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**From:** Pickell, Casey <[pickell.casey@epa.gov](mailto:pickell.casey@epa.gov)>  
**Sent:** Monday, February 13, 2023 2:53 PM  
**To:** Hudson Kingston <[HKingston@peer.org](mailto:HKingston@peer.org)>; Monica Mercola <[mmercola@peer.org](mailto:mmercola@peer.org)>; Kyla Bennett <[KBennett@peer.org](mailto:KBennett@peer.org)>; Colleen Teubner <[cteubner@peer.org](mailto:cteubner@peer.org)>  
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**Subject:** RE: Search Terms

Hi Hudson,

Thanks for your email and my apologies for not getting back to you last week.

In regard to the upcoming production - yes, we plan to make a production from those records as soon as possible. The responsive records are with ORD and OCSPP for second level review right now, I hope to have that completed soon. The documents have a lot of complex discussion in them, so it has taken some time to find the right people to review them to know what should and should not be considered exempt from disclosure. Also, it appears that the number of responsive records will be around 48, as at least 4 records in the initial review set were found to be just junk files that were brought in as an associated "family member" of a document that was responsive to your search terms (these are usually icons from certain email signatures that the document review system separates as attachments for some reason).

On the 2006 request – I was not aware of that letter, but it is likely due to the timeframe of the request and the work that is typically necessary to determine the presence of records from that time period. I am not aware of any pending production of records from the program scheduled for February 14, but we are still working on figuring out what we may or may not have regarding that request and hope to be able to respond to you about that soon. The program may provide another letter to extend that response time but I am not sure.

Connected to that 2006 request and the litigation – a call this week. While I did initially intend to have a staff person from OPPT on a call with you all to discuss the potential for records regarding the PFAS definition from 2006 onward, I have now found that due to parallel litigation on related topics, we think it would not be best to put OPPT staff in that position in the context of this FOIA litigation.

Instead, we think the best way to get you information about potential records and the Agency's work on PFAS from the 2006 time period is if you could respond to this email with questions you have that may help you understand what was meant by the AA's statement about the relevance of 2006 on this subject that may both inform EPA of how to search for records that would be of interest to you, or help us provide an explanation to you about the subject during that time and why we may not be able to locate any records on that subject at this point. Also, in an effort to close out this matter, you can also include questions you have about the Agency's work on the PFAS definition generally that I can pass on to OPPT as well to see if that can help explain anything else that could help you understand what the Agency was working on and what information we might still have. If you could get me that in the next couple of days, I can do what I can to get answers that I can provide on a call with you all later this week.

Again, my apologies for the delay getting back to you on this, as you know, there is a lot going on the PFAS space now so I have had to gather more information and speak to more people around the Agency

on this subject than initially anticipated. I am also adding my colleague Marissa Pizarick to this email that will pick up this case for me after I go out on family leave – which looks to be next week as of now.

Regards,

**Casey Pickell**  
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**Subject:** RE: Search Terms

Hi Casey, Jeremy, and Marissa,

Thank you for the update. As you may recall, the *only* reason we brought up Dr. Freedhoff's comment to Congress is that we thought perhaps we were mistaken regarding the timing of when the definition was developed. The first time we saw the PFAS definition was in June of 2021, so we assumed it had been developed within a few years prior to that date. When we heard Dr. Freedhoff mention the definition had been developed in 2006, we expanded/supplemented our FOIA requests to encompass earlier documents.

We do not have any questions for OPPT staff. Because we have already been provided over 2,500 pages of non-responsive documents, in an effort to get relevant records we did suggest that it might help if you asked someone at EPA where Dr. Freedhoff got the information about the origin of the definition. We thought that might help pinpoint when it was developed, which would assist you in the search for responsive documents.

In summary, we are simply looking for documents regarding the development of the definition that appeared on EPA's website in June of 2021. We do not know when it was developed, but presumably someone at EPA does know. PEER's objective in litigating under FOIA is to obtain records showing the development of the working definition and giving further context for its rationale. We look forward to reviewing the 48 new records that were found using the search terms we sent, and encourage you to send them as soon as possible.

Take care,  
Hudson

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