



**United States Environmental Protection
Agency
Freedom of Information Act
Annual Report**

Fiscal Year 2023

EPA FOIA ANNUAL REPORT

FOR
10/01/2022
THROUGH
09/30/2023

The following **Annual Freedom of Information Act** report covers the Period 10/01/2022, through 09/30/2023, as required by 5 U.S.C. 552.

I. BASIC INFORMATION REGARDING REPORT

1. Name, Title, Address, and Telephone Number

Timothy Epp

National FOIA Officer

Environmental Protection Agency

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2. Electronic address for Report on the agency web site.

<https://www.epa.gov/foia/foia-reports>

3. How to obtain a copy of the report in paper form.

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II. MAKING A FOIA REQUEST

1. 1. Submit a FOIA request through FOIAonline: <https://www.foiaonline.gov/foiaonline/action/public/home> 2. Submit a FOIA request through regular mail or courier services: <https://www.epa.gov/foia/forms/contact-us-about-freedom-information-act-and-foia-requests> 3. For environmental information on a specific property, you do not need to file a FOIA request: <https://www.epa.gov/myproperty>

III. ABBREVIATION, DEFINITIONS, AND EXEMPTIONS

1. Abbreviation used :

Abbreviation	Component Name
Region 01	Region 1 (States: CT, ME, MA, NH, RI, VT)
Region 02	Region 2 (States: NJ, NY, PR USVI, and 8 federally recognized Indian Nations)
Region 03	Region 3 (States: DE, DC, MD, PA, VA, WV, and 7 federally recognized tribes)
Region 04	Region 4 (States: AL, FL, GA, KY, MS, NC, SC, TN)
Region 05	Region 5 (States: IL, IN, MI, MN, OH, WI)
Region 06	Region 6 (States: AR, LA, NM, OK, TX)
Region 07	Region 7 (States: IA, KS, MO, NE)
Region 08	Region 8 (States: CO, MT, ND, SD, UT, WY)
Region 09	Region 9 (States: AZ, CA, HI, NV, American Samoa, Commonwealth of the Northern Mariana Islands, Federated States of Micronesia, Guam, Marshall Islands, and Republic of Palau)
Region 10	Region 10 (States: AK, ID, OR, WA, and 271 native tribes)
HQ	Headquarters

2. Definition of terms used in this report :

- 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. The FOIA now requires that agencies include in their Annual FOIA Report data for both the agency overall and for each principal component of the agency.
- 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.
- l. **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.
- m. **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.

- n. **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.
 - o. **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.
 - p. **Pending Request or Pending Administrative Appeal** - a request or administrative appeal for which an agency has not taken final action in all respects.
 - q. **Perfect 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.
 - r. **Processed Request or Processed Administrative Appeal** - a request or administrative appeal for which an agency has taken final action in all respects.
 - s. **Range in Number of Days** - the lowest and highest number of days to process requests or administrative appeals.
 - t. **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. 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

Statute	Type of Information Withheld	Case Citation	Agency / Component	Number of Times Relied upon by Agency / Component	Total Number of Times Relied upon by Agency Overall
41 U.S.C. § 4702 (formerly at 41 U.S.C. § 253b(m)(1))	Contractor proposals that are in the possession or control of an executive agency and that have not been set forth or incorporated by reference into contracts	Sinkfield v. HUD, No. 10-885, 2012 U.S. Dist. LEXIS 35233, at *13-15 (S.D. Ohio Mar. 15, 2012); Margolin V. NASA, No 09-CV-00421, 2011 WL 1303221, at *6 (D. Nev. Mar. 31, 2011); Hornbostel v. U.S. Dep't of the Interior, 305 F. Supp. 2d 21, 30 (D. D. C. 2003), summary affirmance granted, No. 03-5257, 2004 WL 1900562 (D. C. Cir. Aug. 25, 2004)	Region 08	1	1
7 U.S.C. § 136i-1(b)	“[D]ata, including the location from which the data was derived, that would directly or indirectly reveal the identity of individual producers [of certain pesticides]”	Doe v. Veneman, 380 F. 3d 807, 818 (5th Cir. 2004).	HQ	14	14
5 U.S.C. § 407 (formerly at 5 U.S.C. app. 3 § 7(b))	Names of employees who provide information or complaints to the Inspector General	Wash. Post Co. v. Special Inspector Gen. for Afg. Reconstr., 486 F. Supp. 3d 141, 166 (D.D.C. 2020).	HQ	2	2
5 U.S.C. § 7114(b)(4), 7132	Certain labor relations training and guidance materials	Dubin v. Dep't of Treasury, 555 F. Supp. 408, 412 (N.D. Ga. 1981) (5 U.S.C. § 7114(b)(4)), aff'd, 697 F.2d 1093 (11th Cir. 1983) (unpublished table decision);	HQ	5	5

