

FOIA ANNUAL REPORT

FOR
10/01/2008
THROUGH
09/30/2009

The following **Annual Freedom of Information Act** report covers the Period 10/01/2008 through 09/30/2009, as required by 5 U.S.C. 552.

I. BASIC INFORMATION REGARDING REPORT

1. Name, Title, Address and Telephone Number

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2. Electronic address for Report on the agency Web site.

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

3. How to obtain a copy of the Report in paper form.

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II. MAKING A FOIA REQUEST

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

III. ACRONYMS, DEFINITIONS, AND EXEMPTIONS

1. Acronyms used

Served

HQ EPA	Headquarters
Region 1	Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont
Region 2	New Jersey, New York, Puerto Rico, U.S. Virgin Islands and 7 Tribal Nations
Region 3	Delaware, District of Columbia, Maryland, Pennsylvania, Virginia, West Virginia
Region 4	Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina
Region 5	Illinois, Indiana, Michigan, Minnesota, Ohio, Wisconsin
Region 6	Arkansas, Louisiana, New Mexico, Oklahoma, Texas
Region 7	Iowa, Kansas, Missouri, Nebraska
Region 8	Colorado, Montana, North Dakota, South Dakota, Utah, Wyoming
Region 9	Arizona, California, Hawaii, Nevada, American Samoa, Guam
Region 10	Alaska, Idaho, Oregon, Washington

2. Basic terms expressed in common terminology

- 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.
- 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 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 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. Include the following concise descriptions of the nine FOIA exemptions:

- a. **Exemption 1:** Classified national defense and foreign relations information
- b. **Exemption 2:** Internal agency rules and practices
- 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 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

A. For Initial Requests				
Statute	Type of Information Withheld	Case Citation	Number of Times Relied upon per Component	Total Number of Times Relied upon by Agency
F.R. Cr. P. 6(e)	Records relating to Grand Jury Investigations or Proceedings	Senate of Puerto Rico v. U.S. Department of Justice, 823 F2d 574, (D.D.C. 1987)	HQ : 1	1
FIFRA 7 U.S.C. 136h Sect. 10g	Analytical, health, environmental effects and efficacy data that prohibits registrants from disclosing information to foreign competitors	None	HQ : 17	17
FIFRA 7 U.S.C. 136h Sect. 10	Studies from registrants who engage in the distribution of pesticides in countries other than the U.S.	None	07 : 1	1
P.I.A. 41 U.S.C. 253b(m)(1)	Contract Proposal	Hornbosel v. Dept. of Interior, 305 F. Supp. 2d 21 (D.D.C. 2003) as amended (2004), aff'd on other grounds, 2004 WL1900562 (D.C. Cir. 2004)	07 : 1 HQ : 1	2
42 U.S.C Section 241(d)	42 U.S.C Section 241(d)	None	HQ : 1	1

B. For Appeals				
Statute	Type of Information Withheld	Case Citation	Number of Times Relied upon per Component	Total Number of Times Relied upon by Agency
F.R. Cr. P. 6(e)	Records relating to Grand Jury Investigations or Proceedings	Senate of Puerto Rico v. U.S. Department of Justice, 823 F2d 574, (D.D.C. 1987)	HQ : 1	1
FIFRA 7 U.S.C. 136h Sect. 10g	Analytical, health, environmental effects and efficacy data that prohibits registrants from disclosing information to foreign competitors	None	HQ : 2	2

V. FOIA REQUESTS

A. Received, Processed and Pending FOIA Requests				
	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
01	18	275	262	31
02	317	1890	1884	323
03	175	1252	1280	147
04	50	790	776	64
05	137	1569	1599	107
06	184	518	621	81
07	43	521	522	42
08	22	341	341	22
09	49	587	595	41
10	64	459	458	65
HQ	525	2115	2066	574
AGENCY OVERALL	1584	10317	10404	1497

B.(1) Disposition of FOIA Requests All Processed Requests

	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	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 *Explain in chart below	
01	140	5	1	86	11	15	1	1	0	0	0	2	262
02	267	10	0	1453	43	54	1	41	0	4	9	0	1884
03	190	11	5	962	25	74	2	1	1	0	9	0	1280
04	399	82	8	201	9	65	5	2	0	0	5	0	776
05	632	57	2	844	2	38	7	7	0	1	9	0	1599
06	177	10	1	358	28	39	2	0	0	2	2	2	621
07	361	17	1	110	5	24	0	1	0	0	3	0	522
08	196	14	5	83	0	33	1	0	3	0	5	1	341
09	285	35	6	185	27	24	5	11	1	0	15	0	595
10	234	58	2	97	2	60	5	0	0	0	0	0	458
HQ	1213	308	40	179	57	198	13	3	9	3	40	3	2066
AGENCY OVERALL	4094	607	71	4554	209	619	42	67	14	10	97	8	10404

