



May 9, 2014

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Ms. Dana Hyland
U.S. Environmental Protection Agency
Office of Air and Radiation
Climate Change Division
1200 Pennsylvania Ave NW
Mailcode 6207J
Washington DC 20460

**Re: ITSSD FOIA Request Clarification; FOIA Fee Waiver Request Clarification
FOIA (Consolidated) Request No. EPA-HQ-2014-004938**

Dear Ms. Hyland:

Thank you for your email correspondence of last evening, dated May 8, 2014.

While I can understand that EPA may experience difficulties working together with both ITSSD's originally filed consolidated FOIA requests and its recently filed FOIA Request Clarification, I do not understand your comments regarding the 'unreasonableness' of ITSSD's FOIA Request Clarification itself.

The preambular paragraph to ITSSD's FOIA Request Clarification preceding Part I broadly sets forth the scope of the records inquiry we have filed. Part I, paragraphs 1-17, set forth the specific records disclosure of which is sought. Part II, paragraphs 1-5, set forth the definition of terms that ITSSD used to identify and describe the records sought to clarify the scope of our inquiry.

The Addendum and Appendices incorporated within ITSSD's FOIA Request Clarification further clarify the publicly available information ITSSD possesses as the result of its own research efforts. ITSSD has shared this information with EPA for the purpose of preventing EPA's OAR and National FOIA Office from needlessly searching and duplicating agency records that are currently publicly accessible.

Your correspondence appears to suggest that ITSSD exercise one of two options EPA believes would make ITSSD's FOIA Request more 'reasonable'.

ITSSD can withdraw its (original nine) consolidated FOIA requests and resubmit the FOIA Request Clarification as a new FOIA Request that stands on its own.

Alternatively, ITSSD can withdraw both its original and clarified FOIA requests without prejudice, and then draft a new FOIA request from scratch.

Your correspondence subtly recommends that ITSSD choose the latter of these two options which would certainly entail a time-consuming effort on ITSSD's part.

Such effort, however, is likely to yield the same result as ITSSD's FOIA Request Clarification.

EPA's difficulty in responding to ITSSD's FOIA request is more likely attributable to the complex nature of the processes that EPA, and/or EPA-hired third party contractors, had, presumably, employed to scientifically support the Administrator's positive GHG endangerment and cause or contribute findings. Those findings had depended on EPA's, and/or EPA-hired third-party contractors' competent evaluation and validation (scientific peer review) of numerous climate science-related assessments designated as "highly influential scientific assessments" ("HISAs") which had been prepared by EPA and by third parties, all of which had been subject to the highest and most rigorous level peer review, conflict-of-interest and transparency standards imposed by the Information Quality Act ("IQA") and applicable OMB and EPA IQA-implementing guidelines.

ITSSD's FOIA Request Clarification seeks disclosure of agency records that closely reflect EPA's engagement in and undertaking of the rigorous scientific peer review processes called for by these sources of legal authority to evaluate and validate the climate science-related assessments EPA had developed that had been necessary to support the GHG endangerment and cause or contribute findings reached by the Administrator, consistent with Clean Air Act ("CAA") Section 202(a)(1). ITSSD's FOIA Request Clarification also seeks disclosure of records closely reflecting EPA's engagement in and undertaking of the rigorous scientific peer review processes called for by these legal sources of authority to evaluate and validate the many other climate science-related assessments developed by multiple federal agencies, intergovernmental bodies, interagency entities in support of the Administrators CAA Section 202(a)(1) findings. No doubt, the scientific peer review processes called for to support EPA's CAA Section 202(a)(1) findings had been a complex undertaking involving the participation of multiple federal agencies and agency programs (including agency and interagency research funded grant programs), interagency entities, executive offices, private contractors, intergovernmental bodies and other third-parties including special-purpose EPA- and interagency established federal advisory committees and peer review panels comprised of US and foreign government personnel and private citizens, etc. And, no doubt you would agree that EPA had been responsible for ensuring that all such climate science-related assessments had satisfied the IQA standards referenced above.

In other words, the breadth of ITSSD's FOIA Request Clarification is, regrettably, indicative and reflective of the breadth and complexity of the scientific peer review processes required to adequately support the Administrator's endangerment and cause or contribute findings.

Therefore, in the absence of a sufficient EPA explanation identifying what, in particular, is 'unreasonable' about ITSSD's FOIA Request Clarification, ITSSD is unable to understand how it would be possible to narrow and further clarify its FOIA request.

I would be pleased to meet with you and your colleagues at your offices to discuss how EPA envisions that this might be accomplished.

I am scheduled to travel to Washington next week during Tues.-Weds. 5/13-5/14, and will be available to meet during Wednesday afternoon after 2pm.

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As a first-time FOIA request filer, it remains ITSSD's sincere intention to file a 'reasonable' FOIA request seeking disclosure of agency records, in the 'public interest', that ITSSD is capable of and specifically intends to disseminate to a broad public audience via multiple channels of distribution, in an understandable manner, that will contribute significantly to the public's understanding of critical government operations or activities to a degree not understood prior to such disclosure.

I look forward to hearing from you in order to move this FOIA process forward.

Very truly yours,

Lawrence A. Kogan

Lawrence A. Kogan
CEO/President
ITSSD