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

MAY 1 4 2015

OFFICE OF
GENERAL COUNSEL

Mr. Kevin Bogardus
Environment & Energy Publishing
122 C Street, NW, Suite 722
Washington, D.C. 20001

Re: Freedom of Information Act Request Numbers
EPA-HQ-2014-005722; EPA-HQ-2014-008094; EPA-HQ-2014-009104; EPA-HQ-2014-010136; EPA-HQ-2015-000147; EPA-HQ-2015-001106; EPA-HQ-2015-002117; EPA-HQ-2015-002806; EPA-HQ-2015-003971; EPA-HQ-2015-004996; EPA-HQ-2015-005200; EPA-HQ-2015-005861; EPA-HQ-2015-006025; and EPA-HQ-2015-006132

Dear Mr. Bogardus:

This letter concerns the above-referenced Freedom of Information Act (FOIA) requests, received by the U.S. Environmental Protection Agency between April 23, 2014 and April 15, 2015, in which you requested: (1) "all documents related to [EPA employees'] divestitures, exemptions, qualified trusts, recusals and waivers in resolving financial conflicts of interest from January 1, 2013 to the present day;" (2) "all documents related to ethics opinions drafted by [EPA] employees in relation to 18 U.S.C. Sec. 208 from January 1, 2009 to the present day; and (3) on a monthly rolling basis from July 2014 through April 2015 "all documents related to EPA ethics' recusals and waivers in resolving financial conflicts of interest." In earlier discussions, you clarified that your request for "ethics opinions" drafted in relation to 18 U.S.C. § 208 pertained only to EPA senior officials and employees who file the public financial disclosure form.

The Office of General Counsel has concluded its search for records responsive to your request and is providing them with this letter. Portions of the records you requested are being withheld pursuant to 5 U.S.C. § 552(b)(6), Personal Privacy. These records are exempt from disclosure because they contain personal information that would be an unwarranted invasion of personal property if released. In one instance, a background document has been redacted pursuant to 5 U.S.C. § 552(b)(5), Deliberative Process Privilege, because it is a pre-decisional and deliberative document that would harm agency decision-making if released. There is no cost to process your request.

This letter concludes our response to your request. You may appeal this response to the National Freedom of Information Officer, U.S. EPA, FOIA and Privacy Branch, 1200 Pennsylvania Avenue, N.W. (2822T), Washington, DC 20460 (U.S. Postal Service Only), FAX: (202) 566-2147, e-mail: hq.foia@epa.gov. Only items mailed through the U.S Postal Service may be delivered to 1200 Pennsylvania Avenue, N.W. If you are submitting your appeal via hand delivery, courier service or overnight delivery, you must address your correspondence to 1301 Constitution Avenue, N.W., Room 6416J, Washington, DC 20001. Your appeal must be made in writing, and it must be submitted no later than 30 calendar days from the date of this letter. The Agency will not consider appeals received after the 30 day calendar limit. The appeal letter should include the tracking number(s) listed above. For quickest possible handling, the appeal letter should be marked "Freedom of Information Act Appeal."

If you have any questions concerning this response, please contact Jeanne Duross, Ethics Attorney, at (202) 564-6595, or me at (202) 564 1786.

Sincerely,

Justina C. Fugh
Senior Counsel for Ethics

enclosures