B.(2) Disposition of FOIA Requests Other Reasons for Full Denials Based on Reasons Other than Exemptions

Component	Description of Other Reasons for Denials from Chart B (1) & Number of Times Those Reasons Were Relied upon	TOTAL
01	FILE REVIEW 2	2
02		0
03		0
04		0
05		0
06	LITIGATION 1 FILE REVIEW 1	2
07		0
08	COMPLETELY REVERSED 1	1
09		0
10		0
HQ	LITIGATION 1 GLOMAR 2	3
AGENCY OVERALL		8

B.(3) Disposition of FOIA Requests Number of Times Exemptions Applied														
	(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	3	2	0	0	0	0	0	0	0	0
02	0	0	0	4	4	2	2	0	0	0	0	0	0	0
03	1	0	0	4	9	3	6	0	2	2	0	0	0	0
04	0	6	0	25	58	36	28	0	7	0	0	0	0	1
05	0	2	0	14	38	10	16	0	1	0	0	0	0	0
06	1	0	0	3	9	3	2	0	0	0	0	0	0	0
07	0	2	2	5	11	7	4	0	0	0	0	0	0	0
08	0	0	0	9	10	2	5	0	1	0	1	0	0	0
09	0	1	0	13	22	4	8	0	1	1	1	0	0	1
10	0	1	0	5	42	6	12	0	3	0	2	0	0	0
HQ	2	34	20	187	82	63	25	0	20	8	1	0	0	0
AGENCY OVERALL	4	46	22	270	288	138	108	0	35	11	5	0	0	2

VI. ADMINISTRATIVE APPEALS OF INITIAL DETERMINATIONS OF FOIA REQUESTS

A. Received, Processed and Pending Administrative Appeals				
	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	160	167	217	110
AGENCY OVERALL	160	167	217	110

B. Disposition of Administrative Appeals All Processed Appeals					
	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	59	48	19	91	217
AGENCY OVERALL	59	48	19	91	217

C.(1) Reasons for Denial on Appeal Number of Times Exemptions Applied														
	(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	7	3	10	43	15	18	0	4	0	0	0	0	0
AGENCY OVERALL	0	7	3	10	43	15	18	0	4	0	0	0	0	0

C.(2) Reasons for Denial on Appeal Reasons Other than Exemptions

	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 *Explain in chart below
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	9	25	38	6	2	0	0	3	8
AGENCY OVERALL	9	25	38	6	2	0	0	3	8

C.(3) Reasons for Denial on Appeal Other Reasons		
Component	Description of Other Reasons for Denials from Chart C (2) & Number of Times Those Reasons Were Relied upon	TOTAL
HQ	LITIGATION 4 COMPLETELY REVERSED 4	8
AGENCY OVERALL		8

C.(4) Response Time for Administrative Appeals												
	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	85	252.63	<1	2528	<1	<1	<1	<1	<1	<1	<1	<1
AGENCY OVERALL	85	252.63	<1	2528	<1	<1	<1	<1	<1	<1	<1	<1

C.(5) Ten Oldest Pending Administrative Appeals

	10th Oldest Appeal and Number of Days Pending	9th	8th	7th	6th	5th	4th	3rd	2nd	Oldest Appeal and Number of Days Pending
HQ	11/25/2003 1465	09/02/2003 1523	05/29/2003 1589	02/20/2003 1658	01/23/2003 1677	12/20/2002 1698	11/20/2002 1719	07/03/2002 1815	04/24/2001 2122	04/24/2001 2122
AGENCY OVERALL	11/25/2003 1465	09/02/2003 1523	05/29/2003 1589	02/20/2003 1658	01/23/2003 1677	12/20/2002 1698	11/20/2002 1719	07/03/2002 1815	04/24/2001 2122	04/24/2001 2122

