



FOIA ANNUAL REPORT

FOR
10/01/2005
THROUGH
09/30/2006

The following **Annual Freedom of Information Act** report covers the Period 10/01/2005, through 09/30/2006, 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
Federal Rules of Criminal Procedure	Records relating to Grand Jury Investigations or Proceedings	<u>Senate of Puerto Rico v. U.S. Department of Justice</u> , 823 F2d 574,(D.D.C. 1987)
Federal Insecticide, Fungicide, and Rodenticide Act 7 U.S.C. 136 h, Section 10 (g)	Analytical, health, environmental effects and efficacy data that prohibits registrants from disclosing information to foreign competitors	None
Federal Insecticide, Fungicide, and Rodenticide Act 7 U.S.C. 136h Section 10(g)	Prohibits registrants from disclosing information to foreign competitors	None
Procurement Integrity Ad, 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)

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	60	256	269	47
02	991	2126	2586	531
03	145	1692	1693	144
04	61	794	795	60
05	160	1779	1761	178
06	350	750	866	234
07	47	653	630	70
08	62	310	349	23
09	57	642	647	52
10	177	401	507	71
HQ	881	2264	2582	563
TOTALS	2991	11667	12685	1973

B. Disposition of Initial Requests.

	TOTAL GRANTS (B.1.)	PARTIAL GRANTS (B.2.)	DENIALS (B.3.)	OTHER (B.4.)
01	107	15	3	144
02	259	5	0	2322
03	233	12	0	1448
04	388	68	10	329
05	734	56	2	969
06	329	25	2	510
07	113	19	1	497
08	186	9	0	154
09	192	28	3	424
10	189	22	2	294
HQ	1474	353	47	708
TOTALS	4204	612	70	7799

**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	1	11	5	3	0	0	1	0	0	0	0
02	0	1	0	0	4	2	2	0	0	0	0	0	0	0
03	0	0	0	3	7	5	1	0	1	1	1	0	0	0
04	0	5	0	28	42	40	30	0	17	0	0	0	0	0
05	0	1	0	17	32	8	24	0	1	1	1	0	0	0
06	0	4	0	5	17	9	11	0	1	1	1	0	0	0
07	0	0	0	6	11	7	7	0	0	0	0	0	0	0
08	0	0	1	1	7	2	4	0	0	0	0	0	0	0
09	0	0	0	11	21	3	3	0	2	0	0	0	0	0
10	0	1	0	1	19	0	11	0	1	1	3	0	0	0
HQ	0	34	20	247	91	50	22	0	33	19	16	0	0	4
TOTALS	0	46	21	320	262	131	118	0	56	24	22	0	0	4

**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	83	5	17	1	0	1	0	3	34
02	1803	7	114	0	97	0	0	14	287
03	1347	12	74	0	0	0	0	10	5
04	211	1	59	20	1	2	4	4	27
05	829	3	103	5	9	1	1	13	5
06	405	7	53	0	0	1	0	5	39
07	433	3	41	1	1	0	1	11	6
08	111	1	30	4	1	1	0	6	0
09	314	5	36	1	3	2	5	3	55
10	264	1	25	1	0	0	0	1	2
HQ	410	3	183	5	1	4	2	42	58
TOTALS	6210	48	735	38	113	12	13	112	518

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	314	114	202	226
TOTALS	314	114	202	226

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	11	44	82	65
TOTALS	11	44	82	65

**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	9	3	1	32	15	12	0	6	3	0	0	0	0
TOTALS	0	9	3	1	32	15	12	0	6	3	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	5	0	34	1	0	0	0	14	11
TOTALS	5	0	34	1	0	0	0	14	11