		NTEU v. OPM, No. 76-695, slip op. at 3-4 (D.D.C. July 9, 1979) (5 U.S.C. § 7114(b)(4) and 5 U.S.C. § 7132).			
5 U.S.C. § 13109(a)(2) (formerly at 5 U.S.C. app. 4 § 107(a)(2))	Confidential financial disclosure report pertaining to certain government employees	Meyerhoff v. EPA, 958 F.2d 1498, 1500-02 (9th Cir. 1992); Boyd v. Exec. Office for U.S. Attorneys, 161 F. Supp. 3d 1, 7 (D.D.C.) 2015; Seife v. NIH, 874 F. Supp. 2d 248, 254 (S.D.N.Y. 2012);	HQ	13	14
			Region 10	1	
26 U.S.C. §§ 6103, 6105	Certain tax return information, to include Taxpayer Identification Numbers of third parties, and certain tax convention information	Nosal v. IRS, 523 F. Supp. 3d 72, 79 (D.D.C. 2021); Church of Scientology v. IRS, 484 U.S. 9, 15 (1987) (26 U.S.C. § 6103); Elec. Priv. Info. Ctr. v. IRS, 910 F.3d 1232, 1237 (D.C. Cir. 2018); Leonard v. U.S. Dep't of Treasury, 590 F. App'x. 141, 143-44 (3d Cir. 2014) (per curiam); Pac. Fisheries, Inc. v. IRS, 395 F. App'x. 438, 440 (9th Cir. 2010) (unpublished disposition) (26 U.S.C. §§ 6103, 6105).	Region 07	1	1
42 U.S.C. § 7412(r)(7)(H)(iii)	Chemical safety information: certain off-site consequence analysis information and any ranking of stationary sources derived from the information	N/A	Region 10	1	1
5 U.S.C. § 574(j)	Dispute resolution communications	N/A	Region 02	1	1
16 U.S.C. § 470hh	Information Pertaining to the nature and location of certain archaeological resources	Hornbostel v. U.S. Dep't of the Interior, 305 F. Supp. 2d 21, 30 (D.D.C. 2003), summary affirmance granted, No. 03-5257, 2004 WL 1900562 (D.C. Cir. Aug. 25, 2004); Starkey v. U.S. Dep't of the	Region 10	4	4

		Interior, 238 F. Supp. 2d 1188, 1192-94 (S.D. Cal. 2002).			
Fed. R. Crim. P. 6(e), enacted by Act of July 30, 1977, Pub. L. No. 95-78, 91 Stat. 319	Certain records that would reveal some secret aspect pertaining to grand jury proceedings	Sussman v. USMS, 494 F.3d 1106, 1113 (D.C. Cir. 2007); Sorin v. DOJ, No. 18-99, 2018 WL 6431027 (2d Cir. Dec. 6, 2018) (per curium); Widi v. McNeil, No. 12-00188, 2016 WL 4394724, at *23 (D. Me. Aug 16, 2016); Durham v. U.S. Att’y Gen., No. 06-843, 2008 WL 620744, at *2 (E.D. Tex. Mar. 3, 2008); Cozen O’Connor v. U.S. Dep’t of Treasury, 570 F. Supp. 2d 749, 776 (E.D. Pa. 2008).	Region 10	1	1

V.A. FOIA REQUESTS -- RECEIVED, PROCESSED AND PENDING FOIA REQUESTS

Agency / Component	Number of Requests Pending as of Start of Fiscal Year	Number of Requests Received in Fiscal Year	Number of Requests Processed in Fiscal Year	Number of Requests Pending as of End of Fiscal Year
HQ	1380	3468	3653	1195
Region 01	5	85	78	12
Region 10	50	155	156	49
Region 02	133	396	418	111
Region 03	77	316	330	63
Region 04	89	438	453	74
Region 05	64	712	672	104
Region 06	72	395	400	67
Region 07	21	181	180	22
Region 08	11	145	138	18
Region 09	54	297	299	52
AGENCY OVERALL	1956	6588	6777	1767

After reviewing its database, EPA updated the Number of Requests Pending at the Start of the Fiscal Year.

