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2015 Chief FOIA Officer Report
(March 2014 – March 2015)

Section I: Steps Taken to Apply the Presumption of Openness

FOIA Training:

1. Did your agency conduct FOIA training during the reporting period for FOIA professionals?

Yes.

2. If yes, please provide a brief description of the type of training conducted and the topics covered.

All EPA employees and contractors have access to video and written training materials on EPA's FOIA intranet website. The topics covered included FOIA exemptions, withholding records and discretionary releases.

The Agency FOIA Officer holds monthly meetings with the Agency's FOIA Coordinators and Regional FOIA Officers to provide guidance and updates on FOIA related matters. These monthly meetings provide key FOIA personnel ongoing training relevant to the performance of their duties, including but not limited to, information on Agency FOIA processes and procedures, how to apply FOIA exemptions, estimating fees, making discretionary disclosures, and guidance on other administrative processing matters and FOIA related topics.

The Office of General Counsel's Information Law Practice Group also holds monthly meetings with its regional FOIA counterparts similar to the meetings held by the Agency FOIA Officer. These meetings provide an opportunity for headquarters and regional attorneys to discuss the latest developments in FOIA law and guidance, improving the consistency of legal advice across the Agency.

The Agency is developing mandatory FOIA training for all EPA staff. This year's training will focus on general FOIA awareness.

3. Did your FOIA professionals attend any FOIA training or conference during the reporting period such as that provided by the Department of Justice?

Yes. EPA FOIA professionals attended trainings offered by the Department of Justice, Office of Government Information Services, and the American Society of Access Professionals. EPA's FOIA Policy requires FOIA professionals to complete some FOIA training each year.

4. Provide an estimate of the percentage of your FOIA professionals and staff with FOIA responsibilities who attended substantive FOIA training during this reporting period.

All EPA Headquarters FOIA Coordinators and Regional FOIA Officers (FOIA Professionals) received FOIA training during this reporting period through their participation in monthly meetings/calls, as well as in other internal and external training opportunities. A large number of other FOIA staff attend these sessions on an ad-hoc basis.

5. In the 2014 Chief FOIA Officer Report Guidelines, OIP asked agencies to provide a plan for ensuring that core substantive FOIA training is offered to all agency FOIA professionals at least once each year. Please provide the status of your agency's implementation of this plan.

EPA was successful in implementation its plan. EPA FOIA professionals attended various trainings offered by the Department of Justice's Office of Government Information Services and the American Society of Access Professionals. The new Agency FOIA policy requires that all FOIA professionals complete FOIA training each year. EPA continues to offer on-going FOIA training through monthly meetings/calls with all FOIA professionals at the Agency. However, the Agency was delayed in launching its mandatory FOIA training, but the training will be available this Fiscal year.

Outreach:

6. Did your FOIA professionals engage in any outreach or dialogue with the requester community or open government groups regarding your administration of the FOIA?

EPA staff serve on a number of the President's National Action Plan 2.0 initiatives, including the FOIA Federal Advisory Committee. As part of these activities, EPA staff has a dialog with FOIA requester community and open government groups in an effort to improve EPA's FOIA administration.

7. If you did not conduct any outreach during the reporting period, please describe why?

In past reporting periods, EPA has held an annual training conference that routinely included a FOIA requester forum. However, due to staff and resource limitations, the Agency was unable to hold a FOIA conference or FOIA requester forum during this reporting period. EPA will explore possibilities for conducting such a forum in the future.

Discretionary Releases:

8. Does your agency have a distinct process or system in place to review records for discretionary release?

Yes, EPA has a distinct process for reviewing records for discretionary release. All components of the Agency work to make discretionary releases, when possible.   EPA's FOIA procedures require two levels of review, one by the FOIA processor and the other by a supervisor or manager, when determining whether to release or withhold documents under a FOIA exemption. In keeping with Administration policies, EPA policy requires the release of records that are found to be responsive to a request unless a mandatory exemption applies or unless, for

discretionary exemptions, the Agency determines that a foreseeable harm would result from disclosure.

9. During the reporting period, did your agency make any discretionary releases of information?

Yes.