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

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

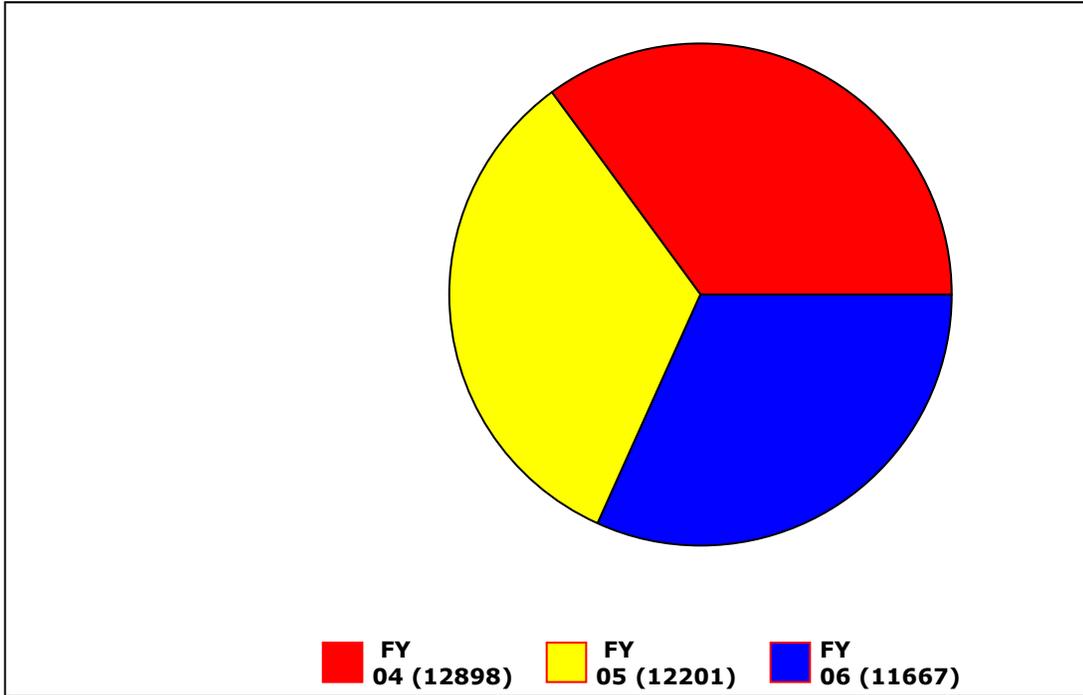
	Simple Requests (A.1)		Complex Requests (A.2)		Requests Accorded Expedited Processing (A.3)	
	Number of Requests Processed (A.1.a.)	Median Number of Days To Process (A.1.b.)	Number of Requests Processed (A.2.a.)	Median Number of Days To Process (A.2.b.)	Number of Requests Processed (A.3.a.)	Median Number of Days To Process (A.3.b.)
01	256	30	12	58	1	38
02	2573	101	13	83	0	0
03	1691	19	2	156	0	0
04	711	15	83	40	1	8
05	1756	17	5	63	0	0
06	831	65	26	56	9	92
07	628	23	2	93	0	0
08	349	15	0	0	0	0
09	553	20	94	34	0	0
10	492	20	15	50	0	0
HQ	2495	19	80	70	7	181
TOTALS	12335	N/A	332	N/A	18	N/A

B. Status of pending requests.

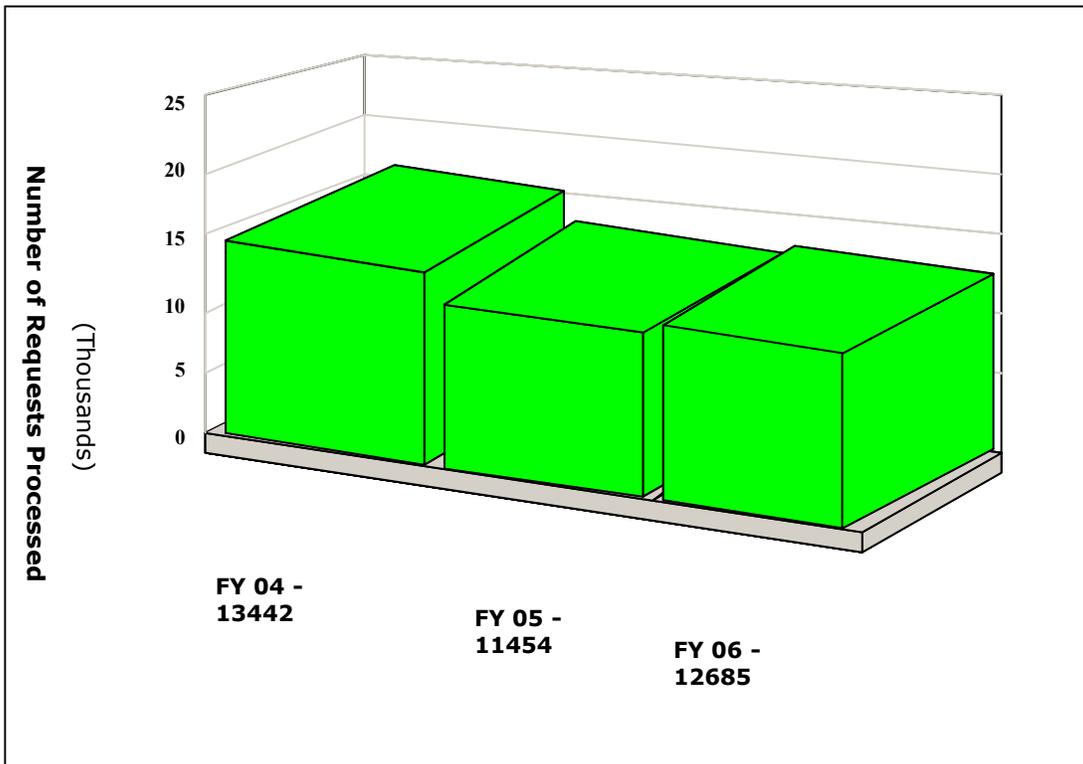
	NUMBER OF REQUESTS PENDING AS OF END OF FISCAL YEAR (B.1.)	MEDIAN NUMBER OF DAYS TO PROCESS (B.2.)
01	47	57
02	531	76
03	144	7
04	60	8
05	178	9
06	234	48
07	70	16
08	23	13
09	52	9
10	71	26
HQ	563	138
TOTALS	1973	N/A

