



National FOIA Office
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue NW (2310A)
Washington, DC 20460

August 18, 2025

Freedom of Information Act Appeal: 2025-EPA-04546

FOIA Appeal Officer:

By this letter, Public Employees for Environmental Responsibility (PEER) seeks to appeal the constructive denial of its Freedom of Information Act (FOIA) Request, 2025-EPA-04546.

Background

On February 26, 2025, President Donald Trump stated that Administrator Lee Zeldin had told him that many EPA employees “weren’t doing their job,” “didn’t exist,” or “were just obstructionists.” These statements were widely reported in the media and have been repeated by Administrator Zeldin himself.

On March 14, 2025, PEER submitted a FOIA request to find any internal evidence supporting these claims by President Trump and/or Administrator Zeldin (Attachment I). Specifically, PEER requested the following records, between January 20, 2025 – March 14, 2025:

1. Any documents, including but not limited to, emails, memos, spreadsheets, texts, letters, notes, and Microsoft Teams chats, that show EPA employees who “weren't doing their jobs”;
2. Any documents, including but not limited to, emails, memos, spreadsheets, texts, letters, notes, and Microsoft Teams chats, that show EPA employees who “were obstructionists”;
3. Any documents, including but not limited to, emails, memos, spreadsheets, texts, letters, notes, and Microsoft Teams chats, that show EPA employees who “weren't there”;
4. Any documents, including but not limited to, emails, memos, spreadsheets, texts, letters, notes, and Microsoft Teams chats, that show EPA employees who “didn't exist”;
5. Any documents, including but not limited to, emails, memos, spreadsheets, texts, letters, notes, and Microsoft Teams chats, that show EPA employees who have “been working for other companies or other entities...while being paid by the United States government”;

6. Any documents, including but not limited to, emails, memos, spreadsheets, texts, letters, notes, and Microsoft Teams chats, that discuss the removal of the public facing EPA Staff Locator, the reasons for its removal, who made the decision to remove it; and
7. Any documents, including but not limited to, emails, memos, spreadsheets, texts, letters, notes, and Microsoft Teams chats, that discuss how the EPA Staff Locator is “redundant” and/or “inefficient.”

Later that same day, EPA acknowledged this request, assigned it tracking number “2025-EPA-04546,” and granted PEER’s fee waiver request (Attachment II).

On April 15, 2025, Jonathan Newton, a FOIA Officer for the Office of the Administrator, emailed PEER stating that due to a need to consult with, and collect records from, multiple components of the Agency, the FOIA request was being placed on the “complex” processing track with an estimated completion date of July 25, 2025. Mr. Newton instructed PEER to contact Frederick No with any questions regarding the determination (Attachment III). Mr. Newton did not ask any clarifying questions before placing the request on the complex track. It stands to reason that Mr. Newton understood the request and merely informed PEER that more time was needed to fulfill it.

On April 24, 2025, PEER emailed Mr. Newton and Mr. No with possible custodians of the records requested, which included Administrator Zeldin and his aides. PEER also requested a schedule for releasing interim production (Attachment III).

On July 25, 2025, Mr. Newton emailed PEER his decision not to process PEER’s FOIA, claiming that the request lacked the required specificity under 40 CFR §2.102 (b)(1) and 40 CFR §2.102(b)(3) (Attachment IV). Specifically, Mr. Newton stated:

Upon review we have determined that this broad description does not meet the requirements of a proper FOIA request. EPA regulations require FOIA requesters to “reasonably describe the records sought.” 40 CFR §2.102 (b)(1). “A request should include **specific** information about the records sought, such as the date, title or name, author, recipient, and subject matter.” 40 CFR §2.102(b)(3) (emphasis added). Your request for [information] does not describe, among other things, specific names or recipients.

On August 4, 2025, PEER emailed Mr. Newton requesting a meeting to discuss his request for clarification and provided availability (Attachment IV). To date, Mr. Newton has not responded.

On August 8, 2025, PEER emailed Mr. Newton with clarification on items 6-7 of the FOIA request. PEER also asked Mr. Newton to respond if he required further clarification, and if no response was received, PEER would assume the clarification was sufficient and the FOIA request would be processed (Attachment IV). To date, Mr. Newton has not responded.