VII. FOIA REQUESTS: RESPONSE TIME FOR PROCESSED AND PENDING REQUESTS

A. Processed Requests Response Time for All Processed Perfected Requests

	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
01	12	13.54	<1	167	51	58.94	22	274	<1	<1	<1	<1
02	53	57.45	2	842	42	73.94	17	375	<1	<1	<1	<1
03	21	20.24	<1	137	38	49.97	12	290	<1	<1	<1	<1
04	15	15.09	<1	103	29.5	38.65	5	169	<1	<1	<1	<1
05	16	17.27	1	327	68	92.06	18	392	4	4	4	4
06	44	80.61	<1	554	397	474.71	342	902	<1	<1	<1	<1
07	16	24.8	<1	1222	229	265.33	32	535	<1	<1	<1	<1
08	9	11.29	1	76	30	67.18	12	378	<1	<1	<1	<1
09	18	18.55	<1	80	179.5	192.9	26	666	<1	<1	<1	<1
10	18	29.74	<1	441	33.5	76	8	611	<1	<1	<1	<1
HQ	19	55.44	1	1419	142	222.43	10	443	10.5	10.5	10	11
AGENCY OVERALL	20	37.15	1	1419	39	75.32	5	902	10	8	4	11

B. Processed Requests Response Time for Perfected Requests in Which Information Was Granted												
	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
01	15	17.03	1	167	51	60.87	22	274	<1	<1	<1	<1
02	36	47.74	2	256	29	39.89	17	93	<1	<1	<1	<1
03	20.5	19.71	<1	54	34	45.69	23	290	<1	<1	<1	<1
04	16	15.85	<1	103	31	40.75	8	169	<1	<1	<1	<1
05	17	20.7	1	327	56.5	66.33	18	151	4	4	4	4
06	35	58.39	<1	554	395	395	362	428	<1	<1	<1	<1
07	16	21.02	2	1028	229	265.33	32	535	<1	<1	<1	<1
08	8	11.24	<1	76	36	76.11	12	378	<1	<1	<1	<1
09	20	20.75	<1	80	75	193.14	26	666	<1	<1	<1	<1
10	20	30.98	<1	441	32	44.76	8	177	<1	<1	<1	<1
HQ	20	47.73	<1	1419	350	281	50	443	10.5	10.5	10	11
AGENCY OVERALL	18	32.42	1	1419	37	67.25	8	666	10	8	4	11

C. Processed Requests Response Time in Day Increments

Simple Requests														
	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
01	194	46	4	1	0	0	0	0	1	0	0	0	0	246
02	149	480	602	390	112	30	17	22	15	11	37	0	2	1867
03	541	611	9	0	0	0	1	0	0	0	0	0	0	1162
04	578	120	5	4	0	1	0	0	0	0	0	0	0	708
05	1346	179	33	11	2	1	1	0	2	0	1	2	0	1582
06	100	185	103	64	28	20	17	5	13	12	34	20	13	614
07	400	99	9	4	1	1	0	1	0	0	0	0	4	519
08	289	32	6	2	0	0	0	0	0	0	0	0	0	330
09	376	183	19	7	0	0	0	0	0	0	0	0	0	585
10	256	97	36	17	7	3	1	2	2	1	2	2	2	428
HQ	1213	358	129	68	46	30	24	18	24	19	53	17	56	2057
AGENCY OVERALL	5403	2384	955	568	196	86	61	48	57	43	127	41	77	10098

Complex Requests														
	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
01	0	5	10	0	0	0	0	0	0	0	1	0	0	16
02	1	6	2	3	3	1	0	0	0	0	0	1	0	17
03	3	64	32	10	1	1	2	0	0	1	4	0	0	118
04	19	26	13	5	3	0	0	1	1	0	0	0	0	68
05	1	4	2	2	2	2	1	1	0	0	0	1	0	16
06	0	0	0	0	0	0	0	0	0	0	0	4	3	7
07	0	1	0	0	0	0	0	0	0	0	1	0	1	3
08	2	6	1	0	0	1	0	0	0	0	0	1	0	11
09	0	3	0	1	0	0	0	1	0	0	4	0	1	10
10	5	12	5	2	1	2	0	0	1	0	0	1	1	30
HQ	1	0	1	0	0	0	1	1	0	0	0	1	2	7
AGENCY OVERALL	32	127	66	23	10	7	4	4	2	1	10	9	8	303

Requests Granted Expedited Processing														
	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
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	1	0	0	0	0	0	0	0	1
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	2	0	0	0	0	0	0	0	0	0	0	0	0	2
AGENCY OVERALL	2	0	0	0	0	1	0	0	0	0	0	0	0	3

