



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

OFFICE OF
GENERAL COUNSEL

January 31, 2019

Via Email

Ms. Elena Saxonhouse
Sierra Club
2101 Webster Street, Suite 1300
Oakland, CA 94612
elena.saxonhouse@sierraclub.org

Re: Second Interim Production, *Sierra Club v. EPA* (3:18-cv-3472); FOIA Requests EPA-HQ-2017-009842, EPA-HQ-2017-009684, EPA-HQ-2017-009842, and EPA-HQ-2017-009684

Dear Ms. Saxonhouse,

This letter concerns an interim production of records responsive to the above-referenced case. Consistent with the Court's January 23, 2019 Order, EPA has completed review of Acting Administrator Wheeler's calendar and 800 records including all records associated with the five specified domains and additional records from "Tier 1." After review, 276 records are released in full, 444 records are released in part, and 24 records are withheld in full. Additionally, EPA is including in this production some emails sent to an individual's former email address at his or her former employer (which is a selected domain) after the individual had begun his or her employment at EPA. But for the inclusion of that address, the email would have been an internal EPA communication. EPA is providing these emails in good faith and out of an abundance of caution. If EPA encounters this type of record in forthcoming reviews, the Agency reserves the right to assess the responsiveness of those records at that time.

The withholdings are pursuant to FOIA Exemption 5 for information initially determined to be within the Deliberative Process Privilege, Exemption 6 for personal privacy information, and Exemption 7(A) for documents that could reasonably be expected to interfere with enforcement proceedings. 5 U.S.C. §552(b)(5), (6), (7)(A). The records are released as individual PDF documents organized by custodian in the Box.com folder titled "Sierra Club v. EPA, 18-cv-3472, ND Cal. - FOIA Productions." The released records can also be found on FOIAonline at <https://foiaonline.gov/foiaonline/action/public/home> by searching the FOIA request number, EPA-HQ-2017-009482.

If you have any further questions regarding this production, please contact Assistant U.S. Attorney Adrienne Zack at 415.436.7031.

Sincerely,



Casey Pickell
Attorney-Advisor
Office of General Counsel
U.S. Environmental Protection Agency

CC: Andrea Issod;
Marta Darby