



**United States Environmental Protection
Agency
Freedom of Information Act
Annual Report**

Fiscal Year 2020

Section I: Basic Information Regarding This Report

1. Contact for questions about the report:

Timothy R. Epp, Associate General Counsel
National FOIA Office
U. S. Environmental Protection Agency (EPA)
1200 Pennsylvania Ave, NW
Washington, DC 20460
202-564-2830

2. Access this report on the Agency website:

<https://www.epa.gov/foia/foia-reports#annual>

3. Obtain a paper copy of this report by contacting:

National FOIA Office, Office of General Counsel
U. S. Environmental Protection Agency
1200 Pennsylvania Ave, NW
Mail Code 2310 A
Washington, DC 20460
202-564-4080

Section II: Making a Freedom of Information Act (FOIA) Request

1. Submit a FOIA request directly to EPA though FOIAonline:

<https://www.foiaonline.gov/foiaonline/action/public/home>

2. Send a FOIA request by regular mail or via courier services to:

National FOIA Office, Office of General Counsel
U. S. Environmental Protection Agency
1200 Pennsylvania Ave, NW
Mail Code 2310 A
Washington, DC 20460

3. Search for property environmental data:

For information regarding a specific property, perform a search immediately and without filing a FOIA request, by using the EPA's *MyProperty* tool:

<https://enviro.epa.gov/facts/myproperty/>

4. Review EPA FOIA Regulations:

<https://www.ecfr.gov/cgi-bin/text-idx?SID=3a1ffcabdac3b04788a29bcf8c3da98c&node=40:1.0.1.1.2&rgn=div5>

Section III: Acronyms, Definitions, and Exemptions

1. Agency component abbreviations:

Component Abbreviation	Component Name
HQ	Headquarters
Region 01	Region 1 States: CT, ME, MA, NH, RI, VT
Region 02	Region 2 States: NJ, NY, PR VI, and 7 Tribal Nations
Region 03	Region 3 States: DE, DC, MD, PA, VA, WV
Region 04	Region 4 States: AL, FL, GA, KY, MS, NC, SC, TN
Region 05	Region 5 States: IL, IN, MI, MN, OH, WI
Region 06	Region 6 States: AR, LA, NM, OK, TX
Region 07	Region 7 States: IA, KS, MO, NE
Region 08	Region 8 States: CO, MT, ND, SD, UT, WY
Region 09	Region 9 States: AZ, CA, HI, NV, AS, GU
Region 10	Region 10 States: AK, ID, OR, WA, 271 Tribal Nations

2. Definitions of terms used in this report:

a. Administrative Appeal – a request to a federal agency asking that it review at a higher administrative level a FOIA determination made by the agency at the initial request level.

b. 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.

c. Backlog – the number of requests or administrative appeals that are pending at an agency at the end of the fiscal year that are beyond the statutory time period for a response. For requests, the statutory time period is twenty working days from receipt of the perfected request, see 5 U.S.C. § 552(a)(6)(A)(i), unless there are "unusual circumstances," in which case the time period may be extended for an additional ten working days, see *id.* § 552(a)(6)(B)(i). Although requesters might agree to an alternate time period for the agency to respond, or the agency may advise the requester that the "unusual circumstances" presented will require more than ten additional days to process, for purposes of the Annual FOIA Report, the request should be counted as backlogged once it is past the basic twenty-day (or, if applicable, the thirty-day) statutory response date. (*DOJ Handbook...for Preparing the Annual Report p 19, November 4, 2019*)

d. Component – for agencies that process requests on a decentralized basis, a "component" is an entity, also sometimes referred to as an Office, Division, Bureau, Center, or Directorate, within the agency that processes FOIA requests. The FOIA now requires that agencies include in their Annual FOIA Report data for both the agency overall and for each principal component of the agency.

e. Consultation – the procedure whereby the agency responding to a FOIA request first forwards a record to another agency or component within the same agency for its review because that other agency has an interest in the document. Once the agency in receipt of the consultation finishes its review of the record, it responds back to the agency or component within the same agency that forwarded it. That agency, in turn, will then respond to the FOIA requester.

f. Exemption 3 Statute – a federal statute that exempts information from disclosure and which the agency relies on to withhold information under subsection (b)(3) of the FOIA. **g. FOIA Request** – a FOIA request is generally a request to a federal agency for access to records concerning another person (i.e., a "third party" request), or concerning an organization, or a particular topic of interest. FOIA requests also include requests made by requesters seeking records concerning themselves (i.e., "first-party" requests) when those requesters are not subject to the Privacy Act, such as non-U.S. citizens. Moreover, because all first-party requesters should be afforded the benefit of both the access provisions of the FOIA as well as those of the Privacy Act, FOIA requests also include any first-party requests where an agency determines that it must search beyond its Privacy Act "systems of records" or where a Privacy Act exemption applies, and the agency looks to FOIA to afford the greatest possible access. All requests which require the agency to utilize the FOIA in responding to the requester are included in this Report. Additionally, a FOIA request includes records referred to the agency for processing and direct response to the requester. It does not, however, include records for which the agency has received a consultation from another agency. (Consultations are reported separately in Section XII of this Report.)

h. Full Grant – an agency decision to disclose all records in full in response to a FOIA request.

