



**United States  
Environmental Protection Agency  
Chief FOIA Officer Report**  
*2025*

# UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

## 2025 CHIEF FOIA OFFICER REPORT

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**Performing the duties of**  
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## Executive Summary

The Environmental Protection Agency (EPA) is committed to continuously improving its implementation of the Freedom of Information Act (FOIA) to promote transparency and build public trust in agency actions. EPA's ability to timely respond to FOIA requests was significantly challenged at the beginning of fiscal year 2024 when EPA's FOIA processing software, FOIAXpress, systematically failed to operate for more than a month. After overcoming those challenges, EPA promoted transparency by working with the software vendor to fully display to the public more than 1.8 million records that have been released under the FOIA, by proactively publishing records in frequently requested categories, by running a multi-day internal FOIA processing training conference, and by updating the Agency's FOIA policy and procedures.

### **EPA Launched FOIAXpress as the Agency's Next FOIA Processing Software System**

At the beginning of FY2024, EPA launched FOIAXpress as EPA's new software system for the public to submit FOIA requests to EPA and for EPA personnel to record and perform key processing steps. Earlier, EPA had selected FOIAXpress to replace FOIAonline, which the Agency had announced would be decommissioned at the end of 2023. Unexpectedly, the FOIAXpress system failed to operate properly after FOIAonline was shutdown. The consequences of this were significant:

- (1) The public was not able to submit FOIA requests to EPA via FOIAXpress for several days at the beginning of fiscal year 2024.
- (2) The public was not able to receive responses to their requests through the FOIAXpress Public Access Link until November 2023.
- (3) Internally, most EPA FOIA processors were not able to use FOIAXpress to record and perform processing steps for over a month and, while EPA's intake team was able to start using the system on October 12th, processing teams throughout EPA had to keep records of their activities outside of the system and then later enter those actions into the system when it became available to them in November.
- (4) Full public access to previously closed requests and records released through FOIAonline was significantly delayed.

These processing burdens produced delays and caused backlog increases throughout the first quarter of fiscal year 2024. Throughout the remainder of the fiscal year, EPA processors worked diligently to bring backlogs down and back into line with their success at the end of the prior fiscal year. Most EPA subcomponents were able to achieve those goals; some were not.

EPA's experience with the launching of FOIAXpress as a replacement for FOIAonline illustrates the transformative power of computer systems in modern FOIA processing. EPA and other federal agencies cannot meet their statutory FOIA duties and provide the transparency the American public expects without well-designed and fully functioning computer systems and staff with the skills and knowledge needed to run those systems.

### **Data Migration of Previously Released Records to Increase Public Access to Agency Records.**

By the end of FY2024, EPA completed migration into the EPA FOIAXpress "Reading Room" of over 1.8 million agency records that were previously released via its prior FOIA case management

system. Those 1.8 million agency records are now readily accessible to the public. EPA's concentrated effort to complete this data migration demonstrates EPA's ongoing commitment to full transparency of its operations and to the core transparency commitment that "release to one is release to all." Now, daily, as EPA releases records to individual requesters those records are added to the Reading Room and available to everyone (with just a few exceptions to protect the individual privacy or proprietary business interests of the particular requester).

### **EPA Advanced Proactive Disclosure of Environmental Information**

In his annual FOIA message to EPA staff, the EPA Administrator has called upon the Agency to continue to offer innovative ideas to improve FOIA processing and proactive disclosure of records before the records are requested under the FOIA.

While EPA already provides many systems on its internet webpages that make data available to the public, in fiscal year 2024, EPA launched a new initiative and made available more than 4,500 Data Evaluation Records (DERs) available in ChemView, a publicly accessible portal on EPA's website. DERs containing EPA's review and /or analysis of key data regarding pesticides collected during the registration review process. These studies include product chemistry, toxicology, ecological effects, human exposure, spray drift, environmental fate, and residue chemistry. Previously, an individual would need to submit a FOIA request separately for each DER. Now, these DERs are readily available to the public without the need for submission of a FOIA request.

### **EPA Tri-Annual FOIA Conference**

EPA held its internal Tri-Annual National Training Conference in October 2024. This training, which took place over 3 working days covered cradle-to-grave FOIA processing for all EPA FOIA personnel. Included within the training conference were sessions covering fee assessments, an advanced analysis of the deliberative process privilege, handling of complex FOIAs, the FOIA litigation lifecycle, how to conduct legally sufficient searches, and a session lead by the Office of Government Information Services (OGIS) regarding negotiating with requesters.

### **Updates to the Agency's Policy and Procedures to Enhance Efficiencies in Responding to FOIA Requests**

EPA's FOIA Policy and Procedures outline how EPA will meet the requirements of the FOIA and EPA's FOIA regulations. EPA's FOIA Policy highlights specific duties and broadly applicable requirements, while the FOIA Procedures provide EPA FOIA professionals and staff step-by-step instructions for processing a FOIA through the lifecycle of a FOIA request from intake to appeal, highlighting both required and highly recommended best practices. EPA updated its FOIA Policy and Procedures in January 2025 to reflect the changes made by EPA's Phase II FOIA Rulemaking, the transition to the agency's new FOIA processing software, and to incorporate updates to EPA's fee rates and fee thresholds.

## **[Section I: FOIA Leadership and Applying the Presumption of Openness](#)**

The guiding principle underlying the Attorney General's 2022 [FOIA Guidelines](#) is the presumption of openness. The Guidelines also highlight the importance of agency leadership in ensuring effective FOIA administration. The following are EPA's answers to the Guidelines' questions about FOIA leadership at EPA and describes the steps we have taken to ensure that the

presumption of openness is being applied to all decisions involving the FOIA.

## A. Leadership Support for FOIA

1. The FOIA requires each agency to designate a Chief FOIA Officer who is a senior official at least at the Assistant Secretary or equivalent level. See 5 U.S.C. § 552(j)(1) (2018). Is your agency's Chief FOIA Officer at or above this level?

Yes.

2. Please provide the name and title of your agency's Chief FOIA Officer.

Jim Payne, performing the duties of the General Counsel

3. What steps has your agency taken to incorporate FOIA into its core mission? For example, has your agency incorporated FOIA milestones into its strategic plan?

