

# Expert strategies for getting EPA records

“You gotta play to win.”

**A**cquiring public records from the Environmental Protection Agency, or from any federal agency for that matter, can lead to amazing stories in any community.

Just ask Kevin Bogardus, Alex Guillén and Eric Lipton.

“FOIA is like the lottery,” Bogardus said. “You gotta play to win. And it’s better than a lottery — there are things you can do to increase your odds.”

Here is what three of the most prolific requesters of EPA records suggest for journalists in using the Freedom of Information Act:

**Kevin Bogardus**, who covers federal agencies for E&E News, submits more FOIA requests to the EPA than anyone else in the country. From 2014 to 2023, he submitted 2,254 requests, according to EPA’s FOIAonline portal. Including state public records requests, he has submitted more than 11,000, according to his own tracking spreadsheet.

“Paper begets paper,” Bogardus said. “It can be a lot of work, but it’s a lot of fun.”

Bogardus said reporters can find stories by submitting FOIA requests for the calendars of their EPA regional administrator. Ask for the “official record copy calendar,” not the public calendar, to get attendees, topics and other details.

If a particular meeting seems newsworthy, say, with a major polluter, request any records that were “prepared for, created for, distributed at, or resulted from the meeting.” This technique revealed the EPA’s concern over actor Mark Ruffalo’s tweets criticizing the agency.

After the EPA’s online portal sends a confirmation email, forward that email to the designated FOIA officer and say, “Hey, I just FOIA’d this — let me know if you need anything else,” Bogardus said.

**Alex Guillén**, who covers energy for Politico, uses Outlook Calendar to remind himself the first of every month to request administrators’ calendars, correspondence with Congress, and



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recently closed inspectors general reports. He copies and pastes from a template, changes the dates and is done in 15 minutes. Some records come back within a few weeks.

Reporters can find superfund cleanup sites in their coverage area and then request communications between the EPA and the polluting company, he said.

When he appeals denials, he uses FOIA.Wiki, maintained by the Reporters Committee for Freedom of the Press, to cite case law regarding specific exemptions. He recommends writing requests simply: “Just be as clear as you can, with as much detail as you can.”

**Eric Lipton**, investigative reporter at the New York Times Washington, D.C., bureau, agreed that simple, narrow requests are the key. For example, when requesting correspondence, keep the date range short, specify names, and ask for just outgoing emails.

“Turnaround for a narrow request is weeks or months — short,” he said. “Complex requests can take three or four years. If you are going to do a broad request, then you might have to litigate to get it.”

Lipton said the EPA posts helpful data proactively online, such as the Toxic Release Inventory, so reporters can find information without using FOIA. If you have to use FOIA, consider the other side of the counter.

“Whenever I write a FOIA I’m always thinking about the FOIA officers, how they would handle the request,” he said. “I try to be flexible and listen to them to reduce turnaround time.”

**Patricia Weth**, assistant general counsel for the EPA’s national FOIA office, agrees that communication with FOIA officers can help.

If you are running into a long wait or having problems with the system, contact Weth through the public liaison email at FOIA\_HQ@epa.gov.

The online portal for EPA, called FOIAonline, will be going dark Sept. 30, and a new system will be launching in the summer of 2023. Weth said the EPA also is updating its FOIA home page, providing more records proactively online. ♦