10. What exemption(s) would have covered the material released as a matter of discretion?

Exemption 5.

11. Provide a narrative description, as well as some specific examples, of the types of information that your agency released as a matter of discretion during the reporting year.

In keeping with Administration policies, EPA policy requires the release of all records found to be responsive to a request unless a mandatory exemption applies or unless, for discretionary exemptions, the Agency determines that a foreseeable harm that would result from disclosure. At EPA, we receive a significant number of requests for information that is both internal to the Agency and pre-decisional, thereby qualifying it as exempt from mandatory disclosure under a FOIA exemption.

Specific examples include requests for documents related to rulemakings or other significant actions. When responding to these requests, the Agency works to make the discretionary release of many of these internal, pre-decisional documents, unless the Agency identifies a harm that would result from their disclosure.

12. If your agency was not able to make any discretionary releases of information, please explain why.

N/A.

Other Initiatives:

13. Describe any efforts your agency has undertaken to inform non-FOIA professionals of their obligations under the FOIA?

EPA has a robust network of FOIA Coordinators and Regional FOIA Officers. Through this network, non-FOIA professionals are made aware of their FOIA obligations and updated on best FOIA practices, on a regular basis.

14. If there are any other initiatives undertaken by your agency to ensure that the presumption of openness is being applied, please describe them here.

EPA is committed to making all records available to the public unless they are precluded from disclosure. In FY 2014, EPA only fully denied 67 FOIA requests, out of 10,130 determinations

issued. FOIA-related meetings and training sessions include a discussion on "openness" to ensure that all records are reviewed with a presumption of disclosure and that training is provided to all those who must make these decisions. FOIAonline provides the public with easier access to FOIA requests and releases. Since the launch of FOIAonline on October 1, 2012, EPA has processed more than 27,500 FOIA requests and publically posted more than 312,500 records.

Additionally, the presumption of openness appears in guidance set forth in an Agency-wide Memorandum on Transparency in EPA Operations, which clearly states that "all Agency personnel should ensure that the principle of openness is applied to the extent possible when responding to FOIA requests," http://www2.epa.gov/foia/learn-about-foia.

Accordingly, records reviewed by EPA in processing FOIA requests and appeals are reviewed with this presumption of disclosure.

Section II: Steps Taken to Ensure that Your Agency Has an Effective System in Place for Responding to Requests

As the Attorney General emphasized in his FOIA Guidelines, "[a]pplication of the proper disclosure standard is only one part of ensuring transparency. Open government requires not just a presumption of disclosure, but also an effective system for responding to FOIA requests." It is essential that agencies effectively manage their FOIA program.

Personnel:

1. In the 2014 Chief FOIA Officer Report Guidelines, OIP asked agencies about the status of converting all eligible FOIA professionals to the new Government Information Series. If your agency reported that its staff was eligible for conversion but had not yet converted all professionals to the new series, what is the current proportion of personnel that have been converted?

EPA has not converted any of its FOIA professionals to the new Government Information Series, due to a lack of resources.

2. If your agency has not converted all of its eligible employees yet, what is your plan to ensure that all FOIA professionals' position descriptions are converted?

EPA, during the next reporting period, will develop a plan for converting full-time FOIA professionals' position descriptions to the Government Information Series.

Processing Procedures:

3. For Fiscal Year 2014, what was the average number of days your agency reported for adjudicating requests for expedited processing?

The average number of days to adjudicate a request for expedited processing at EPA was 6.84 days.

4. If your agency's average number of days to adjudicate requests for expedited processing was above ten calendar days, please describe the steps your agency will take to ensure that requests for expedited processing are adjudicated within ten calendar days or less.

N/A.

5. If your agency has a decentralized FOIA process, has your agency taken steps to make the routing of misdirected requests within your agency more efficient? If so, please describe those steps.

EPA has a decentralized FOIA process. EPA utilizes FOIAonline, as the Agency FOIA management system to receive, process, and respond to FOIA requests. When a request is received by the National FOIA Program at EPA Headquarters or one EPA's Regional Offices, the request is reviewed by a FOIA professional who then assigns the FOIA request to the organization that has the responsive records. FOIAonline is currently configured to allow rerouting of FOIAs between regional offices, between regional offices and the National FOIA Program, and between EPA Headquarters program offices; however, there are limitations on the rerouting of FOIAs assigned by the National FOIA Program to EPA program offices back to the National FOIA Program in order to minimize multiple redirections of FOIA requests.