D. Pending Requests All Pending Perfected Requests									
	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
01	27	15	38.37	4	332	388.75	0	0	0
02	309	19	31.39	5	18	35.8	1	8	8
03	119	10	11.02	28	24.5	68.71	0	0	0
04	27	12	21.07	3	32	57.33	0	0	0
05	62	7.5	8.55	2	74	74	0	0	0
06	78	35.5	97.83	3	472	323.67	0	0	0
07	40	7	10.75	2	71	71	0	0	0
08	20	4.5	8.3	2	94.5	94.5	0	0	0
09	35	10	18.17	6	40.5	151.83	0	0	0
10	58	18	61.09	6	38	72.17	0	0	0
HQ	547	80	226.37	12	344	423.83	2	347.5	347.5
AGENCY OVERALL	1322	20	112.99	73	38	160.41	3	8	234.33

E. Pending Requests Ten Oldest Pending Perfected Requests

	10th Oldest Request and Number of Days Pending	9th	8th	7th	6th	5th	4th	3rd	2nd	Oldest Request and Number of Days Pending
01	08/24/2009 26	08/18/2009 30	07/14/2009 38	05/12/2009 98	02/18/2009 157	02/05/2009 165	01/26/2009 173	01/06/2009 186	04/03/2007 626	04/25/2006 861
02	02/10/2009 162	02/10/2009 162	02/03/2009 167	01/20/2009 177	01/15/2009 2	01/14/2009 2	01/13/2009 181	12/05/2008 205	11/05/2008 225	10/17/2008 238
03	07/07/2009 60	07/06/2009 61	07/01/2009 63	06/03/2009 83	05/20/2009 92	04/13/2009 119	04/01/2009 127	11/05/2008 225	10/17/2008 238	05/04/2007 603
04	09/02/2009 19	08/27/2009 23	08/24/2009 26	08/19/2009 23	08/18/2009 20	08/18/2009 30	08/14/2009 32	07/07/2009 56	03/17/2009 117	12/04/2008 206
05	09/02/2009 19	09/02/2009 19	09/01/2009 19	08/31/2009 21	08/26/2009 24	08/25/2009 25	08/19/2009 29	08/10/2009 28	07/06/2009 20	03/30/2009 120
06	06/24/2008 318	04/23/2008 361	03/25/2008 382	03/15/2008 388	02/22/2008 404	02/15/2008 408	01/07/2008 436	11/09/2007 472	11/02/2007 477	08/23/2006 777
07	09/08/2009 16	09/04/2009 17	09/03/2009 18	09/02/2009 19	08/28/2009 15	08/26/2009 24	08/20/2009 19	08/18/2009 30	06/18/2009 61	04/07/2009 123
08	09/09/2009 15	09/08/2009 9	09/02/2009 19	08/20/2009 17	08/20/2009 24	08/03/2009 41	07/29/2009 34	07/20/2009 0	06/15/2009 13	03/03/2009 148
09	08/06/2009 25	07/28/2009 45	07/27/2009 33	07/23/2009 48	07/09/2009 58	06/22/2009 70	05/26/2009 51	04/29/2009 107	09/19/2008 257	08/29/2007 522
10	03/31/2009 128	03/25/2009 132	02/27/2009 150	02/23/2009 154	02/04/2009 166	01/06/2009 186	11/13/2008 220	10/22/2008 235	10/08/2008 244	06/21/2005 1072
HQ	03/08/2005 1145	01/28/2005 1171	01/05/2005 1187	01/04/2005 1188	01/04/2005 1188	12/01/2004 1210	09/14/2004 1263	06/30/2004 1315	06/28/2004 1317	05/17/2004 1346
AGENCY OVERALL	03/08/2005 1145	01/28/2005 1171	01/05/2005 1187	01/04/2005 1188	01/04/2005 1188	12/01/2004 1210	09/14/2004 1263	06/30/2004 1315	06/28/2004 1317	05/17/2004 1346

VIII. REQUESTS FOR EXPEDITED PROCESSING AND REQUESTS FOR FEE WAIVER

A. Requests for Expedited Processing					
	Number Granted	Number Denied	Median Number of Days to Adjudicate	Average Number of Days to Adjudicate	Number Adjudicated Within Ten Calendar Days
01	0	2	1	1	2
02	0	12	2	11.6	10
03	0	4	2.5	5.5	3
04	0	10	14	15.3	2
05	1	3	4	5.25	3
06	0	3	6	5	2
07	0	0	0	0	0
08	0	0	0	0	0
09	0	0	0	0	0
10	0	17	2	2.76	14
HQ	2	66	3	6.98	55
AGENCY OVERALL	3	117	3	7.29	91

