

# FOIA ANNUAL REPORT

FOR  
10/01/2009  
THROUGH  
09/30/2010

The following **Annual Freedom of Information Act** report covers the Period 10/01/2009, through 09/30/2010, as required by 5 U.S.C. 552.

## I. BASIC INFORMATION REGARDING REPORT

1. Name, Title, Address and Telephone Number  
**Larry F. Gottesman**  
**National FOIA Officer**  
**FOIA and Privacy Branch**  
**Office of Environmental Information**  
**U.S. Environmental Protection Agency**  
**1200 Pennsylvania Ave, NW**  
**Mail Code 2822 T**  
**Washington, D.C 20460**  
**(202) 566-1667**
2. Electronic address for Report on the agency Web site.  
**<http://www.epa.gov/foia>**

3. How to obtain a copy of the Report in paper form.  
**National FOIA Office**  
**FOIA and Privacy Branch**  
**Office of Environmental Information**  
**U.S. Environmental Protection Agency**  
**1200 Pennsylvania Ave, NW**  
**Mail Code 2822 T**  
**Washington, D.C 20460**  
**(202) 566-1667**

## II. MAKING A FOIA REQUEST

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

## III. ACRONYMS, DEFINITIONS, AND EXEMPTIONS

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

2. Basic terms expressed in common terminology

- a. **Administrative Appeal** - a request to a federal agency asking that it review at a higher administrative level a FOIA determination made by the agency at the initial request level.
- b. **Average Number** - the number obtained by dividing the sum of a group of numbers by the quantity of numbers in the group. For example, of 3, 7, and 14, the average number is 8.
- c. **Backlog** - the number of requests or administrative appeals that are pending at an agency at the end of the fiscal year that are beyond the statutory time period for a response.
- d. **Component** - for agencies that process requests on a decentralized basis, a "component" is an entity, also sometimes referred to as an Office, Division, Bureau, Center, or Directorate, within the agency that processes FOIA requests.
- e. **Consultation** - the procedure whereby the agency responding to a FOIA request first forwards a record to another agency for its review because that other agency has an interest in the document. Once the agency in receipt of the consultation finishes its review of the record, it responds back to the agency that forwarded it. That agency, in turn, will then respond to the FOIA requester.
- f. **Exemption 3 Statute** - a federal statute that exempts information from disclosure and which the agency relies on to withhold information under subsection (b)(3) of the FOIA.
- g. **FOIA Request** - a FOIA request is generally a request to a federal agency for access to records concerning another person (i.e., a "third-party" request), or concerning an organization, or a particular topic of interest. FOIA requests also include requests made by requesters seeking records concerning themselves (i.e., "first-party" requests) when those requesters are not subject to the Privacy Act, such as non-U.S. citizens. Moreover, because all first-party requesters should be afforded the benefit of both the access provisions of the FOIA as well as those of the Privacy Act, FOIA requests also include any first-party requests where an agency determines that it must search beyond its Privacy Act "systems of records" or where a Privacy Act exemption applies, and the agency looks to FOIA to afford the greatest possible access. All requests which require the agency to utilize the FOIA in responding to the requester are included in this Report.

Additionally, a FOIA request includes records referred to the agency for processing and direct response to the requester. It does not, however, include records for which the agency has received a consultation from another agency. (Consultations are reported separately in Section XII of this Report.)

- h. **Full Grant** - an agency decision to disclose all records in full in response to a FOIA request.

- i. **Full Denial** - an agency decision not to release any records in response to a FOIA request because the records are exempt in their entirety under one or more of the FOIA exemptions, or because of a procedural reason, such as when no records could be located.
- j. **Median Number** - the middle, not average, number. For example, of 3, 7, and 14, the median number is 7.
- k. **Multi-Track Processing** - a system in which simple requests requiring relatively minimal review are placed in one processing track and more voluminous and complex requests are placed in one or more other tracks. Requests granted expedited processing are placed in yet another track. Requests in each track are processed on a first in/first out basis.
  - i. **Expedited Processing** - an agency will process a FOIA request on an expedited basis when a requester satisfies the requirements for expedited processing as set forth in the statute and in agency regulations.
  - ii. **Simple Request** - a FOIA request that an agency using multi-track processing places in its fastest (non-expedited) track based on the low volume and/or simplicity of the records requested.
  - iii. **Complex Request** - a FOIA request that an agency using multi-track processing places in a slower track based on the high volume and/or complexity of the records requested.
- l. **Partial Grant/Partial Denial** - in response to a FOIA request, an agency decision to disclose portions of the records and to withhold other portions that are exempt under the FOIA, or to otherwise deny a portion of the request for a procedural reason.
- m. **Pending Request or Pending Administrative Appeal** - a request or administrative appeal for which an agency has not taken final action in all respects.
- n. **Perfected Request** - a request for records which reasonably describes such records and is made in accordance with published rules stating the time, place, fees (if any) and procedures to be followed.
- o. **Processed Request or Processed Administrative Appeal** - a request or administrative appeal for which an agency has taken final action in all respects.
- p. **Range in Number of Days** - the lowest and highest number of days to process requests or administrative appeals.
- q. **Time Limits** - the time period in the statute for an agency to respond to a FOIA request (ordinarily twenty working days from receipt of a perfected FOIA request).

3. Include the following concise descriptions of the nine FOIA exemptions:
  - a. **Exemption 1:** classified national defense and foreign relations information
  - b. **Exemption 2:** internal agency rules and practices
  - c. **Exemption 3:** information that is prohibited from disclosure by another federal law
  - d. **Exemption 4:** trade secrets and other confidential business information
  - e. **Exemption 5:** inter-agency or intra-agency communications that are protected by legal privileges
  - f. **Exemption 6:** information involving matters of personal privacy
  - g. **Exemption 7:** records or information compiled for law enforcement purposes, to the extent that the production of those records (A) could reasonably be expected to interfere with enforcement proceedings, (B) would deprive a person of a right to a fair trial or an impartial adjudication, (C) could reasonably be expected to constitute an unwarranted invasion of personal privacy, (D) could reasonably be expected to disclose the identity of a confidential source, (E) would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions, or (F) could reasonably be expected to endanger the life or physical safety of any individual
  - h. **Exemption 8:** information relating to the supervision of financial institutions
  - i. **Exemption 9:** geological information on wells