VIII. COMPARISONS WITH PREVIOUS YEAR(S).

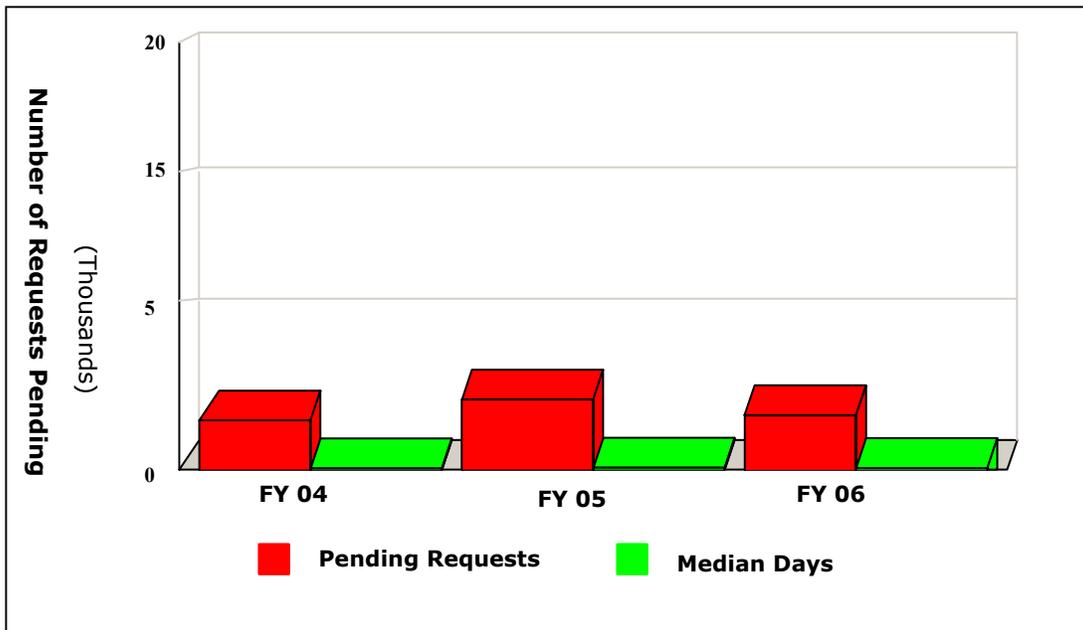
A. Comparison of numbers of requests received:



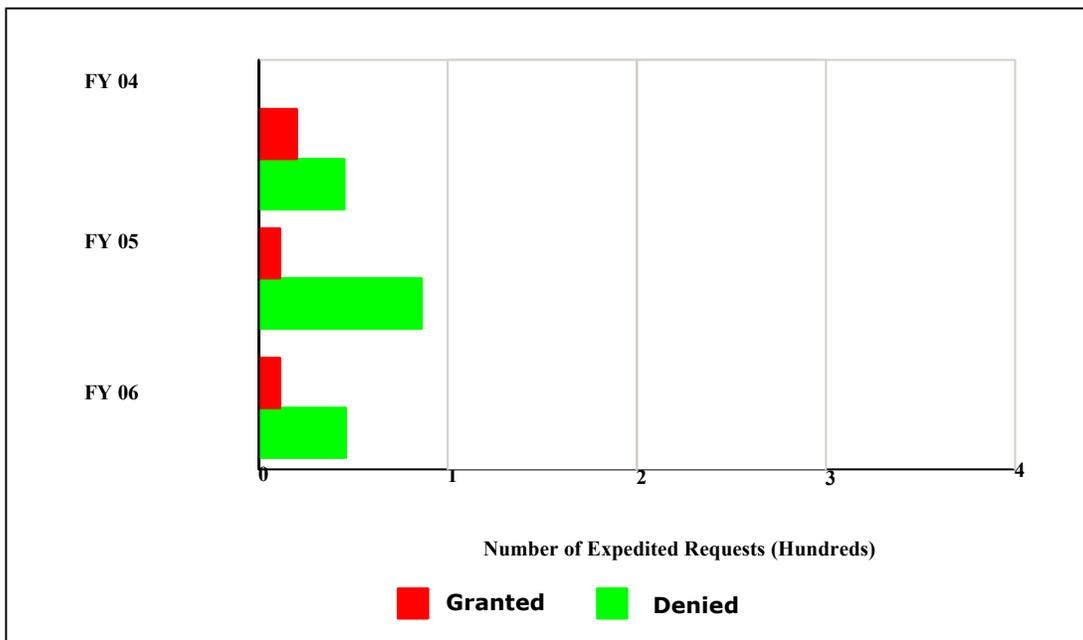
B. Comparison of numbers of requests Processed:



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



D. Other statistics significant to the Agency:



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	2.00	7.45	9.45	\$593,857.00	\$0.00	\$593,857.00
02	5.00	40.55	45.55	\$772,397.89	\$0.00	\$772,397.89
03	7.00	47.00	54.00	\$620,529.00	\$0.00	\$620,529.00
04	14.00	0.05	14.05	\$1,022,386.26	\$0.00	\$1,022,386.26
05	9.00	9.80	18.80	\$1,965,329.00	\$0.00	\$1,965,329.00
06	3.00	3.85	6.85	\$636,152.60	\$0.00	\$636,152.60
07	1.00	1.22	2.22	\$174,876.47	\$0.00	\$174,876.47
08	0.00	2.27	2.27	\$124,055.00	\$0.00	\$124,055.00
09	1.00	9.00	10.00	\$205,897.99	\$0.00	\$205,897.99
10	1.00	5.00	6.00	\$196,764.03	\$0.00	\$196,764.03
HQ	17.00	90.88	107.88	\$3,763,745.72	\$4,206,070.12	\$7,969,815.84
TOTALS	60	217.07	277.07	\$10,075,990.96	\$4,206,070.12	\$14,282,061.08

X. FEES.

	Total Fees Collected for processing requests (A)	Percentage of Total Costs (B)
01	\$3,731.00	0.63
02	\$13,748.42	1.77
03	\$17,803.11	2.80
04	\$38,542.48	3.77
05	\$40,188.00	2.04
06	\$27,835.61	4.38
07	\$21,223.96	12.13
08	\$6,942.67	5.60
09	\$14,544.02	7.06
10	\$12,191.76	6.20
HQ	\$130,635.60	1.64
TOTALS	\$327,386.63	2.30

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>.

XII. REPORT ON EXECUTIVE ORDER 13,392 IMPLEMENTATION.

On December 14, 2005, the President issued Executive Order 13,392, entitled "Improving Agency Disclosure of Information," which established a "citizen-centered" and "results-oriented" approach to administration of the Freedom of Information Act (FOIA). The Executive Order required each agency to conduct a review of its FOIA operations, to develop an agency-specific plan to improve its administration of the Act, and to include in its annual FOIA report a description of its progress in meeting the milestones and goals established in its improvement plan.

This section of the annual FOIA report contains EPA's description of its progress in implementing the milestones and goals of EPA's FOIA Improvement Plan.

The reporting period for Section XII is different from that used for the rest of this report, which is based on data compiled for Fiscal Year 2006. The reporting period for this section concerning Executive Order implementation activities includes progress made through January 2007.

A. Description of supplementation/modification of agency improvement plan (if applicable)

Not applicable.

B. Report on agency implementation of its plan, including its performance in meeting milestones, with respect to each improvement area

EPA met all of the goals and milestones established in the report it submitted in response to Executive Order 13,392 that were to be completed for this reporting period.