i. Full Denial – an agency decision not to release any records in response to a FOIA request because the records are exempt in their entirety under one or more of the FOIA exemptions, or because of a procedural reason, such as when no records could be located.

j. Median Number – the middle, not average, number. For example, of 3, 7, and 14, the median number is 7.

k. 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 granted expedited processing are placed in yet another track. Requests in each track are processed on a first in/first out basis.

i. Expedited Processing – an agency will process a FOIA request on an expedited basis when a requester satisfies the requirements for expedited processing as set forth in the statute and in agency regulations.

ii. Simple Request – a FOIA request that an agency using multi-track processing places in its fastest (non-expedited) track based on the low volume and/or simplicity of the records requested.

iii. Complex Request – a FOIA request that an agency using multi-track processing places in a slower track based on the high volume and/or complexity of the records requested.

l. Partial Grant/Partial Denial – in response to a FOIA request, an agency decision to disclose portions of the records and to withhold other portions that are exempt under the FOIA, or to otherwise deny a portion of the request for a procedural reason.

m. Pending Request or Pending Administrative Appeal – a request or administrative appeal for which an agency has not taken final action in all respects.

n. Perfected Request – a request for records which reasonably describes such records and is made in accordance with published rules stating the time, place, fees (if any) and procedures to be followed.

o. Processed Request or Processed Administrative Appeal – a request or administrative appeal for which an agency has taken final action in all respects.

p. Range in Number of Days – the lowest and highest number of days to process requests or administrative appeals.

q. Time Limits – the time period in the statute for an agency to respond to a FOIA request (ordinarily twenty working days from receipt of a perfected FOIA request).

3. Concise descriptions of the nine FOIA exemptions:

a. Exemption 1: classified national defense and foreign relations information

b. Exemption 2: information that is related solely to the internal personnel rules and practices of an agency

c. Exemption 3: information that is prohibited from disclosure by another federal law

d. Exemption 4: trade secrets and other confidential business information

e. Exemption 5: inter-agency or intra-agency communications that are protected by legal privileges

f. Exemption 6: information involving matters of personal privacy

g. Exemption 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 26 Department of Justice Annual FOIA Report Handbook 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

h. Exemption 8: information relating to the supervision of financial institutions

i. Exemption 9: geological information on wells

IV. Exemption 3 Statutes

Statute	Type of Information Withheld	Case Citation	Agency / Component	Number of Times Relied upon by Agency / Component	Total Number of Times Relied upon by Agency Overall
5 U.S.C. § 7114(b)(4), 7132 (Civil Service Reform Act)	Certain labor relations training and guidance materials	Dubin v. Dep't of Treasury, 555 F. Supp. 408, 412 (N.D. Ga. 1981) (5 U.S.C. §7114(b)(4)), aff'd, 697 F.2d 1093 (11th Cir. 1983) (unpublished table decision); NTEU v. OPM, No. 76-695, slip op. at 3-4 (D.D.C. July 9, 1979) (5 U.S.C. § 7114(b)(4) and 5 U.S.C. § 7132).	HQ	3	3
26 U.S.C. §§ 6103, 6105 (Internal Revenue Code)	Certain tax return information, to include Taxpayer Identification Numbers of third parties, and certain tax convention information	Church of Scientology v. IRS, 484 U.S. 9, 15 (1987) (26 U.S.C. § 6103); Elec. Priv. Info. Ctr. v. IRS, 910 F.3d 1232 (D.C. Cir. 2018); Leonard v. U.S. Dep't of Treasury, 590 F. App'x. 141, 143-44 (3d Cir. 2014) (per curiam); Pac.	Region 09	1	1

		Fisheries, Inc. v. IRS, 395 F. App'x. 438, 440 (9th Cir. 2010) (unpublished disposition) (26 U.S.C. §§ 6103, 6105); Tax Analysts v. IRS, 217 F. Supp. 2d 23, 27-29 (D.D.C. 2002) (26 U.S.C. § 6105).			
5 U.S.C. app. 4 § 107(a)(2) (Ethics in Government Act of 1978)	Confidential financial disclosure report pertaining to certain government employees	Meyerhoff v. EPA, 958 F.2d 1498, 1500-02 (9th Cir. 1992); Boyd v. Exec. Off. for U.S. Att'ys, 161 F. Supp. 3d 1, 7 (D.D.C. 2015); Seife v. NIH, 874 F. Supp. 2d 248, 254 (S.D.N.Y. 2012).	HQ	3	3
5 U.S.C. § 574(j)	Dispute resolution communications	N/A	Region 02	1	1

<p>Fed. R. Crim. P. 6(e), enacted by Act of July 30, 1977, Pub. L. No. 95-78, § 2, 91 Stat. 319</p>	<p>Certain records that would reveal some secret aspect pertaining to grand jury proceedings</p>	<p>Sussman v. USMS, 494 F.3d 1106, 1113 (D.C. Cir. 2007); Sorin v. DOJ, No. 18-99, 2018 WL 6431027 (2d Cir. Dec. 6, 2018) (per curium); Widi v. McNeil, No. 12-CV-00188, 2016 WL 4394724, at *23 (D. Me. Aug 16, 2016); Durham v. U.S. Att'y Gen., No. 06-843, 2008 WL 620744, at *2 (E.D. Tex. Mar. 3, 2008); Cozen O'Connor v. U.S. Dep't of Treasury, 570 F. Supp. 2d 749, 776 (E.D. Pa. 2008).</p>	<p>Region 08</p>	<p>1</p>	<p>1</p>
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V.A. FOIA REQUESTS -- RECEIVED, PROCESSED AND PENDING FOIA REQUESTS