#### IV. Exemption 3 Statutes

| <b>A. For Initial Requests</b> |   |                      |  |  |
|--------------------------------|---|----------------------|--|--|
| <b>Statute</b>                 | <b>Type of Information Withheld</b>   | <b>Case Citation</b> | <b>Number of Times Relied upon per Component</b> | <b>Total Number of Times Relied upon by Agency</b> |
| F.R. Cr. P. 6(e)               | Federal Rules of Criminal Procedure: Records relating to Grand Jury Investigations or Proceedings   | Y                    | HQ : 1   | 1  |
| FIFRA 7 U.S.C. 136h Sect. 10g  | Federal Insecticide, Fungicide, and Rodenticide Act 7 U.S.C. 136 h, Section 10 (g): Analytical, health, environmental effects and efficacy data that prohibits registrants from disclosing information to foreign competitors | Y                    | 04 : 1<br>HQ : 17                                | 18   |
| FIFRA 7 U.S.C. 136h Sect. 10   | Federal Insecticide, Fungicide, and Rodenticide Act 7 U.S.C. 136h Section 10: Studies from registrants who engage in the distribution of pesticides in countries other than the U.S.  | Y                    | HQ : 5   | 5  |
| P.I.A. 41 U.S.C. 253b(m)(1)    | Procurement Integrity Ad, 41 U.S.C. 253b(m)(1): Contract Proposal   | Y                    | 07 : 2   | 2  |
| 42 U.S.C Section 241(d)        | 42 U.S.C Section 241(d)   | N                    | 04 : 1<br>08 : 1                                 | 2  |

| <b>B. For Appeals</b>         |   |                      |  |  |
|-------------------------------|---|----------------------|--|--|
| <b>Statute</b>                | <b>Type of Information Withheld</b>   | <b>Case Citation</b> | <b>Number of Times Relied upon per Component</b> | <b>Total Number of Times Relied upon by Agency</b> |
| FIFRA 7 U.S.C. 136h Sect. 10g | Federal Insecticide, Fungicide, and Rodenticide Act 7 U.S.C. 136 h, Section 10 (g): Analytical, health, environmental effects and efficacy data that prohibits registrants from disclosing information to foreign competitors | Y                    | HQ : 2   | 2  |

## V. FOIA REQUESTS

| <b>A. Received, Processed and Pending FOIA Requests</b> |  |   |  |  |
|---|--|---|--|--|
|   | <b>Number of Requests Pending as of Start of Fiscal Year</b> | <b>Number of Requests Received in Fiscal Year</b> | <b>Number of Requests Processed in Fiscal Year</b> | <b>Number of Requests Pending as of End of Fiscal Year</b> |
| 01  | 31   | 250   | 253  | 28   |
| 02  | 323  | 1758  | 1578   | 503  |
| 03  | 147  | 1436  | 1446   | 137  |
| 04  | 64   | 854   | 828  | 90   |
| 05  | 107  | 1600  | 1605   | 102  |
| 06  | 81   | 583   | 586  | 78   |
| 07  | 42   | 530   | 528  | 44   |
| 08  | 22   | 370   | 366  | 26   |
| 09  | 41   | 526   | 516  | 51   |
| 10  | 65   | 449   | 446  | 68   |
| HQ  | 574  | 2053  | 1919   | 708  |
| AGENCY OVERALL  | 1497   | 10409   | 10071  | 1835   |

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

|                | Number of Full Grants | Number of Partial Grants/Partial Denials | Number of Full Denials Based on Exemptions | Number of Full Denials Based on Reasons Other than Exemptions |           |                   |                    |                                  |   |                      |                   |                               | TOTAL |     |
|----------------|-----------------------|--|--|---|-----------|-------------------|--------------------|----------------------------------|---|----------------------|-------------------|-------------------------------|-------|-----|
|                |                       |  |  | No records  | Referrals | Request withdrawn | Fee-related reason | Records not reasonably described | Not a proper FOIA request for some other reason | Not an agency record | Duplicate request | Other *Explain in chart below |       |     |
| 01             | 147                   | 8  | 1  | 74  | 10        | 13                | 0                  | 0                                | 0   | 0                    | 0                 | 0                             | 0     | 253 |
| 02             | 410                   | 7  | 1  | 997   | 32        | 47                | 5                  | 68                               | 1   | 0                    | 9                 | 1                             | 1578  |     |
| 03             | 427                   | 26                                       | 0  | 829   | 36        | 121               | 0                  | 0                                | 0   | 0                    | 7                 | 0                             | 1446  |     |
| 04             | 405                   | 60                                       | 5  | 253   | 21        | 53                | 11                 | 10                               | 0   | 1                    | 9                 | 0                             | 828   |     |
| 05             | 659                   | 58                                       | 4  | 822   | 1         | 37                | 4                  | 7                                | 2   | 1                    | 10                | 0                             | 1605  |     |
| 06             | 247                   | 39                                       | 4  | 211   | 46        | 32                | 1                  | 0                                | 1   | 1                    | 3                 | 1                             | 586   |     |
| 07             | 354                   | 18                                       | 6  | 123   | 1         | 23                | 1                  | 0                                | 0   | 0                    | 2                 | 0                             | 528   |     |
| 08             | 197                   | 13                                       | 1  | 75  | 0         | 75                | 2                  | 0                                | 0   | 0                    | 3                 | 0                             | 366   |     |
| 09             | 232                   | 42                                       | 8  | 152   | 33        | 24                | 3                  | 8                                | 3   | 2                    | 8                 | 1                             | 516   |     |
| 10             | 268                   | 54                                       | 2  | 70  | 0         | 47                | 1                  | 2                                | 1   | 0                    | 1                 | 0                             | 446   |     |
| HQ             | 1099                  | 282                                      | 68   | 202   | 38        | 165               | 11                 | 8                                | 8   | 7                    | 27                | 4                             | 1919  |     |
| AGENCY OVERALL | 4445                  | 607                                      | 100  | 3808  | 218       | 637               | 39                 | 103                              | 16  | 12                   | 79                | 7                             | 10071 |     |



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

| Component | Description of Other Reasons for Denials from Chart B (1) & Number of Times Those Reasons Were Relied upon | TOTAL |
|-----------|--|-------|
| 02        | LITIGATION 1   | 1     |
| 06        | FILE REVIEW 1  | 1     |
| 09        | GLOMAR 1   | 1     |
| HQ        | GLOMAR 1<br>LITIGATION 2<br>FILE REVIEW 1  | 4     |