In particular, EPA achieved its FOIA backlog reduction goals a year ahead of the October 1, 2007, milestone in its improvement plan. In September 2006, the Agency successfully reduced the actual number of requests in the backlog and achieved its reduction goal of backlog FOIAs not exceeding ten per cent of the number of new FOIA requests received that year. In the succeeding months, EPA has continued to reduce its backlog numbers to historical lows. As a result of the commitment of the Agency at all levels to meet the backlog reduction goals, it became unnecessary to formally issue recommendations or guidance to accomplish this goal. However, the National FOIA Officer constantly monitors the Agency's backlog numbers and communicates with the EPA FOIA community as required in this regard. EPA also realized a thirty-three percent reduction in the backlog of administrative FOIA appeals. As is the case with the initial request backlog, EPA will continue to focus on decreasing the appeals backlog.

In the area of customer service, EPA successfully instituted pay.gov in its Headquarters offices. Requesters are now able to pay FOIA fees online. The Agency plans to implement the service in its Regional offices during Fiscal Year 2007.

Finally, EPA complete the review of its Headquarters and ten Regional FOIA Websites and will be

implementing the enhancements recommended by the workgroup. The enhancements will bring consistency to the content and location of Website information, focusing on increasing transparency and customer service. A new enhanced Website will be operational no later than September 30, 2007.

C. Identification and discussion of any deficiency in meeting plan milestones (if applicable)

Not applicable.

D. Additional narrative statements regarding other executive order-related activities (optional)

EPA held its annual training conference for Agency FOIA officers and contacts from October 30 through November 1, 2006. The training provided information on several topics including applying FOIA exemptions, the Agency's transition to electronic content and records management with a focus on appropriately managing e-mail records, guidance on providing appeal information and several questions and answers sessions. Dick Huff, former Co-Director, Office of Information and Privacy, US Department of Justice, conducted a session on recent developments in the FOIA case law.

Additionally, the Agency held its second FOIA Requester Forum in November 2006, in which frequent EPA FOIA requesters were invited to provide feedback to the Agency on its handling of their FOIA requests. The guest requesters provided a favorable evaluation of EPA's handling of their FOIA requests and expressed no significant concerns.

Finally, EPA's Region 4 office has enhanced its Website to provide status updates to FOIA requesters. The Website allows requesters to obtain the name and contact information of the FOIA Specialist assigned to the request, along with the request's due date and status. The Website will be updated several times a week.

E. Concise descriptions of FOIA exemptions

The nine exemptions to the FOIA authorize federal agencies to withhold information covering: (1) classified national defense and foreign relations information; (2) internal agency rules and practices; (3) information that is prohibited from disclosure by another federal law; (4) trade secrets and other confidential business information; (5) inter-agency or intra-agency communications that are protected by legal privileges; (6) information involving matters of personal privacy; (7) records or information compiled for law enforcement purposes, to the extent that the production of those records (A) could reasonably be expected to interfere with enforcement proceedings, (B) would deprive a person of a right to a fair trial or an impartial adjudication, (C) could reasonably be expected to constitute an unwarranted invasion of personal privacy, (D) could reasonably be expected to disclose the identity of a confidential source, (E) would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions, or (F) could reasonably be expected to endanger the life or physical safety of any individual; (8) information relating to the supervision of financial institutions; and (9) geological information on wells.

F. Additional statistics:

1. Time range of requests pending, by date of request (or, where applicable, by date of referral from another agency).

May 23, 1995 to January 30, 2007.

2. Time range of consultations pending with other agencies at this time.

December 13, 2006 to January 23, 2007.

G. Agency improvement plan:

In response to Executive Order 13392, Improving Agency Disclosure of Information, this report describes the U.S. Environmental Protection Agency's plan for continued improvements to the Agency's Freedom of Information Act Program. The report offers a brief overview of the program, identifies the areas we considered for improvement, and concludes with a plan for strengthening some key areas of our FOIA program.

A. Overview of EPA's Freedom of Information Act Program

EPA's Freedom of Information Act Program is one of the top FOIA programs in the federal government, providing oversight, leadership, direction, training and support for FOIA activities across the Agency's 10 regions and headquarters program offices. EPA's commitment to excellence is evident from the efforts already undertaken by the Agency to institute many of the activities required by Executive Order 13392, including the deployment of a state-of-the-art information technology infrastructure to support and manage this important Agency program. The Agency's program is customer-focused and efficiency-oriented.

The Agency received 14,252 FOIA requests in 2001 and 12,201 in 2005, a drop of about 15 percent. EPA believes that this decline in requests is largely due to the continued improvements we have made in the FOIA program and the Agency's commitment to make as much information as possible available through EPA's publicly accessible web sites.

