



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

AUG 15 2014

OFFICE OF
AIR AND RADIATION

Mr. Lawrence Kogan
Institute for Trade, Standards, and Sustainable Development (ITSSD)
P.O. Box 223
Princeton Junction NJ 08550

RE: Freedom of Information Act Request EPA-HQ-2014-008026

Dear Mr. Kogan:

This letter is in response to your August 7, 2014 letter, in regard to your payment assurance for the above-referenced Freedom of Information Act (FOIA) request.

The options and associated costs the U.S. Environmental Protection Agency (EPA or Agency) provided to ITSSD in our previous correspondence are based on EPA's understanding of the scope of your FOIA request. Despite our requests that ITSSD narrow the request, the scope of your request is still very large (containing over 100 subparts), thus complicating our ability to estimate EPA's total costs for processing the request. EPA used the factors described below to best estimate the level of effort involved in processing ITSSD's FOIA request.

Please note that ITSSD will only be charged the actual amount it costs EPA to process this FOIA request. If the processing cost is lower than the estimate, ITSSD will only be billed for that lower amount. Alternatively, if our actual costs during processing of the request reaches the total estimated cost for which ITSSD has given EPA payment assurance, we will stop processing and we will not proceed until we provide ITSSD with a new total estimated cost and we receive a new assurance of payment.

Each of the cost estimates EPA provided in our previous correspondence (Full Cost Estimate, as well as Options A, B, and C) only includes search time by EPA employees and is an estimate of the total fee ITSSD would incur for that option. As you pointed out in your August 7 letter, EPA did not include duplication fees in the initial estimate. The reason for this is because the majority of the records are electronic, and accordingly we determined any potential duplication fees would be minor in comparison to fees attributed to search efforts. Since you insist we include duplication fees at this early stage of processing your FOIA request, EPA will add \$100 in duplication fees to your final estimated costs. This number is based on a small amount of anticipated paper copies that will have to be scanned before being sent to you electronically. Based on the scope of this request, there is no need to search contractor records; thus, contractor costs are not included in your estimated response fees. Furthermore, we also do not estimate incurring computer usage costs outside of the search time required by EPA staff.

Below we have elaborated on our options' descriptions, per the questions in your most recent correspondence:

- **Full Cost Option:** Include all EPA staff who worked on these issues, no matter how briefly or marginally, (2 managers, 4 professional staff, 50 hours each; plus 2 managers, 28 professional staff, 20 hours each) and have them search for all potentially responsive documents, including all correspondence. Including \$100 for duplication. Estimated cost: \$27,120.00. Estimated total processing time: 12 months.
- **Option A:** Include only the 5 or 6 key staffers who directly worked on these issues in the search (2 managers, 4 professional staff, 20 hours each) and have them search only for summary documents or final reports, not including any draft or back and forth emails about the subject. Including \$100 for duplication. Estimated cost: \$3,980.00. Estimated total processing time: 4 months.
- **Option B:** Include all EPA staff who worked on these issues, no matter how briefly or marginally, (2 managers, 4 professional staff, 20 hours each; plus 2 managers, 28 professional staff, 6 hours each) and have them search only for summary documents or final reports, not including any draft or back and forth emails about the subject. Including \$100 for duplication. Estimated cost: \$9,176.00. Estimated total processing time: 6 months.
- **Option C:** Include only the 5 or 6 key staffers who directly worked on these issues in the search (2 managers, 4 professional staff, 50 hours each) and have them search for all potentially responsive documents, including all correspondence. Including \$100 for duplication. Estimated cost: \$9,800.00. Estimated total processing time: 10 months.

Per EPA's FOIA regulations, EPA bills managerial staff at \$10.25/15 minutes and professional staff at \$7/15 minutes. No clerical staff will be involved in searching for documents related to this FOIA request.

EPA requires written assurance that ITSSD will pay the estimated total cost associated with the option ITSSD selects. A response email to this correspondence, containing ITSSD's option selection and assuring payment at the completion of the FOIA request, will suffice. With respect to your request, the Agency is not requiring an advance payment at this time.

Finally, you requested the Agency provide specific authorities for which the EPA may ask a FOIA requester to respond within a certain timeframe in order to process their request. Because outstanding issues of fees and scope may toll FOIA requests indefinitely, the Agency seeks to address these issues expeditiously through response deadlines. Furthermore, these deadlines do not foreclose requests for extensions to respond or resubmissions of FOIA requests, where the FOIA request was deemed to be voluntarily withdrawn due to a lack of response.

Please respond to this letter with your payment assurance for either the full amount, \$27,120.00, or indicate which option you would prefer within seven calendar days from the date of this letter. If you select a different option, then we will send a revised fee estimate to you. You may email me at hyland.dana@epa.gov with your response or contact me if you have any further questions. If we do not receive a response from you within this time period, we will consider your request to be voluntarily withdrawn. If you wish to request information connected to this request in the future, please reference the FOIA request number.

Sincerely,

Dana Hyland

Dana Hyland
Climate Change Division