The EPA set a long-term performance goal in its *FY 2022-2026 EPA Strategic Plan* to eliminate the backlog of overdue FOIA responses by September 30, 2026. Through enhanced transparency, including through responding to the public's FOIA requests, the public and local communities can participate more meaningfully and partner with EPA in protecting human health and the environment. For this Strategic Plan goal, EPA defines backlog as the number of FOIA requests that remain open past the initial 20 working days or 30 days or longer for unusual circumstances or other timeframes to which the requestor has agreed.

## B. Presumption of Openness

4. The Attorney General's 2022 FOIA Guidelines provides that "agencies should confirm in response letters to FOIA requesters that they have considered the foreseeable harm standard when reviewing records and applying FOIA exemptions." Does your agency provide such confirmation in its response letters?

Yes, EPA provides this confirmation its response letters.

5. In some circumstances, agencies may respond to a requester that it can neither confirm nor deny the existence of requested records if acknowledging the existence of records would harm an interested protected by a FOIA exemption. This is commonly referred to as a *Glomar* response. If your agency tracks Glomar responses, please provide:

- the number of times your agency issued a full or partial *Glomar* response (separate full and partial if possible);
- the number of times a *Glomar* response was issued by exemption (e.g., Exemption 7(C) – 20 times, Exemption 1 – 5 times).

EPA does not currently track the use of "Neither Confirm nor Deny" (NCND)/Glomar responses. However, EPA's FOIA procedures require lead FOIA programs to obtain concurrence on this type of response from a relevant legal office.

6. Optional -- 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 worked to enhance transparency throughout the reporting year to improve compliance with the FOIA and to ensure EPA applies the presumption of openness. Steps taken included:

EPA FOIA Reading Room. EPA has made available on its public facing website all records that have previously released.

Monthly FOIA Backlog Reports to Senior Leadership. The National FOIA Office issued monthly FOIA backlog reports to the heads of all Agency program and regional offices, identifying each office's existing FOIA backlog and the change from the prior month.

Routine Meetings of EPA FOIA Professionals. The National FOIA Office emphasized the presumption of openness and FOIA compliance during regular monthly meetings of the EPA FOIA community.

Requester Engagement for More Efficient Processing. EPA's FOIA professionals regularly work with requesters throughout the FOIA process to seek clarification and to develop schedules for interim releases when appropriate.

Proactively Release Monthly Visitors Logs of Headquarters Buildings. EPA uploads Headquarters visitors logs to the FOIA website by the 15<sup>th</sup> of each month. Posting the visitors logs eliminates the need for the public to submit a FOIA request to obtain this information.

Environmental Information by Location. To increase transparency and access to agency records, EPA maintains a publicly accessible website where members of the public may access agency records regarding *Envirofacts* (information related to air quality, water quality, radiation concerns, regulation compliance) for any locale. This information is searchable by location name, address, city, county, waterbody or zip code.

Publication of the EPA Administrator's Message to EPA Employees. EPA maintains on a public facing agency webpage EPA Administrator messages to EPA employees regarding transparency and maintaining the public trust.

## Section II: Ensuring Fair and Effective FOIA Administration

The Attorney General's 2022 [FOIA Guidelines](#) provide that "[e]nsuring fair and effective FOIA administration requires . . . proper training, and a full understanding of FOIA obligations by the entire agency workforce." The Guidelines reinforce longstanding guidance to "work with FOIA requesters in a spirit of cooperation." The Attorney General also "urge[s] agency Chief FOIA Officers to undertake comprehensive review of all aspects of their agency's FOIA administration" as part of ensuring fair and effective FOIA administration.

### A. FOIA Training

1. The FOIA directs agency Chief FOIA Officers to ensure that FOIA training is offered to agency personnel. See 5 U.S.C. § 552(a)(j)(2)(F). Please describe the efforts your agency has undertaken to ensure proper FOIA training is made available and used by agency personnel.

#### **EPA Annual FOIA Training (In-house)**

EPA requires all employees to take annual online FOIA training. This year's training focused on the basics of the FOIA and FOIA processing, including records subject to the FOIA, who can be a FOIA requester, statutory time limits for processing, conducting a reasonable search, reviewing records for proper disclosure, records equities, and documenting the FOIA casefile.

2. Did your FOIA professionals or the personnel at your agency who have FOIA responsibilities attend substantive FOIA training during the reporting period such as that provided by the Department of Justice?

Yes.

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

#### **EPA Tri-Annual FOIA Conference (In-house)**

EPA held its Tri-Annual National Training Conference in October 2024. This training, which took place over 3 working days covered cradle-to-grave FOIA processing for all EPA FOIA personnel. Included within the training conference were sessions covering fee assessments, an advance analysis of the deliberative process privilege, complex FOIAs, the FOIA litigation lifecycle, conducting legally sufficient searches, and a session lead by the Office of Government Information Services (OGIS) regarding negotiating with requesters.

#### **Department of Justice, Office of Information Policy Trainings (External)**

EPA FOIA professionals and staff with FOIA responsibilities attended the following trainings offered by the Department of Justice (DOJ), Office of Information Policy:

Exemption 1 and Exemption 7 Training: The Exemption 1 workshop gave an overview of Executive Order 13526 and the withholding of classified national security information. The Exemption 7 workshop provided an overview of the FOIA's primary exemption for law enforcement records, including this exemption's threshold requirement and substantive subparts.

Exemption 4 and Exemption 5 Training: This training provided an overview of the requirements of Exemption 4, protecting trade secrets and certain commercial and financial information, as well as the submitter-notice process for exemption determinations. It also included an overview of Exemption 5, which incorporates civil discovery privileges into the FOIA.

Freedom of Information Act Litigation Seminar: This training provided a discussion of current legal and policy developments impacting FOIA administration, and an overview



of recent FOIA court decisions.

Procedural Requirements and Fees Training: This training provided an overview of the FOIA's procedural requirements, and statutory fees and fee waiver provisions.

Advanced Freedom of Information Act Training: This training provided an introduction to the FOIA's personal privacy exemptions, an overview of the various FOIA procedural requirements and, an advanced overview of the FOIA's requirements to make information available proactively to the public.

Administrative Appeals, FOIA Compliance, and Customer Service: This course covered the FOIA administrative appeal process, an overview of how agency FOIA professionals can help their agency accurately report about their FOIA administration, and an overview of the Office of Government Information Services with a focus on providing good customer service.

