



Society of Environmental Journalists

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Scott Pruitt, Administrator
U.S. Environmental Protection Agency
Mail Code: 1101A
William Jefferson Clinton Building
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(Also sent via e-mail: sej@sej.org to pruitt.scott@epa.gov)

Dear Administrator Pruitt:

Congress enacted the Freedom of Information Act 52 years ago as a means for citizens to know what their government is up to. The Environmental Protection Agency's recently disclosed directive to handle FOIA requests strictly in the order in which they were received at headquarters effectively undermines the intent of that law, which is a bedrock of our democracy. On behalf of its 1,400 members, other journalists and the public at large, the Society of Environmental Journalists calls on you to end this assault on government transparency now. We are joined by other journalism organizations: the Reporters Committee for Freedom of the Press, the Society of Professional Journalists, and the Radio Television Digital News Association.

According to a recent letter from [Rep. Elijah Cummings](#), ranking member of the House Committee on Oversight and Government Reform, your former deputy chief of staff for operations informed congressional staff that you directed your staff not to respond to FOIA requests regarding your tenure until requests from the Obama Administration had been completed. You characterized this as a "first in, first out" policy.

Admittedly, there was a large backlog of pending FOIA requests when you arrived at EPA Headquarters. But by declaring that your agency will prioritize information and document requests by the dates they were received, you not only slow down processing times, you avoid responding to requests pertaining to your administration.

This not only runs counter to the spirit of the Freedom of Information Act, it appears to contradict [EPA's own regulations](#), as well as guidance from the Justice Department about how to carry out the law. The EPA's regulations say the agency will use "multitrack processing," in which simple requests are handled more quickly than complex requests. The rules also provide that if the agency decides to put a request in the slower track, it will offer the requester a chance to narrow the scope of the request so it can get processed more quickly and not get stuck behind older, more complex requests.



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As a result of your directive, wait times on requests submitted early last year, around the beginning of your tenure, for something as simple as a single letter have ballooned to 500 days or more. This is fundamentally nonsensical and disturbing.

Rep. Cummings wrote to you that Kevin Chmielewski, your former deputy chief of staff, told congressional staff that the new FOIA response policy appeared to be intended to delay the release of documents relating to your tenure at EPA.

In a similar vein, [Politico reported](#) that internal emails it recently obtained show that political appointees in your agency have been reviewing documents collected for most or all FOIA requests regarding your activities before releasing them to the public.

Data show that these practices appear to be having an effect. The nonprofit [Project on Government Oversight](#) reported that only 16.6 percent of FOIA requests to the Office of the EPA Administrator were closed from January 20, 2017, to December 29, 2017, compared with a 78.8 percent closure rate for all EPA requests during that same period.

We understand that the EPA has experienced a significant increase in FOIA requests since you took the helm at the agency, and that staff are likely overwhelmed. However, that does not excuse the delay of the release of documents relating to your tenure.

At best, this is counterproductive. At worst, it's a direct and intentional attack on transparency at the agency.

We emphatically urge you to immediately put an end to such practices and follow the EPA's regulations that govern how it should respond to Freedom of Information Act requests, for the sake of government transparency and greater public understanding.

Sincerely,

Beth Parke, Executive Director
Society of Environmental Journalists

Bruce Brown, Executive Director
Reporters Committee for Freedom of the Press

Rebecca Baker, President
Society of Professional Journalists

Dan Shelley, Executive Director
Radio Television Digital News Association