



OFFICE OF GENERAL COUNSEL

WASHINGTON, D.C. 20460

September 16, 2025

Colleen Zimmerman
Staff Counsel, FOIA Manager
Public Employees for Environmental Responsibility
962 Wayne Avenue, Ste 610
Silver Spring, MD 20910

Re: Freedom of Information Act Appeal No. 2025-EPA-08281 (Request No. 2025-EPA-04546)

Dear Colleen Zimmerman:

I am responding to your August 18, 2025 Freedom of Information Act (FOIA) appeal. You appealed the July 25, 2025 email sent by Jonathan Newton, Director of Information Access, Office of the Executive Secretariat (email) of the U.S. Environmental Protection Agency (EPA or Agency), to place the request you submitted to EPA on March 14, 2025 on hold. Your request sought documents pertaining to alleged statements made by EPA Administrator Zeldin, specifically stating,

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."

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."

The email sent from Mr. Newton on July 25, 2025, stated that your request lacked specificity:

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 [records] 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.

I have carefully considered your request, EPA's decision, and your appeal. For the reasons set forth below, I have determined that your appeal should be, and is, granted. Accordingly, pursuant to 40 C.F.R. § 2.108(e)(2), I am remanding the FOIA request to the Office of the Executive Secretariat (OEX) for further processing.

Analysis

You allege in your appeal that your FOIA request was constructively denied. The current status of your request is "On Hold" and it has not yet been closed. However, I find that although OEX appropriately placed your request on hold to seek clarification pursuant to 40 C.F.R. §2.102(b)(2), the office failed to timely respond to your subsequent clarification of your request. During the pendency of your appeal, my office confirmed that OEX has reviewed the additional clarification information you provided, including information supplied in your appeal, and determined that you have adequately described the records you are seeking such that a search for records can be performed.

Accordingly, pursuant to 40 C.F.R. § 2.108(e)(2), I am remanding the FOIA request to OEX to take your request off of hold and to contact you within 10 business days of this determination to discuss a timeline of completion for your request or to otherwise respond to your request.

Conclusion

This letter constitutes EPA's final determination on this matter. Pursuant to 5 U.S.C. § 552(a)(4)(B), you may obtain judicial review of this determination by filing a complaint in the United States District Court for the district in which you reside or have your principal place of business, or the district in which the records are situated, or in the District of Columbia. Additionally, as part of the 2007 FOIA amendments, the Office of Government Information Services (OGIS) within the National Archives and Records Administration was created to offer mediation services to resolve disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. You may contact OGIS in any of the following ways: by mail, Office of Government Information Services, National Archives and Records Administration, Room 2510, 8610 Adelphi Road, College Park, MD, 20740-6001; e-mail, ogis@nara.gov; telephone, 202-741-5770 or 1-877-684-6448; and fax, 202-741-5769.

Should you have any questions concerning this matter, please contact **Jaime L. Regan** at regan.jaime@epa.gov

Sincerely,

**LYNN
KELLY**

Digitally signed
by LYNN KELLY
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Lynn Kelly
Assistant General Counsel
General Law Office

cc: Jonathan Newton, Office of the Executive Secretariat
 Brian Hope, Office of the Executive Secretariat