B. Requests for Fee Waiver				
	Number Granted	Number Denied	Median Number of Days to Adjudicate	Average Number of Days to Adjudicate
01	10	2	3.5	5.41
02	7	4	2	13.2
03	11	9	7	8.5
04	18	8	8	10.03
05	18	8	7	13.5
06	8	7	9	14.2
07	7	0	3	4.71
08	16	1	0	1.64
09	18	7	8	8.6
10	14	4	8	27.6
HQ	83	58	5	13.46
AGENCY OVERALL	200	108	6	12.30

IX. FOIA PERSONNEL AND COSTS

	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
01	0	4.25	4.25	\$590,750.00	\$0.00	\$590,750.00
02	3	10.50	13.50	\$1,876,500.00	\$0.00	\$1,876,500.00
03	7	4.98	11.98	\$1,665,220.00	\$0.00	\$1,665,220.00
04	12	0.07	12.07	\$1,677,730.00	\$110,036.32	\$1,787,766.32
05	8	9.30	17.30	\$2,404,700.00	\$0.00	\$2,404,700.00
06	1	14.00	15.00	\$2,085,000.00	\$0.00	\$2,085,000.00
07	2	0.93	2.93	\$407,704.40	\$0.00	\$407,704.40
08	2	0.83	2.83	\$393,370.00	\$0.00	\$393,370.00
09	1	1.00	2.00	\$278,000.00	\$0.00	\$278,000.00
10	0	2.00	2.00	\$278,000.00	\$0.00	\$278,000.00
HQ	5	19.16	24.16	\$3,358,240.00	\$417,000.00	\$3,775,240.00
AGENCY OVERALL	41	67.02	108.02	\$15,015,214.40	\$527,036.32	\$15,542,250.72

(*) – FTE = \$139K.

X. FEES COLLECTED FOR PROCESSING REQUESTS

	Total Amount of Fees Collected	Percentage of Total Costs
01	\$11,676.00	1.97
02	\$32,616.44	1.73
03	\$21,792.73	1.30
04	\$15,020.51	0.84
05	\$33,889.53	1.40
06	\$26,226.36	1.25
07	\$45,771.56	11.22
08	\$11,221.95	2.85
09	\$16,801.10	6.04
10	\$20,499.34	7.37
HQ	\$92,799.34	2.45
AGENCY OVERALL	\$328,314.86	2.11

XI. FOIA Regulations (Including Fee Schedule)

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

XII. BACKLOGS, CONSULTATIONS, AND COMPARISONS

A. Backlogs of FOIA Requests and Administrative Appeals		
	Number of Backlogged Requests as of End of Fiscal Year	Number of Backlogged Appeals as of End of Fiscal Year
01	5	0
02	19	0
03	0	0
04	0	0
05	2	0
06	21	0
07	0	0
08	0	0
09	0	0
10	3	0
HQ	282	79
AGENCY OVERALL	332	79

Discuss/Explain the backlog here(Optional)

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B. Consultations on FOIA Requests Received, Processed, and Pending Consultations

	Number of Consultations Received from Other Agencies that Were <u>Pending</u> at Your 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 Your Agency During the Fiscal Year	Number of Consultations Received from Other Agencies that Were <u>Pending</u> at Your Agency as of <u>End</u> of the Fiscal Year
AGENCY OVERALL	13	53	55	11

C. Consultations on FOIA Requests Ten Oldest Consultations Received from Other Agencies and Pending at Your Agency

	10th Oldest Consultation and Number of Days Pending	9th	8th	7th	6th	5th	4th	3rd	2nd	Oldest Consultation and Number of Days Pending
AGENCY OVERALL	9/29/2009 1	8/19/2009 29	2/17/2009 155	1/27/2009 169	9/25/2008 254	9/23/2008 255	8/28/2007 525	12/20/2006 697	12/13/2006 702	1/30/2006 920

D. Comparison of Numbers of Requests from Previous and Current Annual Report Requests Received, Processed, and Backlogged

	NUMBER OF REQUESTS <u>RECEIVED</u>		NUMBER OF REQUESTS <u>PROCESSED</u>	
	Number Received During Fiscal Year from Last Years Annual Report	Number Received During Fiscal Year from Current Annual Report	Number Processed During Fiscal Year from Last Years Annual Report	Number Processed During Fiscal Year from Current Annual Report
01	278	275	279	262
02	2269	1890	2529	1884
03	1565	1252	1548	1280
04	736	790	756	776
05	1730	1569	1712	1599
06	640	518	584	621
07	642	521	664	522
08	381	341	399	341
09	676	587	688	595
10	411	459	396	458
HQ	2164	2115	2080	2066
AGENCY OVERALL	11492	10317	11635	10404

	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
01	5	5
02	128	19
03	49	0
04	0	0
05	11	2
06	118	21
07	5	0
08	4	0
09	0	0
10	18	3
HQ	445	282
AGENCY OVERALL	783	332

(*) - This number has been updated to only report overdue requests.