6. If your agency is already handling the routing of misdirected requests in an efficient manner, please note that here and describe your process for these requests.

Please see response to Section II, question 5 above.

Requester Services:

7. Does your agency notify requesters of the mediation services offered by the Office of Government Information Services (OGIS) at the National Archives and Records Administration?

Yes, all appeal determinations provide contact information for OGIS and notification of their services. EPA has also notified initial FOIA requesters, when appropriate, of the services available through OGIS.

8. When assessing fees, does your agency provide a breakdown of how FOIA fees were calculated and assessed to the FOIA requester?

Yes, FOIA requesters are notified of the breakdown of how fees are calculated. The amount of search, review and duplication fees are assessable to the requester. FOIAonline, the Agency FOIA management system, calculates fees, based upon a requester's fee category.

9. If estimated fees estimates are particularly high, does your agency provide an explanation for the estimate to the requester?

EPA works with FOIA requesters on all aspects of processing FOIA requests. If a fee estimate is above the limit set by the requester, EPA will contact the requester and seek an assurance of payment or work with the requester to modify their request to reduce the processing cost.

Other Initiatives:

10. If there are any other steps your agency has undertaken to ensure that your FOIA system operates efficiently and effectively, such as conducting self-assessments to find greater efficiencies, improving search processes, eliminating redundancy, etc., please describe them here.

EPA produces a Quarterly Report that is provided to all Senior Leaders, on the status of FOIA requests in their organizations. The implementation of the new FOIA procedures, which require the development of organization-specific FOIA procedures in each program and regional office, will help the Agency identify potential opportunities for making FOIA processes more efficient.

Section III: Steps Taken to Increase Proactive Disclosures

Posting Material:

1. Does your agency have a distinct process or system in place to identify records for proactive disclosure? If so, please describe your agency's process or system.

EPA reviews all records and data sets in an effort of identify records and data sets that should be made available to the public without the need to file a FOIA Request. EPA's Strategic Data Action Plan (SDAP) set guiding principles, goals, and standards in support of open data. The Agency's Environmental Information Management Policy (EIMP), currently being developed, is anticipated to institutionalize open practices as an EPA policy. The SDAP and draft EIMP establish the policy, define the means for registering data assets, and set the expectation that data assets will be made available to the public in consumable formats where it is technically and legally feasible.

2. Does your process or system involve any collaboration with agency staff outside the FOIA office? If so, describe this interaction.

Yes. The National FOIA program regularly interacts with staff throughout the Agency. During this reporting period, FOIA staff participated in a LEAN event sponsored by one of EPA's program offices and sought input from program/regional FOIA staff on datasets that might be of particular interest to the public, which EPA could make available without the public needing to file a FOIA request.

3. Describe your agency's process or system for identifying "frequently requested" records that should be posted online.

EPA leverages the Administration's Open Government (OpenGov) initiative as a catalyst to re-examine its open practices with the goal of bringing tangible benefits to the public. EPA reviewed and analyzed a collection of data management and data publishing principles from internal and external sources with the goal of selecting and committing to a set of clear and effective principles that can guide the forthcoming enterprise data policy. The Agency will continue to seek feedback and work with internal and external stakeholders to further develop and refine these guiding principles:

- *Provide Easy and Timely Access to Quality Data.* The public will have access to high quality data in a timely manner that is easy to discover and access.
- *Publish Data in Open Form.* Public data will be published using open, structured, computer readable form and following open standards. Examples include CSV, XML, KML, RSS, and RDF.
- *Help the Public Understand the Data (Metadata).* Public data will have descriptive and informative metadata that are understandable to the general public as well as technical users.
- *Enhance Data Use*. Data services (such as Web services) and tools (such as Application Programming Interfaces (APIs)) will be provided to enhance the public's ability to use EPA's data resources. In addition, data should be provided at the lowest level of analytical unit that best supports ease of consumption by the public.
- *Drive Best Uses/Best Practices*. Lessons learned and best practices will be continually evaluated and incorporated so that the best current technologies are utilized by the Agency.

