.53

X. FEES.

	Total Fees Collected for processing requests (A)	Percentage of Total Costs (B)
01	\$8,009.52	1.31%
02	\$11,183.35	2.02%
03	\$29,689.19	9.01%
04	\$22,577.06	2.55%
05	\$49,641.00	2.29%
06	\$33,296.33	5.38%
07	\$21,207.82	10.21%
08	\$15,002.00	10.70%
09	\$15,334.91	6.47%
10	\$16,696.29	7.01%
HQ	\$103,174.97	2.70%
TOTALS	\$325812.44	3.32%

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>.