Privacy Considerations Training: This training provided an overview of FOIA Exemptions 6 and 7(C) and the interface between the FOIA and the Privacy Act.

Continuing FOIA Education: This training provided a discussion of current topics in FOIA administration, including an update on current legal and policy developments impacting FOIA administration, and an overview of recent FOIA court decisions.

#### **American Society of Access Professionals (External)**

EPA FOIA professionals and staff with FOIA responsibilities attended the National Training Conference offered by the American Society of Access Professionals.

#### **E-Discovery & Technology Training for FOIA Experts (External & In-house)**

EPA FOIA professionals attended several eDiscovery training events:

RelativityFest 2024 conference to stay abreast of advances in eDiscovery technology and best practices applicable to processing FOIA document reviews using Relativity software.

Federal Electronic Discovery Working Group (FEDWG) Conference including:

- Keynote Addresses from industry experts that discussed the implications of generative AI on the Legal Profession and the future of Legal technology.
- Multiple learning tracks for federal e-discovery practitioners at all experience levels, including breakout sessions by FEDWG experts in Civil, Criminal, Policy, and Technology topics.
- Interactive discussions and sessions on generative AI and ethics workplace collaboration tool collection, ESI protocols and search validation, e-discovery platform evaluation, agency staffing issues, privilege and FOIA exemption review, recent caselaw analysis and discussion.

The EPA provided training throughout the year to EPA FOIA professionals on the analytics tools included in EPA's e-Discovery Relativity platform that can be leveraged to



review records more efficiently for response to FOIA requests.

**EPA FOIA Community Meetings (In-house)**

The National FOIA Office held monthly meetings with the Agency's FOIA community to provide guidance and updates on FOIA-related matters. These monthly meetings provided key FOIA personnel with ongoing training relevant to the performance of their duties, including but not limited to: information on updates to EPA's FOIA processes and procedures; explanations of how to apply FOIA exemptions, negotiate with requesters and appropriately extend the response due date, estimate fees, and make discretionary disclosures; and guidance on other administrative processing matters, case law developments, new EPA FOIA regulations updates, and FOIA related topics.

**FOIAXpress Training (internal)**

EPA Training: The National FOIA Office created EPA-specific process and procedure training on FOIAXpress. This training included a detailed EPA FOIAXpress training manual for EPA's FOIA professionals.

**Focused EPA FOIA Training Events (In-house)**

FOIA experts in EPA's Office of General Counsel also provided a wide variety of training, briefing, and assistance on an as needed or project-specific basis throughout the year.

- The National FOIA Office, in the Office of General Counsel, provided comprehensive training to FOIA professionals and agency employees in several FOIA topic areas, including Identifying Proactive Disclosures; Choosing the Appropriate Disposition at Closeout; Negotiating with FOIA Requesters; EPA's Awareness Notification Process; several fees-related topics; Exemption 5; and Protecting Privileges Practice Tips.
- The General Law Office, in the Office of General Counsel, provided regular training to information law attorneys across the agency on a variety of topics. The General Law Office also provided training regarding specific topics to offices and regions upon request.

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

EPA estimates nearly all EPA FOIA professionals took substantive FOIA training in FY 2024, as the EPA requires all employees to complete Annual FOIA Training. In addition, EPA's National FOIA Office provides substantive training as part of its monthly FOIA community meetings, which are routinely attended by more than 150 FOIA professionals and managers.

5. OIP has directed agencies to "take steps to ensure that all of their FOIA professionals attend substantive FOIA training at least once throughout the year." If your response to the previous question is that less than 80% of your FOIA professionals attended training, please explain your agency's plan to ensure that all FOIA professionals receive or attend substantive FOIA training during the next reporting year.

N/A.

6. Describe any efforts your agency has undertaken to inform non-FOIA professionals of their obligations under the FOIA. In particular, please describe how often and in what formats your agency provides FOIA training or briefings to non-FOIA staff; and if senior leaders at your agency received a briefing on your agency's FOIA resources, obligations and expectations during the FOIA process?

**Annual Administrator FOIA Message**

On March 9, 2024, the Administrator issued an email message to all EPA employees in celebration of Sunshine Week and to emphasize the "Implementing the FOIA is key to all of our work to protect public health and the environment."

This annual message implements the 2018-2020 FOIA Federal Advisory Committee Recommendation 17, which encourages that "agency leadership annually issue a memorandum reminding the workforce of its responsibilities and obligations under FOIA and encouraging the workforce to contact the agency's FOIA officer for assistance with the FOIA process."

**Self-Learning Resources for EPA's Non-FOIA Professionals.**

The National FOIA Office regularly reviewed and updated the Agency's FOIA Intranet site that is accessible to all agency employees and contractors. This site includes subsections such as, for example, "FOIA Training Library," "Statute, Regulations, Policy, Procedures, and Case Law," and "FOIA Toolkit." The Intranet site is a one-stop resource for training materials, guidance issued by the Department of Justice, and other learning resources useful to non-FOIA professionals new to FOIA processing or needing refresher training. The site also prominently displays news highlights including regarding recent court decisions as noted below.



## B. Outreach

7. As part of the standard request process, do your FOIA professionals proactively contact requesters concerning complex or voluminous requests to clarify or narrow the scope of the request so requesters can receive responses more quickly? Please describe any such outreach or dialogue and, if applicable, any specific examples.

Yes, EPA FOIA professionals regularly contact requesters concerning complex or voluminous requests.

Agency FOIA procedures encourage FOIA Program Offices to contact a requester as many times as needed to clarify the scope of the request at any step in the FOIA process. EPA's centralized FOIA request intake team located within EPA's National FOIA Office evaluates requests for complexity within the first few days of receipt.

NFO FOIA professionals contact requesters to provide recommendations on ways to clarify or narrow requests. For internal communications to the EPA FOIA processing community and Agency leadership, EPA uses FOIA backlog data display that takes into account due date extensions where EPA offices appropriately reach out to requesters about requests that are complex or seek voluminous records.

