



Dear Colleagues,

The Environmental Protection Agency's mission is to protect human health and the environment, a hugely important task that requires public trust and accountability. The Freedom of Information Act (FOIA) implements a bedrock principle of democracy that the public is entitled to "know what their government is up to." Implementing the FOIA will promote transparency and build public trust in agency actions. I therefore reaffirm EPA's commitment to FOIA implementation as a critical tool to promote transparency as we take on the climate crisis, advance environmental justice, restore the role of science, protect public health, and rebuild stronger than before.

General Principles

Like all federal agencies, EPA is subject to FOIA, which promotes accountability through transparency. Pursuant to the FOIA, any person has the right to access agency records, except where the information is protected from disclosure. EPA is committed to conducting its business in an open and transparent manner through high quality and timely FOIA responses. The agency will work to ensure that its FOIA professionals have the support needed to meet FOIA's requirements in a timely and efficient a manner, including by providing training for all agency staff, supervisors and FOIA professionals. EPA is committed to being a flagship example of transparent, efficient, and effective government.

We will work together to serve the public interest, ensure the public trust, and emphasize transparency, disclosure, and cooperation.

Transparency

EPA is committed to operating in a transparent manner. EPA offices and programs should strive, when possible, to proactively provide the public with access to information that is likely to be requested under FOIA to better assist the public to participate and engage with the agency.

I encourage offices to identify information useful to the public and consider the best ways to make that information accessible on the agency's website without waiting for a request from the public to do so.

Disclosure

FOIA's presumption of openness requires EPA to disclose information unless it reasonably foresees that disclosure would cause harm to an interest protected by the relevant FOIA exemption.

All agency personnel should ensure that this principle of openness is applied when responding to a FOIA request. Managers should give their staff and the agency's FOIA professionals the support needed to satisfy FOIA's transparency requirement in as timely and efficient a manner as possible. Offices should assert an exemption to disclosure only where the agency reasonably foresees that disclosure would harm an interest protected by an exemption or disclosure is prohibited by law.

Federal agencies are required to disclose any record requested under the FOIA unless it falls under one of nine exemptions which protect interests such as personal privacy, confidential business information, national security, privileged communications, and law enforcement. EPA's FOIA Regulations are available [here](#).

Cooperation

FOIA is everyone's responsibility at EPA. Agency FOIA professionals, managers, record custodians, reviewers, eDiscovery service professionals, public affairs staff, attorneys, and many others must coordinate to maintain and improve our FOIA program. In addition, we will endeavor to provide excellent customer service to the public by adhering to FOIA best practices including good communication with requesters, the provision of interim responses where possible, and the proactive release of records. When we work together, FOIA works better.

FOIA Innovation and Improvement

I encourage all staff and agency FOIA professionals to continue to offer innovative ideas to improve FOIA processing. The agency has a backlog of overdue FOIAs, and we are committed to reduce and eliminate that backlog and to improve and increase our communication with FOIA requesters and the public.

The agency will continue FOIA training for all staff coordinated by the National FOIA Office in the Office of General Counsel. These training efforts and continued annual training of all staff will help ensure that the agency is responding effectively and efficiently to FOIA requests and leveraging available technological resources. The FY2021 FOIA training for all EPA is now available in FedTalent. You may also access various FOIA resources and additional trainings on the [EPA National FOIA Office SharePoint Site](#).

Questions about processing, or whether FOIA exemptions apply to certain information, can be directed to local FOIA professionals, the Office of General Counsel, and the Offices of Regional Counsel. Questions about FOIA policy, procedures, appeals, and litigation should be directed to the appropriate components in the Office of General Counsel.

We will solicit public feedback to assess and improve the FOIA program to identify new opportunities for cross-agency collaboration, improvement, and access. As we do so, we will redouble our efforts to be inclusive of all stakeholders.

Celebrating FOIA Implementation

Earlier this year, we celebrated Sunshine Week, an opportunity for federal agencies to join news organizations and the public in emphasizing the importance of transparency in government operations. The Department of Justice's Virtual Sunshine Week Kickoff included a Sunshine Week FOIA awards presentation. I am proud that two EPA FOIA Professionals received Lifetime Service Awards for their many years of work on FOIA at EPA:

- Janet Bressant, from EPA's Office of Chemical Safety and Pollution Prevention, and
- Ivry Johnson from EPA's Region 9

Please join me in congratulating Janet and Ivry!

Conclusion

I look forward to working with you to enhance our implementation of the Freedom of Information Act as we work together to restore public confidence in our agency and our mission. Promoting transparency, information disclosure, and cooperation through FOIA implementation will help us achieve the agency's mission to protect human health and the environment and to achieve our ambitious goals.

Michael S. Regan
Administrator