| <b>B.(3) Disposition of FOIA Requests Number of Times Exemptions Applied</b> |        |        |        |        |        |        |           |           |           |           |           |           |        |        |
|--|--------|--------|--------|--------|--------|--------|-----------|-----------|-----------|-----------|-----------|-----------|--------|--------|
|  | (b)(1) | (b)(2) | (b)(3) | (b)(4) | (b)(5) | (b)(6) | (b)(7)(A) | (b)(7)(B) | (b)(7)(C) | (b)(7)(D) | (b)(7)(E) | (b)(7)(F) | (b)(8) | (b)(9) |
| 01   | -      | -      | -      | 1      | 6      | 1      | 4         | -         | 1         | -         | -         | -         | -      | -      |
| 02   | -      | -      | -      | 2      | 2      | 3      | -         | -         | -         | -         | -         | -         | -      | -      |
| 03   | 2      | -      | -      | 4      | 12     | 7      | 3         | -         | 1         | -         | -         | -         | -      | -      |
| 04   | -      | 1      | 2      | 23     | 34     | 33     | 15        | -         | 8         | -         | -         | -         | -      | -      |
| 05   | -      | 2      | 1      | 19     | 31     | 17     | 23        | -         | 3         | 1         | -         | -         | -      | -      |
| 06   | -      | 1      | -      | 10     | 30     | 22     | 9         | 7         | 1         | 3         | 1         | 1         | -      | -      |
| 07   | -      | -      | 2      | 6      | 10     | 6      | 10        | -         | -         | 1         | -         | -         | -      | -      |
| 08   | -      | 1      | 1      | -      | 12     | 3      | 3         | -         | 3         | -         | -         | -         | -      | -      |
| 09   | -      | 3      | -      | 22     | 20     | 5      | 5         | 1         | 1         | 1         | -         | -         | -      | -      |
| 10   | -      | -      | 1      | 4      | 43     | 4      | 13        | -         | 2         | -         | 1         | -         | -      | -      |
| HQ   | 16     | 21     | 23     | 146    | 92     | 66     | 38        | -         | 29        | 2         | 4         | -         | -      | -      |
| AGENCY OVERALL   | 18     | 29     | 30     | 237    | 292    | 167    | 123       | 8         | 49        | 8         | 6         | 1         | -      | -      |

## VI. ADMINISTRATIVE APPEALS OF INITIAL DETERMINATIONS OF FOIA REQUESTS

| <b>A. Received, Processed and Pending Administrative Appeals</b> |  |   |  |  |
|--|--|---|--|--|
|  | Number of Appeals Pending as of Start of Fiscal Year | Number of Appeals Received in Fiscal Year | Number of Appeals Processed in Fiscal Year | Number of Appeals Pending as of End of Fiscal Year |
| HQ   | 110  | 204                                       | 215  | 99   |
| AGENCY OVERALL   | 110  | 204                                       | 215  | 99   |

| <b>B. Disposition of Administrative Appeals All Processed Appeals</b> |                           |   |   |  |       |
|---|---------------------------|---|---|--|-------|
|   | Number Affirmed on Appeal | Number Partially Affirmed & Partially Reversed/Remanded on Appeal | Number Completely Reversed/Remanded on Appeal | Number of Appeals Closed for Other Reasons | TOTAL |
| HQ  | 83                        | 33  | 32  | 67   | 215   |
| AGENCY OVERALL  | 83                        | 33  | 32  | 67   | 215   |

| <b>C.(1) Reasons for Denial on Appeal Number of Times Exemptions Applied</b> |        |        |        |        |        |        |           |           |           |           |           |           |        |        |
|--|--------|--------|--------|--------|--------|--------|-----------|-----------|-----------|-----------|-----------|-----------|--------|--------|
|  | (b)(1) | (b)(2) | (b)(3) | (b)(4) | (b)(5) | (b)(6) | (b)(7)(A) | (b)(7)(B) | (b)(7)(C) | (b)(7)(D) | (b)(7)(E) | (b)(7)(F) | (b)(8) | (b)(9) |
| HQ   | -      | 1      | 2      | 13     | 25     | 9      | 16        | -         | 2         | -         | 2         | -         | -      | -      |
| AGENCY OVERALL   | -      | 1      | 2      | 13     | 25     | 9      | 16        | 1         | 2         | -         | 2         | -         | -      | -      |

| <b>C.(2) Reasons for Denial on Appeal Reasons Other than Exemptions</b> |                    |                   |            |                                  |                   |                       |                                  |       |
|---|--------------------|-------------------|------------|----------------------------------|-------------------|-----------------------|----------------------------------|-------|
|   | Fee-related reason | Duplicate Request | No records | Records not reasonably described | Request withdrawn | Request in Litigation | Other<br>*Explain in chart below | TOTAL |
| HQ  | 5                  | 7                 | 3          | -                                | 39                | 4                     | 9                                | 67    |
| AGENCY OVERALL  | 5                  | 7                 | 3          | -                                | 39                | 4                     | 9                                | 67    |

| <b>C.(3) Reasons for Denial on Appeal Other Reasons</b> |   |       |
|---|---|-------|
| Component   | Description of Other Reasons for Denials from Chart C (2) & Number of Times Those Reasons Were Relied upon                  | TOTAL |
| HQ  | Referrals 2<br>Not a proper FOIA request for some other reason 3<br>Not an agency record 1<br>LITIGATION 1<br>FILE REVIEW 2 | 9     |

| <b>C.(4) Response Time for Administrative Appeals</b> |                       |                        |                       |                        |                       |                        |                       |                        |                       |                        |                       |                        |
|---|-----------------------|------------------------|-----------------------|------------------------|-----------------------|------------------------|-----------------------|------------------------|-----------------------|------------------------|-----------------------|------------------------|
|   | SIMPLE                |                        |                       |                        | COMPLEX               |                        |                       |                        | EXPEDITED PROCESSING  |                        |                       |                        |
|   | Median Number of Days | Average Number of Days | Lowest Number of Days | Highest Number of Days | Median Number of Days | Average Number of Days | Lowest Number of Days | Highest Number of Days | Median Number of Days | Average Number of Days | Lowest Number of Days | Highest Number of Days |
| HQ  | 29                    | 190.22                 | 0                     | 2256                   | -                     | -                      | -                     | -                      | -                     | -                      | -                     | -                      |
| AGENCY OVERALL  | 29                    | 190.22                 | 0                     | 2256                   | -                     | -                      | -                     | -                      | -                     | -                      | -                     | -                      |

| <b>C.(5) Ten Oldest Pending Administrative Appeals</b> |   |                    |                    |                    |                    |                    |                    |                    |                    |  |
|--|---|--------------------|--------------------|--------------------|--------------------|--------------------|--------------------|--------------------|--------------------|--|
|  | 10th Oldest Appeal and Number of Days Pending | 9th                | 8th                | 7th                | 6th                | 5th                | 4th                | 3rd                | 2nd                | Oldest Appeal and Number of Days Pending |
| HQ   | 02/22/2006<br>1155                            | 01/09/2006<br>1185 | 01/03/2006<br>1189 | 11/29/2005<br>1212 | 11/29/2005<br>1212 | 11/29/2005<br>1212 | 05/10/2005<br>1351 | 02/20/2003<br>1909 | 01/23/2003<br>1928 | 11/20/2002<br>1970                       |
| AGENCY OVERALL   | 02/22/2006<br>1155                            | 01/09/2006<br>1185 | 01/03/2006<br>1189 | 11/29/2005<br>1212 | 11/29/2005<br>1212 | 11/29/2005<br>1212 | 05/10/2005<br>1351 | 02/20/2003<br>1909 | 01/23/2003<br>1928 | 11/20/2002<br>1970                       |

