

- WEBINAR -

# The Freedom of Information Act and YOU

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A Guide to Obtaining Government Records Efficiently and Effectively



**PEER**  
PUBLIC EMPLOYEES  
FOR ENVIRONMENTAL  
RESPONSIBILITY

# Webinar Agenda

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Introduction and  
Welcome.....

**Colleen Teubner**, PEER Litigation and Policy Attorney

Overview of FOIA & how PEER uses it.....

**Laura Dumais**, PEER Staff Counsel

Agency processes and  
pitfalls.....

**Sharon Lerner**, Investigative Reporter at ProPublica Covering  
Environmental and Health Issues

FOIA lawsuits and  
stories.....

**Kel McClanahan**, Executive Director of National Security Counselors

Live Q&A (10 min)

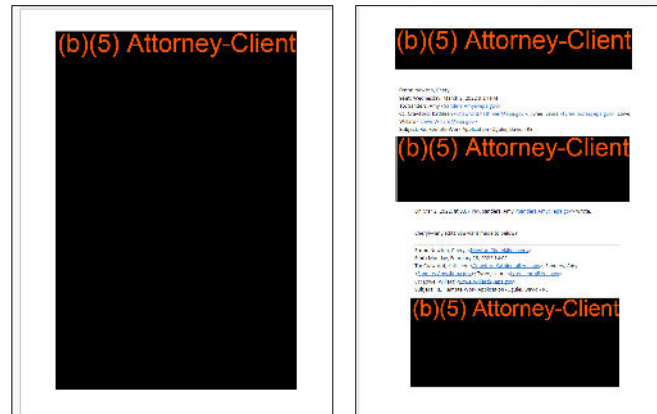


# **An Overview of FOIA & How PEER Uses It**

Laura Dumais, PEER Staff Attorney

# FOIA is Essential to Democracy!

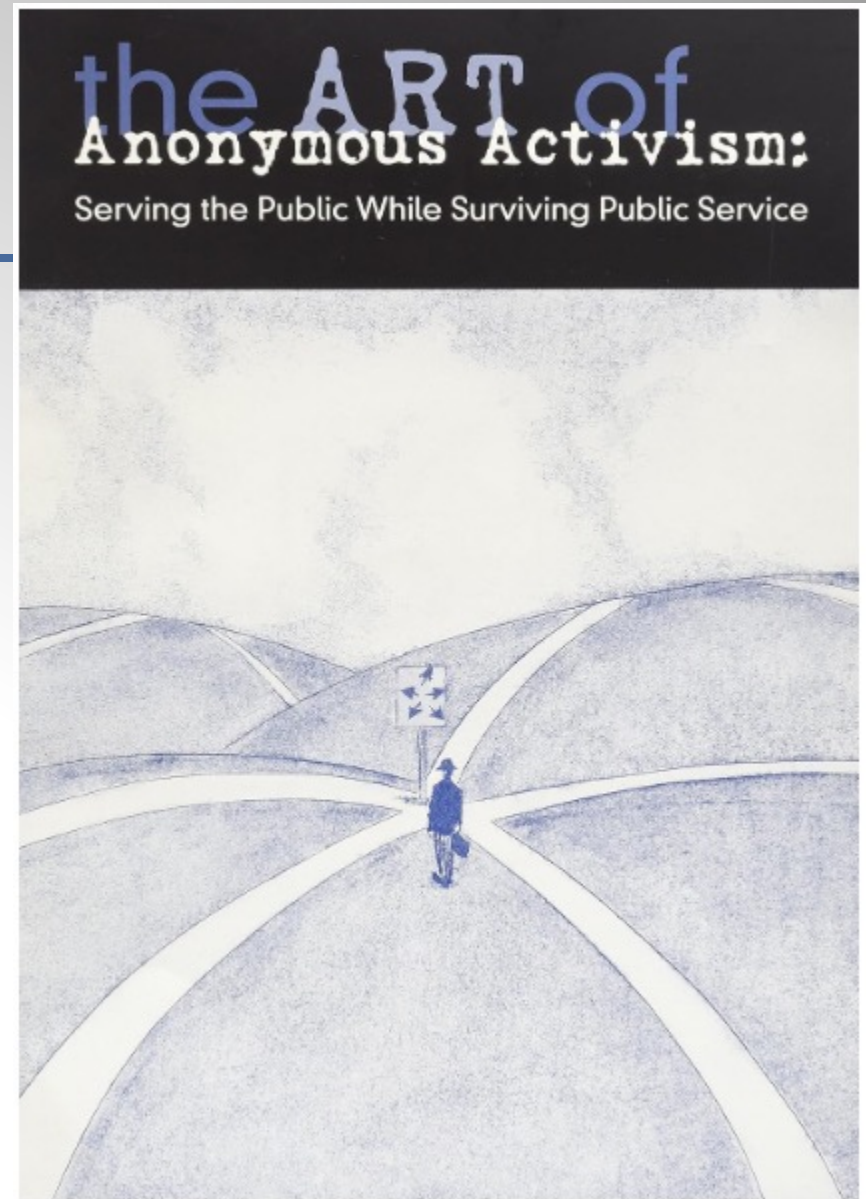
- 1967: public can request records from any federal agency.
- Exemptions exist, but presumption of openness
- Agencies must proactively release certain info
- Fees (over 2hrs/100 pgs)
- DOJ oversees FOIA
  - Issues guidance to agencies
  - Litigates