On August 13, 2025, PEER emailed Mr. Newton to confirm that the FOIA request was being processed (Attachment IV). To date, Mr. Newton has not responded.

PEER regards the refusal to process our FOIA request as a constructive denial which we hereby appeal.

PEER's Request Contains the Requisite Specificity under FOIA.

PEER's FOIA request contains the requisite specificity for all 7 items of the request, in that it –

1. Sets out an exact date range;

1-7. January 20, 2025 – March 14, 2025.

2. Provides the subject matter;

1-5. Records relied upon by President Trump and/or Administrator Zeldin when making comments regarding EPA staff; and

6-7. Records discussing the EPA Staff Locator.

3. Provides the search terms; and

1-5. “weren't doing their jobs,” “were obstructionists,” “weren't there,” “didn't exist,” “been working for other companies or other entities...while being paid by the United States government;” and

6-7. “redundant” and/or “inefficient.”

4. Described the records sought with particularity.

1-7. Any documents, including but not limited to, emails, memos, spreadsheets, texts, letters, notes, and Microsoft Teams chats.

Although PEER does not know the author(s) of the requested documents, or even if there are any such documents, a recipient would obviously include Administrator Zeldin as well as any staff within the Immediate Office of the Administrator. As stated above, PEER advised Mr. Newton of these possible custodians on April 24, 2025.

Moreover, 1) EPA expressly determined that PEER's FOIA request contained sufficient detail when it granted PEER's fee waiver request; and 2) agency policy and legal precedent dictates that the Requester need only describe the records sufficiently to enable a reasonable search, which PEER has done here.

1. Agency Grant of Fee Waiver Denotes Sufficient Specificity.

EPA expressly determined that PEER's FOIA request contained sufficient detail when it granted PEER's fee waiver request. In its determination of March 14, 2025, EPA stated:

To evaluate the public interest requirement, the EPA considers each of the four factors: (1) the subject of the request; (2) the informative value of the information to be disclosed; (3) the contribution to an understanding of the subject by the public is likely to result from disclosure; and (4) the significance of the contribution to public

understanding... Your fee waiver justification addressed the required factors with sufficient support *and in sufficient detail* for EPA to grant your fee waiver request (emphasis added).

Here, EPA expressly determined that all four factors, including the subject of the request, were “in sufficient detail.” Therefore, the description of the materials must be particular enough to meet FOIA’s minimum standards.

2. Agency Policy and Legal Precedent Indicate that the Requester Need Only Describe the Records Sufficiently to Enable a Reasonable Search.

Under FOIA, “[E]ach agency, upon request for records which (i) reasonably describes such records and (ii) is made in accordance with published rules stating the time, place, fees (if any), and procedures to be followed, shall make the records promptly available to any person.” 5 U.S.C. § 552(a)(3)(A). “A request ‘reasonably describes’ agency records if it ‘would be sufficient [to enable] a professional employee of the agency who was familiar with the subject area of the request to locate the record with a reasonable amount of effort.’” *Bader Fam. Found. v. U.S. EEOC*, 2025 U.S. Dist. LEXIS 56250, *6 (D.D.C. March 26, 2025) (quoting *Truitt v. Dep’t of State*, 897 F.2d 540, 545, 283 U.S. App. D.C. 86 n.36 (D.C. Cir. 1990)). EPA’s “Procedures for Responding to Freedom of Information Act Requests” memo echoes this holding: in order for records to be “reasonably described,” the description should be considered “sufficient if it enables an Agency employee familiar with the subject area to locate the record with a reasonable amount of effort.”¹ Moreover, 40 C.F.R. § 2.102(b)(3) states, “*Whenever possible*, a request should include specific information about each record sought, such as the date, title or name, author, recipient, and subject matter” (emphasis added).