EPA also posts all records released through FOIA on FOIAonline, so the public has immediate access to already publically released FOIA records.

4. Provide examples of material that your agency has proactively disclosed during the past reporting year, including links to the posted material.

Through the continued restructuring of EPA's website, www.epa.gov, the Agency is better meeting the needs of Web visitors by providing easier access to information about environmental issues; improving EPA's transparency and openness; providing a single, consolidated resource for "priority" topics; and creating more relevant content for specific public audiences.

EPA continues to enhance its topic-based websites under the One EPA Web initiative.

National topics include:
- Climate change: http://www.epa.gov/climatechange
- Lead: http://www.epa.gov/lead
- Asbestos: http://www.epa.gov/asbestos
- Reduce, reuse, recycle: http://www.epa.gov/recycling

Other Initiatives:

5. If there are any other steps your agency has taken to increase proactive disclosures, please describe them here.

The National FOIA Program is coordinating with the Agency's Web Council to ensure that there is a unified and comprehensive review process to identify, review, and proactively release information that may be of interest to the public. Once approved, the process will be widely disseminated throughout the Agency by email notification.

Section IV: Steps Taken to Greater Utilize Technology

Online Tracking of FOIA Requests and Appeals:

1. Can a member of the public track the status of his or her request or appeal electronically?

Yes, members of the public can track the status of their FOIA requests through FOIAonline at https://foiaonline.regulations.gov/foia/action/public/home.

2. If yes, how is this tracking feature provided to the public? For example, is it being done through the regular posting of status logs, an online portal, or through another medium?

Through FOIAonline, registered users have a dashboard of all requests submitted, and guest users can use a tracking number to obtain the status of their requests. The requester is also provided with an estimated date of completion.

3. If your agency does provide online tracking, please describe the information that is provided to the requester through this feature. For example, some online tracking features may tell the requester whether the request is "open" or "closed," while others will provide further details throughout the course of the processing, such as "search commenced" or "documents currently in review."

FOIAonline provides a requester with complete access to information on the status of his/her FOIA request. Requesters can:
- Submit FOIA requests;
- Receive automatic acknowledgements;
- Create profiles;
- Generate dashboards of their requests;
- Search and view FOIA requests and responsive records;
- Track the Agency's progress in processing a request (Submitted, Evaluation, Assignment, Processing, Closed);
- Communicate with Agency staff; and
- File an appeal, if the user has an account in FOIAonline.

4. If your agency does provide online tracking for requesters, does this feature also provide an estimated date of completion?

Yes.

5. If your agency does not provide online tracking of requests or appeals, is your agency taking steps to establish this capability? If not, please explain why?

N/A.

Making Material Posted Online More Useful:

6. Beyond posting new material, is your agency taking steps to make the posted information more useful to the public, especially to the community of individuals who regularly access your agency's website?

Yes, EPA uses a variety of tools to ensure posted information is useful to the individuals who regularly access the Agency's website. EPA's Web analytics program collects, analyzes, and provides reports on Web traffic, quality assurance (QA), and Voice-of-Customer (VoC) metrics for EPA's websites. Analysis includes audience segmentation, trend analysis, and other methods to assist Web content owners in refining their online presence. To support this mission, the program uses a variety of analytics tools, including, but not limited to Google Analytics, Sitebeam, and the ForeSee Customer Satisfaction Survey.

EPA also uses Maxamine/Accenture Quality Assurance and Traffic Reports. Using these tools, EPA can produce monthly Quality Assurance Reports and Traffic Reports to the webmasters and content managers. Quality assurance reports include link integrity, redundant file, searchability and metadata coverage. Traffic reports consist of a traffic summary, demographics, traffic sources, technologies and specific site report. The webmasters and content managers can review the data from the survey and reports and then in turn make changes to improve the site.

EPA actively manages its search results, frequently and regularly reviewing common search queries to ensure that the best information is prominently presented in the search results. EPA also uses heat maps to determine the topics of most interest to individuals who visit the EPA website.

