Green, LindaE

From: Camila Gonzalez <cgonzalez@citizensforethics.org>
Sent: Monday, July 2, 2018 5:07 PM
To: FOIA HQ
Cc: Eden Tadesse
Subject: FOIA Request
Attachments: 2018-7-2 EPA FOIA.pdf

To whom it may concern:

Enclosed please find a FOIA request. If there are any problems with this transmission please contact me.

Thank you for your assistance.

Best,

Camila Gonzalez

Camila Gonzalez
CREW | Citizens For Responsibility and Ethics in Washington
202-897-1843
cgonzalez@citizensforethics.org

CREW | citizens for responsibility and ethics in washington

July 2, 2018

By Email: hq.foia@epa.gov

National Freedom of Information Officer
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, D.C. 20460

Re: Freedom of Information Act Request

Dear Freedom of Information Officer:

Citizens for Responsibility and Ethics in Washington ("CREW") makes this request for records pursuant to the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552, and U.S. Environmental Protection Agency ("EPA") regulations.

Specifically, CREW requests copies of all of Jeffrey Sands' communications pertaining or relating to "Syngenta," including but not limited to communication between Sands and Laura Wood Peterson (laura.peterson@syngenta.com) and Aline DeLucia (aline.delucia@syngenta.com) and all records of meetings and appointments of any kind that included Sands and Syngenta representatives from October 30, 2017 to March 31, 2018.

Please search for responsive records regardless of format, medium, or physical characteristics. We seek records of any kind, including paper records, electronic records, audiotapes, videotapes, photographs, data, and graphical material. Our request includes without limitation all correspondence, letters, emails, text messages, facsimiles, telephone messages, voice mail messages, and transcripts, notes, or minutes of any meetings, telephone conversations, or discussions. Our request also includes any attachments to emails and other records, as well as emails to which the subjects of this request were cc'ed or bcc'ed.

If it is your position any portion of the requested records is exempt from disclosure, CREW requests that you provide it with an index of those documents as required under *Vaughn v. Rosen*, 484 F.2d 820 (D.C. Cir. 1973). If some portions of the requested records are properly exempt from disclosure, please disclose any reasonably segregable non-exempt portions of the requested records. *See* 5 U.S.C. § 552(b). If it is your position that a document contains non-exempt segments, but that those non-exempt segments are so dispersed throughout the document as to make segregation impossible, please state what portion of the document is non-exempt, and how the material is dispersed throughout the document. *See Mead Data Central v. U.S. Dep't of the Air Force*, 566 F.2d 242, 261 (D.C. Cir. 1977).

Fee Waiver Request

In accordance with 5 U.S.C. § 552(a)(4)(A) and EPA regulations, CREW requests a waiver of fees associated with processing this request for records. The subject of this request concerns the operations of the federal government, and the disclosures likely will contribute to a better understanding of relevant government procedures by CREW and the general public in a significant way. *See* 5 U.S.C. § 552(a)(4)(A)(iii). Moreover, the request primarily and fundamentally is for non-commercial purposes. *See, e.g.*, *McClellan Ecological v. Carlucci*, 835 F.2d 1282, 1285 (9th Cir. 1987).

The EPA has been scrutinized for "dramatically scaling back" a fine levied against Syngenta, an agriculture company, in 2016 for violating EPA pesticide regulations and sickening Hawaii farmworkers.[1] The fine reduction from $4.8 billion to $150,000 was announced in February 2018 and occurred during the short tenure of Jeffrey Sands, a former Syngenta lobbyist, as Administrator Pruitt's Senior Agricultural Advisor. Sands has said he "was in no way involved with the decision to reduce the fine."[2] Though Sands denies involvement with the decision, the timing of the reduction raises serious questions, especially because Sands left EPA less than one month after the fine was reduced, making his total time at EPA five months.[3] Further, denying involvement in making the decision does not rule out the possibility that Sands facilitated meetings between other EPA officials and Syngenta or otherwise performed tasks that led to the fine reduction. Release of the requested documents would reveal the extent of Sands' involvement and help give the public a better understanding of the circumstances that led to Syngenta's fine reduction.

CREW is a non-profit corporation, organized under section 501(c)(3) of the Internal Revenue Code. CREW is committed to protecting the public's right to be aware of the activities of government officials, to ensuring the integrity of those officials, and to highlighting and working to reduce the influence of money on politics. CREW uses a combination of research, litigation, and advocacy to advance its mission. CREW intends to analyze the information responsive to this request and to share its analysis with the public through reports, press releases, or other means. In addition, CREW will disseminate any documents it acquires from this request to the public through its website, www.citizensforethics.org. The release of information obtained through this request is not in CREW's financial interest.

CREW further requests that it not be charged search or review fees for this request pursuant to 5 U.S.C. § 552(a)(4)(A)(ii)(II) because CREW qualifies as a member of the news media. *See Nat'l Sec. Archive v. U.S. Dep't of Defense*, 880 F.2d 1381, 1386 (D.C. Cir. 1989) (holding non-profit a "representative of the news media" and broadly interpreting the term to include "any person or organization which regularly publishes or disseminates information to the public").

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[1] Megan R. Wilson, *EPA pesticide settlement comes under scrutiny*, *THE HILL* (May 8, 2018), *available at* http://thehill.com/business-a-lobbying/386610-epa-pesticide-settlement-comes-under-scrutiny
[2] *Id.*
[3] *Id.*

CREW routinely and systematically disseminates information to the public in several ways. CREW's website receives tens of thousands of page views every month. The website includes blogposts that report on and analyze newsworthy developments regarding government ethics, corruption, and money in politics, as well as numerous reports CREW has published to educate the public about these issues. In addition, CREW posts documents it receives under the FOIA its website, which has been visited hundreds of thousands of times.

Under these circumstances, CREW satisfies fully the criteria for a fee waiver.

Conclusion

If you have any questions about this request or foresee any problems in fully releasing the requested records, please contact me at (202) 897-1846 or cgonzalez@citizensforethics.org. Also, if CREW's request for a fee waiver is not granted in full, please contact our office immediately upon making such a determination.

Where possible, please produce records in electronic format. Please send the requested records to me either at cgonzalez@citizensforethics.org or at Camila Gonzalez, Citizens for Responsibility and Ethics in Washington, 455 Massachusetts Ave., N.W., Washington, D.C. 20001. Thank you for your assistance in this matter.

Sincerely,

Camila Gonzalez