The District Court for the District of Columbia has further held that,

Some FOIA requests are clearly “reasonably described” when they detail the names of specific people, dates, or statements sought and leave little room for guesswork. *See, e.g., Shapiro v. CIA*, 170 F. Supp. 3d 147, 155 (D.D.C. 2016) (holding that a request was reasonably described because it asked for records that mentioned a specific person, Nelson Mandela, and his known aliases); *Pub. Emps. for Envtl. Resp. v. EPA*, 314 F. Supp. 3d 68, 76 (D.D.C. 2018) (considering the request “precise” because it included the date, speaker, and statements referenced in the agency records). However, FOIA does not require every request to be so precisely described. After all, “FOIA requesters are frequently in no position to know how an agency classifies its documents or what terminology the agency might have used—that is often why they are making a request in the first place.” *Gun Owners of Am., Inc. v. FBI*, 594 F. Supp. 3d 37, 47 (D.D.C. 2022).

Bader Fam. Found., 2025 U.S. Dist. LEXIS 56250 at *7.

Here, PEER identified two speakers, President Trump and Administrator Zeldin, who made specific comments regarding EPA staff. PEER provided keywords from those statements, specified the date the statements were made, February 26, 2025, and provided a narrow date range for the search for records, January 20, 2025 – March 14, 2025. It is irrational to require

¹ https://19january2021snapshot.epa.gov/sites/static/files/2015-03/documents/cio_2157-p-01.1.pdf

PEER to know all the details about the specific documents requested. A reasonably conducted search of documents sent or provided to the speakers (namely Administrator Zeldin), using the keywords within the date range should identify the documents PEER is seeking.

Congress made it clear that “the identification standard in the FOIA should not be used to obstruct public access to agency records,” which is what it appears EPA is doing here. *Nat’l Sec. Couns. v. CIA*, 898 F. Supp. 2d 233, 274 (D.D.C. 2012).

Specifically:

Under the FOIA, agencies are required to make “promptly available” records that are “reasonably describe[d]” in a request that “is made in accordance with published rules stating the time, place, fees (if any), and procedures to be followed, and which are not exempt from disclosure.”... The phrase “requests for records which ... reasonably describes such records” was added to the FOIA in 1974, and it replaced the phrase “request for identifiable records.” *See* Pub.L. No. 93-502, § 1(b)(1), 88 Stat. 1561, 1561 (1974). The Senate Judiciary Committee Report accompanying this amendment stated that, “the identification standard in the FOIA should not be used to obstruct public access to agency records” and the amendment “makes explicit the liberal standard for identification that Congress intended.” S.Rep. No. 93-854, at 10 (1974). The House Committee on Government Operations Report accompanying the amendment clarified that, “a ‘description’ of a requested document would be sufficient if it enabled a professional employee of the agency who was familiar with the subject area of the request to locate the record with a reasonable amount of effort.” H.R.Rep. No. 93-876, at 5-6, 1974 U.S.C.C.A.N. 6267, 6271. The D.C. Circuit has held, in this regard, that “[t]he linchpin inquiry” in determining whether a request “reasonably describes” the records sought is “whether the agency is able to determine ‘precisely what records [are] being requested.’” *Yeager v. Drug Enf. Admin.*, 678 F.2d 315, 326 (D.C. Cir. 1982) (alteration in original) (quoting S.Rep. No. 93-854, at 10).

Nat’l Sec. Couns., 898 F. Supp. 2d at 274.

In the case at hand, PEER’s request could be fulfilled by a search of documents sent or provided to Administrator Zeldin regarding the keyword searches. Thus, PEER has “reasonably described” the records more than sufficiently to meet the “liberal standard” in FOIA, and that search should proceed.

Conclusion

EPA’s constructive denial of PEER’s FOIA request is unreasonable, given that the request contains the requisite specificity under FOIA. Therefore, the agency should keep this request open, conduct a reasonable search, provide production, if any, and issue a final determination in a timely manner.

Sincerely,

/s/ Colleen Zimmerman

Colleen Zimmerman

Staff Counsel, FOIA Manager

Public Employees for Environmental Responsibility

202-464-2293

czimmerman@peer.org



March 14, 2025

Dear FOIA Officer:

Pursuant to the Freedom of Information Act, 5 U.S.C. § 552, as amended, Public Employees for Environmental Responsibility (PEER), requests certain information and communications from the U.S. Environmental Protection Agency (EPA) regarding recent comments about EPA's staff.