Agency / Component	Number of Requests Pending as of Start of Fiscal Year	Number of Requests Received in Fiscal Year	Number of Requests Processed in Fiscal Year	Number of Requests Pending as of End of Fiscal Year
HQ	2457	4254	4971	1740
Region 01	40	121	141	20
Region 02	143	331	342	132
Region 03	41	219	210	50
Region 04	60	358	388	30
Region 05	162	659	702	119
Region 06	70	319	313	76
Region 07	10	128	124	14
Region 08	13	95	94	14
Region 09	41	217	223	35
Region 10	58	190	157	91
AGENCY OVERALL	3095	6891	7665	2321

EPA audited its reports and, based upon that audit, adjusted the total number of requests pending at the start of the Fiscal Year for the following components: HQ and Regions 4, 5, 6, 7, 8, 9, and 10.

V.B.(1). DISPOSITION OF FOIA REQUESTS -- ALL PROCESSED REQUESTS

Agency / Component	Number of Full Grants	Number of Partial Grants / Partial Denials	Number of Full Denials Based on Exemptions	Number of Full Denials Based on Reasons Other than Exemptions									TOTAL
				No Records	All Records Referred to Another Component or Agency	Request Withdrawn	Fee-Related Reason	Records not Reasonably Described	Improper FOIA Request for Other Reason	Not Agency Record	Duplicate Request	Other *Explain in Chart Below	
HQ	2739	1073	53	268	1	385	26	172	17	31	184	22	4971
Region 01	74	29	3	17	0	12	0	0	0	0	6	0	141
Region 02	163	18	0	94	0	27	1	29	0	0	10	0	342
Region 03	68	40	0	61	0	23	7	6	0	0	5	0	210
Region 04	207	46	1	101	0	29	0	0	0	0	4	0	388
Region 05	272	65	1	235	0	87	11	17	0	0	14	0	702
Region 06	132	47	1	64	1	64	2	1	0	1	0	0	313
Region 07	73	9	0	19	0	22	0	0	0	0	1	0	124
Region 08	36	25	0	9	0	17	0	1	0	0	6	0	94
Region 09	86	47	4	50	1	32	0	0	0	0	3	0	223
Region 10	31	58	1	27	5	32	3	0	0	0	0	0	157
AGENCY OVERALL	3881	1457	64	945	8	730	50	226	17	32	233	22	7665

V.B.(2). DISPOSITION OF FOIA REQUESTS -- "OTHER" REASONS FOR "FULL DENIALS BASED ON REASONS OTHER THAN EXEMPTIONS"

Agency / Component	Description of "Other" Reasons for Denials from Chart B(1)	Number of Times "Other" Reason Was Relied Upon	TOTAL
HQ	Litigation	22	22
Region 01	N/A	0	0
Region 02	N/A	0	0
Region 03	N/A	0	0
Region 04	N/A	0	0
Region 05	N/A	0	0
Region 06	N/A	0	0
Region 07	N/A	0	0
Region 08	N/A	0	0
Region 09	N/A	0	0
Region 10	N/A	0	0
AGENCY OVERALL			22

V.B.(3). DISPOSITION OF FOIA REQUESTS -- NUMBER OF TIMES EXEMPTIONS APPLIED

Agency / Component	Ex. 1	Ex. 2	Ex. 3	Ex. 4	Ex. 5	Ex. 6	Ex. 7(A)	Ex. 7(B)	Ex. 7(C)	Ex. 7(D)	Ex. 7(E)	Ex. 7(F)	Ex. 8	Ex. 9
HQ	1	11	6	83	353	684	36	2	169	6	59	47	0	1
Region 01	0	0	0	2	16	10	1	0	0	0	2	0	0	2
Region 02	0	0	1	1	6	13	2	0	0	0	0	0	0	0
Region 03	0	0	0	18	12	26	4	0	0	0	0	1	0	7
Region 04	0	0	0	14	12	41	12	0	1	0	0	0	0	0
Region 05	0	0	0	3	23	44	13	0	1	0	0	0	0	1
Region 06	0	1	0	1	19	34	2	2	1	0	1	0	0	1
Region 07	0	0	0	4	2	4	2	1	2	0	2	0	0	0
Region 08	0	0	1	7	13	19	5	0	2	0	0	0	0	0
Region 09	0	0	1	4	12	34	4	0	0	0	0	0	0	4
Region 10	0	0	0	17	15	55	3	0	3	0	2	0	0	0
AGENCY OVERALL	1	12	9	154	483	964	84	5	179	6	66	48	0	16

VI.A. ADMINISTRATIVE APPEALS OF INITIAL DETERMINATIONS OF FOIA REQUESTS -- RECEIVED, PROCESSED, AND PENDING ADMINISTRATIVE APPEALS

Agency / Component	Number of Appeals Pending as of Start of Fiscal Year	Number of Appeals Received in Fiscal Year	Number of Appeals Processed in Fiscal Year	Number of Appeals Pending as of End of Fiscal Year
HQ	68	180	239	9
AGENCY OVERALL	68	180	239	9

EPA audited its FY reports and, based upon that audit, adjusted the total number of requests pending in component HQ at the start of the Fiscal Year.