V.B.(1). DISPOSITION OF FOIA REQUESTS -- ALL PROCESSED REQUESTS

Agency / Component	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	All Records Referred to Another Component or Agency	Request Withdrawn	Fee-Related Reason	Records not Reasonably Described	Improper FOIA Request for Other Reason	Not Agency Record	Duplicate Request	Other *Explain in Chart Below	
HQ	928	612	43	315	3	331	8	103	1176	28	87	19	3653
Region 01	31	12	0	20	0	14	0	0	0	0	1	0	78
Region 10	36	89	1	20	2	7	0	0	0	0	1	0	156
Region 02	198	44	0	96	0	39	19	15	0	0	6	1	418
Region 03	135	42	0	92	0	48	4	1	0	0	3	5	330
Region 04	254	45	2	86	1	37	0	0	0	1	25	2	453
Region 05	188	47	2	296	0	66	60	5	0	0	8	0	672
Region 06	144	129	1	76	0	47	0	0	0	3	0	0	400
Region 07	67	30	1	50	0	30	0	0	0	0	2	0	180
Region 08	51	38	0	14	0	25	4	0	0	0	6	0	138
Region 09	117	51	1	80	2	37	6	1	0	0	2	2	299
AGENCY OVERALL	2149	1139	51	1145	8	681	101	125	1176	32	141	29	6777

V.B.(2). DISPOSITION OF FOIA REQUESTS -- "OTHER" REASONS FOR "FULL DENIALS BASED ON REASONS OTHER THAN EXEMPTIONS"

Agency / Component	Description of "Other" Reasons for Denials from Chart B(1)	Number of Times "Other" Reason Was Relied Upon	TOTAL
HQ	Directed Requester to Another Entity Subject to the FOIA	8	19
	Litigation	4	
	Unable to Locate Requester	7	
Region 02	Referred Documents Not Responsive	1	1
Region 03	Unable to Locate Requester	5	5
Region 04	Unable to Locate Requester	2	2
Region 09	Directed Requester to Another Entity Subject to the FOIA	1	2
	Unable to Locate Requester	1	
			0
AGENCY OVERALL			29

V.B.(3). DISPOSITION OF FOIA REQUESTS -- NUMBER OF TIMES EXEMPTIONS APPLIED

Agency / Component	Ex. 1	Ex. 2	Ex. 3	Ex. 4	Ex. 5	Ex. 6	Ex. 7(A)	Ex. 7(B)	Ex. 7(C)	Ex. 7(D)	Ex. 7(E)	Ex. 7(F)	Ex. 8	Ex. 9
HQ	1	4	34	84	350	532	26	2	106	0	36	24	0	2
Region 01	0	1	0	3	6	6	1	0	0	0	0	0	0	4
Region 10	0	0	7	37	27	82	8	0	9	2	3	0	0	0
Region 02	0	0	1	8	24	22	9	0	2	0	0	0	0	0
Region 03	0	0	0	7	14	39	4	0	3	0	0	0	0	10
Region 04	0	0	0	5	13	43	5	0	3	0	0	0	0	0
Region 05	0	0	0	1	18	35	10	0	0	1	0	4	0	4
Region 06	0	0	0	64	35	78	14	0	2	0	2	0	0	47
Region 07	0	1	1	16	8	19	5	0	3	0	0	0	0	2
Region 08	0	0	1	5	17	28	6	0	4	0	2	0	0	2
Region 09	0	0	0	16	20	40	7	0	1	0	2	0	1	6
AGENCY OVERALL	1	6	44	246	532	924	95	2	133	3	45	28	1	77

VI.A. ADMINISTRATIVE APPEALS OF INITIAL DETERMINATIONS OF FOIA REQUESTS -- RECEIVED, PROCESSED, AND PENDING ADMINISTRATIVE APPEALS

Agency / Component	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	7	116	119	4
AGENCY OVERALL	7	116	119	4

VI.B. DISPOSITION OF ADMINISTRATIVE APPEALS -- ALL PROCESSED APPEALS

Agency / Component	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	25	16	34	44	119
AGENCY OVERALL	25	16	34	44	119

