

**From:** Farren, Victor  
**To:** [Hurst, Ben](#); [Wittenberg, Nicholas](#)  
**Cc:** [Badell, Rebekah](#); [Hunkins, Garrett W.](#); [Ingram, Earl](#)  
**Subject:** RE: FOIA Requests 1970/1971/1973/1974, delay, potential litigation  
**Date:** Monday, June 11, 2018 11:49:43 AM

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Mr. Hurst,

I am process of reviewing the documents for Robert Wright (EPA-HQ-2017-001973) and I will start Ruth Ann Etzel (EPA-HQ-2018-001970) after that.

I spoke with Mr. Ingram and Mr. Wittenberg about your requests and I was informed that their group was not involved with Ramazzini Institute and that I should follow up with our Office of Research and Development. I am coordinating with ORD and I hope to provide you with an update soon. In the meantime, I will continue to process the documents we have already gathered for the custodians you listed in your requests.

Regards,

Victor J. Farren  
Attorney-Advisor  
U. S. Environmental Protection Agency  
Office of the Executive Secretariat  
(202) 564-0808

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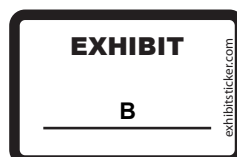
**From:** Hurst, Ben [mailto:[BHurst@gravesgarrett.com](mailto:BHurst@gravesgarrett.com)]  
**Sent:** Friday, June 08, 2018 3:04 PM  
**To:** Farren, Victor <[Farren.Victor@epa.gov](mailto:Farren.Victor@epa.gov)>; Wittenberg, Nicholas <[wittenberg.nicholas@epa.gov](mailto:wittenberg.nicholas@epa.gov)>  
**Cc:** Badell, Rebekah <[RBadell@gravesgarrett.com](mailto:RBadell@gravesgarrett.com)>; Hunkins, Garrett W. <[ghunkins@gravesgarrett.com](mailto:ghunkins@gravesgarrett.com)>; Ingram, Earl <[Ingram.Earl@epa.gov](mailto:Ingram.Earl@epa.gov)>  
**Subject:** RE: FOIA Requests 1970/1971/1973/1974, delay, potential litigation

Victor,

Can you give me an update on the processing of our firm's requests? Specifically, when do you expect to finish your production on 1970, 1973, and 1974? And have you also sent all four of the requests to Nick so his groups can run the searches, as we discussed in May?

Nick, please chime in with any information you have about those requests.

Thanks again for your help.



Regards,

Ben

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**From:** Hurst, Ben  
**Sent:** Wednesday, May 30, 2018 9:09 AM  
**To:** 'Farren, Victor'; Wittenberg, Nicholas  
**Cc:** Badell, Rebekah; Hunkins, Garrett W.; Ingram, Earl  
**Subject:** RE: FOIA Requests 1970/1971/1973/1974, delay, potential litigation

Victor,

Thanks for that; we will look for them. When do you expect to finish your production on the other requests? And have you also sent all four requests to Nick so his group can search for them as well, as we discussed in our call on May 2?

Thanks,

Ben

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**From:** Farren, Victor [mailto:Farren.Victor@epa.gov]  
**Sent:** Tuesday, May 29, 2018 4:02 PM  
**To:** Hurst, Ben; Wittenberg, Nicholas  
**Cc:** Badell, Rebekah; Hunkins, Garrett W.; Ingram, Earl  
**Subject:** RE: FOIA Requests 1970/1971/1973/1974, delay, potential litigation

Mr. Hurst,

Earlier today I sent you an interim response and documents pursuant to your request ending in 001971. Please refer to the letter and documents sent through FOIAonline. We continue to process your other requests and will provide you documents as they become available.