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

**A. Processed Requests Response Time for All Processed Perfected Requests**

|                | SIMPLE                |                        |                       |                        | COMPLEX               |                        |                       |                        | EXPEDITED PROCESSING  |                        |                       |                        |
|----------------|-----------------------|------------------------|-----------------------|------------------------|-----------------------|------------------------|-----------------------|------------------------|-----------------------|------------------------|-----------------------|------------------------|
|                | Median Number of Days | Average Number of Days | Lowest Number of Days | Highest Number of Days | Median Number of Days | Average Number of Days | Lowest Number of Days | Highest Number of Days | Median Number of Days | Average Number of Days | Lowest Number of Days | Highest Number of Days |
| 01             | 15                    | 19.82                  | <1                    | 298                    | 55                    | 187                    | 32                    | 474                    | 5                     | 5                      | 5                     | 5                      |
| 02             | 55                    | 69.24                  | <1                    | 435                    | 75                    | 82.55                  | <1                    | 151                    | 12                    | 13                     | 3                     | 25                     |
| 03             | 21                    | 20.58                  | <1                    | 123                    | 43.5                  | 68.24                  | <1                    | 721                    | 24                    | 24                     | 24                    | 24                     |
| 04             | 18                    | 20.57                  | <1                    | 224                    | 53                    | 74.73                  | 4                     | 256                    | 7.5                   | 7.5                    | 4                     | 11                     |
| 05             | 15                    | 15.7                   | <1                    | 130                    | 56                    | 105.47                 | <1                    | 558                    | 9                     | 10                     | 1                     | 18                     |
| 06             | 26                    | 44.01                  | <1                    | 783                    | 315.5                 | 359                    | 17                    | 788                    | 8                     | 22.25                  | 7                     | 66                     |
| 07             | 18                    | 18.68                  | <1                    | 92                     | 36.5                  | 60.75                  | 6                     | 164                    | 6                     | 6                      | 6                     | 6                      |
| 08             | 9                     | 11.9                   | <1                    | 130                    | 70                    | 74.83                  | 20                    | 148                    | 3.5                   | 3.5                    | <1                    | 9                      |
| 09             | 20                    | 22.68                  | <1                    | 207                    | 89                    | 171.67                 | 2                     | 730                    | 22                    | 22                     | 22                    | 22                     |
| 10             | 17                    | 31.13                  | <1                    | 1165                   | 39                    | 62.35                  | <1                    | 326                    | 12                    | 8.67                   | 1                     | 13                     |
| HQ             | 20                    | 63.34                  | <1                    | 1436                   | 111                   | 245.67                 | <1                    | 959                    | 12                    | 14.36                  | <1                    | 44                     |
| AGENCY OVERALL | 19                    | 36.41                  | <1                    | 1436                   | 51                    | 93.74                  | <1                    | 959                    | 9                     | 13.08                  | <1                    | 66                     |

| <b>B. Processed Requests Response Time for Perfected Requests in Which Information Was Granted</b> |                       |                        |                       |                        |                       |                        |                       |                        |                       |                        |                       |                        |
|--|-----------------------|------------------------|-----------------------|------------------------|-----------------------|------------------------|-----------------------|------------------------|-----------------------|------------------------|-----------------------|------------------------|
|  | SIMPLE                |                        |                       |                        | COMPLEX               |                        |                       |                        | EXPEDITED PROCESSING  |                        |                       |                        |
|  | Median Number of Days | Average Number of Days | Lowest Number of Days | Highest Number of Days | Median Number of Days | Average Number of Days | Lowest Number of Days | Highest Number of Days | Median Number of Days | Average Number of Days | Lowest Number of Days | Highest Number of Days |
| 01   | 17                    | 23.12                  | <1                    | 248                    | 55                    | 187                    | 32                    | 474                    | -                     | -                      | -                     | -                      |
| 02   | 53                    | 68.2                   | 2                     | 251                    | 101                   | 95.12                  | 17                    | 151                    | 12                    | 13                     | 3                     | 25                     |
| 03   | 21                    | 21.62                  | <1                    | 110                    | 44.5                  | 63.73                  | <1                    | 283                    | -                     | -                      | -                     | -                      |
| 04   | 19                    | 21.94                  | <1                    | 224                    | 54.5                  | 80.4                   | 13                    | 256                    | -                     | -                      | -                     | -                      |
| 05   | 16                    | 18.4                   | <1                    | 130                    | 66                    | 123.12                 | 13                    | 558                    | 16                    | 16                     | 16                    | 16                     |
| 06   | 25                    | 43.42                  | <1                    | 549                    | 553                   | 452.67                 | 17                    | 788                    | 37.5                  | 37.5                   | 9                     | 66                     |
| 07   | 19                    | 19.59                  | 1                     | 92                     | 6                     | 6                      | 6                     | 6                      | 6                     | 6                      | 6                     | 6                      |
| 08   | 13                    | 14.02                  | <1                    | 130                    | 50                    | 70.4                   | 20                    | 148                    | 3.5                   | 3.5                    | <1                    | 9                      |
| 09   | 20                    | 24.32                  | <1                    | 207                    | 72                    | 66.33                  | 15                    | 165                    | 22                    | 22                     | 22                    | 22                     |
| 10   | 18                    | 28.94                  | <1                    | 334                    | 45                    | 75.91                  | <1                    | 326                    | 12.5                  | 12.5                   | 12                    | 13                     |
| HQ   | 20                    | 53.38                  | <1                    | 1398                   | 227                   | 255                    | 45                    | 483                    | 12                    | 12.56                  | <1                    | 44                     |
| AGENCY OVERALL   | 19                    | 34.81                  | <1                    | 1398                   | 55.5                  | 94.89                  | <1                    | 788                    | 12                    | 14.36                  | <1                    | 66                     |