VI.C.(1). REASONS FOR DENIAL ON APPEAL -- NUMBER OF TIMES EXEMPTIONS APPLIED

Agency / Component	Ex. 1	Ex. 2	Ex. 3	Ex. 4	Ex. 5	Ex. 6	Ex. 7(A)	Ex. 7(B)	Ex. 7(C)	Ex. 7(D)	Ex. 7(E)	Ex. 7(F)	Ex. 8	Ex. 9
HQ	0	0	2	4	20	22	3	0	4	0	1	0	0	0
AGENCY OVERALL	0	0	2	4	20	22	3	0	4	0	1	0	0	0

VI.C.(2). REASONS FOR DENIAL ON APPEAL -- REASONS OTHER THAN EXEMPTIONS

Agency / Component	No Records	Records Referred at Initial Request Level	Request Withdrawn	Fee-Related Reason	Records not Reasonably Described	Improper Request for Other Reasons	Not Agency Record	Duplicate Request or Appeal	Request in Litigation	Appeal Based Solely on Denial of Request for Expedited Processing	Other *Explain in chart below
HQ	7	1	0	1	1	0	1	2	0	1	42
AGENCY OVERALL	7	1	0	1	1	0	1	2	0	1	42

VI.C.(3). REASONS FOR DENIAL ON APPEAL -- "OTHER" REASONS

Agency / Component	Description of "Other" Reasons for Denial on Appeal from Chart C(2)	Number of Times "Other" Reason Was Relied Upon	TOTAL
HQ	Appeal Withdrawn	1	42
	Moot	39	
	Untimely	2	
AGENCY OVERALL			42

VI.C.(4). RESPONSE TIME FOR ADMINISTRATIVE APPEALS

Agency / Component	Median Number of Days	Average Number of Days	Lowest Number of Days	Highest Number of Days
HQ	18.0	14.5	<1	20.0
AGENCY OVERALL	18.0	14.5	<1	20

VI.C.(5). TEN OLDEST PENDING ADMINISTRATIVE APPEALS

Agency / Component		10th Oldest Appeal	9th	8th	7th	6th	5th	4th	3rd	2nd	Oldest Appeal
HQ	Date of Appeal	N/A	N/A	N/A	N/A	N/A	N/A	2023-09-22	2023-09-15	2023-09-08	2023-09-06
	Number of Days Pending	0	0	0	0	0	0	5	10	15	17
AGENCY OVERALL	Date of Appeal	N/A	N/A	N/A	N/A	N/A	N/A	2023-09-22	2023-09-15	2023-09-08	2023-09-06
	Number of Days Pending	0	0	0	0	0	0	5	10	15	17

VII.A. FOIA REQUESTS -- RESPONSE TIME FOR ALL PROCESSED PERFECTED REQUESTS

Agency / Component	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	19.0	72.79	<1	1951.0	245.5	495.05	<1	2078.0	139.0	681.8	25.0	1614.0
Region 01	11.5	12.18	<1	31.0	30.0	74.3	1.0	347.0	N/A	N/A	N/A	N/A
Region 10	18.0	20.81	3.0	91.0	96.0	239.51	6.0	1747.0	N/A	N/A	N/A	N/A
Region 02	8.0	48.81	<1	987.0	56.0	128.3	<1	1467.0	N/A	N/A	N/A	N/A
Region 03	22.0	57.84	<1	727.0	137.0	166.14	20.0	292.0	N/A	N/A	N/A	N/A
Region 04	13.0	20.67	<1	171.0	20.0	40.61	<1	558.0	N/A	N/A	N/A	N/A
Region 05	12.0	19.32	<1	340.0	31.0	44.02	<1	662.0	44.0	44.0	32.0	56.0
Region 06	20.0	29.04	1.0	163.0	26.5	50.53	1.0	1623.0	N/A	N/A	N/A	N/A
Region 07	15.0	16.99	<1	109.0	139.5	139.5	39.0	240.0	N/A	N/A	N/A	N/A
Region 08	6.5	8.26	<1	27.0	28.0	51.38	<1	531.0	N/A	N/A	N/A	N/A
Region 09	20.0	40.83	<1	479.0	267.0	267.0	267.0	267.0	N/A	N/A	N/A	N/A
AGENCY OVERALL	18.0	49.47	<1	1951	54.0	235.1	<1	2078	57.0	499.57	25	1614

