

From: Sandy Robson

Date: May 9, 2017 at 1:38:37 PM PDT

To: Dolph.Becky@epa.gov

Subject: Regarding EPA FOIA request tracking number EPA-HQ-2017-005098

Dear Ms. Dolph,

Hope you are doing well. I am directing my email to you to ask for your assistance relating to my FOIA request assigned tracking number EPA-HQ-2017-005098 that I submitted on March 20, 2017. I am hoping that you can help me in terms of the status and timing of the EPA's response to my FOIA request EPA-HQ-2017-005098.

I can see online that the "Request Phase" status of my request is "Processing," with an estimated date of completion of April 20, 2017. The processing track of my request ("Request Track") is classified as "Simple." I realize that the estimated date of completion is merely an estimate, but I wanted to follow up on my request since in using the FOIA online search function, I have observed it seems like it has been taking longer to release my records than other requests I have viewed which have been assigned seemingly similar processing track levels.

Also puzzling, is that in searching today (on the FOIA website) for online FOIA records by using the search term "Doug Ericksen," I see that records responding to FOIA request number EPA-HQ-2017-005092 which was submitted on April 10, 2017, requesting "All email sent and received by Michael Cox (Seattle) on March 31, 2017, the date of his resignation from the agency," that on May 8, 2017, the EPA released 62 responsive records to the request. Yet, that request does not seem like a simple processing track level request as it involved emails, or at least as simple as my request.

Below, is a copy and paste of my request ("Request Track" simple) number EPA-HQ-2017-005098:

"I request the following information and documentation: 1) The completed (filled-out) Standard Form 50 for Environmental Protection Agency (EPA) appointee employee Doug Ericksen. 2) Any initial EPA written offer of employment, and any other or additional EPA written offer of employment which have been issued to Doug Ericksen. 3) Any completed Standard Form 52 for EPA appointee employee Doug Ericksen. 4) Any Earnings and Leave Statements for Doug

Ericksen subsequent to pay period ending 2/18/17. I prefer the records in electronic format as much as possible. Thank you. Sandy Robson"

I know that you all are very busy handling thousands of requests, however, the records/documents I requested do not seem like the kind of documents which would take this long to provide to me. Two of the four items I requested are simply completed forms (if those forms were indeed completed for Doug Ericksen's EPA employment); and the other records I requested consisted of Mr. Ericksen's initial EPA employment/appointment letter which was already released to multiple requesters in late March and in early April along with any possible other or additional EPA written offer of employment; and his Earnings and Leave Statements subsequent to pay period ending February 18, 2017.

According to U.S. Code, as stipulated in Title 40, Chapter 1, Subchapter A, Part 2, Subpart A – "Procedures for Disclosure of Records Under the Freedom of Information Act," §2.104 "Responses to requests and appeals":

"(a) Unless the Agency and the requester have agreed otherwise, or when unusual circumstances exist as provided in paragraph (e) of this section, EPA offices will respond to requests no later than 20 working days from the date the request is received and logged in by the appropriate FOI Office. EPA will ordinarily respond to requests in the order in which they were received. If EPA fails to respond to your request within the 20 working day period, or any authorized extension of time, you may seek judicial review to obtain the records without first making an administrative appeal.

"(b) On receipt of a request, the FOI Office ordinarily will send a written acknowledgment advising you of the date it was received and of the processing number assigned to the request for future reference.

"(c) *Multitrack processing.* The Agency uses three or more processing tracks by distinguishing between simple and complex requests based on the amount of work and/or time needed to process the request, including limits based on the number of pages involved. The Agency will advise you of the processing track in which your request has been placed and of the limits of the different processing tracks. The Agency may place your request in its slower track(s) while providing you the opportunity to limit the scope of your request in order to qualify for faster processing within the specified limits of the faster track(s). If your request is placed in a slower track, the Agency will contact you either by telephone or by letter, whichever is most efficient in each case.

"(d) *Unusual circumstances.* When the statutory time limits for processing a request cannot be met because of 'unusual circumstances,' as defined in the FOIA, and the time

limits are extended on that basis, you will be notified in writing, as soon as practicable, of the unusual circumstances and of the date by which processing of the request should be completed. When the extension is for more than 10 working days, the Agency will provide you with an opportunity either to modify the request so that it may be processed within the 10 working day time limit extension or to arrange an alternative time period for processing the original or modified request.”

Contrary to what is stipulated in §2.104 cited above, I did not receive any written notification from the EPA informing me that there were any "unusual circumstances" pertaining to my FOIA request EPA-HQ-2017-005098, nor did I receive any written notification that those statutory time limits could not be met by your agency. Therefore, it is my understanding there would be no reason then your agency would go beyond, or extend, the statutory time limits for processing my request. Accordingly, I believe that the records I requested on March 20, 2017, in my FOIA request number EPA-HQ-2017-005098, should have already been released to me by now.

Unless your agency can show good cause for this unauthorized delay in its response to my simple FOIA request number EPA-HQ-2017-005098, I request that the EPA immediately take steps to complete the processing of my request and release the responsive records to me.

Thank you very much for your assistance with this matter.
Regards,

Sandy Robson