**C. Processed Requests Response Time in Day Increments**  
Simple Requests

|                | < 1 Day | 1-20 Days | 21-40 Days | 41-60 Days | 61-80 Days | 81-100 Days | 101-120 Days | 121-140 Days | 141-160 Days | 161-180 Days | 181-200 Days | 201-300 Days | 301-400 Days | 401+ Days | TOTAL |
|----------------|---------|-----------|------------|------------|------------|-------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|-----------|-------|
| 01             | 28      | 142       | 57         | 15         | 3          | 1           | -            | -            | -            | 1            | -            | 3            | -            | -         | 250   |
| 02             | 59      | 95        | 332        | 193        | 69         | 165         | 105          | 134          | 99           | 9            | 7            | 10           | -            | 1         | 1278  |
| 03             | 23      | 630       | 605        | 53         | 7          | 2           | 2            | 1            | -            | -            | -            | -            | -            | -         | 1323  |
| 04             | 14      | 516       | 204        | 32         | 9          | 6           | 2            | 3            | 2            | 1            | -            | 1            | -            | -         | 790   |
| 05             | 22      | 1358      | 146        | 33         | 12         | 3           | 1            | 1            | -            | -            | -            | -            | -            | -         | 1576  |
| 06             | 12      | 172       | 226        | 78         | 31         | 8           | 12           | 1            | 4            | 3            | -            | 3            | 4            | 10        | 564   |
| 07             | 2       | 381       | 127        | 9          | 2          | 2           | -            | -            | -            | -            | -            | -            | -            | -         | 523   |
| 08             | 66      | 233       | 44         | 12         | -          | 1           | -            | 1            | -            | -            | -            | -            | -            | -         | 357   |
| 09             | 10      | 247       | 196        | 32         | 8          | 2           | 4            | -            | -            | -            | -            | 1            | -            | -         | 500   |
| 10             | 12      | 256       | 96         | 20         | 6          | 4           | 4            | 2            | 2            | 2            | 2            | 7            | 1            | 2         | 416   |
| HQ             | 61      | 906       | 439        | 111        | 72         | 48          | 40           | 36           | 25           | 18           | 10           | 45           | 22           | 65        | 1898  |
| AGENCY OVERALL | 309     | 4936      | 2472       | 588        | 219        | 242         | 170          | 179          | 132          | 34           | 19           | 70           | 27           | 78        | 9475  |

**Complex Requests**

| Simple Requests | < 1 Day | 1-20 Days | 21-40 Days | 41-60 Days | 61-80 Days | 81-100 Days | 101-120 Days | 121-140 Days | 141-160 Days | 161-180 Days | 181-200 Days | 201-300 Days | 301-400 Days | 401+ Days | TOTAL |
|-----------------|---------|-----------|------------|------------|------------|-------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|-----------|-------|
| 01              | -       | -         | 1          | 1          | -          | -           | -            | -            | -            | -            | -            | -            | -            | 1         | 3     |
| 02              | 1       | 1         | 4          | 6          | 4          | 2           | 1            | 9            | 3            | -            | -            | -            | -            | -         | 31    |
| 03              | 1       | 6         | 37         | 21         | 4          | 5           | 6            | 3            | 4            | -            | -            | 4            | -            | 1         | 92    |
| 04              | -       | 4         | 8          | 8          | 3          | 2           | -            | 3            | 1            | 2            | 1            | 1            | -            | -         | 33    |
| 05              | 1       | 2         | 5          | 3          | 1          | 3           | 1            | -            | -            | 1            | -            | -            | -            | 2         | 19    |
| 06              | -       | 1         | -          | -          | 1          | -           | -            | -            | -            | -            | -            | -            | -            | 2         | 4     |
| 07              | -       | 2         | -          | 1          | -          | -           | -            | -            | -            | 1            | -            | -            | -            | -         | 4     |
| 08              | -       | 1         | -          | 2          | -          | 2           | -            | -            | 1            | -            | -            | -            | -            | -         | 6     |
| 09              | -       | 3         | 1          | 1          | 2          | 2           | -            | -            | -            | 1            | -            | 3            | -            | 2         | 15    |
| 10              | 2       | 2         | 5          | 2          | 2          | -           | 1            | 2            | -            | -            | -            | -            | 1            | -         | 17    |
| HQ              | 2       | 1         | -          | 1          | -          | -           | 1            | -            | -            | -            | -            | 1            | -            | 3         | 9     |
| AGENCY OVERALL  | 7       | 23        | 61         | 46         | 17         | 16          | 10           | 17           | 9            | 5            | 1            | 9            | 1            | 11        | 233   |

| Requests Granted Expedited Processing |         |           |            |            |            |             |              |              |              |              |              |              |              |           |       |
|---------------------------------------|---------|-----------|------------|------------|------------|-------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|-----------|-------|
| Simple Requests                       | < 1 Day | 1-20 Days | 21-40 Days | 41-60 Days | 61-80 Days | 81-100 Days | 101-120 Days | 121-140 Days | 141-160 Days | 161-180 Days | 181-200 Days | 201-300 Days | 301-400 Days | 401+ Days | TOTAL |
| 01                                    | -       | 1         | -          | -          | -          | -           | -            | -            | -            | -            | -            | -            | -            | -         | 1     |
| 02                                    | -       | 3         | 1          | -          | -          | -           | -            | -            | -            | -            | -            | -            | -            | -         | 4     |
| 03                                    | -       | -         | 1          | -          | -          | -           | -            | -            | -            | -            | -            | -            | -            | -         | 1     |
| 04                                    | -       | 2         | -          | -          | -          | -           | -            | -            | -            | -            | -            | -            | -            | -         | 2     |
| 05                                    | -       | 5         | -          | -          | -          | -           | -            | -            | -            | -            | -            | -            | -            | -         | 5     |
| 06                                    | -       | 3         | -          | -          | 1          | -           | -            | -            | -            | -            | -            | -            | -            | -         | 4     |
| 07                                    | -       | 1         | -          | -          | -          | -           | -            | -            | -            | -            | -            | -            | -            | -         | 1     |
| 08                                    | 1       | 1         | -          | -          | -          | -           | -            | -            | -            | -            | -            | -            | -            | -         | 2     |
| 09                                    | -       | -         | 1          | -          | -          | -           | -            | -            | -            | -            | -            | -            | -            | -         | 1     |
| 10                                    | -       | 3         | -          | -          | -          | -           | -            | -            | -            | -            | -            | -            | -            | -         | 3     |
| HQ                                    | 2       | 7         | 4          | 1          | -          | -           | -            | -            | -            | -            | -            | -            | -            | -         | 14    |
| AGENCY OVERALL                        | 3       | 26        | 7          | 1          | 1          | -           | -            | -            | -            | -            | -            | -            | -            | -         | 38    |