8. Outside of the standard request process or routine FOIA Liaison or FOIA Requester Service Center interactions, did your FOIA professionals engage in any outreach or dialogue, with the requester community or open government groups regarding your administration of the FOIA? For example, did you proactively contact frequent requesters, host FOIA-related conference calls with open government groups, or provide FOIA training to members of the public? Please describe any such outreach or dialogue and, if applicable, any specific examples of how this dialogue has led to improvements in your agency's FOIA administration.

Yes.

### **Federal FOIA Advisory Committee**

Joan Moumbleaux, a senior Government Information Specialist in the NFO, serves as a government member of the Federal FOIA Advisory Committee for the 2024-2026 term. The FOIA Advisory Committee establishes an open and transparent way for the public to provide the federal government advice regarding FOIA implementation, and it consists of members both inside and outside the federal government, who have considerable FOIA expertise. NARA created the Advisory Committee to foster dialogue between the federal government and the requester community and to solicit public comments and develop recommendations for improving FOIA administration and proactive disclosures.

### **Chief FOIA Officers Council Technology Committee**

Three members of EPA's FOIA community—Jennifer MacDonald, an attorney-adviser in EPA's Region 10 Office of Regional Counsel, Mark Muro, a government information specialist in EPA's Region 5, and Joan Moumbleaux a government information specialist in EPA's Office of General Counsel—represent EPA on the Chief FOIA Officers Council, Technology Committee. The Chief FOIA Officers Council established the Technology

Committee to study the use and deployment of technology in FOIA programs across agencies, and to identify best practices and recommendations that can be implemented across agencies.

**Chief FOIA Officers Council Committee on Cross-Agency Collaboration and Innovation**

Nicole Rementer, an attorney-adviser in EPA's Office of General Counsel, serves as an EPA member on the Chief FOIA Officers Council, Committee of Cross-Agency Collaboration and Innovation (COCACI). The Chief FOIA Officers Council created the COCACI in October 2020 to implement Recommendation 16 from the 2018-2020 FOIA Advisory Committee Final Report and Recommendations. Its purpose is to research and propose cross-agency grant programs and funding sources, create federal career paths for FOIA professionals, and promote models to align agency resources with agency transparency. Nicole Rementer co-chairs the Government Information Specialists (Job Series) Professionalization Subcommittee.

9. The FOIA Improvement Act of 2016 requires additional notification to requesters about the services provided by the agency's FOIA Public Liaison. Please provide an estimate of the number of times requesters sought assistance from your agency's FOIA Public Liaison during Fiscal Year 2023 (please provide a total number or an estimate of the number for the agency overall).

For FY 2024, the FOIA Public Liaison and FOIA Requester Service Center email account received approximately 900 inquiries this year, including approximately 280 specifically requesting FOIA Public Liaison services. The National FOIA Office responds to emailed inquiries by email or follow up phone call. In addition, the National FOIA Office, which includes EPA's FOIA Public Liaison and FOIA Requester Service Center, issues a unique correspondence to each requester as part of its intake review of FOIA requests and includes information on how to contact EPA's FOIA Public Liaison in that correspondence, as well as in every FOIA final letter and interim response letters.

## C. Other Initiatives

10. Has your agency evaluated the allocation of agency personnel resources needed to respond to current and anticipated FOIA demands? If so, please describe what changes your agency has or will implement.

In 2024, EPA continued to use lean management principles, methods and techniques to continuously review and improve EPA's FOIA response processing. By deploying lean management methods agency-wide, offices across the agency deployed visual management tools to bring greater focus to FOIA processing. Root cause analysis is a critical lean management method that requires offices to analyze whether FOIA processing goals and targets can be met through process improvements, deployment of technology, or changes in personnel resources.

11. How does your agency use data or processing metrics to ensure efficient management of your FOIA workload? For example, case management reports, staff processing statistics, etc. In addition, please specifically highlight any data analysis methods or technologies used.

The EPA regularly creates various reports to track the review status of FOIA requests and response times and to make case assignments. EPA uses lean management methods and techniques, including daily and weekly huddle data display and monthly and quarterly business meeting review of data, throughout its decentralized FOIA program administration. Several EPA program offices have developed their own FOIA processing display dashboards for tracking FOIA processing through various stages of initial triage through final response and use such data for daily and weekly allocation of resources to keep FOIA processing on schedule and to identify when further contact with requesters regarding estimated due dates is warranted. Additionally, the EPA compares the Quarterly Reports and the FOIA Annual Reports to assess quarterly and yearly trends and levels of productivity. The EPA will continue to use data reporting to assess productivity and assist it in streamlining processes and procedures. Additionally, the National FOIA Office holds an EPA FOIA community meeting to review and discuss the Annual FOIA Report, the Chief FOIA Officer's Report, and the DOJ Chief FOIA Officers' Report Assessment and Summary to illustrate areas of improvement and to identify opportunities for improvement in the next fiscal year.

12. The federal FOIA Advisory Committee, comprised of agency representatives and members of the public, was created to foster dialogue between agencies and the requester community, solicit public comments, and develop recommendations for improving FOIA administration. Since 2020, the FOIA Advisory Committee has issued a number of recommendations. Please answer the below questions:

- Is your agency familiar with the FOIA Advisory Committee and its recommendations?

Yes, EPA is familiar with the Committee and its recommendations. A former EPA attorney in the NFO served on the Committee for the 2022-2024 term. Currently, Joan Moumbleaux, a senior Government Information Specialist in the NFO, serves as a government member of the Federal FOIA Advisory Committee for the 2024-2026 term.

- Has your agency implemented any of its recommendations or found them to be helpful? If so, which ones?

Yes, EPA has found the recommendations to be helpful. While none of the Committee's recommendations have been directed to EPA, the agency nonetheless finds all of the recommendations of the Committee to be helpful as the agency continuously works to promote transparency and efficiency of its FOIA program. EPA has however implemented Recommendation No. 2020-15, which recommends that Agencies will make commonly requested documents available outside of the FOIA process, including in publicly accessible online databases. EPA now makes all records that have been previously released publicly available in the EPA FOIA Reading Room.

13. Optional -- If there are any other initiatives undertaken by your agency to ensure fair and effective FOIA administration, please describe them here.

**FOIA Expert Assistance Team (FEAT)**

EPA's FEAT, part of EPA's National FOIA Office in the Office of General Counsel, was



created in 2014 to provide strategic direction and project management assistance on the most challenging or complex FOIA requests.