VII.B. PROCESSED REQUESTS -- RESPONSE TIME FOR PERFECTED REQUESTS IN WHICH INFORMATION WAS GRANTED

Agency / Component	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	20.0	62.04	<1	1157.0	158.0	410.92	<1	2078.0	139.0	592.67	25.0	1614.0
Region 01	15.5	15.83	<1	31.0	50.0	100.57	4.0	347.0	N/A	N/A	N/A	N/A
Region 10	19.0	22.91	3.0	91.0	132.0	246.34	6.0	1747.0	N/A	N/A	N/A	N/A
Region 02	55.0	117.85	2.0	987.0	64.5	156.55	3.0	1467.0	N/A	N/A	N/A	N/A
Region 03	39.0	69.71	1.0	727.0	137.0	166.14	20.0	292.0	N/A	N/A	N/A	N/A
Region 04	16.0	20.38	2.0	107.0	20.0	41.94	1.0	558.0	N/A	N/A	N/A	N/A
Region 05	19.0	32.11	2.0	340.0	46.5	81.22	11.0	662.0	44.0	44.0	32.0	56.0
Region 06	22.5	34.5	2.0	163.0	37.0	63.74	10.0	1623.0	N/A	N/A	N/A	N/A
Region 07	18.0	21.83	1.0	109.0	139.5	139.5	39.0	240.0	N/A	N/A	N/A	N/A
Region 08	11.0	11.5	1.0	27.0	33.0	61.72	4.0	531.0	N/A	N/A	N/A	N/A
Region 09	26.0	53.44	1.0	479.0	267.0	267.0	267.0	267.0	N/A	N/A	N/A	N/A
AGENCY OVERALL	20.0	51.99	<1	1157	65.0	218.54	<1	2078	56.0	373.2	25	1614

VII.C. PROCESSED SIMPLE REQUESTS -- RESPONSE TIME IN DAY INCREMENTS

Agency / Component	<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
HQ	841	262	91	50	40	24	26	18	14	6	33	19	68	1492
Region 01	59	9	0	0	0	0	0	0	0	0	0	0	0	68
Region 10	76	10	4	2	3	0	0	0	0	0	0	0	0	95
Region 02	50	6	3	4	2	1	2	1	0	1	0	1	2	73
Region 03	147	63	39	14	13	7	5	4	5	4	11	4	6	322
Region 04	79	18	4	2	1	1	0	0	1	0	0	0	0	106
Region 05	343	59	14	7	5	5	2	0	0	2	2	1	0	440
Region 06	98	57	21	9	3	3	2	0	1	0	0	0	0	194
Region 07	144	25	6	0	2	1	0	0	0	0	0	0	0	178
Region 08	80	6	0	0	0	0	0	0	0	0	0	0	0	86
Region 09	168	52	33	11	8	8	2	3	0	0	8	3	1	297
AGENCY OVERALL	2085	567	215	99	77	50	39	26	21	13	54	28	77	3351

VII.C. PROCESSED COMPLEX REQUESTS -- RESPONSE TIME IN DAY INCREMENTS

Agency / Component	<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
HQ	68	59	47	34	51	19	22	32	8	8	54	24	326	752
Region 01	4	2	1	1	0	0	0	0	0	1	0	1	0	10
Region 10	5	8	5	5	8	0	3	3	3	1	7	2	11	61
Region 02	37	79	59	36	22	12	17	8	3	2	11	19	25	330
Region 03	1	0	0	0	1	1	1	0	0	0	3	0	0	7
Region 04	192	62	29	28	7	4	3	2	10	3	2	4	1	347
Region 05	72	92	27	15	4	5	1	1	1	0	5	2	1	226
Region 06	72	64	31	14	11	5	1	1	0	1	4	0	2	206
Region 07	0	1	0	0	0	0	0	0	0	0	1	0	0	2
Region 08	15	22	2	4	4	2	0	0	1	0	1	0	1	52
Region 09	0	0	0	0	0	0	0	0	0	0	1	0	0	1
AGENCY OVERALL	466	389	201	137	108	48	48	47	26	16	89	52	367	1994

VII.C. PROCESSED REQUESTS GRANTED EXPEDITED PROCESSING -- RESPONSE TIME IN DAY INCREMENTS

Agency / Component	<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
HQ	0	1	1	0	0	0	1	0	0	0	0	0	2	5
Region 01	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Region 10	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Region 02	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Region 03	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Region 04	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Region 05	0	1	1	0	0	0	0	0	0	0	0	0	0	2
Region 06	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Region 07	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Region 08	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Region 09	0	0	0	0	0	0	0	0	0	0	0	0	0	0
AGENCY OVERALL	0	2	2	0	0	0	1	0	0	0	0	0	2	7