| <b>D. Pending Requests All Pending Perfected Requests</b> |                       |                              |                               |                       |                              |                               |                             |                              |                               |
|---|-----------------------|------------------------------|-------------------------------|-----------------------|------------------------------|-------------------------------|-----------------------------|------------------------------|-------------------------------|
|   | <b>SIMPLE</b>         |                              |                               | <b>COMPLEX</b>        |                              |                               | <b>EXPEDITED PROCESSING</b> |                              |                               |
|   | <b>Number Pending</b> | <b>Median Number of Days</b> | <b>Average Number of Days</b> | <b>Number Pending</b> | <b>Median Number of Days</b> | <b>Average Number of Days</b> | <b>Number Pending</b>       | <b>Median Number of Days</b> | <b>Average Number of Days</b> |
| 01  | 24                    | 4.5                          | 20.25                         | 2                     | 374.5                        | 374.5                         | -                           | -                            | -                             |
| 02  | 728                   | 63                           | 82.23                         | 8                     | 29                           | 76                            | -                           | -                            | -                             |
| 03  | 136                   | 9                            | 11.65                         | 27                    | 34                           | 68.19                         | -                           | -                            | -                             |
| 04  | 3                     | 79                           | 181.33                        | -                     | -                            | -                             | -                           | -                            | -                             |
| 05  | 8                     | 14                           | 68.62                         | -                     | -                            | -                             | -                           | -                            | -                             |
| 06  | 87                    | 20                           | 49.98                         | 2                     | 707.5                        | 707.5                         | -                           | -                            | -                             |
| 07  | 40                    | 3.5                          | 7.52                          | 2                     | 189.5                        | 189.5                         | -                           | -                            | -                             |
| 08  | 19                    | 3                            | 13.53                         | 4                     | 80.5                         | 140.75                        | -                           | -                            | -                             |
| 09  | 46                    | 8                            | 11.37                         | 3                     | 68                           | 156.33                        | -                           | -                            | -                             |
| 10  | 66                    | 22                           | 56.35                         | 3                     | 34                           | 33                            | -                           | -                            | -                             |
| HQ  | 682                   | 99                           | 221.51                        | 6                     | 652                          | 695                           | 6                           | 154                          | 272.17                        |
| AGENCY OVERALL  | 1839                  | 52                           | 121.4                         | 57                    | 53                           | 180.58                        | 6                           | 154                          | 272.17                        |

**E. Pending Requests Ten Oldest Pending Perfected Requests**

|                | <b>10th Oldest Request and Number of Days Pending</b> | <b>9th</b>         | <b>8th</b>         | <b>7th</b>         | <b>6th</b>         | <b>5th</b>         | <b>4th</b>         | <b>3rd</b>         | <b>2nd</b>         | <b>Oldest Request and Number of Days Pending</b> |
|----------------|---|--------------------|--------------------|--------------------|--------------------|--------------------|--------------------|--------------------|--------------------|--|
| 01             | 09/20/2010<br>8                                       | 09/17/2010<br>10   | 09/15/2010<br>11   | 09/15/2010<br>11   | 09/02/2010<br>19   | 08/12/2010<br>36   | 07/10/2010<br>49   | 06/15/2010<br>61   | 01/06/2009<br>400  | 05/01/2007<br>840                                |
| 02             | 10/06/2009<br>249                                     | 10/06/2009<br>249  | 10/06/2009<br>249  | 10/06/2009<br>249  | 10/01/2009<br>250  | 10/01/2009<br>250  | 10/01/2009<br>250  | 10/01/2009<br>250  | 08/21/2009<br>265  | 06/16/2009<br>327                                |
| 03             | 09/10/2010<br>73                                      | 06/04/2010<br>82   | 05/17/2010<br>95   | 05/04/2010<br>104  | 04/29/2010<br>107  | 04/22/2010<br>112  | 02/09/2010<br>200  | 12/04/2009<br>218  | 11/09/2009<br>224  | 06/03/2009<br>317                                |
| 04             |   |                    |                    |                    |                    |                    |                    | 09/30/2010<br>8    | 08/03/2010<br>79   | 12/08/2008<br>457                                |
| 05             |   |                    | 09/29/2010<br>11   | 09/27/2010<br>12   | 09/27/2010<br>12   | 09/26/2010<br>12   | 09/22/2010<br>16   | 08/24/2010<br>34   | 12/16/2009<br>208  | 03/03/2010<br>244                                |
| 06             | 04/21/2010<br>113                                     | 03/16/2010<br>139  | 11/16/2009<br>220  | 11/06/2009<br>225  | 08/03/2009<br>292  | 07/14/2009<br>306  | 05/11/2009<br>350  | 03/04/2009<br>639  | 01/05/2008<br>687  | 11/02/2007<br>728                                |
| 07             | 09/14/2010<br>13                                      | 09/14/2010<br>13   | 09/10/2010<br>15   | 09/10/2010<br>16   | 06/04/2010<br>19   | 06/01/2010<br>21   | 05/26/2010<br>25   | 05/26/2010<br>25   | 05/25/2010<br>28   | 04/07/2009<br>374                                |
| 08             | 09/25/2010<br>4                                       | 09/19/2010<br>10   | 09/13/2010<br>13   | 09/09/2010<br>15   | 09/09/2010<br>15   | 08/18/2010<br>30   | 06/29/2010<br>65   | 05/10/2010<br>96   | 02/03/2010<br>166  | 03/03/2009<br>399                                |
| 09             | 09/08/2010<br>17                                      | 09/03/2010<br>18   | 08/30/2010<br>21   | 08/26/2010<br>22   | 08/16/2010<br>27   | 07/28/2010<br>43   | 06/18/2010<br>68   | 06/13/2010<br>72   | 06/02/2010<br>75   | 05/04/2009<br>358                                |
| 10             | 03/31/2010<br>128                                     | 03/08/2010<br>145  | 02/25/2010<br>152  | 02/24/2010<br>153  | 02/09/2010<br>163  | 02/03/2010<br>165  | 12/02/2009<br>209  | 11/17/2009<br>222  | 02/23/2009<br>405  | 08/18/2008<br>531                                |
| HQ             | 06/15/2005<br>1327                                    | 06/08/2005<br>1333 | 05/25/2005<br>1342 | 05/06/2005<br>1353 | 03/18/2005<br>1389 | 03/08/2005<br>1396 | 01/28/2005<br>1422 | 01/05/2005<br>1438 | 01/04/2005<br>1439 | 12/01/2004<br>1461                               |
| AGENCY OVERALL | 06/15/2005<br>1327                                    | 06/08/2005<br>1333 | 05/25/2005<br>1342 | 05/06/2005<br>1353 | 03/18/2005<br>1389 | 03/08/2005<br>1396 | 01/28/2005<br>1422 | 01/05/2005<br>1438 | 01/04/2005<br>1439 | 12/01/2004<br>1461                               |