- The FEAT also provides consulting services to EPA programs that need help assessing and identifying areas of improvement in their FOIA programs or processes. Depending on the specific needs of the Agency and each request for assistance, the FEAT adjusts its level of involvement on a particular project. An example of a FEAT project is the East Palestine Train Derailment: The FEAT was deployed to assist with the FOIA requests received by the EPA following the East Palestine train derailment's release of hazardous substances on February 3, 2023. The incident spawned both FOIA litigation and over 100 requests for EPA records with a FOIA workload that threatened to overwhelm the emergency response team. The Court overseeing litigation praised the FOIA Response Team's outstanding work, stating: "EPA has thus far been a constructive partner to [the Plaintiffs] and other FOIA requesters seeking information about the incident: it has proactively released information to the public, compiled more than 14,000 records to expeditiously comply with requests, and worked productively with Plaintiffs here to facilitate document production. The Court commends such actions." For the first time, the FEAT is also managing a document review contract team to provide additional support to agency staff reviewers. In total, the Team has reviewed over 39,000 records and made 35 document production releases to the public, including posting all FOIA responses to the EPA East Palestine Emergency Response webpage. This response is ongoing and to date, EPA has made available online to the public over 17,000 pages of FOIA records.

### Section III: Proactive Disclosures

The Attorney General's 2022 FOIA Guidelines emphasize that "proactive disclosure of information is . . . fundamental to the faithful application of the FOIA." The Guidelines direct agencies to post "records online quickly and systematically in advance of any public request" and reiterate that agencies should post records "in the most useful, searchable, and open formats possible."

1. Please describe what steps your agency takes to identify, track, and post (a)(2) proactive disclosures.

EPA makes all records previously released to the public through its previous case management system available in the reading room of its new case management system. EPA's FOIA Personnel are instructed by EPA Policy to post released records to the EPA FOIA Reading Room immediately after responding to the FOIA request that necessitated the release of the records. In FY 2024, EPA completed migration into the EPA FOIAXpress "Reading Room" of over 1.8 million agency records that were previously released via its prior FOIA case management system. Those 1.8 million agency records are now readily accessible to the public.

2. Does your agency post logs of its FOIA requests? If so, what information is contained in the logs? Are they posted in CSV format? If not, what format are they posted in?

Yes. EPA posts FOIA logs on the FOIA website located at



<https://www.epa.gov/foia/historic-foia-logs>. The information contained in these logs are the FOIA tracking number, a requester name, requester organization, date received, and record description. The FOIA logs are posted in PDF format.

3. Provide examples of any material (with links) that your agency has proactively disclosed during the past reporting year, including records that have been requested and released three or more times in accordance with 5 U.S.C. § 552(a)(2)(D).

Lists of Special Government Employees (SGEs) - Employees who performs special temporary duties for the agency, available at [www.epa.gov/foia/list-special-government-employees-sges](http://www.epa.gov/foia/list-special-government-employees-sges)

EPA Building Visitor Logs: <https://www.epa.gov/foia/epa-building-visitor-logs>

Data Landing Page: <https://www.epa.gov/data>

- This site can be used to explore and interact with EPA data resources. You can find data by topic or location, interact with those data in web-based applications, understand how EPA uses data, and see how you can use those data too.

East Palestine Train Derailment: <https://www.epa.gov/east-palestine-oh-train-derailment>

- EPA constructed a website to proactively disclose to the public information regarding EPA's action taken in response to the freight train derailment in East Palestine, Ohio, including information EPA collected regarding the release of hazardous substances by the train derailment. The website provides affected community members and the interested public with the latest information about air monitoring, water sampling, cleanup activities, and public participation opportunities, as well as a history of EPA's response actions. The webpage also includes links to all EPA records released under

Toxics Release Inventory (TRI) Data and Tools: <https://www.epa.gov/toxics-release-inventory-tri-program/tri-data-and-tools>

- EPA published preliminary Toxics Release Inventory (TRI) data about chemical waste management, including releases, and pollution prevention activities that occurred during the prior year at more than 20,000 industrial and federal facilities across the country. This webpage contains several tools, such as
  - TRI Data as Reported by Facilities
  - National Reports/Factsheets
  - TRI Tools for Most Users
  - TRI Data and Tools for Advanced/Customized Analysis
  - Topic-Focused Data and Tools
  - TRI Toxics Tracker. The public can use the preliminary data to identify facilities that reported to TRI (for example, to locate facilities in a certain ZIP code locality) and learn which chemicals those facilities manage as waste and in what quantities.

Pesticide Incident Data: <https://www.epa.gov/pesticide-incidents/about-incident-data-system-ids>

- This website enables the public to search 10 years of pesticide incident data. A pesticide incident is any exposure or effect from a pesticide's use that is not expected or intended. By sharing this information, EPA enabled the public and community organizations to better understand pesticide exposures, including exposures to vulnerable populations. The search tool pulls information from EPA's Incident Data System (IDS), allowing public access to raw data reported to EPA on pesticide exposure incidents. EPA receives information about pesticide incidents from a variety of sources including from:
  - pesticide manufacturers (registrants), as they are required to submit reports of unreasonable adverse effects from their products;
  - reporting by the public through other entities (including state regulators for pesticide enforcement);
  - information submitted when individuals send an email directly to EPA;
  - the National Pesticide Information Center (NPIC); and
  - the American Association of Poison Control Centers.

Prior to launching this web-based tool, EPA generally only provided incident information to the public when responding to requests under the Freedom of Information Act (FOIA) or as an incident summary as part of EPA's pesticide registration review process.

4. Provide a link (or component links, if applicable) where your agency routinely posts it frequently requested records.

<https://www.epa.gov/foia/frequently-requested-information>

5. 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? If yes, please provide examples of such improvements. In particular, please describe steps your agency is taking to post information in open, machine-readable, and machine-actionable formats, to the extent feasible. If not posting in open formats, please explain why and note any challenges.

Yes.

The EPA Section 508 Program offers policies, guidance, and oversight to ensure agency-wide compliance with Section 508 and digital accessibility requirements.

Additionally, EPA established a Digital Accessibility Community of Practice, where EPA personnel can ask questions, post comments and check out training from the Section 508 Liaison meetings and the ORD Digital Accessibility Working Group.