VI.B. DISPOSITION OF ADMINISTRATIVE APPEALS -- ALL PROCESSED APPEALS

Agency / Component	Number Affirmed on Appeal	Number Partially Affirmed & Partially Reversed/Remanded on Appeal	Number Completely Reversed/Remanded on Appeal	Number of Appeals Closed for Other Reasons	TOTAL
HQ	66	55	63	55	239
AGENCY OVERALL	66	55	63	55	239

VI.C.(1). REASONS FOR DENIAL ON APPEAL -- NUMBER OF TIMES EXEMPTIONS APPLIED

Agency / Component	Ex. 1	Ex. 2	Ex. 3	Ex. 4	Ex. 5	Ex. 6	Ex. 7(A)	Ex. 7(B)	Ex. 7(C)	Ex. 7(D)	Ex. 7(E)	Ex. 7(F)	Ex. 8	Ex. 9
HQ	0	1	0	7	48	46	14	0	7	0	0	1	0	3
AGENCY OVERALL	0	1	0	7	48	46	14	0	7	0	0	1	0	3

VI.C.(2). REASONS FOR DENIAL ON APPEAL -- REASONS OTHER THAN EXEMPTIONS

Agency / Component	No Records	Records Referred at Initial Request Level	Request Withdrawn	Fee-Related Reason	Records not Reasonably Described	Improper Request for Other Reasons	Not Agency Record	Duplicate Request or Appeal	Request in Litigation	Appeal Based Solely on Denial of Request for Expedited Processing	Other *Explain in chart below
HQ	11	2	8	3	2	2	1	2	3	7	38
AGENCY OVERALL	11	2	8	3	2	2	1	2	3	7	38

VI.C.(3). REASONS FOR DENIAL ON APPEAL -- "OTHER" REASONS

Agency / Component	Description of "Other" Reasons for Denial on Appeal from Chart C(2)	Number of Times "Other" Reason Was Relied Upon	TOTAL
HQ	Moot	32	38
	Appeal Withdrawn	3	
	Untimely	3	
AGENCY OVERALL			38

VI.C.(4). RESPONSE TIME FOR ADMINISTRATIVE APPEALS

Agency / Component	Median Number of Days	Average Number of Days	Lowest Number of Days	Highest Number of Days
HQ	20	182.74	<1	1690
AGENCY OVERALL	20	182.74	<1	1690

VI.C.(5). TEN OLDEST PENDING ADMINISTRATIVE APPEALS

Agency / Component		10th Oldest Appeal	9th	8th	7th	6th	5th	4th	3rd	2nd	Oldest Appeal
HQ	Date of Appeal	N/A	2020-09-28	2020-09-28	2020-09-28	2020-09-25	2020-09-24	2020-09-22	2020-09-18	2020-09-15	2019-03-29
	Number of Days Pending	0	3	3	3	4	5	7	9	12	381
AGENCY OVERALL	Date of Appeal	N/A	2020-09-28	2020-09-28	2020-09-28	2020-09-25	2020-09-24	2020-09-22	2020-09-18	2020-09-15	2019-03-29
	Number of Days Pending	0	3	3	3	4	5	7	9	12	381

VII.A. FOIA REQUESTS -- RESPONSE TIME FOR ALL PROCESSED PERFECTED REQUESTS

Agency / Component	SIMPLE				COMPLEX				EXPEDITED PROCESSING			
	Median Number of Days	Average Number of Days	Lowest Number of Days	Highest Number of Days	Median Number of Days	Average Number of Days	Lowest Number of Days	Highest Number of Days	Median Number of Days	Average Number of Days	Lowest Number of Days	Highest Number of Days
HQ	20	87.67	<1	1142	247.5	365.73	<1	2195	685	580.52	2	848
Region 01	18.5	24.18	1	179	63.0	91.11	9	264	N/A	N/A	N/A	N/A
Region 02	35	80.24	<1	1011	92	147.78	6	1319	6	6	6	6
Region 03	18	30.36	<1	356	23.5	84.30	2	385	<1	<1	<1	<1
Region 04	14	17.19	<1	78	19	30.09	<1	406	5	5	5	5
Region 05	17	39.4	<1	650	43	76.23	2	1251	N/A	N/A	N/A	N/A
Region 06	21	32.13	1	183	51.5	109.78	1	2592	N/A	N/A	N/A	N/A
Region 07	11	12.7	<1	78	31.5	164.88	7	1046	15.5	15.5	15.5	15.5
Region 08	9	8.61	<1	196	30	45.19	2	172	N/A	N/A	N/A	N/A
Region 09	20	28.96	<1	196	64	78.4	13	440	N/A	N/A	N/A	N/A
Region 10	20	33.02	1	312	98	155.26	6	656	N/A	N/A	N/A	N/A
AGENCY OVERALL	16	48.77	<1	1142	44	117.95	<1	2592	493	541.77	<1	848