7. If yes, please provide examples of such improvements.

EPA continually explores ways to improve its Internet site. Recently, the FOIA website, www.epa.gov/foia, was migrated to the Drupal Web Content Management System (WebCMS), in an effort to provide the public with a better experience when using the site.

8. Have your agency's FOIA professionals interacted with other agency staff (such as technology specialists or public affairs or communications professionals) in order to identify if there are any new ways to post agency information online?

Yes, this was recently done as part of the prelaunch of the FOIA website in Drupal WebCMS. Staff of the FOIA program met with EPA program offices, the EPA Web Council, and technology experts as part the process for developing and deploying the new FOIA website.

9. Did your agency use any means to publicize or highlight important proactive disclosures for public awareness?

Yes.

If yes, please describe those efforts.

EPA highlights "hot" topics on its website, www.epa.gov. Furthermore, EPA regularly uses blogs, Twitter, Facebook, YouTube, Flickr, and Pinterest to proactively disseminate information to the public.

10. Has your agency encountered challenges that make it difficult to post records you otherwise would like to post?

No.

11. If so, please briefly explain what those challenges are.

N/A

Use of Technology to Facilitate Processing of Requests:

12. Beyond using technology to redact documents, is your agency taking steps to utilize more advanced technology to facilitate overall FOIA efficiency, such as improving record search capabilities, utilizing document sharing platforms for consultations and referrals, or employing software that can sort and de-duplicate documents?

Yes.

If yes, describe the technological improvements being made.

EPA deployed SharePoint during this reporting cycle. SharePoint's components (OneDrive, Sites, Profile and Newsfeed) provide EPA employees, teams and organizations with access to powerful communication and collaboration tools and features. For example:
- Employees can use OneDrive as their individual file storage so they can access their files from anywhere. They can also share a document with other colleagues or external partners instead of sending it by email.
- A team can use a Site to share access and collaborate on all their important documents, even while working remotely. They can also track their project tasks and milestones, and keep everyone informed of progress, without sorting through multiple emails.
- A group of employees working on the same topic or issue can use a Community Site to share updates, discuss the latest developments in their field or explore potential solutions.

13. Are there additional tools that could be utilized by your agency to create further efficiencies?

EPA will continue to examine new information technology tools and explore additional uses for existing tools, as it looks for ways to increase the efficiency of managing, using, and providing access to the Agency's information resources.

Other Initiatives:

14. Did your agency successfully post all four quarterly reports for Fiscal Year 2014?

Yes.

15. If your agency did not successfully post all quarterly reports, with information appearing on FOIA.gov, please explain why and provide your agency's plan for ensuring that such reporting is successful in Fiscal Year 2015.

N/A.

16. Do your agency's FOIA professionals use e-mail or other electronic means to communicate with requesters whenever feasible?

Yes.

If yes, what are the different types of electronic means are utilized by your agency to communicate with requesters?

EPA communicated with FOIA requesters through email and FOIAonline, whenever possible.

17. If your agency does not communicate electronically with requesters as a default, are there any limitations or restrictions for the use of such means? If yes, does your agency inform requesters about such limitations?

N/A

Section V: Steps Taken to Improve Timeliness in Responding to Requests and Reducing Backlogs

1. Does your agency utilize a separate track for simple requests?

Yes.

2. If so, for your agency overall in Fiscal Year 2014, was the average number of days to process simple requests twenty working days or fewer?

Yes.

3. Please provide the percentage of requests processed by your agency in Fiscal Year 2014 that were placed in your simple track.

42%

4. If your agency does not track simple requests separately, was the average number of days to process all non-expedited requests twenty working days or fewer?

N/A.

BACKLOGGED REQUESTS

5. If your agency had a backlog of requests at the close of Fiscal Year 2014, did that backlog decrease as compared with the backlog reported at the end of Fiscal Year 2013?