**VIII. REQUESTS FOR EXPEDITED PROCESSING AND REQUESTS FOR FEE WAIVER**

| <b>A. Requests for Expedited Processing</b> |                           |                          |  |   |  |
|---|---------------------------|--------------------------|--|---|--|
|   | <b>Number<br/>Granted</b> | <b>Number<br/>Denied</b> | <b>Median<br/>Number of<br/>Days to<br/>Adjudicate</b> | <b>Average<br/>Number of<br/>Days to<br/>Adjudicate</b> | <b>Number<br/>Adjudicated<br/>Within Ten<br/>Calendar Days</b> |
| 01  | 1                         | 3                        | <1   | <1  | 4  |
| 02  | 3                         | 17                       | 4  | 5.1   | 16   |
| 03  | 1                         | 11                       | 2  | 2.66  | 12   |
| 04  | 2                         | 13                       | 6  | 6.6   | 13   |
| 05  | 5                         | 9                        | 5  | 4.92  | 13   |
| 06  | 4                         | 11                       | 6  | 5.06  | 13   |
| 07  | 1                         | 1                        | 7  | 7   | 2  |
| 08  | 2                         | 6                        | 4  | 5.12  | 7  |
| 09  | 1                         | 8                        | 8  | 9   | 6  |
| 10  | 3                         | 8                        | 3  | 3.63  | 11   |
| HQ  | 20                        | 76                       | 5  | 5.67  | 80   |
| AGENCY<br>OVERALL                           | 43                        | 163                      | 5  | 5.34  | 178  |

| <b>B. Requests for Fee Waiver</b> |                           |                          |  |   |
|-----------------------------------|---------------------------|--------------------------|--|---|
|                                   | <b>Number<br/>Granted</b> | <b>Number<br/>Denied</b> | <b>Median<br/>Number of<br/>Days to<br/>Adjudicate</b> | <b>Average<br/>Number of<br/>Days to<br/>Adjudicate</b> |
| 01                                | 14                        | 2                        | 3  | 5.43  |
| 02                                | 11                        | 10                       | 6  | 6.52  |
| 03                                | 25                        | 21                       | 4  | 4.04  |
| 04                                | 31                        | 23                       | 3.5  | 4.92  |
| 05                                | 28                        | 20                       | 4  | 5.47  |
| 06                                | 22                        | 18                       | 4.5  | 7.5   |
| 07                                | 12                        | 1                        | 5  | 5.07  |
| 08                                | 18                        | 5                        | 3  | 4.39  |
| 09                                | 13                        | 11                       | 6  | 6.16  |
| 10                                | 22                        | 18                       | 4  | 6.2   |
| HQ                                | 143                       | 73                       | 4  | 6.9   |
| AGENCY<br>OVERALL                 | 339                       | 202                      | 4  | 6.12  |

## IX. FOIA PERSONNEL AND COSTS

|                | PERSONNEL                          |   |                                      | COSTS            |                          |                 |
|----------------|------------------------------------|---|--------------------------------------|------------------|--------------------------|-----------------|
|                | Number of Full-Time FOIA Employees | Number of Equivalent Full-Time FOIA Employees | Total Number of Full-Time FOIA Staff | Processing Costs | Litigation-Related Costs | Total Costs     |
| 01             | 0                                  | 3.00  | 3.00                                 | \$465,892.64     | \$0.00                   | \$465,892.64    |
| 02             | 5                                  | 3.77  | 8.77                                 | \$1,395,149.41   | \$0.00                   | \$1,395,149.41  |
| 03             | 6                                  | 0.00  | 6.00                                 | \$934,383.79     | \$0.00                   | \$934,383.79    |
| 04             | 12                                 | 0.67  | 12.67                                | \$1,947,478.77   | \$11,467.66              | \$1,958,946.43  |
| 05             | 7                                  | 9.3   | 16.30                                | \$2,798,936.06   | \$0.00                   | \$2,798,936.06  |
| 06             | 2                                  | 0.00  | 2.00                                 | \$328,242.87     | \$0.00                   | \$328,242.87    |
| 07             | 2                                  | 0.00  | 2.00                                 | \$589,570.78     | \$0.00                   | \$589,570.78    |
| 08             | 5                                  | 0.67  | 5.67                                 | \$940,125.00     | \$0.00                   | \$940,125.00    |
| 09             | 1                                  | 9   | 10.00                                | \$1,508,245.59   | \$0.00                   | \$1,508,245.59  |
| 10             | 0                                  | 2.0   | 2.00                                 | \$321,032.00     | \$0.00                   | \$321,032.00    |
| HQ             | 11                                 | 46.0  | 58.50                                | \$9,300,000.00   | \$450,000.00             | \$9,750,000.00  |
| AGENCY OVERALL | 57                                 | 74.41   | 130.41                               | \$20,529,056.91  | \$461,467.66             | \$20,990,524.57 |

(\*) – FTE = \$150K.

## X. FEES COLLECTED FOR PROCESSING REQUESTS

|                | Total Amount of Fees Collected | Percentage of Total Costs |
|----------------|--------------------------------|---------------------------|
| 01             | \$2,250.57                     | 0.48                      |
| 02             | \$32,104.33                    | 2.3                       |
| 03             | \$37,080.11                    | 3.97                      |
| 04             | \$22,444.63                    | 1.14                      |
| 05             | \$37,577.67                    | 1.34                      |
| 06             | \$20,647.68                    | 6.29                      |
| 07             | \$170,484.99                   | 28.91                     |
| 08             | \$15,143.85                    | 1.61                      |
| 09             | \$12,440.56                    | 0.82                      |
| 10             | \$23,459.17                    | 7.30                      |
| HQ             | \$90,575.14                    | 0.92                      |
| AGENCY OVERALL | \$464,208.70                   | 2.21                      |

## XI. FOIA Regulations (Including Fee Schedule)

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

**XII. BACKLOGS, CONSULTATIONS, AND COMPARISONS**

| <b>A. Backlogs of FOIA Requests and Administrative Appeals</b> |   |  |
|--|---|--|
|  | <b>Number of Backlogged Requests as of End of Fiscal Year</b> | <b>Number of Backlogged Appeals as of End of Fiscal Year</b> |
| 01   | 0   | -  |
| 02   | 30  | -  |
| 03   | 0   | -  |
| 04   | 0   | -  |
| 05   | 0   | -  |
| 06   | 11  | -  |
| 07   | 0   | -  |
| 08   | 0   | -  |
| 09   | 0   | -  |
| 10   | 3   | -  |
| HQ   | 285   | 77   |
| AGENCY OVERALL   | 329   | 77   |