EPA's Assistant Administrator for Environmental Information and Chief Information Officer serves as the Agency's Chief FOIA Officer. EPA's Chief FOIA Officer is responsible for Agency-wide compliance with the Act, providing periodic reports to the Administrator on the status of the Agency's FOIA Program and making recommendations for improvements. The Agency's Chief FOIA Officer facilitates public understanding of the Act's statutory exemptions by including information about these exemptions in the Agency's FOIA Handbook and on EPA's web site (see Section D).

The Chief of the Records, FOIA and Privacy Branch within the Office of Environmental Information is the Agency Public Liaison, and the FOIA staff of the Records, FOIA and Privacy Branch serves as the FOIA Requester Service Center. The Branch Chief is a supervisory position and the incumbent is in a position to deal with concerns raised by any requester. The Branch Chief is directly responsible for the performance of the staff composing the Requester Service Center.

Our FOIA Requester Service Center is an easily accessible, first point-of-contact for requesters. The Center staff routinely provides general information on the Agency's FOIA process and detailed information on the status of pending requests. The Center staff is also responsible for the maintenance of EPA's FOIA web site and processes requests received at headquarters. The Center also offers a FOIA hotline that has been operational for many years. Through the hotline, callers may receive basic information on the status of their requests, general information on how and where to submit a FOIA

request, and information about the types of information available on EPA web sites.

The Appendix to this document provides an overview of the FOIA Program roles and responsibilities within EPA.

B. FOIA Areas Selected for Review

The following areas were selected for review by the Agency:

- o FOIA training for Agency staff;
- o Agency web sites (including the FOIA web site);
- o Utilizing information technology in the Agency's FOIA Program;
- o FOIA request processing;
- o Expedited processing and multi-track processing of FOIA requests; and
- o EPA's FOIA response backlog.

C. Summary of Review Findings

In order to address the requirements of the Executive Order, EPA established an EO implementation workgroup, headed by EPA's National FOIA Officer, to review its FOIA policies and operations. The workgroup conducted its review using the guidance issued by the Department of Justice.

This section identifies the areas reviewed by the workgroup for improvement and provides a high-level assessment of the area:

1. FOIA Training for Agency Staff

EPA's commitment to excellence is reflected in its FOIA training and outreach program. This robust and mature program includes: regular national training conferences for employees and contractors; bi-weekly conference calls with the Regional FOIA Officers; monthly meetings with FOIA contacts in the headquarters program offices; and semi-annual meetings with Regional FOIA Officers. All of these meetings involve, or are entirely focused on, providing staff with training on new developments in the FOIA program.

EPA has recently conducted a dialogue with stakeholders to find ways to further improve FOIA management at EPA. EPA plans to conduct similar sessions with other members of the public in the future.

Overall, the Agency feels it has an effective FOIA training regimen.

2. Agency Web Sites, Including FOIA Site

EPA has a long-term commitment to proactive disclosure. Since the advent of the Internet, the Agency has made heavy use of the EPA web site to disclose data, information, and analyses of many kinds. EPA believes the decline in the number of FOIA requests received by EPA over the past four years (from 14,252 in 2001 to 12,201 in 2005) is largely attributable to the quantity and quality of information on the Agency's web sites.

EPA has also made considerable efforts to develop the FOIA web site so that it is responsive to the public interest. This site contains contact information and information on filing FOIA requests at EPA headquarters and for each regional office. FOIA staff ensure that the web site is user-friendly, up-to-date, accurate, and consistent with Agency policy on web site content and format.

EPA's commitment to full disclosure was demonstrated during the aftermath of Hurricanes Katrina, Rita and Wilma. The Agency made hurricane-related information available on its web site as soon as it was practicable. EPA was and remains committed to ensuring that first responders, citizens, the media and others have access to the information they need without having to submit a FOIA request.

EPA believes its FOIA web site is generally responsive to public needs; however, the Agency will undertake a comprehensive review of the web site to ensure it is providing timely, accurate information to the public. This is an action area described in Section D.

3. Using Information Technology in EPA's FOIA Program

EPA deployed an enterprise FOIA management system (FOIAXpress) in 2005. This system replaced an outdated tracking system (FOIAMATS) which had been in use since 1991. FOIAXpress is a state-of-the-art system that provides "cradle to grave" electronic tracking of incoming FOIA requests and Agency responses. The system features webbased access and enhancements such as workflow management, metadata tracking, online review and redaction, web posting, automated billing, and generation of the annual FOIA Report. The National FOIA Officer uses FOIAXpress to monitor the timeliness of FOIA responses and EPA program offices preparing FOIA responses use the application to respond to FOIA requests.

