



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

OFFICE OF
GENERAL COUNSEL

April 20, 2018

Kate Dickenson
Senior Counsel
Husch Blackwell
190 Carondelet Plaza, Suite 600
St. Louis MO 63105

Re: Freedom of Information Act Appeal No. EPA-HQ-2018-005412 (Request No. EPA-HQ-2018-000065)

Dear Ms. Dickenson:

I am responding to your March 5, 2018 Freedom of Information Act (FOIA) appeal. Your appeal is based on the allegation that EPA has “failed to timely respond to our request and thus our request is subject to judicial review under 5 U.S.C. § 552(4)(B).”

As you state in your appeal, Husch Blackwell and EPA “agreed to the FOIA search (EPA-HQ-2018-000065 with the following search terms: (Proposition 65 OR labor code OR OEHHHA OR Zeise) AND (IARC OR Monograph 112) AND (glyphosate OR Roundup) AND (Guyton) OR (Straif) OR (Cogliano) OR (Portier) OR (Rice) OR (Hirsch) OR (Monahan) OR (Cummings) OR (Delson) OR (Villa) OR (Anderson) OR (Siegel) OR (Loomis). Responsive records will be dated from January 1, 2013 to present.”

On March 5, 2018, Nicholas Wittenberg of the Office of Pesticide Programs emailed Natalie Holden of your firm and stated that EPA would produce the documents in “the next month.”

I have carefully considered your request, EPA’s actions and communications thus far on your request, and your appeal. I have determined that your appeal should be, and is granted. Your request is remanded to the Office of Pesticide Programs to complete the processing of your request. The Office of Pesticide Programs is instructed to fully respond to your request as soon as possible, but in no event later than May 15, 2018.

This letter constitutes EPA's final determination on this matter. Pursuant to 5 U.S.C. § 552(a)(4)(B), you may obtain judicial review of this determination by filing a complaint in the United States District Court for the district in which you reside or have your principal place of business, or the district in which the records are situated, or in the District of Columbia. Additionally, as part of the 2007 FOIA amendments, the Office of Government Information Services (OGIS) within the National Archives and Records Administration was created to offer mediation services to resolve disputes

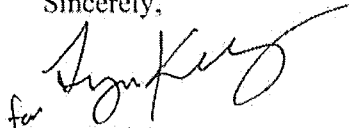
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between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. You may contact OGIS in any of the following ways: by mail, Office of Government Information Services, National Archives and Records Administration, Room 2510, 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.

Should you have any questions concerning this matter, please call Earl Salo at (202) 564-5504.

Sincerely,

A handwritten signature in black ink, appearing to read "Kevin Miller", with a small "for" written to the left of the signature.

Kevin Miller
Assistant General Counsel
General Law Office

Gerard, Theresa

Subject: Final Disposition, Appeal EPA-HQ-2018-005412
Attachments: EPA-HQ-2018-005412 Dickenson Appeal Determination.pdf

From: "Williams.Lashawn@epa.gov" <Williams.Lashawn@epa.gov>
Date: April 20, 2018 at 2:58:03 PM CDT
To: "sandra.oh@huschblackwell.com" <sandra.oh@huschblackwell.com>
Subject: **Final Disposition, Appeal EPA-HQ-2018-005412**

Dear Ms. Oh,

Please see the attached appeal determination for the above-referenced appeal. If you have any questions concerning this determination, please contact Earl Salo, at (202) 564-5504.

Thank you.

EPA-HQ-2018-005412 has been processed with the following final disposition: Completely reversed/remanded.