Sunshine Week – Monday, March 11th: FOIA Fail



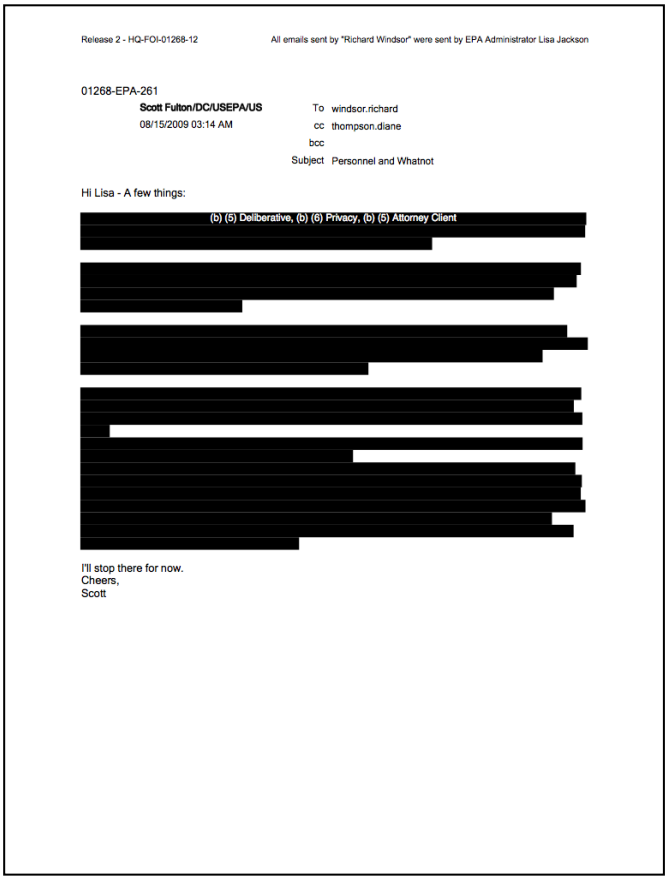
The first day President Obama took office in 2009 the White House website declared his Administration would become ***"the most open and transparent in history."*** Obama issued high-profile orders pledging "a new era" and "***an unprecedented level of openness***" across the massive federal government.

During "Sunshine Week," March 10 – 16, Senate Environment and Public Works Committee Republicans are working to remind the Administration of their transparency pledge to the American people.

Freedom of Information Act (FOIA)

The Freedom of Information Act (FOIA) is a law that gives the public the right to know "what the government is up to" and access information from the federal government.

All federal agencies are subject to FOIA; yet the Environment Protection Agency (EPA) seems to feel they are above FOIA. In a recent production of emails by "Richard Windsor," the EPA claims they can redact whatever information they want. Below is an example of the emails provided by the EPA in response to a recent FOIA request:



Release 2 - HQ-FOI-01268-12 All emails sent by "Richard Windsor" were sent by EPA Administrator Lisa Jackson

01268-EPA-261
Scott Fulton/DC/USEPA/US
08/15/2009 03:14 AM

To windsor.richard
cc thompson.diane
bcc
Subject Personnel and Whatnot

Hi Lisa - A few things:

(b) (5) Deliberative, (b) (6) Privacy, (b) (5) Attorney Client

[redacted]

I'll stop there for now.
Cheers,
Scott

EPA's FOIA Fail

Intentional Delays: The EPA has delayed the FOIA process in a way that conflicts with official guidance by developing an internal protocol that automatically informs a petitioner that their request is over broad and that the fees will be more than what the requestor agreed to pay.

Mismanagement: EPA employees are not receiving adequate support from their Office of General Counsel (OGC) and FOIA officers while processing FOIA responses.

Untrained: The EPA has failed to properly train staff on how to process FOIA requests, which has led to improper production of documents. In emails between the EPA Region 6 (*home to former Regional Administrator Al Armendariz*) officials, one employee stated, "I cannot provide guidance on what can be released… we should have taken that training and are apparently on our own."

Disrespect: Armendariz's had a blatant disrespect for the FOIA, referring to the process as "FOIA nonsense."

Contact: Luke Bolar (202) 224-4623

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