Regards,

Victor J. Farren  
Attorney-Advisor  
U. S. Environmental Protection Agency  
Office of the Executive Secretariat  
(202) 564-0808

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**From:** Hurst, Ben [mailto:BHurst@gravesgarrett.com]  
**Sent:** Tuesday, May 29, 2018 4:30 PM  
**To:** Wittenberg, Nicholas <wittenberg.nicholas@epa.gov>; Farren, Victor <Farren.Victor@epa.gov>

**Cc:** Badell, Rebekah <RBadell@gravesgarrett.com>; Hunkins, Garrett W. <ghunkins@gravesgarrett.com>; Ingram, Earl <Ingram.Earl@epa.gov>  
**Subject:** RE: FOIA Requests 1970/1971/1973/1974, delay, potential litigation

Thanks, Nick. We'll be looking for that production soon and appreciate your effort in getting it to us.

Can you give us an update on your processing of 1970, 1971, 1973, and 1974?

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**From:** Wittenberg, Nicholas [mailto:wittenberg.nicholas@epa.gov]  
**Sent:** Tuesday, May 29, 2018 2:45 PM  
**To:** Farren, Victor; Hurst, Ben  
**Cc:** Badell, Rebekah; Hunkins, Garrett W.; Ingram, Earl  
**Subject:** RE: FOIA Requests 1970/1971/1973/1974, delay, potential litigation

Good Afternoon Ben,

We are finishing up reviewing documents for your matter and will have them sent to the production queue.

We are hoping to have the documents produced late next week or early the following.

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  
1200 Pennsylvania Avenue, NW (MC 7502P)  
Washington, D.C. 20460  
Phone: (703) 347-8875  
Email: [wittenberg.nicholas@epa.gov](mailto:wittenberg.nicholas@epa.gov)

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**From:** Farren, Victor  
**Sent:** Tuesday, May 29, 2018 11:59 AM  
**To:** Hurst, Ben <BHurst@gravesgarrett.com>; Wittenberg, Nicholas <wittenberg.nicholas@epa.gov>  
**Cc:** Badell, Rebekah <RBadell@gravesgarrett.com>; Hunkins, Garrett W. <ghunkins@gravesgarrett.com>  
**Subject:** RE: FOIA Requests 1970/1971/1973/1974, delay, potential litigation

Sorry I missed your call. I am trying to get you the Roberta White documents today.

Victor

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**From:** Hurst, Ben [<mailto:BHurst@gravesgarrett.com>]  
**Sent:** Tuesday, May 29, 2018 11:27 AM  
**To:** Farren, Victor <[Farren.Victor@epa.gov](mailto:Farren.Victor@epa.gov)>; Wittenberg, Nicholas <[wittenberg.nicholas@epa.gov](mailto:wittenberg.nicholas@epa.gov)>  
**Cc:** Badell, Rebekah <[RBadell@gravesgarrett.com](mailto:RBadell@gravesgarrett.com)>; Hunkins, Garrett W. <[ghunkins@gravesgarrett.com](mailto:ghunkins@gravesgarrett.com)>  
**Subject:** RE: FOIA Requests 1970/1971/1973/1974, delay, potential litigation

Victor,

I'm following up on a voicemail that I left you a few minutes ago. Can you please give me an update on your processing of these requests?

Nick, I expect you have also been working on these requests. Please let me know where they stand.

Thank you both,

Ben

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**From:** Hurst, Ben  
**Sent:** Wednesday, May 02, 2018 12:31 PM  
**To:** 'Farren, Victor'  
**Cc:** Badell, Rebekah; Hunkins, Garrett W.  
**Subject:** RE: FOIA Requests 1970/1971/1973/1974, delay, potential litigation

Victor,

It was a pleasure to speak with you just now. As we discussed, we maintain that the agency should run our firm's requests as searches across its email database. It should search the to/from/cc/bcc field for the named correspondent and the entire correspondence for the identified terms. We believe that these searches can be run by automated means with minimal time and effort, as other agencies have done. We continue to object to the agency's unreasonable delay and failure to meet the statutory deadlines.