On February 26, 2025, President Trump made the following statement:

"I spoke with Lee Zeldin, and he thinks he's going to be cutting 65 or so percent of the people from Environmental, and we're going to speed up the process, too, at the same time. He had a lot of people that weren't doing their job — they were just obstructionists — and a lot of people that didn't exist, I guess, Lee, too. You found a lot of empty spots that the people weren't there. They didn't exist."

Request

PEER requests the following records, between January 20, 2025 – March 14, 2025:

1. Any documents, including but not limited to, emails, memos, spreadsheets, texts, letters, notes, and Microsoft Teams chats, that show EPA employees who "weren't doing their jobs";
2. Any documents, including but not limited to, emails, memos, spreadsheets, texts, letters, notes, and Microsoft Teams chats, that show EPA employees who "were obstructionists";
3. Any documents, including but not limited to, emails, memos, spreadsheets, texts, letters, notes, and Microsoft Teams chats, that show EPA employees who "weren't there";
4. Any documents, including but not limited to, emails, memos, spreadsheets, texts, letters, notes, and Microsoft Teams chats, that show EPA employees who "didn't exist";
5. Any documents, including but not limited to, emails, memos, spreadsheets, texts, letters, notes, and Microsoft Teams chats, that show EPA employees who have "been working for other companies or other entities...while being paid by the United States government";
6. Any documents, including but not limited to, emails, memos, spreadsheets, texts, letters, notes, and Microsoft Teams chats, that discuss the removal of the public facing EPA Staff Locator, the reasons for its removal, who made the decision to remove it; and

7. Any documents, including but not limited to, emails, memos, spreadsheets, texts, letters, notes, and Microsoft Teams chats, that discuss how the EPA Staff Locator is "redundant" and/or "inefficient."

If the above request is unclear, result in an abnormally large number of results, or otherwise impracticable please contact the requester to provide clarification or narrow the scope of the request accordingly.

Scope of Request

To protect individual employees, PEER does not seek the full names or other personally identifying information of employees named in responsive documents if it would unreasonably infringe upon their personal privacy. All such personally-identifiable information can be redacted as appropriate, so long as complete records are still provided.

Form of Records

Under FOIA, you are obligated to provide records in a readily-accessible electronic format and in the format requested. 5 U.S.C. § 552(a)(3)(B) ("In making any record available to a person under this paragraph, an agency shall provide the record in any form or format requested by the person if the record is readily reproducible by the agency in that form or format.").

This request includes all final documents that have ever been within the agency's custody or control, whether they exist in agency "working," investigative, retired, electronic mail, or other files. All electronic records should be delivered in their original file format with original metadata and any attachments included. Physical records should be scanned or otherwise converted into electronic format.

For electronic records, please provide all records in their native file formats (i.e. not converted to PDF) with all metadata included, and for records such as emails which have files embedded or attached, please provide all attachments in their native formats. If records can only be produced as PDFs, we request all records be text searchable and OCR formatted.

Additionally, please provide the records either in (1) load-ready format with a CSV file index or excel spreadsheet, or, if that is not possible; (2) in .pdf format, without any "portfolios" or "embedded files." Portfolios and embedded files within files are not readily-accessible. Please do not provide the records in a single, or "batched," .pdf file.

Withholdings and Exemptions

For any documents or portions of documents that you block release due to specific exemption(s) from the requirements of the Freedom of Information Act, please provide an index itemizing and describing the documents or portions of documents withheld. The index should, pursuant to the holding of Vaughn v. Rosen (484 F.2d 820 [D.C. Cir. 1973] cert. denied, 415 U.S. 977 [1974]), provide a detailed justification for claiming a particular exemption that explains why each such exemption applies to the document or portion of a document withheld.

Fee Waiver Request

PEER requests that all fees be waived because “disclosure of the information is in the public interest . . . and is not primarily in the commercial interest of the requestor” (5 U.S.C. § 552 (a)(4)(A)):

1. The records concern the operations or activities of the Government.

The FOIA request is, by its terms, limited to identifiable documents and communications in EPA’s possession that would substantiate claims made by the President about the functionality of the EPA, should they exist.

2. The disclosure of the requested records is likely to contribute to public understanding of these operations or activities.