# PEER and FOIA

- Anonymous activism
  - Provide access
  - Tackle problems
- FOIA requests for other groups



# Three PEER FOIA Success Stories

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- BLM: land health standards map
- PFAS Tracker tool
- Effigy Mounds



# Time Limits

- **20 working days:** determine whether to comply with request



- Must make records “promptly” available
- Tracking #, est. date of completion
- Requestor gets at least 90 days to appeal to agency head
- Agency must respond to appeal within **20 working days**

+ **10 days:** Agency can extend for “unusual circumstances” (voluminous, consultation, separate field offices)

- **10 days:** Requestor can seek expedited processing (imminent threat, urgency to inform public)



# Writing a FOIA Request

- Simple vs. complex tracks
- Request writing: broad vs. narrow

EPA (2022)						
	Simple			Complex		
	Avg	Low	High	Avg	Low	High
HQ	53	1	1202	417	1	2242
Region 1	21	1	542	191	3	580



# Exemptions

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1: Classified Information

2: Internal Personnel Matters

3: Other Statutes

4: Commercial Information

5: Litigation Privileges

6: Privacy

7: Law Enforcement

8: Financial Institutions

9: Wells



# FOIA.gov

Thank you for visiting **FOIA.gov**, the government's central website for FOIA. We'll continue to make improvements to the site and look forward to your input. Please submit feedback to [National.FOIAPortal@usdoj.gov](mailto:National.FOIAPortal@usdoj.gov).

[Learn about FOIA](#) ✓

[Before you request](#) ✓

[Search tool](#) ✓

[Create a request](#)

[Agency FOIA data](#) ✓

[CFO Council](#) ✓

[Agency login](#)

**The basic function of the Freedom of Information Act is to ensure informed citizens, vital to the functioning of a democratic society.**

This site can help you determine if filing a FOIA request is the best option for you and help you create your request when you're ready.

**Start your FOIA journey**



# Environmental Protection Agency

[Register](#)[Sign In](#)[Help](#) ▾[Home](#)[FOIA Website](#)[FOIA Library](#)[Reading Room](#)[Submission Alternatives](#)[Request History](#)[Home](#)

## U. S. Environmental Protection Agency

### Freedom of Information Act

#### Public Access Portal

The Freedom of Information Act is a law that allows any person access to federal agency records. All agencies, including the EPA, have the duty to release records to the public.

To balance the public's right to know with efficient government operations, the FOIA allows EPA and all agencies to withhold nine categories of information from the public if disclosure of that information would harm government or private interests.

#### [Submit a FOIA Request](#)

##### **Trouble submitting a FOIA Request?**

Contact [managed.services@opexustech.com](mailto:managed.services@opexustech.com)

#### [Check Your Request Status](#)

- Quickly see your request's status



# Short Q & A

1. Type your question into the Q&A box
2. Upvote questions you want answered
3. If you have a question that was not answered during the webinar, email [cteubner@peer.org](mailto:cteubner@peer.org)

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# Some of my stories based on FOIA

A little of what's worked, and what hasn't...

Sharon Lerner

Investigative Reporter & Environmental Journalist

ProPublica



# EPA Approved a Fuel Ingredient Even Though It Could Cause Cancer in Virtually Every Person Exposed Over a Lifetime

An EPA document shows that a new Chevron fuel ingredient has a lifetime cancer risk more than 1 million times higher than what the agency usually finds acceptable — even greater than another Chevron fuel's sky-high risk disclosed earlier this year.







The  
Intercept\_



BECOME  
A MEMBER

Google Chrome

An American flag flies outside the Environmental Protection Agency's headquarters in Washington, D.C., on July 11, 2018. Photo illustration: Soohie Cho/The Intercept, Getty Images

# EPA OFFICIALS EXPOSED WHISTLEBLOWERS THREE MINUTES AFTER RECEIVING CONFIDENTIAL COMPLAINT

In response to a whistleblower complaint alleging corruption within the EPA's New Chemicals Division, agency officials

## Regulation

# Why the U.S. Is Losing the Fight to Ban Toxic Chemicals

From a powerful chemical industry that helped write the toxic substances law to an underfunded EPA lacking in resolve, the flaws in the American chemical regulatory apparatus run deep.