BR> The Agency concluded that, except for maintaining FOIAXpress, no further information technology investments are currently needed in the program.

4. FOIA Request Processing

EPA processes and manages FOIA requests in a consistent and efficient manner. FOIA requesters can submit requests to EPA electronically through EPA's FOIA web site, by fax, through the mail, or via courier services to headquarters or to one of the Agency's 10 regional offices. With FOIAXpress, the Agency's internal FOIA business processes are now primarily electronic, from initial receipt to final disposition. At the present time, however, payments associated with FOIA requests cannot be made electronically.

From a process perspective, upon receipt of a request, a FOIA Specialist reviews the request for completeness and enters requester and request metadata into FOIAXpress. The system electronically assigns the tracking number and due date. Using the workflow features of the application, the FOIA request is electronically assigned and delivered to the appropriate program office for processing.

When a FOIA request is received in the program office assigned responsibility for preparing the response, the office searches for the requested records, reviews the records, makes determinations to release or withhold the records, and notifies the requester by letter of the Agency's decision. Staff in the program office sign the determinations to release information in consultation with the OEI FOIA office. Only Division Directors or equivalent senior-level employees are authorized to sign denials. A copy of the decision letter is provided to the OEI FOIA Specialist through FOIAXpress for inclusion in the official FOIA request files. After reviewing the response letter, OEI staff determine the disposition of the final action and record the disposition in the application (e.g. grant, denial, partial response).

As FOIA requests are being processed, the National FOIA Office and Regional FOIA Offices, along with the program offices, may communicate with the requester to modify or clarify the request. All such conversations are documented by e-mail or by a letter mailed to the requester.

EPA's current FOIA processing methods are much more efficient with the implementation of FOIAXpress. However, the Agency is pursuing the ability to provide requesters the option of electronically paying FOIA fees (see Section D).

5. Expedited Processing and Multi-Track Processing of FOIA Requests

EPA grants all expedited processing requests that meet the criteria set in the statute and our implementation regulations. Recently, EPA granted numerous expedited processing requests from media requesters in the aftermath of Hurricanes Katrina, Rita and Wilma.

EPA uses multi-tracking of FOIA requests when appropriate. Multi-tracking means that requests are designated as simple (must be responded to within the 20-day deadline) or complex (complicated and/or voluminous and will be responded to as soon as reasonably possible). Requesters are notified if their request is placed into the complex category. EPA follows the first-in first-out practice within each track.

The Agency concluded that the proper choice of these designations is an important aspect of the Agency's program. Because making the proper designation is getting a high level of attention in the training activities described in section C.1, EPA concluded that no additional action is needed at this time.

6. EPA's FOIA Response Backlog

EPA began a focused effort to address its FOIA response backlog in 2001. At that time (July 2001) there were 23,514 backlogged requests. As of the date of this report, EPA's backlog is approximately 2,000 overdue request responses. This represents a net reduction in overdue responses of over 90 percent compared to the 2001 figure.

The Agency concluded two things with regard to the response backlog. First, it is likely that EPA will always have a backlog given the number and complexity of FOIA requests that it receives. Second, EPA's backlog requires additional and continuing attention to reduce it to a reasonable level. This is an action area described in Section D.

D. Plan for Strengthening EPA's FOIA Program

EPA concluded that improvements in the following areas would provide the biggest benefit for the Agency's FOIA program:

- o Electronic payment of FOIA fees;
- o FOIA web site improvement; and
- o Further backlog reduction.

E. Improvement Area Planning

The workgroup developed recommendations and proposed milestones and deadlines for improvement, when appropriate.

1. Electronic Payment of FOIA Fees

EPA is working with the U.S. Department of the Treasury to allow FOIA requesters to pay fees electronically.

Milestones:

- o EPA recently met with the U.S. Department of the Treasury to explore the implementation of electronic payment of FOIA fees through a portal known as Pay.gov.
- o EPA will enter into an agreement with the U.S. Department of the Treasury to allow EPA FOIA requesters access to Pay.gov by October 1, 2006.
- o EPA will enable FOIA requesters to pay fees for the processing of FOIA requests using Pay.gov by December 31, 2006.

Measure of Success:

Implement an electronic payment option for FOIA fees processed by headquarters by December 31, 2006.

2. FOIA Web Site Improvement

The Agency will undertake a comprehensive review of its FOIA web site to make it more user-friendly and informative.