If the public sees these materials, it will help enhance their understanding of staffing changes to come, should these materials exist. EPA handles issues related to public health and the environment; issues that directly affect the public. Therefore, the public has an interest in any resource changes to the agency.

3. The release of these requested records will contribute significantly to public understanding of the governmental activities.

The nature of the information should inform the public about EPA staffing changes.

PEER intends to provide the requested information to members of Congress and its relevant committees. We also intend to disseminate it to the general public through —

- Release to the news media;
- Posting on the PEER web page which draws 5,000-7,000 unique visitors per month; and
- Publication in the PEER newsletter that has a circulation of approximately 20,000, including 1,500 journalists.

Through these methods, PEER generates an average of 1.5 mainstream news articles per day.

4. Disclosure would not serve a commercial interest of the requestor.

Disclosure is in no way connected with any commercial interest of the requestors in that PEER is a nonprofit, nonpartisan public interest organization concerned with upholding the public trust through responsible management of our nation’s resources and with supporting professional integrity within public land management and pollution control agencies. To that end, PEER is designated as a tax-exempt organization under section 501 (c)(3) of the Internal Revenue code.

Please Request any Necessary Clarification or Narrowed Scope

If in the process of conducting a search for records responsive to this request it appears that a large quantity of irrelevant material is being included or further relevant material may not be

captured by the specific terms of the request, or any other concerns related to the timeliness or completeness of the response arise, please contact the undersigned at czimmerman@peer.org or (202) 464-2293.

In the event an exceptionally voluminous or complex set of potentially responsive records requires review, please advise us of the need to make rolling productions and a schedule on which PEER's request can be fully answered. We look forward to receiving the agency's final response within 20 working days.

Thank You,

/s/ Colleen Zimmerman
Colleen E. Teubner Zimmerman
Litigation and Policy Attorney
czimmerman@peer.org



OFFICE OF GENERAL COUNSEL

WASHINGTON, D.C. 20460

March 14, 2025

Colleen Zimmerman
PEER
962 Wayne Ave.
Suite 610
Silver Spring, MD 20910

**Re: Freedom of Information Act Request –2025-EPA-04546
Fee Waiver Determination**

Dear Colleen Zimmerman:

This letter concerns the above-referenced Freedom of Information Act (FOIA) request, received by the U.S. Environmental Protection Agency (EPA), National FOIA Office (NFO) on 03/14/2025 in which you are seeking: "Any documents, including but not limited to, emails, memos, spreadsheets, texts, letters, notes, and Microsoft Teams chats, that show EPA employees who "weren't doing their jobs";

Any documents, including but not limited to, emails, memos, spreadsheets, texts, letters, notes, and Microsoft Teams chats, that show EPA employees who "were obstructionists";

Any documents, including but not limited to, emails, memos, spreadsheets, texts, letters, notes, and Microsoft Teams chats, that show EPA employees who "weren't there";

Any documents, including but not limited to, emails, memos, spreadsheets, texts, letters, notes, and Microsoft Teams chats, that show EPA employees who "didn't exist";

Any documents, including but not limited to, emails, memos, spreadsheets, texts, letters, notes, and Microsoft Teams chats, that show EPA employees who have "been working for other companies or other entities...while being paid by the United States government";

Any documents, including but not limited to, emails, memos, spreadsheets, texts, letters, notes, and Microsoft Teams chats, that discuss the removal of the public facing EPA Staff Locator, the reasons for its removal, who made the decision to remove it; and

Any documents, including but not limited to, emails, memos, spreadsheets, texts, letters, notes, and Microsoft Teams chats, that discuss how the EPA Staff Locator is "redundant" and/or "inefficient."

Please see attached for more information. (Date Range for Record Search: From 01/20/2025 To 03/14/2025)."

EPA has received your request for a fee waiver. Your request for a fee waiver was evaluated based upon the information you provided in support of your request for a fee waiver and EPA regulations concerning requests for a fee waiver. Based on an analysis of the information you provided, your fee waiver has been granted.