VII.D. PENDING REQUESTS -- ALL PENDING PERFECTED REQUESTS

Agency / Component	SIMPLE			COMPLEX			EXPEDITED PROCESSING		
	Number Pending	Median Number of Days	Average Number of Days	Number Pending	Median Number of Days	Average Number of Days	Number Pending	Median Number of Days	Average Number of Days
HQ	496	115.0	249.07	648	457.0	584.15	3	738.0	819.33
Region 01	8	6.0	11.5	4	100.5	103.5	0	0.0	0.0
Region 10	7	3.0	5.0	42	197.0	291.02	0	0.0	0.0
Region 02	10	11.0	70.5	100	58.5	98.24	0	0.0	0.0
Region 03	57	22.0	50.49	6	122.5	139.83	0	0.0	0.0
Region 04	16	13.0	44.75	57	32.0	145.93	0	0.0	0.0
Region 05	73	11.0	42.81	29	74.0	100.24	1	128.0	128.0
Region 06	39	27.0	118.54	28	43.0	72.43	0	0.0	0.0
Region 07	22	8.0	13.91	0	0.0	0.0	0	0.0	0.0
Region 08	10	3.0	9.5	8	50.5	87.75	0	0.0	0.0
Region 09	50	40.0	72.9	2	120.5	120.5	0	0.0	0.0
AGENCY OVERALL	788	56.5	177.08	924	242.0	450.24	4	433.0	646.5

	Receipt	01-20	02-21	02-03	11-18	11-18	11-18	11-16	11-04	10-17	
	Number of Days Pending	8	154	152	215	216	216	218	225	237	265
Region 04	Date of Receipt	2022-05-18	2022-04-29	2022-03-30	2022-03-18	2022-01-31	2022-01-06	2022-01-06	2021-03-16	2019-08-07	2019-09-16
	Number of Days Pending	342	355	377	384	418	433	433	574	971	1000
Region 05	Date of Receipt	2022-12-06	2023-02-14	2023-01-04	2022-11-28	2022-08-03	2022-10-24	2022-08-29	2022-08-05	2022-07-28	2022-03-24
	Number of Days Pending	139	153	186	205	205	231	267	287	294	364
Region 06	Date of Receipt	2022-09-27	2022-09-12	2022-09-07	2022-05-18	2022-05-18	2022-05-05	2021-10-26	2021-02-16	2020-12-09	2020-07-23
	Number of Days Pending	1	253	265	341	341	350	473	603	683	795
Region 07	Date of Receipt	2023-08-16	2023-08-28	2023-08-16	2023-08-02	2023-07-03	2023-08-08	2023-08-15	2023-06-28	2023-07-19	2023-07-14
	Number of Days Pending	2	3	4	7	8	17	29	32	40	54
Region 08	Date of Receipt	2023-09-06	2023-08-21	2023-01-31	2023-08-03	2023-07-10	2023-06-30	2023-07-03	2022-12-13	2023-04-19	2022-07-27
	Number of	16	27	38	40	43	54	58	92	113	291

	Days Pending										
	Date of Receipt	2023-03-30	2023-03-13	2023-01-17	2023-01-06	2022-11-16	2022-10-27	2022-10-14	2022-09-15	2022-07-22	2021-10-22
Region 09	Number of Days Pending	127	139	177	184	217	231	239	259	297	482
	Date of Receipt	2017-03-13	2017-03-07	2017-02-06	2016-12-13	2016-06-16	2016-06-02	2016-04-27	2016-04-11	2015-12-24	2015-06-12
AGENCY OVERALL	Number of Days Pending	1638	1631	1642	1698	1821	1831	1855	1868	1940	2075

VIII.A. REQUESTS FOR EXPEDITED PROCESSING

Agency / Component	Number Granted	Number Denied	Median Number of Days to Adjudicate	Average Number of Days to Adjudicate	Number Adjudicated Within Ten Calendar Days
HQ	6	319	1.0	2.29	322
Region 01	0	0	N/A	N/A	0
Region 10	0	0	N/A	N/A	0
Region 02	0	0	N/A	N/A	0
Region 03	0	0	N/A	N/A	0
Region 04	0	0	N/A	N/A	0
Region 05	0	0	N/A	N/A	0
Region 06	0	0	N/A	N/A	0
Region 07	0	0	N/A	N/A	0
Region 08	0	0	N/A	N/A	0
Region 09	0	0	N/A	N/A	0
AGENCY OVERALL	6	319	1.0	2.24	322