At the end of Fiscal Year (FY) 2013, EPA had a backlog of 1265 requests. At the end of FY 2014, EPA's backlog consisted of 1688 requests. The sheer complexity and size of the requests is the primary cause for the backlog. EPA has also received more requests of significant complexity (e.g., all correspondence; requests seeking all records on complex rulemakings; enforcement actions seeking records from hundreds of custodians, etc.). As the size and complexity of requests increases, the amount of time necessary to process those requests naturally increases as well. EPA, in response to a FOIA request received in FY 2014, released approximately 133,000 records to the public, through FOIAonline.

6. If you had a request backlog please report the percentage of requests that make up the backlog out of the total number of requests *received* by your agency in Fiscal Year 2014.

25% of the Agency's current backlog of FOIA requests were from requests received in FY 2014.

BACKLOGGED APPEALS

7. If your agency had a backlog of appeals at the close of Fiscal Year 2014, did that backlog decrease as compared with the backlog reported at the end of Fiscal Year 2013?

No.

If not, explain why and describe the causes that contributed to your agency not being able reduce backlog.

The Agency saw an increase in the number of backlogged appeals from 161 in FY 2013 to a backlog of 209 at the end of FY 2014. EPA attributes this increase in appeal inventory to several factors, including additional FOIA litigation filed against the Agency that involves complex and unique issues.

During this reporting period, the same staff members dedicated to processing administrative appeals were responsible for handling this litigation. In addition, there was a temporary reduction in available FTE during this reporting period.

8. If you had an appeal backlog please report the percentage of appeals that make up the backlog out of the total number of appeals received by your agency in Fiscal Year 2014.

32% of the Agency's current backlog of FOIA appeals were from appeals received in FY 2014.

Backlog Reduction Plans:

9. In the 2014 guidelines for Chief FOIA Officer Reports, any agency with a backlog of over 1000 requests in Fiscal Year 2013 was asked to provide a plan for achieving backlog reduction in the year ahead. Did your agency implement a backlog reduction plan last year?

Yes, during the reporting period, EPA continued implementing its plan to reduce the Agency backlog.

If so, describe your agency's efforts in implementing this plan and note if your agency was able to achieve backlog reduction in Fiscal Year 2014?

EPA has implemented a requirement for all Agency personnel to take annual FOIA training to better understand each individual's role and responsibility under FOIA. Agency FOIA professionals receive monthly guidance from the Agency FOIA Officer to assist in the identification and elimination of any barriers prohibiting the timely closure of FOIA requests.

The Agency has identified those program offices with backlogs of over 50 cases. A FOIA specialist has been tasked with evaluating the scope of those requests, identifying the reasons for delays and in collaboration with the FOIA and Privacy Branch Chief and Agency FOIA Officer is devising a strategy for responding to each request more promptly whenever possible.

EPA shares with Senior Leaders quarterly status reports to help manage the FOIA process. EPA anticipates that these reports will be pivotal in helping EPA reduce the backlog of FOIA requests in the coming years.

10. If your agency had a backlog of more than 1,000 requests in Fiscal Year 2014, what is your agency's plan to reduce this backlog during Fiscal Year 2015?

During FY 2015, the Agency will continue reducing the backlog by:
- Requiring program and regional offices to develop procedures for processing FOIA requests, consistent with EPA's overall FOIA Policy and Procedures;
- Providing EPA program and regional offices with access to electronic discovery tools and services to help identify documents that are responsive to FOIA requests; and
- Providing FOIA training to all EPA employees to help improve overall understanding of FOIA requirements and the need to expeditiously respond to FOIA requests.

TEN OLDEST REQUESTS

11. In Fiscal Year 2014, did your agency close the ten oldest requests that were reported pending in your Fiscal Year 2013 Annual FOIA Report?

Yes.

12. If no, please provide the number of these requests your agency was able to close by the end of the fiscal year, as listed in Section VII.E of your Fiscal Year 2013 Annual FOIA Report.

N/A.

13. Of the requests your agency was able to close from your ten oldest, please indicate how many of these were closed because the request was withdrawn by the requester. If any were closed because the request was withdrawn, did you provide any interim responses prior to the withdrawal?

None.

TEN OLDEST APPEALS

14. In Fiscal Year 2014, did your agency close the ten oldest appeals that were reported pending in your Fiscal Year 2013 Annual FOIA Report?

No.