EPA regulations provide a mechanism for requesters to seek records responsive to a FOIA request "without charge or at a charge reduced below" the agency FOIA fee schedule when the NFO determines "based on all available information, that disclosure of the requested information is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government" (public interest requirement) and "is not primarily in the commercial interest of the requester" (non-commercial interest requirement). Freedom of Information Act Regulations, 40 C.F.R. § 2.107(n)(4) (2023).

To evaluate the public interest requirement, the EPA considers each of four factors: (1) the subject of the request; (2) the informative value of the information to be disclosed; (3) the contribution to an understanding of the subject by the public is likely to result from disclosure; and (4) the significance of the contribution to public understanding. 40 C.F.R. §§ 2.107(n)(5)(i)-(iv) (2023).

To determine the non-commercial interest requirement, the EPA considers each of two factors: (1) the existence and magnitude of a commercial interest; and (2) the requester's primary interest in the information disclosure. 40 C.F.R. §§ 2.107(n)(6)(i)-(ii). If the EPA determines the requester has a commercial interest that is furthered by disclosure of the requested information and the commercial interest is primary to any specified public interest, the requester is not entitled to a waiver of fees.

Fee waiver requests must specifically address each, and all, of the factors. 40 C.F.R. § 2.107(n)(2) (2023). If a requester's written justification for a fee waiver fails to address or substantiate each of the factors discussed below, the EPA will deny the request for a fee waiver.

Your fee waiver justification addressed the required factors with sufficient support and in sufficient detail for EPA to grant your fee waiver request. The subject of your request is related to operations and activities of the government. Your statements explained how the information in the records you requested will add to the quantity of information currently available. Further, you expressed an ability or intent to use these FOIA material towards contributing to the understanding of a public audience. Lastly, you provided information to EPA about the significance of the contribution to public understanding.

The second fee waiver requirement is met because the request serves a non-commercial interest. The absence of an identified commercial use is dispositive of the last fee waiver factor, thereby resolving the remaining issue of the requester's "primary interest" in the request. *Therefore, because all factors were addressed in your justification and the requirements are satisfied, EPA hereby grants your fee waiver request.*

If you need any further assistance or would like to discuss any aspect of your request, you may seek assistance from EPA's FOIA Public Liaison at hq.foia@epa.gov or call (202) 566-1667. You may also seek assistance from the Office of Government Information Services (OGIS). You may contact OGIS in any of the following ways: by mail, Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road, College Park, MD 20740-6001; email: ogis@nara.gov; telephone: (202) 741-5770 or (877) 684-6448; or fax: (202) 741-5769.

Sincerely,

LEE HAGY

Digitally signed by LEE
HAGY
Date: 2025.03.14
14:24:53 -04'00'

Lee Hagy
Attorney-Adviser
National FOIA Office



Re: FOIA Request 2025-EPA-04546

From Colleen Zimmerman <czimmerman@peer.org>
Date Thu 4/24/2025 2:26 PM
To Newton, Jonathan <AO_FOIA@epa.gov>
Cc No.Fredrick@epa.gov <No.Fredrick@epa.gov>

Good afternoon,

Thank you for reaching out about my above-referenced FOIA request. If it would be helpful, I am specifically looking for the documents/materials Administrator Zeldin relied upon when he made the statements referenced in the FOIA request. Administrator Zeldin and his aides would be relevant custodians for this search.

Please let me know if you have developed a schedule for releasing interim production.

Thanks,
Colleen

Colleen Zimmerman, née Teubner (she/her)
Staff Litigation and Policy Attorney, FOIA Manager
Public Employees for Environmental Responsibility (PEER)
962 Wayne Ave., Suite 610, Silver Spring, MD 20910
Tel: (202) 464-2293
czimmerman@peer.org | www.peer.org

From: Newton, Jonathan <AO_FOIA@epa.gov>
Sent: Monday, April 14, 2025 3:22 PM
To: Colleen Zimmerman <czimmerman@peer.org>
Cc: No.Fredrick@epa.gov <No.Fredrick@epa.gov>
Subject: FOIA Request 2025-EPA-04546

Dear Colleen Zimmerman:

The EPA Office of the Administrator has received your Freedom of Information Act request dated 03/14/2025, with the designation 2025-EPA-04546. Your request is as follows:

