Message

From: White, Elizabeth [white.elizabeth@epa.gov]
Sent: 3/28/2019 6:48:52 PM
To: Beck, Nancy [Beck.Nancy@epa.gov]
CC: Bertrand, Charlotte [Bertrand.Charlotte@epa.gov]; Baptist, Erik [Baptist.Erik@epa.gov]
Subject: Re: OCSPP - Equity Notification - Farmworkers Justice - Civil Action No. 18-02293; EPA-HQ-2018-002879 - Production 10

I'm checking to see if this came to us.

Sent from my iPhone

On Mar 28, 2019, at 2:41 PM, Beck, Nancy <Beck.Nancy@epa.gov> wrote:

> Beth,
> just to clarify, this is not the one I mentioned to you this morning. This is a separate one of concern.
> Thanks.
>
> **********
> Nancy B. Beck, Ph.D., DABT
> Principal Deputy Assistant Administrator
> Office of Chemical Safety and Pollution Prevention
> P: 202-564-1273
> beck.nancy@epa.gov
>
> On Mar 28, 2019, at 2:37 PM, Bertrand, Charlotte <Bertrand.Charlotte@epa.gov> wrote:
>
>> Beth - I am forwarding this review to you to make sure you are aware that the documents/emails involved from individuals in the AO. There is apparently a litigation commitment to release these ASAP. Did you want to review? Thanks. Charlotte
>>
>> **From:** Wittenberg, Nicholas
>> **Sent:** Tuesday, March 26, 2019 7:07 PM
>> **To:** Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>; Beck, Nancy <Beck.Nancy@epa.gov>; Baptist, Erik <Baptist.Erik@epa.gov>
>> **Cc:** Keigwin, Richard <Keigwin.Richard@epa.gov>; Messina, Edward <Messina.Edward@epa.gov>; Barber, Delores <barber.delores@epa.gov>; Syed, Hamaad <Syed.Hamaad@epa.gov>; Ingram, Earl <Ingram.Earl@epa.gov>
>> **Subject:** OCSPP - Equity Notification - Farmworkers Justice - Civil Action No. 18-02293; EPA-HQ-2018-002879 - Production 10
>> **Importance:** High

Good Morning Charlotte, Nancy, and Erik,

Before we send out the Awareness Notification Email under the new guidelines as detailed in the FOIA Efficiency Memo we are sending this OCSPP Notification Review Email.

Please note this is a Rush Production. As were just informed by the AUSA we need to have the documents through the Equity and Awareness Notification, so that we have the documents produced to FOIA ONLINE by this Friday, 03/29/2019. The good news is that in this production there are 11 documents for a total of 23 pages.

Please find the link below for the December 2018 production for the *Farmworker Justice and Earthjustice v. U.S. Environmental Protection Agency*, (Civil Action No. 18-02293; ED_001800; EPA-HQ-2018-002879)

lawsuit (Worker Protection Standard/Pesticide Cert Rules FOIA). This is the 7th Production for this matter that is currently in litigation.

https://usepa-my.sharepoint.com/personal/wittenberg_nicholas_epa_gov/Documents/ED_001800%20-%20EPA-HQ-2018-002879%20-%20Production%2010.pdf?csf=1&e=dCIDRi&cid=f68a2d4a-c2ae-4d5b-a027-34a7abfd095d

- **Scope of the Request:** The produced documents should be responsive to data category #4 of the attached FOIA request, which includes, "Any emails, calendar entries, correspondence, and government records reflecting meetings or planned meetings from January 20, 2017 to the date of this request between [8 custodians] with the employees, members, officials or contractors of the

following entities, or entities who have been represented by the following entities:"

a. The American Farm Bureau Federation

b. The National Association of State Departments of Agriculture ("NASDA")

c. Association of American Pesticide Control Officials ("AAPCO")

d. CropLife America

e. National Council of Agricultural Employers ("NCAE")

f. National Agricultural Aviation Association ("NAAA")

g. Oregonians for Food and Shelter

h. State-based Farm Bureau associations

i. State departments of agriculture

Description of the Production: This proposed production includes **11 documents** (23 pages).

- **We have asserted the personal privacy privilege over documents containing cell phone numbers and deliberative process privilege over a few documents that contain internal drafts of statements.**

If you would like to access the documents on Relativity, please let me know and I will ask eDiscovery Services to grant you reviewer's rights. The workspace is ED_001800 EPA-HQ-2018-002879 Farmworker Justice.

DEADLINE FOR REVIEW: Pursuant to an agreement with the Plaintiff, EPA will be making the production on **Wednesday, March 29, 2019**. Thus, please provide me with your final comments on the proposed production by **Wednesday, March 27,**

2019, so that we can then send of the Awareness Review Email to the entire identified group.

Thank you for your attention on this matter.

All the best,

Nick

Nicholas Wittenberg

Attorney-Advisor

United States Environmental Protection Agency

Office of Pesticide Programs

Information Technology & Resources Management Division

Public Information & Records Integrity Branch

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