



At a Glance

Why We Did This Review

In Office of Inspector General planning outreach we conducted with the U.S. Environmental Protection Agency (EPA) and congressional sources, they expressed concern about possible inconsistencies in how the EPA decides what information to release under the Freedom of Information Act (FOIA). In response, we conducted this review to determine how the EPA offices and regions decide what information to release under the FOIA.

The FOIA is a law that governs public access to U.S. government records. FOIA carries a presumption of disclosure.

This report addresses the following EPA theme:

- *Embracing EPA as a high performing organization.*

For further information, contact our public affairs office at (202) 566-2391.

The full report is at:
www.epa.gov/oig/reports/2014/20140516-14-P-0262.pdf

Briefing Report: Review of EPA's Process to Release Information Under the Freedom of Information Act

What We Found

Each EPA region and headquarters office has processes for addressing FOIA requests. While the regional and headquarters' processes vary, they all lead to a decision to release or withhold information based on an evaluation of the request and the exemptions and exclusions prescribed in the FOIA. To ensure consistency in the processes used throughout the agency, the EPA's Office of Environmental Information approved agencywide Interim FOIA Procedures in September 2013, and plans to finalize them by the end of September 2014.

During our review, we obtained and reviewed FOIA procedures from all 10 regions and four headquarters program offices, and found the following:

- All offices, except one, had internal FOIA procedures in writing to varying degrees. For example, some procedures were still in draft or were dated prior to the EPA's implementation of its current online electronic system for processing FOIA requests—FOIAonline. In addition, some were detailed while others consisted of a basic flowchart or narrative description of the process.
- Seven offices (three EPA regions and all four headquarters program offices reviewed) had procedures that were not consistent with the EPA's current interim FOIA procedures. Primarily, the procedures did not include language regarding the use of FOIAonline, or were silent or unclear regarding who has the authority to sign EPA letters responding to FOIA requests.

Recommendations and Planned Agency Corrective Actions

We recommend that the EPA Assistant Administrator for Environmental Information: (1) issue the final agency FOIA procedures by September 30, 2014; and (2) require that Senior Information Officials at each region and headquarters program office certify that their local FOIA procedures are consistent with the agency's final procedures by March 31, 2015. The EPA agreed with both of our recommendations, and its actions, when completed, will address the issues presented in this report. All recommendations are resolved.