- Any documents, including but not limited to, emails, memos, spreadsheets, texts, letters, notes, and Microsoft Teams chats, that show EPA employees who "weren't doing their jobs"; Any documents, including but not limited to, emails, memos, spreadsheets, texts, letters, notes, and Microsoft Teams chats, that show EPA employees who "were obstructionists"; Any documents, including but not limited to, emails, memos, spreadsheets, texts, letters, notes, and Microsoft Teams chats, that show EPA employees who "weren't there"; Any documents, including but not limited to, emails, memos, spreadsheets, texts, letters, notes, and Microsoft Teams chats, that show EPA employees who "didn't exist"; Any documents, including but not limited to, emails, memos, spreadsheets, texts, letters, notes, and Microsoft Teams chats, that show EPA employees who have "been working for other companies or other entities...while being paid by the United States government"; Any documents, including but not limited to, emails, memos, spreadsheets, texts,

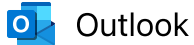
letters, notes, and Microsoft Teams chats, that discuss the removal of the public facing EPA Staff Locator, the reasons for its removal, who made the decision to remove it; and Any documents, including but not limited to, emails, memos, spreadsheets, texts, letters, notes, and Microsoft Teams chats, that discuss how the EPA Staff Locator is "redundant" and/or "inefficient." Please see attached for more information. (Date Range for Record Search: From 01/20/2025 To 03/14/2025)

An initial review of your request indicates a need to consult with, and collect records from, multiple components of the Agency (unusual circumstances). Therefore, your request is being placed on the "complex" processing track with an estimated completion date of 07/25/2025. If you have questions regarding this determination, please feel free to contact Fredrick No at No.Fredrick@epa.gov.

You may also seek dispute-resolution services through the EPA's FOIA public liaison at hq.foia@epa.gov or (202) 566-1667 or through the National Archives and Records Administration's Office of Government Information Services via email ogis@nara.gov; by calling (202) 741-5770 or (877) 684-6448; or by mail to Office of Government Information Services, National Archives and Records Administration, 8610 Adelphi Road, Room 2510, College Park, Maryland 20740.

Thank you for your patience and for your interest in the U.S. Environmental Protection Agency.

Sincerely,
U.S. EPA Office of the Administrator



Re: FOIA Request 2025-EPA-04546 - Request For Clarification

From Colleen Zimmerman <czimmerman@peer.org>
Date Wed 8/13/2025 11:32 AM
To Newton, Jonathan <AO_FOIA@epa.gov>
Cc Newton.Jonathan@epa.gov <Newton.Jonathan@epa.gov>; Kyla Bennett <KBennett@peer.org>

Hi Jonathan,

Can you please confirm that the FOIA request is being processed?

Thank you,
Colleen

Colleen Zimmerman (she/her)
Staff Counsel, FOIA Manager
Public Employees for Environmental Responsibility (PEER)
962 Wayne Ave., Suite 610, Silver Spring, MD 20910
Tel: (202) 464-2293
czimmerman@peer.org | www.peer.org

From: Colleen Zimmerman <czimmerman@peer.org>
Sent: Friday, August 8, 2025 11:04 AM
To: Newton, Jonathan <AO_FOIA@epa.gov>
Cc: Newton.Jonathan@epa.gov <Newton.Jonathan@epa.gov>; Kyla Bennett <KBennett@peer.org>
Subject: Re: FOIA Request 2025-EPA-04546 - Request For Clarification

Hi Jonathan,

I'd like to provide clarification on the following item of PEER's request:

(7) Any documents, including but not limited to, emails, memos, spreadsheets, texts, letters, notes, and Microsoft Teams chats, that discuss how the EPA Staff Locator is "redundant" and/or "inefficient." (Date Range for Record Search: From 1/20/2025 To 3/14/2025).

Please see attached an email conversation between PEER's Science Policy Director, Dr. Kyla Bennett, and EPA staff regarding EPA's Staff Locator. We believe that the following offices and individuals may be custodians of the documents we requested: EPA Press Office <Press@epa.gov>; Ryan, Jini <Ryan.Jini@epa.gov>; Widener, Charles (Chuck) <Widener.Charles@epa.gov>. Additionally, the email correspondence should provide clarification as to what we are seeking.