VII.B. PROCESSED REQUESTS -- RESPONSE TIME FOR PERFECTED REQUESTS IN WHICH INFORMATION WAS GRANTED

Agency / Component	SIMPLE				COMPLEX				EXPEDITED PROCESSING			
	Median Number of Days	Average Number of Days	Lowest Number of Days	Highest Number of Days	Median Number of Days	Average Number of Days	Lowest Number of Days	Highest Number of Days	Median Number of Days	Average Number of Days	Lowest Number of Days	Highest Number of Days
HQ	6	78.40	<1	1142	171	321.59	<1	2073	685	565.52	2	822
Region 01	20	27.45	3	179	63	94.4	9	264	N/A	N/A	N/A	N/A
Region 02	50	108.28	<1	1011	89.5	121.2	6	754	N/A	N/A	N/A	N/A
Region 03	26	41.53	<1	356	110	117.84	8	385	N/A	N/A	N/A	N/A
Region 04	14	17.24	<1	78	19.5	34.53	<1	406	5	5	5	5
Region 05	19	53.73	2	609	62	107.24	4	1251	N/A	N/A	N/A	N/A
Region 06	24	38.85	1	183	81	106.24	10	403	N/A	N/A	N/A	N/A
Region 07	12.5	13.85	<1	78	34	187.43	18	1046	16	16	16	16
Region 08	12	13.05	6	24	31	50.78	4	172	N/A	N/A	N/A	N/A
Region 09	22	34.09	4	196	77	87.56	15	440	N/A	N/A	N/A	N/A
Region 10	20	43.31	4	312	98	168.12	12	656	N/A	N/A	N/A	N/A
AGENCY OVERALL	12	70.67	<1	1142	78	203.76	<1	2073	685	527.24	2	822

VII.C. PROCESSED SIMPLE REQUESTS -- RESPONSE TIME IN DAY INCREMENTS

Agency / Component	<1-20 Days	21-40 Days	41-60 Days	61-80 Days	81-100 Days	101-120 Days	121-140 Days	141-160 Days	161-180 Days	181-200 Days	201-300 Days	301-400 Days	401+ Days	TOTAL
HQ	2447	377	146	77	50	25	50	37	19	25	67	67	383	3770
Region 01	73	27	7	1	3	2	0	0	1	0	0	0	0	114
Region 02	54	64	34	24	14	7	4	6	10	2	9	2	10	240
Region 03	97	43	9	6	6	4	1	0	3	0	0	1	0	170
Region 04	131	14	11	4	0	0	0	0	0	0	0	0	0	160
Region 05	304	93	46	19	9	5	4	2	4	3	6	2	9	506
Region 06	83	72	13	8	7	3	3	1	1	1	0	0	0	192
Region 07	100	12	1	1	0	0	0	0	0	0	0	0	0	114
Region 08	45	1	0	0	0	0	0	0	0	0	0	0	0	46
Region 09	108	51	13	9	3	2	1	2	1	2	0	0	0	192
Region 10	75	21	5	5	3	1	0	0	1	0	2	1	0	114
AGENCY OVERALL	3517	775	285	154	95	49	63	48	40	33	84	73	402	5618

VII.C. PROCESSED COMPLEX REQUESTS -- RESPONSE TIME IN DAY INCREMENTS

Agency / Component	<1-20 Days	21-40 Days	41-60 Days	61-80 Days	81-100 Days	101-120 Days	121-140 Days	141-160 Days	161-180 Days	181-200 Days	201-300 Days	301-400 Days	401+ Days	TOTAL
HQ	85	99	47	37	33	21	12	14	17	5	33	33	321	757
Region 01	1	1	2	11	3	3	4	0	0	0	2	0	0	27
Region 02	4	10	13	5	9	7	5	3	3	0	8	2	5	74
Region 03	14	3	1	1	0	2	1	2	1	2	1	2	0	30
Region 04	127	49	28	12	6	0	1	0	0	0	2	1	1	227
Region 05	32	55	22	21	16	8	4	3	2	2	6	2	4	177
Region 06	29	21	12	9	10	5	6	6	4	2	10	4	2	120
Region 07	3	2	0	1	1	0	0	0	0	0	0	0	1	8
Region 08	15	15	5	4	1	4	0	1	2	0	0	0	0	47
Region 09	2	6	7	4	5	3	1	1	0	0	0	0	1	30
Region 10	5	6	0	1	5	3	0	1	1	1	3	2	3	31
AGENCY OVERALL	317	267	137	106	89	56	34	31	30	12	65	46	338	1528

VII.C. PROCESSED REQUESTS GRANTED EXPEDITED PROCESSING -- RESPONSE TIME IN DAY INCREMENTS

Agency / Component	<1-20 Days	21-40 Days	41-60 Days	61-80 Days	81-100 Days	101-120 Days	121-140 Days	141-160 Days	161-180 Days	181-200 Days	201-300 Days	301-400 Days	401+ Days	TOTAL
HQ	5	0	0	0	0	0	0	0	0	0	0	0	26	31
Region 01	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Region 02	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Region 03	1	0	0	0	0	0	0	0	0	0	0	0	0	1
Region 04	1	0	0	0	0	0	0	0	0	0	0	0	0	1
Region 05	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Region 06	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Region 07	2	0	0	0	0	0	0	0	0	0	0	0	0	2
Region 08	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Region 09	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Region 10	0	0	0	0	0	0	0	0	0	0	0	0	0	0
AGENCY OVERALL	9	0	0	0	0	0	0	0	0	0	0	0	26	35

