

Exhibit 4



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Washington, D.C. 20460

OFFICE OF
GENERAL COUNSEL

March 16, 2023

Chris Stanley
Functional Government Initiative
6218 Georgia Avenue, NW Suite 1 - 1235
Washington, DC 20011

**Re: Freedom of Information Act Request – EPA-2023-002459
Fee Waiver Determination**

Dear Chris Stanley:

This letter concerns the above-referenced Freedom of Information Act (FOIA) request, received by the U.S. Environmental Protection Agency (EPA), National FOIA Office (NFO) on February 17, 2023 in which you are seeking: All records of the custodians listed below between the following external recipients and all records from the custodians in which these names are mentioned. • Frank (or Francis) Biden, Berman Law Group • Jeremy Alters, Berman Law Group • Joseph (or Joe) Abruzzo, formerly with Berman Law Group and now the Clerk of the Circuit Court and Comptroller for Palm Beach County, Florida • Matthew Moore, Berman Law Group • Russell Berman, Berman Law Group • Ted (or Theodore) Berman, Berman Law Group, etc.

EPA has received your request for a fee waiver. Your request for a fee waiver was evaluated based upon the information you provided in support of your request for a fee waiver and EPA regulations concerning requests for a fee waiver. Based on an analysis of the information you provided, your fee waiver has been granted.

EPA regulations provide a mechanism for requesters to seek records responsive to a FOIA request “without charge or at a charge reduced below” the agency FOIA fee schedule when the NFO determines “based on all available information, that disclosure of the requested information is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government” (public interest requirement) and “is not primarily in the commercial interest of the requester” (non-commercial interest requirement). Freedom of Information Act Regulations Update, 84 Fed. Reg. 30,028, 30,037-38 (June 26, 2019) (to be codified at 40 C.F.R. pt. 2). To evaluate the public interest requirement, the EPA considers each of four factors: (1) the subject of the request; (2) the informative value of the information to be disclosed; (3) the contribution to an understanding of the subject by the public is likely to result from disclosure; and (4) the significance of the contribution to public understanding. 40 C.F.R. §§ 2.107(c)(1)(2)(i)-(iv) (2018).

To determine the non-commercial interest requirement, the EPA considers each of two factors: (1) the existence and magnitude of a commercial interest; and (2) the requester's primary interest in the information disclosure. 40 C.F.R. §§ 2.107(c)(1)(3)(i)-(ii) (2018). If the EPA determines the requester has a commercial interest that is furthered by disclosure of the requested information and the commercial interest is primary to any specified public interest, the requester is not entitled to a waiver of fees.


Fee waiver requests must specifically address each, and all, of the factors. Freedom of Information Act Regulations Update, 84 Fed. Reg. at 30,038; *see also* 40 C.F.R. § 2.107(l)(5). If a requester's written justification for a fee waiver fails to address or substantiate each of the factors discussed below, the EPA will deny the request for a fee waiver. *Id.*

Your fee waiver justification addressed the required factors with sufficient support and in sufficient detail for EPA to grant your fee waiver request. The subject of your request is related to operations and activities of the government. Your statements explained how the information in the records you requested will add to the quantity of information currently available. Further, you expressed an ability or intent to use these FOIA material towards contributing to the understanding of a public audience. Lastly, you provided information to EPA about the significance of the contribution to public understanding.

The second fee waiver requirement is met because the request serves a non-commercial interest. The absence of an identified commercial use is dispositive of the last fee waiver factor, thereby resolving the remaining issue of the requester's "primary interest" in the request. Therefore, because all factors were addressed in your justification and the requirements are satisfied, EPA hereby grants your fee waiver request.

If you need any further assistance or would like to discuss any aspect of your request, you may seek assistance from EPA's FOIA Public Liaison at hq.foia@epa.gov or call (202) 566-1667. You may also seek assistance 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, 8601 Adelphi Road, College Park, MD 20740-6001; email: ogis@nara.gov; telephone: (202) 741-5770 or (877) 684-6448; or fax: (202) 741-5769. For all media inquiries, please contact press@epa.gov.

Sincerely,
**Krishna
Bhatt**

 Digitally signed by
Krishna Bhatt
Date: 2023.03.16
15:31:17 -04'00'

Krishna Bhatt
Attorney-Adviser
National FOIA Office