15. If no, please provide the number of these appeals your agency was able to close by the end of the fiscal year, as listed in Section VII.C. (5) of your Fiscal Year 2013 Annual FOIA Report. If you had less than ten total oldest appeals to close, please indicate that.

The Agency closed six of the ten oldest appeals in FY 2014.

TEN OLDEST CONSULTATIONS

16. In Fiscal Year 2014, did your agency close the ten oldest consultations that were reported pending in your Fiscal Year 2013 Annual FOIA Report?

Yes.

17. If no, please provide the number of these consultations your agency was able to close by the end of the fiscal year, as listed in Section XII.C. of your Fiscal Year 2013 Annual FOIA Report.

N/A.

Additional Information on Ten Oldest Requests, Appeals, and Consultations & Plans:

18. Briefly explain any obstacles your agency faced in closing its ten oldest requests, appeals, and consultations from Fiscal Year 2013.

Please see response to Section V, question 7 above.

19. If your agency was unable to close any of its ten oldest requests because you were waiting to hear back from other agencies on consultations you sent, please provide the date the request was initially received by your agency, the date when your agency sent the consultation, and the date when you last contacted the agency where the consultation was pending.

EPA closed its ten oldest FOIA requests.

20. If your agency did not close its ten oldest pending requests, appeals, or consultations, please provide a plan describing how your agency intends to close those "ten oldest" requests, appeals, and consultations during Fiscal Year 2015.

The Office of General Counsel will assign the ten oldest appeals to staff this quarter for processing. The Office will monitor the processing on a monthly basis to help ensure the appeals are completed this fiscal year, if possible.

Interim Responses:

21. Does your agency have a system in place to provide interim responses to requesters when appropriate? *See OIP Guidance*, "The Importance of Good Communication with FOIA Requesters." (Mar. 1, 2010)

FOIAonline allow EPA to make interim releases/responses to FOIA requesters, when appropriate.

22. If your agency had a backlog in Fiscal Year 2014, please provide an estimate of the number or percentage of cases in the backlog where a substantive, interim response was provided during the fiscal year, even though the request was not finally closed.

It is difficult to estimate the number of backlogged FOIA requests where interim releases were made. The Agency has not tracked this statistic. However, based upon conversations with FOIA professionals across EPA, we understand that the Agency routinely makes interim releases.

Use of the FOIA's Law Enforcement Exclusions

Did your agency invoke a statutory exclusion, 5 U.S.C. § 552(c) (1), (2), (3), during Fiscal Year 2014?

No

If so, please provide the total number of times exclusions were invoked.

N/A

Success Stories

- The development of the Agency's FOIA Policy and FOIA Procedures was a major accomplishment in FY 2014. EPA has now established a process to help ensure overall consistency in how EPA administers its FOIA program and in its responses to requests and the appropriate application of the FOIA exemptions.

- EPA also has established a FOIA Expert Assistance Team to consult and assist the lead office on selected FOIAs. This team is a strategically centralized solution intended to enhance counseling, training, quality assurance, consistency and coordination of EPA's most complex/voluminous requests.

- EPA is also striving to improve FOIA processing times by testing software that can electronically redact exempt portions of documents starting with the recent purchase of Adobe XI licenses to allow for a more streamlined way to review and process records. We believe that our efforts will improve processing times.

- FOIAonline is a multi-agency fee-for-service Web-application enabling the public to submit FOIA requests to participating agencies; track the progress of an agency's response to a request; search for information previously made available; generate up-to-the-minute reports on FOIA processing; and create an account to manage requests, searches, and appeals. The system also enables partner agencies to receive, manage, track and respond to FOIA requests, store records in a repository, generate reports (e.g., annual FOIA report submitted to the Department of Justice), communicate with requesters and manage FOIA case files as electronic records.

- Since the launch of FOIAonline on October 1, 2012, EPA processed more than 27,500 FOIA requests and publically posted more than 312,500 records.

- EPA also makes environmental information about geographic locations available to the public without the need to file a FOIA request at www.epa.gov/myproperty. The public, utilizing MyProperty, conducted over 12,000 searches last year, and the number appears to be increasing.