VII.D. PENDING REQUESTS -- ALL PENDING PERFECTED REQUESTS

Agency / Component	SIMPLE			COMPLEX			EXPEDITED PROCESSING		
	Number Pending	Median Number of Days	Average Number of Days	Number Pending	Median Number of Days	Average Number of Days	Number Pending	Median Number of Days	Average Number of Days
HQ	879	254	334.96	764	323	405.46	15	830	787.13
Region 01	17	9	13.82	1	121	121	0	N/A	N/A
Region 02	37	161	296.89	88	110	162.53	1	89	89
Region 03	38	18.5	42.18	6	173.5	375.33	1	1662	1662
Region 04	12	11	16.17	17	67	90.41	0	N/A	N/A
Region 05	59	18	45.39	52	62	101.75	0	N/A	N/A
Region 06	61	25	48.23	10	255.5	266.90	1	15	15
Region 07	10	14.5	16.3	0	N/A	N/A	0	N/A	N/A
Region 08	4	5	4.75	8	54	65.88	0	N/A	N/A
Region 09	34	52.5	60.94	1	102	102	0	N/A	N/A
Region 10	52	48	77.31	39	264	376	0	N/A	N/A
AGENCY OVERALL	1203	137	265.45	986	272	357.63	18	823	754.06

VII.E. PENDING REQUESTS -- TEN OLDEST PENDING PERFECTED REQUESTS

Agency / Component		10th Oldest Request	9th	8th	7th	6th	5th	4th	3rd	2nd	Oldest Request
HQ	Date of Receipt	2015-07-29	2015-07-01	2015-06-12	2014-09-08	2014-06-26	2014-05-06	2014-03-07	2013-11-26	2013-07-09	2013-05-16
	Number of Days Pending	1299	1318	1332	1523	1573	1604	1650	1714	1808	1851
Region 01	Date of Receipt	2020-09-16	2020-09-15	2020-01-31	2020-02-26	2020-01-31	2020-08-31	2020-08-24	2020-07-20	2020-06-03	2018-12-11
	Number of Days Pending	9	10	10	11	13	20	23	29	83	121
Region 02	Date of Receipt	2017-10-10	2017-10-10	2017-03-15	2017-06-23	2017-05-09	2017-03-31	2017-01-06	2016-12-21	2015-09-15	2013-08-09
	Number of Days Pending	747	747	760	766	833	881	938	949	1163	1654
Region 03	Date of Receipt	2020-05-13	2020-03-16	2020-03-13	2020-03-02	2020-02-24	2019-12-13	2019-12-12	2019-09-03	2014-07-28	2014-02-14
	Number of Days Pending	92	136	137	146	150	182	198	270	1550	1662
Region 04	Date of Receipt	2020-06-03	2020-06-23	2020-06-01	2020-05-06	2020-04-22	2020-03-10	2020-02-06	2020-01-24	2019-08-07	2019-09-16
	Number of Days Pending	62	67	85	101	111	138	154	173	225	254
Region 05	Date of Receipt	2020-01-13	2019-07-19	2019-08-15	2019-07-12	2019-03-06	2019-06-24	2019-06-18	2018-03-27	2019-08-07	2017-06-28

	Number of Days Pending	160	234	282	307	308	319	321	328	365	808
Region 06	Date of Receipt	2020-01-16	2020-01-17	2020-01-23	2019-11-12	2019-10-10	2019-08-16	2019-06-11	2019-05-02	2019-05-07	2017-10-13
	Number of Days Pending	164	166	172	208	240	273	290	341	352	712
Region 07	Date of Receipt	2020-08-31	2020-09-18	2020-09-15	2020-09-08	2020-08-24	2020-09-03	2020-09-01	2020-08-31	2020-07-29	2020-08-03
	Number of Days Pending	2	6	10	10	11	18	19	20	28	39
Region 08	Date of Receipt	2020-09-22	2020-09-16	2020-09-21	2020-09-21	2020-09-08	2020-08-04	2020-06-22	2020-03-09	2020-02-05	2020-02-06
	Number of Days Pending	2	4	6	6	8	40	68	102	141	158
Region 09	Date of Receipt	2020-05-05	2020-05-04	2020-02-05	2020-04-20	2020-04-01	2020-03-04	2020-03-17	2020-03-16	2020-03-11	2020-03-06
	Number of Days Pending	102	102	102	113	127	135	136	136	137	140
Region 10	Date of Receipt	2018-12-18	2018-05-25	2018-02-01	2017-11-02	2017-09-28	2017-11-07	2017-06-19	2017-01-27	2016-04-25	2016-04-19
	Number of Days Pending	571	585	611	618	699	727	801	862	986	1006
AGENCY OVERALL	Date of Receipt	2015-06-12	2014-09-08	2014-07-28	2014-06-26	2014-05-06	2014-03-07	2014-02-14	2013-11-26	2013-07-09	2013-05-16
	Number of Days Pending	1332	1523	1550	1573	1604	1650	1662	1714	1808	1851

