March 15, 2017

Via https://foiaonline.regulations.gov

National Freedom of Information Officer
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW (2822T)
Washington, DC 20460

RE: Freedom of Information Act Request – Documents Related to EPA's Proposal to Revoke Chlorpyrifos Food Residue Tolerances

Dear National Freedom of Information Officer:

On behalf of Pesticide Action Network of North America ("PANNA"), we hereby request access to the records described below pursuant to the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552, and the pertinent Environmental Protection Agency ("EPA" or "Agency") regulations, 40 C.F.R § 2.100, *et seq*.

Description of Records Sought

This FOIA request seeks information about EPA's communications and actions concerning its proposal to revoke chlorpyrifos food residue tolerances, Docket No. EPA-HQ-OPP-2015-0653. The relevant time period for this request is from November 8, 2016, to the time the response to this request is provided. We request these documents in electronic form if possible, but hard copies would also be acceptable.

Please produce all records of communications (and references thereto) regarding the pesticide chlorpyrifos between EPA (including any member of the transition, landing, or beachhead teams) and:

a. Any member of the United States Congress and/or congressional staff;
b. Any representative or agent of the United States Department of Agriculture (including any member of the transition, landing, or beachhead teams);
c. Any representative or agent of the Office of Management and Budget (including any member of the transition, landing, or beachhead teams);
d. Any representative or agent of the Small Business Administration;
e. Any representative or agent of Dow AgroSciences;
f. Any representative or agent of CropLife America; and/or
g. Any representative or agent of a private company or trade association.

For purposes of this request, "records" includes correspondence, minutes of meetings and a list of participants for those meetings, daily agendas and calendars, memoranda, notes, emails, notices, facsimiles, charts, tables, presentations, orders, filings, and other writings (handwritten, typed, electronic, or otherwise produced, reproduced, or stored).

This request seeks responsive records in the possession, custody, or control of any EPA office, including, but not limited to, the Office of the Administrator, EPA Headquarters offices, the Office of Pesticide Programs, and specifically including any member of the transition, landing, or beachhead teams.

In the event that any requested document is claimed, or continues to be claimed, exempt from disclosure or review, or otherwise withheld, we request an index or log of documents withheld, with the maximum possible identifying information that you can provide, including a description of the document withheld, its date, its location, its recipient(s) and the specific reason(s) the document is being withheld. 5 U.S.C. § 552(b). We further request that EPA make all information requested publicly available on its website. 5 U.S.C. § 552(a)(2)(D)(i)(II); *see also* Freedom of Information Act; Memorandum for the Heads of Executive Departments and Agencies, 74 Fed. Reg. 4683 (Jan. 26, 2009) ("All agencies should use modern technology to inform citizens about what is known and done by their Government. Disclosure should be timely.").

Request for a Fee Waiver

We respectfully request that you waive all fees in connection with this request as provided by 5 U.S.C. § 552(a)(4)(A)(iii) and 40 C.F.R. § 2.107(l)(1).

PANNA is a non-profit organization that works to replace the use of hazardous pesticides with ecologically sound and socially just alternatives. PANNA works throughout the U.S. and internationally in partnership with consumer, labor, health, environmental, and agricultural groups to reduce the indiscriminate and unnecessary use of hazardous pesticides. It defends basic rights to health and environmental quality. PANNA works on behalf of pesticide-affected communities, including farmworkers, farmers, residents of agricultural communities and consumers.

PANNA has no commercial interest in the requested records. Its sole interest in obtaining the records is to analyze the information, incorporate it into educational materials and advocacy to EPA and other governmental agencies, and disseminate the information along with PANNA's analysis to the public. PANNA is a news media requester in that it actively gathers information on pesticides, turns raw information into reports and expert analysis, and disseminates the information and analysis to the public. Accordingly, only duplication costs could be charged for this request.

We ask for a full fee waiver because "disclosure of the information is in the public interest because it is likely to contribute significantly to public understanding of these operations or activities of the government and is not primarily in the commercial interest of the requester."

5 U.S.C. § 552(a)(4)(iii). This request concerns a matter of over-riding public importance. EPA's November 2016 risk assessment for chlorpyrifos showed that there are no safe uses for this pesticide, and that the risks to children and farmworkers in particular are grave. The public has a right to know the basis for actions related to chlorpyrifos and the extent of communications EPA has with interested industry groups. Daylighting this information will contribute greatly to public understanding of the operations of EPA on this public policy matter.

Moreover, PANNA has both the expertise to analyze the requested records and the ability to disseminate the information and its analysis to the public. PANNA's staff includes experts with PhDs in insect ecology, agronomy and soil ecology, and developmental biology, as well as public policy experts. PANNA regularly shares information on its web properties, which garner significant monthly visits. It disseminates its analysis and data to 116,000 online activists distributed throughout the country via email weekly action alerts, and to 70,000 activists through bi-weekly distribution of blogs written by PANNA experts. PANNA also shares information and analysis with thousands of followers on social media platforms, particularly Facebook and Twitter.

Additionally, PANNA, along with Natural Resources Defense Council, filed a petition with EPA in 2007 to ban chlorpyrifos and has subsequently submitted extensive comments on that petition and other EPA chlorpyrifos regulatory action. PANNA is eminently qualified and able to analyze the requested records and disseminate the information on this important issue to the public. Accordingly, it is entitled to a fee waiver.

Request for Expedited Processing

We respectfully request expedited processing of this FOIA request, pursuant to 40 C.F.R. § 2.104(e). PANNA has a compelling need to obtain these records expeditiously because the public has a right to know about industry influences on EPA's decision-making process in regard to the revocation of chlorpyrifos tolerances. EPA has a court ordered deadline of March 31, 2017, to take final agency action on PANNA's petition to ban chlorpyrifos, and, as noted above, EPA's own November 2016 risk assessment confirmed that there are no safe uses of chlorpyrifos. Given the grave harms identified in EPA's chlorpyrifos risk assessment, the public cannot afford to wait for information necessary to fully comprehend the implications of EPA's forthcoming decision and the context in which the Agency will issue that decision.

Please do not hesitate to call me to clarify the request or otherwise expedite and simplify your efforts to comply. I can be reached at (206) 343-7340 ext. 1021.

Sincerely,

Marisa C. Ordonia
Attorney for Pesticide Action Network of North America