UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

EXTERNAL CIVIL RIGHTS COMPLIANCE OFFICE
OFFICE OF GENERAL COUNSEL

July 13, 2017

Mr. Paul Achitoff
Earthjustice Mid-Pacific Office
850 Richards Street, Suite 400
Honolulu, HI 96813

Re: Freedom of Information Act Request EPA-HQ-2017-007232

Dear Mr. Achitoff:

This letter is in reference to your Freedom of Information Act (FOIA) request received by the U.S. Environmental Protection Agency (EPA or Agency) on May 11, 2017, and routed to the External Civil Rights Compliance Office (ECRCO) for processing, in which you requested the following documents:

(1) "A copy of any response by the Hawaii Department of Agriculture to the Complaint Under Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d, 40 C.F.R. Part 7, and 7 C.F.R. Part 15 filed on September 14, 2016 (EPA file number 44RNO-16-R9 (HDOA).";

(2) "Any response by the Hawaii Agribusiness Development Corporation to the Complaint Under Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d, 40 C.F.R. Part 7, and 7 C.F.R. Part 15 filed on September 14, 2016 (EPA file number 45RNO-16-R9 (ADC).";

(3) "Any other documents submitted to EPA by the Hawaii Department of Agriculture, Hawaii Agribusiness Development Corporation, or anyone else concerning EPA file numbers 44RNO-16-R9 (HDOA) and 45RNO-16-R9 (ADC)."

With this letter, ECRCO identified seven documents that are responsive to subpart (1). ECRCO is releasing four documents in full, withholding two documents, and partially releasing one document. ECRCO is withholding the two documents and partially withholding one document because they are exempt under FOIA Exemption 7(A), at 5 U.S.C. § 552(b)(7)(a). Releasing withheld information in the preliminary stages of the investigation would impede EPA's efforts and options to appropriately resolve the Title VI complaint docketed at 45RNO-16-R9. ECRCO identified one document responsive to subpart (2) and is releasing that document in full. ECRCO has not found any additional documents that would be responsive to subpart (3). All releasable documents can be accessed via FOIAOnline (at

https://www.foiaonline.regulations.gov). You have not been billed for any costs to process this request. As such, an invoice is not enclosed.

This letter and release concludes our response to your request. You may appeal the response by email at hq.foia@epa.gov, or by mail to the National Freedom of Information Office, U.S. EPA, 1200 Pennsylvania Avenue, N.W. (2822T), Washington, DC 20460 (U.S. Postal Service Only). Only items mailed through the United States 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 20004. Your appeal must be made in writing, and it must be received no later than 90 calendar days from the date of this letter. The Agency will not consider appeals received after the 90 calendar day limit. Appeals received after 5:00 pm EST will be considered received the next business day. The appeal letter should include the FOIA tracking number listed above. For quickest possible handling, the subject line of your email, the appeal letter, and its envelope, if applicable, should be marked "Freedom of Information Act Appeal." Additionally, you may seek resolution services from EPA's FOIA Public Liaison at hq.foia@epa.gov or (202)566-1667, or from the Office of Government Information Services (OGIS). You may contact OGIS in any of the following ways: by mail, Office of Government Information Services, National Archives and Records Administration, Room 2510, 8610 Adelphi Road, College Park, MD 20740-6001; e-mail, ogis@nara.gov; telephone, 202-741-5770 or 1-877-684-6448; and facsimile, 202-741-5769.

If you have any overall questions or concerns about this request under subpart (3), please contact Brittany Martinez of my staff at (202) 564-0727, via email at martinez.brittany@epa.gov. 1200 Pennsylvania Avenue, N.W., Washington, D.C. 20460. Again, thank you for your continued patience and courtesy as we close out your information request.

Sincerely,

Lilian S. Dorka
Director
External Civil Rights Compliance Office
Office of General Counsel