

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

PUBLIC EMPLOYEES FOR
ENVIRONMENTAL RESPONSIBILITY,

Plaintiff,

v.

UNITED STATES ENVIRONMENTAL
PROTECTION AGENCY,

Defendant.

Civil Action No. 17-0652 (BAH)

JOINT STATUS REPORT

Plaintiff Public Employees for Environmental Responsibility (“PEER”) and Defendant the United States Environmental Protection Agency (“EPA”) submit this Joint Status Report pursuant to the Court’s July 6, 2018, Minute Order. The Court’s Order directed “the parties to file, by July 24, 2018, a joint status report regarding the status of EPA’s searches and production of responsive records.”

FOIA Request Part One

As previously ordered by the Court on June 29, EPA completed its search for records responsive to the first part of the FOIA by July 11. As further ordered, EPA will produce any non-exempt responsive records to Plaintiff, along with an explanation of any such records withheld, by August 1.

FOIA Request Part Two

EPA’s search for records in response to the second part of the FOIA request is still ongoing. The parties have continued to confer on search parameters and reached a resolution on the scope of the request and search for part two of the request. As previously reported, the parties negotiated search terms, custodians, and dates, for a search of EPA’s Outlook email

system. Although EPA is still finalizing the search of the Outlook system, EPA estimates that there will be 5,000 to 7,000 emails that require further review after applying the agreed search terms. PEER has agreed that EPA can limit these search results further by excluding any emails without attachments. EPA will complete its search of the Outlook emails this week and report back to Plaintiff with the results of that portion of the search, including the number of emails with attachments that will require further review, and a proposed processing schedule for those records, by August 1.

The parties also agreed that EPA will conduct a further search for records responsive to the second part of the request by asking identified Agency climate change experts to search for any “EPA-authored, EPA-commissioned, or EPA-adopted studies or reports that conclude that human activity is not the primary cause of global climate change.” With respect to this portion of the search, the parties further agreed that EPA may limit its search to three offices: (1) the Office of Air and Radiation, (2) the Office of Research and Development, and (3) the Office of Policy. EPA will send a query to the identified climate scientists in the above three offices no later than August 1. The parties further agreed that in conducting this search EPA will not be required to disclose to PEER the individual climate scientists who are consulted in these offices and, further, that to protect the scientists’ privacy interests their names and any other personally identifiable information may be redacted from any responsive documents.

The parties agreed to hold a teleconference to further confer on the above issues on August 2 or August 3. Accordingly, the parties propose to file a further joint status report with the Court regarding the status of EPA’s searches and production of responsive records no later than August 10.

Dated: July 24, 2018

/s/ Paula Dinerstein
Public Employees for
Environmental Responsibility
962 Wayne Ave, Suite 610
Silver Spring, MD 20910
(202) 265-7337

Attorney for Plaintiff

Respectfully submitted,

JESSIE K. LIU
D.C. Bar 472845
United States Attorney

DANIEL F. VAN HORN
D.C. Bar 924092
Chief, Civil Division

By: /s/ Daniel P. Schaefer
DANIEL P. SCHAEFER
D.C. Bar 996871
Assistant United States Attorney
555 4th Street, N.W.
Washington, D.C. 20530
Tel: (202) 252-2531
E-mail: Daniel.Schaefer@usdoj.gov

Defendant's Counsel