Also, to further the Open Government Initiative, EPA is posting information in open, machine readable, machine actionable formats by providing the public with an Environmental Dataset Gateway (EDG). The EDG offers data consumers a catalog of all EPA open data content, available at

<https://edg.epa.gov/metadata/catalog/main/home.page>.

Further, EPA provides open data policies governing the open data initiative as well as guidance for viewing or downloading datasets curated by the EPA, available at <https://www.epa.gov/data>.

6. Does your proactive disclosure process or system involve any collaboration with agency staff outside the FOIA office, such as IT or data personnel? If so, describe this interaction.

EPA Program Offices and Regions work with EPA's Office of Mission Support to post records or databases on the agency website. EPA's National FOIA Office worked closely with EPA Region 5 to ensure posting of records released under the FOIA pertaining to the East Palestine Train Derailment.

7. Optional -- Please describe the best practices used to improve proactive disclosures and any challenges your agency faces in this area.

EPA continually strives to improve and increase disclosure to the public of important environmental and public health information. EPA does this in a variety of ways, including the following best practices:

- Disclosure to One is Disclosure to All. EPA makes publicly available most records that have been released under FOIA (except records responsive to first party requests).
- EPA program offices continuously disclose to the public, including through interactive websites, the public health and environmental information that EPA collects.
- [Section IV: Steps Taken to Greater Utilize Technology](#)

A key component of FOIA administration is using technology to make information available to the public and to gain efficiency in FOIA processing. The Attorney General's 2022 [FOIA Guidelines](#) emphasize the importance of making FOIA websites easily navigable and complying with the [FOIA.gov](#) interoperability requirements. Please answer the following questions to describe how your agency is using technology to improve its FOIA administration and the public's access to information.

1. Has your agency reviewed its FOIA-related technological capabilities to identify resources needed to respond to current and anticipated FOIA demands?

Yes. EPA's National FOIA Office reviewed its FOIA case management software system, FOIAXpress, and worked throughout the year with the product vendor to improve the software system's capability. In addition, several EPA employees, who are expert users of EPA's technology systems are members of the Chief FOIA Officer Council Technology Committee. These members stay current on the latest technology developments for FOIA solutions and report back to EPA on new and emerging technology opportunities to help EPA best respond to current and anticipated FOIA demands.

2. Please briefly describe any new types of technology your agency uses to support your FOIA program.

EPA has a standing, weekly meeting with its FOIA Processing Software contractor (OPEXUS) to ascertain usability of the system and access whether any system updates would most effectively assist EPA staff in processing FOIA requests as efficiently as possible.

3. Does your agency currently use any technology to automate record processing? For example, does your agency use machine learning, predictive coding, technology assisted review or similar tools to conduct searches or make redactions? If so, please describe and, if possible, estimate how much time and financial resources are saved since implementing the technology.

EPA primarily uses the RelativityOne software solution for FOIA document review and redaction. The Relativity One software solution includes a variety of machine automation tools for use in document review.

4. OIP issued [guidance](#) in 2017 encouraging agencies to regularly review their FOIA websites to ensure that they contain essential resources and are informative and user-friendly. Has your agency reviewed its FOIA website(s) during the reporting period to ensure it addresses the elements noted in the guidance?

Yes. EPA's National FOIA Office completed a refresh/update to its public facing website in FY 2024, in order to make information about the FOIA, about EPA FOIA administration, and about EPA's publicly available records, easier to find and use.

5. Did all four of your agency's [quarterly reports](#) for Fiscal Year 2024 appear on FOIA.gov?

Yes. Additionally, EPA posted the FY 2024 quarterly reports to its public facing website, available at <https://www.epa.gov/foia/department-justice-quarterly-reports>.

6. If your agency did not successfully post all quarterly reports on FOIA.gov, please explain why and provide your agency's plan for ensuring that such reporting is successful in Fiscal Year 2024.

N/A.

7. The FOIA Improvement Act of 2016 requires all agencies to post the raw statistical data used to compile their Annual FOIA Reports. Please provide the link to this posting for your agency's Fiscal Year 2023 Annual FOIA Report and, if available, for your agency's Fiscal Year 2024 Annual FOIA Report.

The Fiscal Year 2023 and Fiscal Year 2024 reports are available at the following link: <https://www.epa.gov/foia/annual-reports>

8. In February 2019, DOJ and OMB issued joint [Guidance](#) establishing interoperability standards to receive requests from the National FOIA Portal on FOIA.gov. Are all components of your

agency in compliance with the guidance?

Yes. The EPA complies with OMB M-19-10 Guidance for Achieving Interoperability with the National Freedom of Information Act (FOIA) Portal on FOIA.gov.

9. Optional -- Please describe the best practices used in greater utilizing technology and any challenges your agency faces in this area.

EPA FOIA professionals attend RelativityFest to gain knowledge and best practices for the use of Relativity.

## Section V: Steps Taken to Remove Barriers to Access, Improve Timeliness in Responding to Requests, and Reduce Backlogs

The Attorney General's 2022 FOIA Guidelines instruct agencies "to remove barriers to requesting and accessing government records and to reduce FOIA processing backlogs." Please answer the following questions to describe how your agency is removing barriers to access, improving timeliness in responding to requests, and reducing FOIA backlogs.

### A. Remove Barriers to Access

1. Has your agency established alternative means of access to first-party requested records, outside of the typical FOIA or Privacy Act process?

Yes.

2. If yes, please provide examples. If no, please indicate why not. Please also indicate if you do not know.

EPA provides a service for all current and former EPA employees to have their employment and wage information verified through Equifax's "The Work Number" service. This service allows current and former EPA employees to have their employment and wage information verified within a matter of minutes. Lenders or "verifiers" are able to retrieve requested information 24 hours a day, seven days a week by visiting [www.theworknumber.com](http://www.theworknumber.com) or calling 1-800-367-5690.

MyProperty (<https://enviro.epa.gov/facts/myproperty>) is an internet-based tool for searching facility data that comes from multiple EPA data sources available through the EPA's Facility Registry System (FRS). This tool allows property owners, as well as real estate agents, mortgage banks, engineering and environmental consulting firms and the public, to determine if EPA's FRS system has records on a specific property without filing a FOIA request. If a search of an address returns a 'No Information Found for the Submitted Address' response, the user can generate a "No Records Certificate". Environmental due diligence professionals often require documentation that EPA does not possess environmental contamination records about a specific property and submit FOIA requests to obtain such documentation. The MyProperty "No Records Certificate" satisfies such documentation requirements in several state and local jurisdictions. The

public continues to increase use of the MyProperty site since EPA began informing FOIA requesters about the site.