Milestones:

- o A workgroup will identify additional content that should be included on the FOIA main page and create a prototype site to be used by headquarters and all regional offices. The workgroup members will be identified by July 1, 2006.
- o Workgroup concludes its review and makes recommendations for the prototype site by December 31, 2006.
- o Workgroup provides a formatted prototype site to headquarters and regional office web site owners by April 1, 2007.
- o The Agency's FOIA web site is updated no later than September 30, 2007.

Measure of Success:

FOIA officers and coordinators update the FOIA web site by September 30, 2007.

3. Backlog Reduction

The Agency has determined that its present backlog of FOIA request responses is not acceptable, in spite of the fact that EPA reduced the back log of 23,514 overdue requests in July 2001 by over 90 percent, to approximately 2,000 overdue requests. The Agency will continue to identify additional ways to further reduce the backlog.

Milestones:

- o Headquarters and regional FOIA Officers complete review of their backlog by October 1, 2006.
- o Headquarters and regional FOIA Officers make recommendations to the National FOIA Officer on ways to significantly reduce the backlog by January 15, 2007.
- o The National FOIA Officer will establish specific approaches for further reducing the backlog by March 1, 2007, and will provide guidance to EPA managers and staff.

Measure of Success:

EPA's FOIA response backlog will not exceed 10 percent of the number of new FOIA requests received each year. This level will be achieved by October 1, 2007.

F. TIME TABLE of FOIA IMPROVEMENT MILESTONES

Improvement	Deadline
<i>Improvements scheduled for completion by December 31, 2006</i>	
Establish workgroup to identify additional content to be included on FOIA web page and reorganize topics.	July 1, 2006
Enter into agreement with the U.S. Department of Treasury to allow EPA to use Pay.gov to collect FOIA fees.	October 1, 2006
Conclude FOIA web page review and make recommendations.	October 1, 2006
Complete FOIA backlog review.	October 1, 2006
Allow FOIA requesters to headquarters to pay fees through Pay.gov.	December 31, 2006
Conclude workgroup review and make recommendations on web site review.	December 31, 2006
<i>Improvements scheduled for completion by December 31, 2007</i>	
Make backlog reduction recommendations to the NFO.	January 15, 2007
Issue backlog reduction guidance.	March 1, 2007
Provide draft EPA FOIA web page to Website owners.	April 1, 2007
Update EPA FOIA web site.	September 30, 2007
<i>Improvements scheduled for completion by December 31, 2007</i>	
All improvements scheduled to be completed by December, 2007.	

Appendix
EPA FOIA Program Roles and Responsibilities

EPA has a decentralized FOIA processing system but has a central point-of-focus in OEI for policy issues and management of the FOIA Express application. The key roles and responsibilities in the FOIA process at EPA are:

Chief FOIA Official - EPA's Chief FOIA Officer is responsible for Agency-wide compliance with the Act, providing periodic reports to the Administrator on the status of the Agency's FOIA program and making recommendations for improvements. The Agency's Chief FOIA Officer facilitates public understanding of the Act's statutory exemptions by including information about these exemptions in our FOIA Handbook and on EPA's web site.

National FOIA Officer – The NFO coordinates and oversees the Agency's FOIA program; issues determinations on fee waiver and expedited processing requests; develops and reviews FOIA procedures, policies, and guidance; provides advice to Agency FOIA personnel in the program and regional offices; prepares the Annual FOIA Report; maintains the official FOIA files for headquarters; and provides training to Agency FOIA personnel.

Regional FOIA Officers – Each of the 10 EPA regions has a Regional FOIA Officer. Each Regional FOIA Officer routes requests to the appropriate action office within the region; tracks FOIA requests; provides guidance to regional personnel, in collaboration with the NFO; coordinates with the action office on initial fee waiver decisions; submits materials for the annual FOIA report; maintains the official FOIA files for the region; and monitors the quality and timeliness of responses from the regions.

Program Office Coordinators – Each headquarters program office has a lead FOIA coordinator, who works under the general direction of the NFO. The program coordinators route requests to the appropriate action office within the program; track FOIA requests for timeliness; monitor the quality of the responses; and provide guidance to program personnel, in collaboration with the NFO.

Office of General Counsel – EPA's OGC plays a key role in its FOIA program. OGC provides legal advice on FOIA matters; issues final decisions on FOIA appeals, final confidentiality determinations, and fee waiver appeal determinations, except when a conflict of interest arises; provides on FOIA exclusions; and serves as co-counsel with U.S. Department of Justice attorneys in FOIA litigation. The Counsel to the Inspector General provides most of these services for the Agency's Office of Inspector General.