VIII.A. REQUESTS FOR EXPEDITED PROCESSING

Agency / Component	Number Granted	Number Denied	Median Number of Days to Adjudicate	Average Number of Days to Adjudicate	Number Adjudicated Within Ten Calendar Days
HQ	7	233	14	23.19	87
Region 01	0	6	15	19.17	3
Region 02	1	27	13.5	18.64	11
Region 03	1	12	10	10.38	8
Region 04	1	28	9	11	17
Region 05	0	36	8.5	23.69	21
Region 06	1	18	11	18.21	9
Region 07	2	6	13	13.13	2
Region 08	0	4	16	45.5	2
Region 09	0	18	12.5	19.11	7
Region 10	0	10	15	17	4
AGENCY OVERALL	13	398	13	21.06	171

VIII.B. Requests for Fee Waiver

Agency / Component	Number Granted	Number Denied	Median Number of Days to Adjudicate	Average Number of Days to Adjudicate
HQ	8	302	<1	<1
Region 01	0	5	<1	<1
Region 02	0	9	<1	<1
Region 03	0	10	<1	<1
Region 04	1	29	<1	3.17
Region 05	1	30	<1	<1
Region 06	3	24	<1	<1
Region 07	0	2	<1	<1
Region 08	1	3	<1	5.5
Region 09	1	22	<1	<1
Region 10	0	7	<1	<1
AGENCY OVERALL	15	443	<1	3.16

IX. FOIA Personnel and Costs

Agency / Component	PERSONNEL			COSTS		
	Number of "Full-Time FOIA Employees"	Number of "Equivalent Full-Time FOIA Employees"	Total Number of "Full-Time FOIA Staff"	Processing Costs	Litigation-Related Costs	Total Costs
HQ	35	45.36	80.36	\$13,732,429.44	\$1,999,296.00	\$15,731,725.44
Region 01	1	16.84	17.84	\$3,048,499.20	0.00	\$3,048,499.20
Region 02	2	9.39	11.39	\$1,946,323.20	0.00	\$1,946,323.20
Region 03	6	4.60	10.60	\$1,811,328.00	0.00	\$1,811,328.00
Region 04	9	15.78	24.78	\$4,234,406.40	0.00	\$4,234,406.40
Region 05	9	7.50	16.50	\$2,819,520.00	0.00	\$2,819,520.00
Region 06	6	53.72	59.72	\$10,204,953.60	0.00	\$10,204,953.60
Region 07	1	3.07	4.07	\$695,481.60	0.00	\$695,481.60
Region 08	2	13.04	15.04	\$2,570,035.20	0.00	\$2,570,035.20
Region 09	2	5.74	7.74	\$1,322,611.20	0.00	\$1,322,611.20
Region 10	15	1.65	16.65	\$2,845,152.00	0.00	\$2,845,152.00
AGENCY OVERALL	88	176.69	264.69	\$45,230,739.84	\$1,999,296.00	\$47,230,035.84

The personnel data in this chart was produced by a survey EPA conducted at the end of the fiscal year.

X. Fees Collected for Processing Requests

Agency / Component	Total Amount of Fees Collected	Percentage of Total Costs
HQ	\$25,789.74	0.1900
Region 01	\$6,560.02	0.2200
Region 02	\$4,781.92	0.2500
Region 03	\$7,292.75	0.4000
Region 04	\$11,022.35	0.2600
Region 05	\$6,724.76	0.2400
Region 06	\$6,442.61	0.0600
Region 07	\$3,291.77	0.4700
Region 08	\$8,155.73	0.3200
Region 09	\$14,060.20	1.0600
Region 10	\$8,456.59	0.3000
AGENCY OVERALL	\$102,578.44	0.2300

A. Number of Times Subsection (C) Used

Agency / Component	Number of Times Subsection Used
AGENCY OVERALL	0

XI.B. Number of Subsection (A)(2) Postings

Agency / Component	Number of Records Posted by the FOIA Office	Number of Records Posted by Program Offices
HQ	6	9561
Region 01	0	18
Region 02	0	8
Region 03	0	46
Region 04	0	38
Region 05	0	28
Region 06	0	50
Region 07	0	4
Region 08	0	71
Region 09	0	8
Region 10	0	6
AGENCY OVERALL	6	9838

EPA proactively releases large volumes of data and documents during each fiscal year. As a sample of EPA proactive releases during FY'20, this table tallies documents proactively published at EPA's Notice of Intent to Sue site: <https://www.epa.gov/oqc/notices-intent-sue-us-environmental-protection-agency-epa>.

XII.A. Backlogs of FOIA Requests and Administrative Appeals

Agency / Component	Number of Backlogged Requests as of End of Fiscal Year	Number of Backlogged Appeals as of End of Fiscal Year
HQ	1456	1
Region 01	3	N/A
Region 02	96	N/A
Region 03	23	N/A
Region 04	15	N/A
Region 05	55	N/A
Region 06	42	N/A
Region 07	1	N/A
Region 08	5	N/A
Region 09	22	N/A
Region 10	65	N/A
AGENCY OVERALL	1783	1

XII.B. CONSULTATIONS ON FOIA REQUESTS -- RECEIVED, PROCESSED, AND PENDING CONSULTATIONS

Agency / Component	Number of Consultations Received from Other Agencies that were <u>Pending</u> at the Agency as of <u>Start</u> of the Fiscal Year	Number of Consultations <u>Received</u> from Other Agencies During the Fiscal Year	Number of Consultations Received from Other Agencies that were <u>Processed</u> by the Agency During the Fiscal Year	Number of Consultations Received from Other Agencies that were <u>Pending</u> at the Agency as of <u>End</u> of the Fiscal Year
HQ	19	39	29	29
Region 01	0	0	0	0
Region 02	0	1	0	1
Region 03	0	2	2	0
Region 04	1	0	1	0
Region 05	0	0	0	0
Region 06	1	0	1	0
Region 07	0	0	0	0
Region 08	0	0	0	0
Region 09	0	1	1	0
Region 10	0	1	1	0
AGENCY OVERALL	21	44	35	30

After reviewing its database, EPA adjusted the number of consults pending as of the start of the Fiscal Year for the following component: HQ.