VIII.B. Requests for Fee Waiver

Agency / Component	Number Granted	Number Denied	Median Number of Days to Adjudicate	Average Number of Days to Adjudicate
HQ	336	491	0.0	0.02
Region 01	0	0	N/A	N/A
Region 10	0	0	N/A	N/A
Region 02	0	0	N/A	N/A
Region 03	1	0	N/A	N/A
Region 04	0	0	N/A	N/A
Region 05	0	0	N/A	N/A
Region 06	0	0	N/A	N/A
Region 07	0	0	N/A	N/A
Region 08	0	0	N/A	N/A
Region 09	0	0	N/A	N/A
AGENCY OVERALL	337	491	0.0	0.02

IX. FOIA Personnel and Costs

Agency / Component	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
HQ	52	24.95	76.95	13971735.00	942874.00	14914609.00
Region 01	4	0.00	4.00	726276.00	0.00	726276.00
Region 10	6	5.00	11.00	1997259.00	0.00	1997259.00
Region 02	2	9.90	11.90	2160671.00	0.00	2160671.00
Region 03	7	3.14	10.14	1841109.00	0.00	1841109.00
Region 04	10	0.00	10.00	1815690.00	0.00	1815690.00
Region 05	13	24.10	37.10	6736209.00	0.00	6736209.00
Region 06	6	10.75	16.75	3041280.00	0.00	3041280.00
Region 07	1	5.20	6.20	1125727.00	0.00	1125727.00
Region 08	3	4.50	7.50	1361767.00	0.00	1361767.00
Region 09	2	5.74	7.74	1343610.00	0.00	1343610.00
AGENCY OVERALL	106	93.28	199.28	36121333.00	942874.00	37064207.00

X. Fees Collected for Processing Requests

Agency / Component	Total Amount of Fees Collected	Percentage of Total Costs
HQ	26742.61	0.1900
Region 01	6286.75	0.8700
Region 10	75761.50	3.7900
Region 02	45672.00	2.1100
Region 03	5803.10	0.3200
Region 04	1451.00	0.0800
Region 05	10527.01	0.1600
Region 06	14345.50	0.4700
Region 07	10220.00	0.9100
Region 08	15602.40	1.1500
Region 09	40618.63	3.0200
AGENCY OVERALL	253030.50	0.7000

XI.A. Number of Times Subsection (C) Used

Agency / Component	Number of Times Subsection Used
HQ	0
Region 01	0
Region 10	0
Region 02	0
Region 03	0
Region 04	0
Region 05	0
Region 06	0
Region 07	0
Region 08	0
Region 09	0
AGENCY OVERALL	0

XI.B. Number of Subsection (A)(2) Postings

Agency / Component	Number of Records Posted by the FOIA Office	Number of Records Posted by Program Offices
HQ	41462	0
Region 01	4121	0
Region 10	17899	0
Region 02	12072	0
Region 03	9175	0
Region 04	13020	0
Region 05	8392	0
Region 06	14189	0
Region 07	3731	0
Region 08	10521	0
Region 09	17985	0
AGENCY OVERALL	152567	0

This table reflects EPA records made available in FY 2023 for public inspection on FOIAonline.gov.

XII.A. Backlogs of FOIA Requests and Administrative Appeals

Agency / Component	Number of Backlogged Requests as of End of Fiscal Year	Number of Backlogged Appeals as of End of Fiscal Year
HQ	986	0
Region 01	5	N/A
Region 10	40	N/A
Region 02	80	N/A
Region 03	35	N/A
Region 04	38	N/A
Region 05	48	N/A
Region 06	38	N/A
Region 07	4	N/A
Region 08	9	N/A
Region 09	35	N/A
AGENCY OVERALL	1318	0