3. Please describe any other steps your agency has taken to remove barriers to accessing government information.

EPA proactively makes agency records public available without the need to file a FOIA request. For example, EPA's Office of Chemical Safety and Pollution Prevention launch a new web-based search tool in FY 2023 to increase transparency by allowing the public to access 10 years of pesticide incident data on its public-facing website.

## B. Timeliness

4. For Fiscal Year 2024, what was the average number of days your agency reported for adjudicating requests for expedited processing? Please see Section VIII.A. of your agency's Fiscal Year 2024 Annual FOIA Report.

4.13 days.

5. If your agency's average number of days to adjudicate requests for expedited processing was above ten calendar days, according to Section VIII.A. of your agency's Fiscal Year 2023 Annual FOIA Report, 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.

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

Yes.

7. If your agency uses a separate track for simple requests, according to Annual FOIA Report section VII.A, was the agency overall average number of days to process simple requests twenty working days or fewer in Fiscal Year 2023?

No. EPA's average was 27.6 days.

8. If not, did the simple track average processing time decrease compared to the previous Fiscal Year?

Yes. EPA decreased the processing for simple track requests in FY 2024 by over 20 days (down from an average processing time of 49.47 in FY 2023).

9. Please provide the percentage of requests processed by your agency in Fiscal Year 2024 that were placed in your simple track. Please use the following calculation based on the data from your Annual FOIA Report: (processed simple requests from Section VII.C.1) divided by (requests processed from Section V.A.) x 100.

In FY 2024, EPA processed 60.67% of the requests in the simple track.

10. 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.

## C. Backlogs

### Backlogged Requests

11. If your agency had a backlog of requests at the close of Fiscal Year 2024, according to Annual FOIA Report Section XII.D.2, did that backlog decrease as compared with the backlog reported at the end of Fiscal Year 2023?

No, the backlog did not decrease. The backlog for FY 2024 was 1,564 and the backlog for FY 2023 was 1318.

12. If not, according to Annual FOIA Report Section XII.D.1, did your agency process more requests during Fiscal Year 2024 than it did during Fiscal Year 2023?

Yes, the agency processed more requests in Fiscal Year 2024 than it did during Fiscal Year 2023. In FY2023, EPA processed 6,777 requests. In FY2024, EPA processed 7,134 requests.

13. If your agency's request backlog increased during Fiscal Year 2024, please explain why and describe the causes that contributed to your agency not being able to reduce its backlog. When doing so, please also indicate if any of the following were contributing factors:

- An increase in the number of incoming requests
- A loss of staff
- An increase in the complexity of the requests received (if possible, please provide examples or briefly describe the types of complex requests contributing to your backlog increase)
- Litigation
- Any other reasons – please briefly describe or provide examples when possible

There were significant performance failures by the vendor of EPA's FOIA processing software system, resulting in the system not being fully functional until the beginning of the second quarter of FY2024. The FOIA response backlog increased significantly during the first quarter of FY2024 and, while EPA was able to reduce the backlog in the second through fourth quarters, EPA was not able to eliminate the increase caused by the vendor's system failure in the first quarter.

EPA also was confronted for the first time with the challenge of individuals using artificial intelligence i.e., "bots" to submit FOIA requests. EPA received almost 1,200 such requests in the last half of FY2024. These requests most often included a large request of



information for over 190 EPA employees, which significantly increased the volume and complexity of FOIA requests received by the agency.

Lastly, two EPA offices where the agency backlog is largely concentrated faced unique challenges. One office had staffing challenges (extended leave, other duties, and detail assignment to another office). The other office did not, until the near end of FY2024, have access to a large quantity of paper records that were needed to process backlogged requests due to their move from another agency office.

14. 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 2024. Please use the following calculation based on data from your Annual FOIA Report: (backlogged requests from Section XII.A) divided by (requests received from Section V.A) x 100. This number can be greater than 100%. If your agency has no request backlog, please answer with "N/A."

20.71%.

## Backlogged Appeals

15. If your agency had a backlog of appeals at the close of Fiscal Year 2024, according to Section XII.E.2 of the Annual FOIA Report, did that backlog decrease as compared with the backlog reported at the end of Fiscal Year 2023?

N/A.

16. If not, according to section XII.E.1 of the Annual FOIA Report, did your agency process more appeals during Fiscal Year 2024 than it did during Fiscal Year 2023?

N/A.

17. If your agency's appeal backlog increased during Fiscal Year 2023, please explain why and describe the causes that contributed to your agency not being able to reduce its backlog. When doing so, please also indicate if any of the following were contributing factors:

- An increase in the number of incoming appeals
- A loss of staff
- An increase in the complexity of the requests received (if possible, please provide examples or briefly describe the types of complex requests contributing to your backlog increase)
- Litigation
- Any other reasons – please briefly describe or provide examples when possible

N/A.

18. 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 2024. Please use the following calculation based on data from your Annual FOIA Report: (backlogged

appeals from Section XII.A) divided by (appeals received from Section VI.A) x 100. This number can be greater than 100%. If your agency did not receive any appeals in Fiscal Year 2023 and/or has no appeal backlog, please answer with "N/A."

N/A.

## D. Backlog Reduction Plans

19. In the 2024 guidelines for Chief FOIA Officer Reports, any agency with a backlog of over 1000 requests in Fiscal Year 2022 was asked to provide a plan for achieving backlog reduction in the year ahead. Did your agency implement a backlog reduction plan last year? 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 2023?

Yes, EPA implemented a backlog reduction plan that included new initiatives and continued building actions started in previous reporting cycles to improve its FOIA program.

Specifically, EPA continues to use lean management principles, methods and techniques to continuously review and improve EPA's FOIA response processing. By deploying lean management methods agency-wide, EPA offices deployed visual management tools and pursued monthly and annual backlog reduction targets aligned with the Agency's Strategic Plan Goal and annual targets. Additionally, EPA's National FOIA Office supported agency-wide backlog reduction efforts by issuing monthly FOIA backlog reports to EPA's senior leadership showing the backlog of overdue FOIA requests in each EPA headquarters and regional offices, as well as previous months' data trends.