XII.C. CONSULTATIONS ON FOIA REQUESTS -- TEN OLDEST CONSULTATIONS RECEIVED FROM OTHER AGENCIES AND PENDING AT THE AGENCY

Agency / Component		10th Oldest Consultation	9th	8th	7th	6th	5th	4th	3rd	2nd	Oldest Consultation
HQ	Date	2019-10-01	2019-07-26	2019-07-22	2019-04-19	2019-04-19	2019-04-15	2018-09-24	2018-09-12	2017-09-11	2017-08-24
	Number of Days	251	297	301	365	365	369	507	766	767	778
Region 02	Date	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	2020-09-23
	Number of Days	0	0	0	0	0	0	0	0	0	5
Region 03	Date	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	Number of Days	0	0	0	0	0	0	0	0	0	0
Region 04	Date	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	Number of Days	0	0	0	0	0	0	0	0	0	0
Region 05	Date	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	Number of Days	0	0	0	0	0	0	0	0	0	0
Region 06	Date	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	Number of Days	0	0	0	0	0	0	0	0	0	0
Region 07	Date	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A

	Number of Days	0	0	0	0	0	0	0	0	0	0
Region 08	Date	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	Number of Days	0	0	0	0	0	0	0	0	0	0
Region 09	Date	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	Number of Days	0	0	0	0	0	0	0	0	0	0
Region 10	Date	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	Number of Days	0	0	0	0	0	0	0	0	0	0
Region 01	Date	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	Number of Days	0	0	0	0	0	0	0	0	0	0
AGENCY OVERALL	Date	2019-10-01	2019-07-26	2019-07-22	2019-04-19	2019-04-19	2019-04-15	2018-09-24	2017-09-12	2017-09-11	2017-08-24
	Number of Days	251	297	301	365	365	369	507	766	767	778

XII.D.(1). COMPARISON OF NUMBERS OF REQUESTS FROM PREVIOUS AND CURRENT ANNUAL REPORT -- REQUESTS RECEIVED AND PROCESSED

Agency / Component	NUMBER OF REQUESTS <u>RECEIVED</u>		NUMBER OF REQUESTS <u>PROCESSED</u>	
	Number Received During Fiscal Year from Last Year's Annual Report	Number Received During Fiscal Year from Current Annual Report	Number Processed During Fiscal Year from Last Year's Annual Report	Number Processed During Fiscal Year from Current Annual Report
HQ	4707	4254	5009	4971
Region 01	206	121	185	141
Region 02	493	331	538	342
Region 03	282	219	365	210
Region 04	621	358	666	388
Region 05	1127	659	1241	702
Region 06	419	319	429	313
Region 07	259	128	285	124
Region 08	173	95	174	94
Region 09	343	217	384	223
Region 10	239	190	249	157
AGENCY OVERALL	8869	6891	9525	7665

XII.D.(2). COMPARISON OF NUMBERS OF REQUESTS FROM PREVIOUS AND CURRENT ANNUAL REPORT -- BACKLOGGED REQUESTS

Agency / Component	Number of Backlogged Requests as of End of the Fiscal Year from Previous Annual Report	Number of Backlogged Requests as of End of the Fiscal Year from Current Annual Report
HQ	1960	1456
Region 01	9	3
Region 02	107	96
Region 03	13	23
Region 04	10	15
Region 05	81	55
Region 06	37	42
Region 07	1	1
Region 08	6	5
Region 09	6	22
Region 10	42	65
AGENCY OVERALL	2272	1783

XII.E.(1). COMPARISON OF NUMBERS OF ADMINISTRATIVE APPEALS FROM PREVIOUS AND CURRENT ANNUAL REPORT -- APPEALS RECEIVED AND PROCESSED

Agency / Component	NUMBER OF APPEALS <u>RECEIVED</u>		NUMBER OF APPEALS <u>PROCESSED</u>	
	Number Received During Fiscal Year from Last Year's Annual Report	Number Received During Fiscal Year from Current Annual Report	Number Processed During Fiscal Year from Last Year's Annual Report	Number Processed During Fiscal Year from Current Annual Report
HQ	124	180	187	239
AGENCY OVERALL	124	180	187	239

XII.E.(2). COMPARISON OF NUMBERS OF ADMINISTRATIVE APPEALS FROM PREVIOUS AND CURRENT ANNUAL REPORT -- BACKLOGGED APPEALS

Agency / Component	Number of Backlogged Appeals as of End of the Fiscal Year from Previous Annual Report	Number of Backlogged Appeals as of End of the Fiscal Year from Current Annual Report
HQ	63	1
AGENCY OVERALL	63	1