I understand from our call that the agency will not run our searches across its entire database. The agency asserts that this is technically impossible. Instead, the agency will only run our requested searches only within one or more custodians' accounts. As I noted to you on the phone, we object to this unreasonable restriction and believe the agency should run the searches we requested across all accounts.

Regardless, I understand that the agency has identified records responsive to our search terms within the accounts of EPA employees Roberta White, Robert Wright, Daniel Tietelbaum, and Ruth Ann Etzel. I understand that you are reviewing these documents now (except Etzel), and that you intend to produce Roberta White within 2 weeks, Robert Wright by the end of May, and Dan Tietelbaum this summer. You stated that you have not yet received the documents for Ruth Ann

Etzel and could not provide an estimate for their production.

You also offered to submit our requests to Nick Wittenberg in the pesticides group to be run across some accounts there. As I stated, I believe any processing by his group should be run parallel to yours in time, not sequentially. It is the agency's responsibility to search for records where they are likely to be found, and if that requires it to search in two different locations, it should do so without additional delay. As I stated, that the agency may have responsive records in two different locations does not require us to submit a new request, especially given the current delay in processing. You offered to forward our request to Wittenberg, and I will look for your correspondence to him doing so.

Lastly, I thank you for your time on the phone and your efforts thus far. Please keep us up to date on your progress.

Regards,

Ben

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**From:** Farren, Victor [<mailto:Farren.Victor@epa.gov>]  
**Sent:** Wednesday, May 02, 2018 10:57 AM  
**To:** Hurst, Ben  
**Cc:** Badell, Rebekah; Hunkins, Garrett W.  
**Subject:** RE: FOIA Requests 1970/1971/1973/1974, delay, potential litigation

Mr. Hurst,

Thank you for your letter. As you know we have begun processing all of these requests. During the course of our review we have realized that 2 of the requested custodians, Roberta F White and Robert Orrin Wright are not EPA employees. I discussed the issue of Robert Wright with your colleague, Mr. Hunkins, but our agreed upon approach is still not going to produce documents that are responsive to your request. Given the above, I also have doubts about custodian Daniel Teitelbaum.

The only custodian you mentioned that I have some confidence is in fact an EPA employee is Ruth Etzel. We have identified approximately 5,300 documents that need to be reviewed once the collection is complete. I will not know how long it will take to process documents until we complete this process.

Given the complications above I think we need to have a conversation about your requests and what you are really looking for. The way they are worded has created some confusion that needs to be cleared up before we proceed.

Please contact me at your earliest convenience.

Sincerely,

Victor J. Farren  
Attorney-Advisor  
U. S. Environmental Protection Agency  
Office of the Executive Secretariat  
(202) 564-0808

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**From:** Hurst, Ben [<mailto:BHurst@gravesgarrett.com>]  
**Sent:** Wednesday, April 25, 2018 1:43 PM  
**To:** Farren, Victor <[Farren.Victor@epa.gov](mailto:Farren.Victor@epa.gov)>  
**Cc:** Badell, Rebekah <[RBadell@gravesgarrett.com](mailto:RBadell@gravesgarrett.com)>; Hunkins, Garrett W. <[ghunkins@gravesgarrett.com](mailto:ghunkins@gravesgarrett.com)>  
**Subject:** FOIA Requests 1970/1971/1973/1974, delay, potential litigation

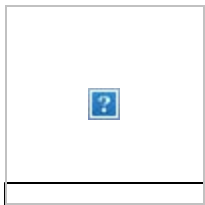
Mr. Farren,

Please see the attached correspondence concerning the subject requests. Feel free to call me or my colleague, Garrett Hunkins, with any questions.

Regards,

Ben

J. Benton Hurst



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Kansas City, MO 64105  
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Fax: (816) 256-5958  
[BHurst@gravesgarrett.com](mailto:BHurst@gravesgarrett.com)

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J. Benton Hurst



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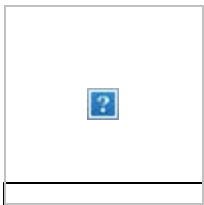
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J. Benton Hurst



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