E. Comparison of Numbers of Administrative Appeals from Previous and Current Annual Report Appeals Received, Processed, and Backlogged

	NUMBER OF APPEALS RECEIVED		NUMBER OF APPEALS PROCESSED	
	Number Received During Fiscal Year from Last Years Annual Report	Number Received During Fiscal Year from Current Annual Report	Number Processed During Fiscal Year from Last Years Annual Report	Number Processed During Fiscal Year from Current Annual Report
HQ	129	167	165	217
AGENCY OVERALL	129	167	165	217

	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	149	79
AGENCY OVERALL	149	79

(**) - This number has been updated to only report overdue appeals instead of all pending appeals.

F. Discussion of Other FOIA Activities (Optional)

EPA's National FOIA program has:

- reduced EPA's backlog of unanswered FOIA requests to new low levels and responding to requests within statutory deadlines;
- improved the Agency's effectiveness and consistency by consolidating and standardizing procedures to respond to public requests for fee waivers and expedited processing requests;
- increased government transparency and access to information by proactively posting online information frequently sought through FOIA requests and launching an online web site informing FOIA requesters of the status of their requests.

Even before the President's memoranda on access and disclosure, the Agency's National FOIA Program was engaged in an improvement process to assure greater timeliness, accountability and transparency in the processing of FOIA requests submitted to the Agency. In the mid-2000's, EPA had over 23,000 unanswered FOIA requests and two of the oldest overdue requests in the federal government. The Agency revised procedures and processes, deployed updated information technology tools, and collaboratively worked with subject matter experts across the Agency to successfully reduce its backlog from 23,000 to 783 by the end of 2008 -- a 98% reduction. This dramatic reduction was implemented at the same time the Agency continued to respond to new requests received by the Agency. EPA successfully reduced the Agency's backlog totals from 783 at the end of FY 2008 to an all time low of 332 at the end FY 2009 -- a 57% reduction in just one fiscal year.

In addition to reducing the number of backlog requests, EPA has looked for additional opportunities to implement efficiencies through improved processes and common standards of practice. EPA has a decentralized FOIA program. However, EPA centralized all fee waivers and expedited processing determination in headquarters to ensure consistency in decision-making by assuring the same high standards of timeliness and law are applied to each decision issued by the Agency. Since this process change, EPA received communications from several requesters acknowledging and thanking the Agency for the efficient processing of their fee waiver and expedited processing submissions.

In embracing the President's mandate for greater transparency, the Agency has made data bases containing information frequently requested under FOIA available to the public through EPA's Web sites. For example, an individual desiring to export an automobile is required to produce a certificate issued by EPA. In the past, the individual had to make a FOIA request for the certification and then wait for the Agency to respond to the request. By law, the Agency has up to twenty working days to be responsive. Promoting transparency, quicker access and accountability, the staff worked with the program office to make the database available online. The public can now go directly to EPA's FOIA Web site (epa.gov/foia) and print the certificate(s) in seconds as opposed to waiting days, or weeks to obtain the necessary documentation. Another example of greater transparency and promoting accountability is the "Status of My FOIA Request" page launched in March 2009 (http://www.epa.gov/foia/foia_request_status.html). This feature allows requesters to easily obtain the status of their FOIA requests on-line. Finally, the Agency operates a national FOIA Hotline, where answers to questions from the public about their requests whether filed at headquarters or in the regions can be received. The Agency also provides responses to general questions from the public about FOIA through this Hotline.

For several years prior to the current Administration's FOIA policies, EPA was engaged in activities that directly support and embrace the current direction from the White House. The Agency is exceeding its FOIA improvement goals as committed to the White House under E.O.13392 (<http://www.epa.gov/foia/docs/backlogfy08-10.pdf>) as it continues to fulfill its broad range of Agency's FOIA administration responsibilities.