Stedeford left the EPA again in 2021 to work for a law firm that represents chemical companies. Emails obtained by ProPublica show he continued to work with agency staff on the paper about lung overload. Stedeford said “there’s nothing untoward about that” because he had “contributed scholarship” to the paper while at the agency. The EPA said “employees that worked on this paper did so with the full knowledge and support of their management at the time the work was occurring. Other co-authors on the paper include scientific experts from industry and NGOs.”







The  
Intercept\_



BECOME  
A MEMBER

A researcher works in a lab of Wuhan Institute of Virology in central China's Hubei province on Feb. 23, 2017. Photo: FeatureChina via AP

# NIH DOCUMENTS PROVIDE NEW EVIDENCE U.S. FUNDED GAIN-OF-FUNCTION RESEARCH IN WUHAN

U.S.-funded experiment in China posed biosafety risks but did not cause Covid-19 pandemic, scientists say.

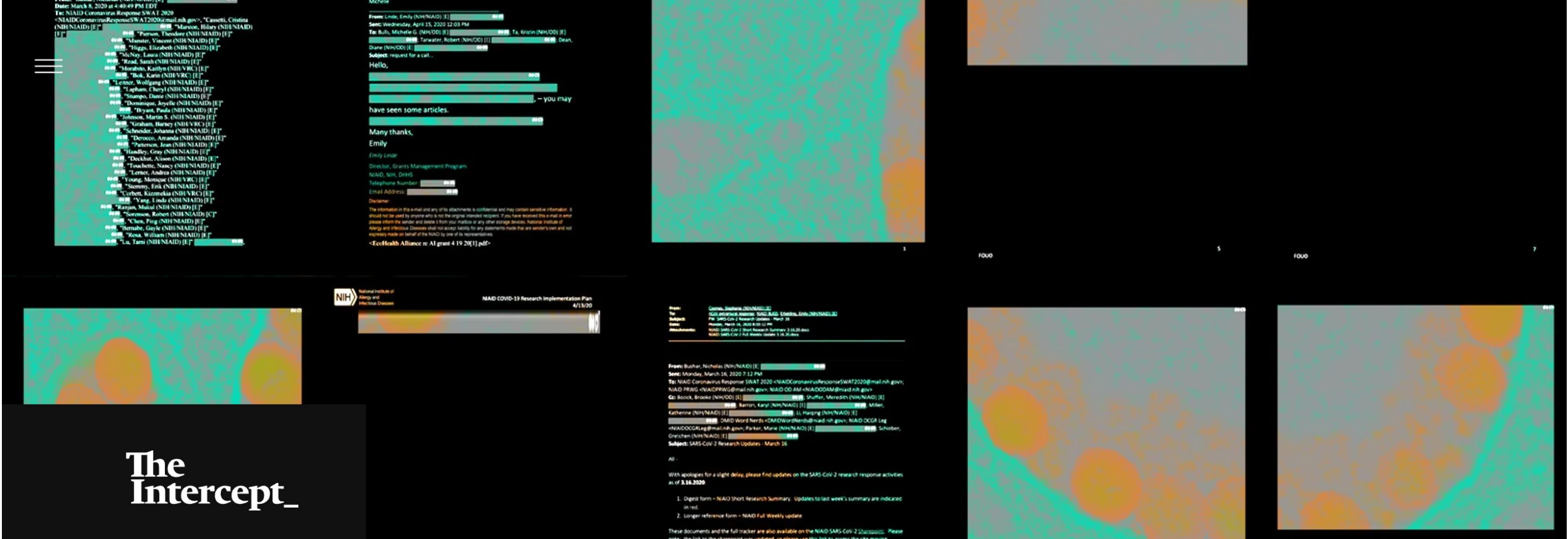


Photo illustration: Soohie Cho for The Intercept, Getty Images

# NIH SENT THE INTERCEPT 292 FULLY REDACTED PAGES RELATED TO VIRUS RESEARCH IN WUHAN

The NIH continues to withhold critical documents that could shed light on the origin of the coronavirus pandemic.

# FOIA Litigation & War Stories

**Kel McClanahan**

Executive Director of National Security Counselors



# Live Q & A

Hosted by Colleen Teubner, PEER Litigation and Policy Attorney

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# Thank You!

- ☑ **Questions:** Colleen Teubner at PEER [cteubner@peer.org](mailto:cteubner@peer.org)
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