

# How to Make a Freedom of Information Act Request

United States Environmental Protection Agency  
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The Freedom of Information Act (FOIA) allows you to obtain information from various agencies of the federal government, including the Environmental Protection Agency (EPA). The purpose of this brochure is to provide you with a brief description of your rights and the manner in which the EPA will respond to your requests under the FOIA.

The information contained in this brochure is not exhaustive or definitive. Specific requests will be governed by the provisions of the FOIA, set forth in 5 U.S.C. 552, and in the Agency's regulations implementing the Act, set forth in 40 CFR Part 2. Copies of these regulations are available at the Agency's Freedom of Information Office (Headquarters) in Washington, DC and at its regional offices.

Questions may be directed to the:

National Freedom of Information Operations Officer, 1200 Pennsylvania Avenue, N.W. (2822T, Washington, DC 20460; telephone (202) 566-1667. Also, questions may be directed to the regional office within your geographical jurisdiction (addresses listed under REGIONAL OFFICES).

## INFORMATION YOU CAN OBTAIN

In general, you can inspect or obtain copies of publicly available material maintained by the EPA through public reading facilities in the Agency's headquarters and regional offices. Also, you may electronically access information by means of the Internet via the Agency's Web site at: <http://www.epa.gov>. All agency records must be made available to the public under the FOIA, except for records which are:

1. Properly classified as secret in the interest of national defense or foreign policy;
2. Related solely to internal personnel rules and practices;
3. Specifically made confidential by other statutes;
4. Trade secrets and commercial or financial information which is obtained from a person and is privileged or confidential;
5. Inter-agency or intra-agency memoranda or letters, except under certain circumstances;
6. Personnel and medical files and similar files, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;

7. Records or information compiled for law enforcement purposes, the release of which (a) could reasonably be expected to interfere with enforcement proceedings, (b) would deprive a person of a right to a fair trial or impartial adjudication, (c) could reasonably be expected to constitute an unwarranted invasion of personal privacy, (d) could reasonably be expected to disclose the identity of a confidential source, (e) would disclose investigative techniques, and/or (f) could reasonably be expected to endanger the life or physical safety of any individual;
8. Information contained in or related to certain examination, operating, or condition reports concerning financial institutions;
9. Certain information concerning gas or oil wells.

In addition, if the foregoing types of information may be reasonably segregated and deleted from any records, the EPA will make the remainder of that record available to you for inspection or copying, if it is not otherwise available.

## **SUBMITTING YOUR REQUEST**

Before making a request under the FOIA, make sure the information you seek is not already available to the public in reading rooms or the Agency's Web site on the Internet. Copies of this public material can also be requested by writing to the Agency's headquarters office or to the appropriate Agency's regional office.

If the information you seek is not already available to the public, **submit a written request to the National FOIA Operations Officer in Washington, DC or the Regional FOIA Officer in the appropriate regional office (addresses listed below)**. To assist the EPA in the processing of your request, include: (A) readable information such as your name, address, and phone number; (B) try to be as specific as possible in identifying the records sought in a way that will permit their identification and location; (C) whether payment of fees are guaranteed; and (D) if fees are incurred, you will be required to provide a Taxpayer Identification Number (TIN), if requesting information on behalf of a company/organization or Social Security Number (SSN), if requesting information as a private citizen which is required under the Debt Collection Improvement Act of 1996.

Generally, you have a right to a decision with regard to the release of the requested records within 20 working days of receipt of your inquiry and the EPA makes every effort to meet this time frame. However, due to the complexity of certain requests, the agency may take a substantially longer time to fully respond to a request.

If your request is initially denied in whole or in part, in accordance with exemptions provided by the FOIA, you will be advised of your right to appeal. Generally, you will have a right to a decision on the appeal within 20 working days of receipt.

All requests made under the FOIA are a matter of public record and may be placed in the Agency's public files.

## **INSPECTION OF RECORDS**

Records requested (in writing) under the FOIA can be made available for inspection at the Agency's headquarters office in Washington, DC or at the Agency's regional offices.

Actual production and/or copying of records should be arranged with the staff after it is determined that records are in fact accessible.

## **SEARCH, REVIEW AND COPY CHARGES**

With certain specific exceptions authorized by the FOIA Reform Act of 1986, a fee will generally be charged when more than one-half staff hour of work is devoted to locating, reviewing and making available for inspection or copying records requested pursuant to the FOIA. These fees will recoup the full allowable direct costs incurred. In accordance with the EPA's revised FOIA regulations (40 CFR 2.100, et. seq.), effective November 5, 2002, the Agency's fees for processing requests have changed. The new fee schedule is as follows:

- Clerical staff time billed at \$4.00 per 15 minutes of search and/or review;
- Professional staff time billed at \$7.00 per 15 minutes of search and/or review;
- Managers' time billed at \$10.25 per 15 minutes of search and/or review;
- Duplication charges at \$.15 per page;
- No fee will be charged for services at or below \$14.00;
- Assurance of payment of fees above \$25.00 will be obtained from the requester before commencing any work;
- Advance payment of fees above \$250 may be required by the Agency before commencing any work; and
- Any other services not listed above, such as certification of documents or priority mail, will be charged the direct costs.

The EPA may determine to waive or reduce fees in cases where furnishing the information primarily benefits the general public by significantly assisting citizens in understanding how their government works. Requests for waiver or reduction of fees should be submitted with the requests for records under the FOIA. Please include in any waiver request relevant facts or arguments, which might support the request.

URL: <http://www.epa.gov/foia/broc.htm>