**Discuss/Explain the backlog here(Optional)**

|  |
|--|
|  |
|--|

| <b>B. Consultations on FOIA Requests Received, Processed, and Pending Consultations</b> |   |   |  |   |
|---|---|---|--|---|
|   | <b>Number of Consultations Received from Other Agencies that Were <u>Pending</u> at EPA as of <u>Start</u> of the Fiscal Year</b> | <b>Number of Consultations <u>Received</u> from Other Agencies During the Fiscal Year</b> | <b>Number of Consultations Received from Other Agencies that Were <u>Processed</u> by EPA During the Fiscal Year</b> | <b>Number of Consultations Received from Other Agencies that Were <u>Pending</u> at EPA as of <u>End</u> of the Fiscal Year</b> |
| AGENCY OVERALL  | 11  | 44  | 28   | 27  |

| <b>C. Consultations on FOIA Requests Ten Oldest Consultations Received from Other Agencies and Pending at EPA</b> |  |                 |                   |                  |                  |                  |                  |                  |                   |   |
|---|--|-----------------|-------------------|------------------|------------------|------------------|------------------|------------------|-------------------|---|
|   | <b>10th Oldest Consultation and Number of Days Pending</b> | <b>9th</b>      | <b>8th</b>        | <b>7th</b>       | <b>6th</b>       | <b>5th</b>       | <b>4th</b>       | <b>3rd</b>       | <b>2nd</b>        | <b>Oldest Consultation and Number of Days Pending</b> |
| AGENCY OVERALL  | 1/6/2010<br>183  | 1/4/2010<br>185 | 12/15/2009<br>198 | 12/2/2009<br>207 | 11/9/2009<br>223 | 8/19/2009<br>280 | 9/25/2008<br>505 | 9/23/2008<br>506 | 12/20/2006<br>948 | 1/30/2006<br>1171                                     |



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

|                | <b>NUMBER OF REQUESTS RECEIVED</b>                                      |  | <b>NUMBER OF REQUESTS PROCESSED</b>                                      |   |
|----------------|---|--|--|---|
|                | <b>Number Received During Fiscal Year from Last Years Annual Report</b> | <b>Number Received During Fiscal Year from Current Annual Report</b> | <b>Number Processed During Fiscal Year from Last Years Annual Report</b> | <b>Number Processed During Fiscal Year from Current Annual Report</b> |
| 01             | 275   | 250  | 262  | 253   |
| 02             | 1890  | 1758   | 1884   | 1578  |
| 03             | 1252  | 1436   | 1280   | 1446  |
| 04             | 790   | 854  | 776  | 828   |
| 05             | 1569  | 1600   | 1599   | 1605  |
| 06             | 518   | 583  | 621  | 586   |
| 07             | 521   | 530  | 522  | 528   |
| 08             | 341   | 370  | 341  | 366   |
| 09             | 587   | 526  | 595  | 516   |
| 10             | 459   | 449  | 458  | 446   |
| HQ             | 2115  | 2053   | 2066   | 1919  |
| AGENCY OVERALL | 10317   | 10409  | 10404  | 10071   |

|                | <b>Number of Backlogged Requests as of End of the Fiscal Year from Previous Annual Report</b> | <b>Number of Backlogged Requests as of End of the Fiscal Year from Current Annual Report</b> |
|----------------|---|--|
| 01             | 5   | 0  |
| 02             | 19  | 35   |
| 03             | 0   | 0  |
| 04             | 0   | 0  |
| 05             | 2   | 0  |
| 06             | 21  | 11   |
| 07             | 0   | 0  |
| 08             | 0   | 0  |
| 09             | 0   | 0  |
| 10             | 3   | 3  |
| HQ             | 282   | 285  |
| AGENCY OVERALL | 332   | 329  |

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

|                | <b>NUMBER OF APPEALS RECEIVED</b>                                       |  | <b>NUMBER OF APPEALS PROCESSED</b>                                       |   |
|----------------|---|--|--|---|
|                | <b>Number Received During Fiscal Year from Last Years Annual Report</b> | <b>Number Received During Fiscal Year from Current Annual Report</b> | <b>Number Processed During Fiscal Year from Last Years Annual Report</b> | <b>Number Processed During Fiscal Year from Current Annual Report</b> |
| HQ             | 167   | 204  | 217  | 215   |
| AGENCY OVERALL | 167   | 204  | 217  | 215   |

|                | <b>Number of Backlogged Appeals as of End of the Fiscal Year from Previous Annual Report</b> | <b>Number of Backlogged Appeals as of End of the Fiscal Year from Current Annual Report</b> |
|----------------|--|---|
| HQ             | 79   | 77  |
| AGENCY OVERALL | 79   | 77  |

## F. Discussion of Other FOIA Activities (Optional)

In FY2010, EPAs' FOIA program:

- reduced EPA's backlog of overdue FOIA request to 329;
- improved the Agency's effectiveness and consistency by consolidating and standardizing procedures to respond to fee waivers and expedited processing requests;
- increased transparency and access to information by proactively posting information that is frequently sought through FOIA requests and by launching an on-line Web site informing FOIA requesters of the status of their requests.

Even before the President's 2009 memoranda on access and disclosure, EPA's National FOIA Program embarked on an effort to improve timeliness, accountability and transparency in the processing of FOIA requests submitted to the Agency. In the early part of 2000, the Agency had over 23,000 overdue FOIA requests and two of the oldest overdue requests in the federal government. EPA revised procedures and processes, deployed updated information technology tools, and collaboratively worked with subject matter experts across the Agency to successfully reduce the number of pending FOIA requests from 23,000 to 783 by the end of FY2008. EPA was able to further reduce its overdue FOIA request to 329 by the end of FY2010.

In embracing the President's mandate for greater transparency, the National FOIA Program worked with EPA Headquarters and Regional Offices to make data bases containing information that is frequently requested under FOIA available to the public through EPA's Web sites. For example, an individual who seeks to export an automobile is required to produce a certificate issued by EPA. In the past, the individual had to submit a FOIA request for the certification and wait for the Agency to respond to the request. Promoting transparency, quicker access and accountability, staff worked with program office responsible for these certificates to make the database available online. The public can now go directly to EPA's FOIA Web site ([epa.gov/foia](http://epa.gov/foia)) and print the certificate(s) in seconds as opposed to waiting days, or weeks to obtain the necessary documentation. Another example of greater transparency and promoting accountability is the "Status of My FOIA Request" ([http://www.epa.gov/foia/foia\\_request\\_status.html](http://www.epa.gov/foia/foia_request_status.html)). This tool allows requesters to easily obtain the status of their FOIA requests on-line. EPA also launched a FOIA dashboard, a listing of all FOIA cases where fee waivers were granted and developed. In response to the many FOIA requests for information on environmental conditions of a property or lot, EPA developed the on-line tool, MyProperty ([www.epa.gov/myproperty](http://www.epa.gov/myproperty)). MyProperty searches multiple EPA and state databases for records of environmental interest. This tool allows the public, real estate agents, mortgage banks, engineering and environmental consulting firms and others with a need to know if EPA environmental databases have records on a specific property without filing a FOIA request. The search results are identical to the information provided when a FOIA request is filed with EPA for these records.

EPA continues its commitment to seek additional data and tools to enhance transparency and meet the needs of the requester community while looking for innovation.