XII.B. CONSULTATIONS ON FOIA REQUESTS -- RECEIVED, PROCESSED, AND PENDING CONSULTATIONS

Agency / Component	Number of Consultations Received from Other Agencies that were <u>Pending</u> at the Agency as of <u>Start</u> of the Fiscal Year	Number of Consultations <u>Received</u> from Other Agencies During the Fiscal Year	Number of Consultations Received from Other Agencies that were <u>Processed</u> by the Agency During the Fiscal Year	Number of Consultations Received from Other Agencies that were <u>Pending</u> at the Agency as of <u>End</u> of the Fiscal Year
HQ	5	69	70	4
Region 01	0	0	0	0
Region 10	0	3	3	0
Region 02	1	1	2	0
Region 03	0	3	3	0
Region 04	0	0	0	0
Region 05	0	2	2	0
Region 06	0	0	0	0
Region 07	0	1	1	0
Region 08	0	2	2	0
Region 09	0	0	0	0
AGENCY OVERALL	6	81	83	4

XII.D.(1). COMPARISON OF NUMBERS OF REQUESTS FROM PREVIOUS AND CURRENT ANNUAL REPORT -- REQUESTS RECEIVED AND PROCESSED

Agency / Component	NUMBER OF REQUESTS <u>RECEIVED</u>		NUMBER OF REQUESTS <u>PROCESSED</u>	
	Number Received During Fiscal Year from Last Year's Annual Report	Number Received During Fiscal Year from Current Annual Report	Number Processed During Fiscal Year from Last Year's Annual Report	Number Processed During Fiscal Year from Current Annual Report
HQ	3813	3468	3837	3653
Region 01	81	85	97	78
Region 10	114	155	125	156
Region 02	403	396	434	418
Region 03	286	316	268	330
Region 04	429	438	379	453
Region 05	611	712	632	672
Region 06	384	395	369	400
Region 07	145	181	133	180
Region 08	113	145	116	138
Region 09	257	297	240	299
AGENCY OVERALL	6636	6588	6630	6777

**XII.D.(2). COMPARISON OF NUMBERS OF REQUESTS FROM PREVIOUS AND CURRENT ANNUAL REPORT --
BACKLOGGED REQUESTS**

Agency / Component	Number of Backlogged Requests as of End of the Fiscal Year from Previous Annual Report	Number of Backlogged Requests as of End of the Fiscal Year from Current Annual Report
HQ	1195	986
Region 01	2	5
Region 10	42	40
Region 02	95	80
Region 03	57	35
Region 04	49	38
Region 05	25	48
Region 06	36	38
Region 07	3	4
Region 08	6	9
Region 09	27	35
AGENCY OVERALL	1537	1318

DOJ requires, for consistency across agencies, that the annual report backlog calculation account for only 20-day or 30-day statutory response timeframes. EPA's data reported here complies with DOJ's requirement for the annual report. Elsewhere, internally, EPA reports its backlog based on a calculation that accounts for alternative timeframes to process requests under unusual circumstances and reflecting EPA's communications with requesters as provided in §552(a)(6)(B)(ii).

XII.E.(1). COMPARISON OF NUMBERS OF ADMINISTRATIVE APPEALS FROM PREVIOUS AND CURRENT ANNUAL REPORT -- APPEALS RECEIVED AND PROCESSED

Agency / Component	NUMBER OF APPEALS <u>RECEIVED</u>		NUMBER OF APPEALS <u>PROCESSED</u>	
	Number Received During Fiscal Year from Last Year's Annual Report	Number Received During Fiscal Year from Current Annual Report	Number Processed During Fiscal Year from Last Year's Annual Report	Number Processed During Fiscal Year from Current Annual Report
HQ	132	116	130	119
Region 01	0	0	0	0
Region 10	0	0	0	0
Region 02	0	0	0	0
Region 03	0	0	0	0
Region 04	0	0	0	0
Region 05	0	0	0	0
Region 06	0	0	0	0
Region 07	0	0	0	0
Region 08	0	0	0	0
Region 09	0	0	0	0
AGENCY OVERALL	132	116	130	119

XII.E.(2). COMPARISON OF NUMBERS OF ADMINISTRATIVE APPEALS FROM PREVIOUS AND CURRENT ANNUAL REPORT -- BACKLOGGED APPEALS

Agency / Component	Number of Backlogged Appeals as of End of the Fiscal Year from Previous Annual Report	Number of Backlogged Appeals as of End of the Fiscal Year from Current Annual Report
HQ	0	0
Region 01	0	0
Region 10	0	0
Region 02	0	0
Region 03	0	0
Region 04	0	0
Region 05	0	0
Region 06	0	0
Region 07	0	0
Region 08	0	0
Region 09	0	0
AGENCY OVERALL	0	0