Please contact me if you require any further clarification with respect to this item of our request. If I do not receive a response from you, I will assume that this clarification is sufficient, and you will continue to process this FOIA request.

Thank you,
Colleen

Colleen Zimmerman (she/her)
Staff Counsel, FOIA Manager
Public Employees for Environmental Responsibility (PEER)
962 Wayne Ave., Suite 610, Silver Spring, MD 20910
Tel: (202) 464-2293
czimmerman@peer.org | www.peer.org

From: Colleen Zimmerman
Sent: Monday, August 4, 2025 3:23 PM
To: Newton, Jonathan <AO_FOIA@epa.gov>
Cc: Newton.Jonathan@epa.gov <Newton.Jonathan@epa.gov>; Kyla Bennett <KBennett@peer.org>
Subject: RE: FOIA Request 2025-EPA-04546 - Request For Clarification

Hi Jonathan,

Thank you for getting back to me about this FOIA request. Can we schedule a phone call this week to discuss your request for clarification? I've cc'ed my colleague, Dr. Kyla Bennett, who would like to join as well. Please see below our availability:

Tuesday: 9am – 5pm
Wednesday: 2pm – 5pm
Thursday: 2pm – 5pm
Friday: 9am – 5pm

If these dates do not work for you, please let me know and we can look to next week.

Thanks,
Colleen

Colleen Zimmerman (she/her)
Staff Counsel, FOIA Manager
Public Employees for Environmental Responsibility (PEER)
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czimmerman@peer.org | www.peer.org

From: Newton, Jonathan <AO_FOIA@epa.gov>
Sent: Friday, July 25, 2025 4:31 PM
To: Colleen Zimmerman <czimmerman@peer.org>
Cc: Newton.Jonathan@epa.gov
Subject: FOIA Request 2025-EPA-04546 - Request For Clarification

Dear Colleen Zimmerman:

The Office of the Administrator has received your 03/14/2025 FOIA request, designated 2025-EPA-04546, which states:

- (1) Any documents, including but not limited to, emails, memos, spreadsheets, texts, letters, notes, and Microsoft Teams chats, that show EPA employees who "weren't doing their jobs"; (2) Any documents, including but not limited to, emails,

memos, spreadsheets, texts, letters, notes, and Microsoft Teams chats, that show EPA employees who "were obstructionists"; (3) Any documents, including but not limited to, emails, memos, spreadsheets, texts, letters, notes, and Microsoft Teams chats, that show EPA employees who "weren't there"; (4) Any documents, including but not limited to, emails, memos, spreadsheets, texts, letters, notes, and Microsoft Teams chats, that show EPA employees who "didn't exist"; (5) Any documents, including but not limited to, emails, memos, spreadsheets, texts, letters, notes, and Microsoft Teams chats, that show EPA employees who have "been working for other companies or other entities...while being paid by the United States government"; (6) Any documents, including but not limited to, emails, memos, spreadsheets, texts, letters, notes, and Microsoft Teams chats, that discuss the removal of the public facing EPA Staff Locator, the reasons for its removal, who made the decision to remove it; and (7) Any documents, including but not limited to, emails, memos, spreadsheets, texts, letters, notes, and Microsoft Teams chats, that discuss how the EPA Staff Locator is "redundant" and/or "inefficient." Please see attached for more information. ((Date Range for Record Search: From 1/20/2025 To 3/14/2025)

Upon review we have determined that this broad description does not meet the requirements of a proper FOIA request. EPA regulations require FOIA requesters to "reasonably describe the records sought." 40 CFR §2.102 (b)(1). "A request should include specific (*emphasis added*) information about the records sought, such as the date, title or name, author, recipient, and subject matter." 40 CFR §2.102(b)(3). Your request for does not describe, among other things, specific names or recipients. Please clarify your request by including additional details to describe the records you are seeking with reasonable specificity; in the interim your request will be placed on hold. If we have not received clarification regarding your request within 30 calendar days your request will be considered withdrawn and administratively closed.

Thank you for your assistance and your interest in the U.S. Environmental Protection Agency.

Sincerely,

Jonathan Newton

U.S. Environmental Protection Agency

Office of the Administrator