The lean management approach is built upon EPA's FY 2022-26 Strategic Plan, which includes a Strategic Goal to increase transparency and public participation and to eliminate the FOIA response backlog by the end of FY 2026.

EPA also maintained FOIA accountability language in all senior manager performance agreements Agency-wide in FY 2024, and EPA continued delivering specialized FOIA training for supervisors.

Also as part of the backlog reduction efforts, EPA sought to proactively disclose more records publicly available through FOIAXpress and on the EPA's website, including a new initiative to make available more than 4,500 Data Evaluation Records (DERs) available in ChemView, a publicly accessible portal on EPA's website.

20. If your agency had a backlog of more than 1,000 requests in Fiscal Year 2024, please explain your agency's plan to reduce this backlog during Fiscal Year 2025.

EPA plans to continue its backlog reduction plan, including monthly data reporting of overdue FOIA requests showing progress towards the agency-wide and office-specific backlog reduction goals. EPA will continue to provide training to supervisors and EPA FOIA professionals on their FOIA duties.

EPA will continue focus on accountability through the performance review process. EPA will also continue to apply lean management principles, methods and techniques to FOIA agency-wide, thereby promoting continuous improvement through initiatives developed in each FOIA processing office. Through regular review of data and meetings to discuss both challenges and successes, EPA is committed to continuously identifying ways to improve FOIA processing.

## E. Reducing the Age of Requests, Appeals, and Consultations

### Ten Oldest Requests

21. In Fiscal Year 2024, did your agency close the ten oldest pending perfected requests that were reported in Section VII.E. of your Fiscal Year 2022 Annual FOIA Report?

No. EPA did not close the ten oldest requests reported in the FY 2023 Annual FOIA Report.

22. 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 2023 Annual FOIA Report. If you had less than ten total oldest requests to close, please indicate that.

N/A. EPA did not close out any of its 10 oldest requests.

23. Beyond work on the ten oldest requests, please describe any steps your agency took to reduce the overall age of your pending requests.

EPA's efforts to reorganize and improve FOIA processing described in response to the questions above are the steps that EPA took to reduce the overall age of FOIA requests pending with EPA.

### Ten Oldest Appeals

24. In Fiscal Year 2024, did your agency close the ten oldest appeals that were reported pending in Section VI.C.5 of your Fiscal Year 2023 Annual FOIA Report?

Yes. EPA successfully closed all appeals reported in the FY 2023 Annual FOIA Report.

25. 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 2023 Annual FOIA Report. If you had less than ten total oldest appeals to close, please indicate that.

EPA successfully closed all appeals reported on the FY 2024 Annual FOIA Report.

26. Beyond work on the ten oldest appeals, please describe any steps your agency took to reduce the overall age of your pending appeals.

EPA maintained a zero-appeal backlog throughout FY 2024 and completed all appeals within the statutory time limit. The EPA General Law Office (GLO), in the Office of

General Counsel (OGC), maintained the prior fiscal year's process improvements to maximize efficiency. Within days of receiving an appeal, GLO notifies program offices and EPA regional offices responsible for the initial response to the FOIA request that the response has been appealed and to be prepared to coordinate with an OGC attorney shortly. GLO holds a weekly group meeting for each attorney to give an update on the processing of each open appeal and to raise any issues for discussion and elevation. Additionally, attorneys abide by a strict timeline to draft appeal determinations to provide management sufficient time to review. To manage the operations of the Agency's FOIA appeals program, GLO established a Team Coordinator for Administrative Appeals position. Before a draft determination is presented to the Assistant General Counsel for review and signature, the Team Coordinator reviews the draft to ensure completeness and legal sufficiency. The Team Coordinator also briefs management with regular status updates, coordinates with EPA programs and regions on individual appeals, and assists attorneys with the processing of individual appeals as needed.

## Ten Oldest Consultations

27. In Fiscal Year 2024, did your agency close the ten oldest consultations that were reported pending in Section XII.C. of your Fiscal Year 2023 Annual FOIA Report?

Yes, EPA closed all the consultations that were reported in the FY 2023 Annual FOIA Report.

28. 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 2023 Annual FOIA Report. If you had less than ten total oldest consultations to close, please indicate that.

N/A.

## Additional Information Regarding Ten Oldest

29. If your agency did not close its ten oldest pending requests, appeals, or consultations, please explain why and provide a plan describing how your agency intends to close those "ten oldest" requests, appeals, and consultations during Fiscal Year 2024.

EPA closed its oldest consultations and appeals. With respect to the 10 oldest pending requests, EPA intends to obtain additional resources via contractor support to close the "ten oldest" requests.

## F. Additional Information about FOIA Processing

30. Were any requests at your agency the subject of FOIA litigation during the reporting period? If so, please describe the impact on your agency's overall FOIA request processing and backlog. If possible, please indicate:

- The number and nature of requests subject to litigation
- Common causes leading to litigation
- Any other information to illustrate the impact of litigation on your

overall FOIA administration

Yes, during FY2024 EPA defended approximately 55 lawsuits relating to approximately 72 FOIA requests received by the agency. The most frequent allegation made in the lawsuits was an alleged failure by EPA to respond to a FOIA request or complete its response within the time requirements of 5 U.S.C. 552(a)(6).

As we reported last year, litigation over a FOIA response often requires EPA to dedicate increased staff attention to the response. Typically, the office that is leading EPA's response must dedicate additional staff time and attention to assist the litigation attorney in reviewing all actions already taken in the FOIA response and to coordinate with the litigation attorney on subsequent action if the litigation was filed before EPA completed its final response. Litigation also often requires EPA staff to review and spend time preparing pleadings and declarations that are not needed for FOIA responses not in litigation. This additional staff time for review and coordination also must be done on compressed timelines due to court ordered or agreed to production schedules. In this way, litigation over a FOIA response can negatively impact a program office's ability to timely process other non-litigation requests in their queue by requiring EPA to prioritize work on responses that are in litigation. This can result in an increase in backlogged requests if an office has insufficient FOIA processing staff to simultaneously process both the litigation and non-litigation requests.