

EXHIBIT 1



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D C. 20460

Office of Environmental Justice and External Civil Rights
Office of External Civil Rights Compliance

Joseph S. St. John:
State of Louisiana, Department of Justice
Office of the Attorney General
P.O. BOX 94005
Baton Rouge, 70804-9005

RE: Freedom of Information Act Request - EPA-2023-005099 Interim Response & Request to Discuss and Modify

Dear Mr. Joseph S. St. John:

This letter concerns the above-mentioned Freedom of Information Act (FOIA) request, submitted to the U.S. Environmental Protection Agency (EPA), National FOIA Office (NFO) on June 29, 2023. You are seeking the following records:

1. Any and all Records regarding, related to, or mentioning the Subject Matter exchanged between or among EPA and the following people and/or organizations:

- ☐ Halle Parker and/or Nola.com;
- ☐ Morgan Radford and/or MSNBC;
- ☐ Timothy Puko, Darryl Fears, Michael Phillis, and/or The Washington Post;
- ☐ Oliver Laughland and/or The Guardian;
- ☐ Anna McAllister and/or WGNO;
- ☐ Mike Smith and/or The Advocate.
- ☐ Bobbi-Jeanne Misick and/or WWNO;
- ☐ Sharon Lavigne and/or RISE St. James;
- ☐ Any other remember of RISE St. James;
- ☐ Dr. Beverly Wright and/or The Deep South Center for Environmental Justice;
- ☐ Monique Harden and/or The Deep South Center for Environmental Justice;
- ☐ Rev. Gregory Manning and/or Coalition Against Death Alley;
- ☐ Any member of Concerned Citizens of St. John;
- ☐ Robert Taylor; and
- ☐ Brenda Bryant.

2. Any and all Records regarding, related to, or mentioning any requests to schedule a meeting or conference with Administrator Michael S. Regan ("Administrator Regan") or his representatives during the Journey to Justice tour in Louisiana, whether the request was made before or during the Journey to Justice

tour in Louisiana. This request specifically includes any requests by organizations and/or entities representing industrial facilities in Louisiana, such as the Louisiana Chemical Association.

3. The calendar of Administrator Regan, electronic or otherwise, for all dates during the Journey to Justice tour.

3. Any and all Records regarding, related to, or mentioning the scheduling any meeting or conference between Administrator Regan or his representatives and any group, person, or organization during the Journey to Justice tour in Louisiana.

4. Any and all Records provided by EPA to, or provided to EPA by, any meeting participant during, or as a follow-up to, any meeting with Administrator Regan or his representatives during the Journey to Justice tour in Louisiana.

5. Any and all notes, handwritten or electronic, taken or created by EPA, including Administrator Regan or his representatives, during the Journey to Justice tour in Louisiana, including any notes, handwritten or electronic, taken by EPA, including Administrator Regan or his representatives, during or about any meeting during the Journey to Justice tour in Louisiana.

6. Any and all Records or communications regarding, related to, or mentioning the Subject Matter provided to EPA by any of the following or provided by EPA to any of the following:

- ☐ Concerned Citizens of St. John;
- ☐ Sierra Club;
- ☐ Stop the Wallace Grain Terminal;
- ☐ Inclusive Louisiana;
- ☐ RISE St. James;
- ☐ Louisiana Bucket Brigade;
- ☐ Tulane Environmental Law Clinic;
- ☐ Any member or officer of those organizations; and/or
- ☐ Any counsel, person, or group representing those organizations.

7. Any and all Records regarding, related to, or mentioning the Complaint dated January 20, 2022 submitted to EPA by Concerned Citizens of St. John and the Sierra Club, including all communications between EPA and Concerned Citizens of St. John, the Sierra Club, counsel for Concerned Citizens of St. John and the Sierra Club, and any member, representative, or counsel of those organizations, whether before or after January 20, 2022. For the avoidance of doubt, communications regarding informal resolution of that complaint are within the scope of this request.

8. Any and all Records regarding, related to, or mentioning the Complaint dated February 1, 2022 submitted to EPA by Stop the Wallace Grain Terminal, Inclusive

Louisiana, RISE St. James, the Louisianan Bucket Brigade, and/or the Tulane Environmental Law Clinic between EPA and Stop the Wallace Grain Terminal, Inclusive Louisiana, RISE St. James, the Louisianan Bucket Brigade, and the Tulane Environmental Law Clinic, including any communications between EPA and any member, representative, or counsel of those organizations, whether before or after February 1, 2022. For the avoidance of doubt, communications regarding informal resolution of that complaint are within the scope of this request.

9. Any and all evidence underlying EPA's Letter of Concern to Dr. Chuck Carr Brown and Dr. Courtney N. Phillips, dated October 12, 2022, and signed by Lilian S. Dorka.

10. Any and all communications regarding EPA's Administrative Closure of EPA Complaint Nos. 01R-22-R6 and 04R-22-R6.

11. Any and all communications regarding EPA's Administrative Closure of EPA Complaint No. 02R-22-R6.

Opportunity to Discuss and Modify

We would like to provide you the opportunity to discuss the request with us and clarify or modify the request. Your request is too broad to be completed within 20 days and does not reasonably describe the records you are seeking in a way that will permit EPA employees to identify and locate them.

For example, the definition of the "subject matter" is impermissibly broad.

"Subject matter" means all issues related to (1) environmental justice in Louisiana, the Industrial Corridor in Louisiana, the area called "Cancer Alley," Denka, Formosa, FG LA LLC, the Journey to Justice tour in Louisiana, (2) Complaint No. 01R-22-R6, Complaint No. 02R-22-R6, or Complaint No. 04R-22-R6, or (3) any informal resolution discussion with the Louisiana Department of Health or the Louisiana Department of Environmental Quality.

We would like to discuss the search parameters with you including the custodians, potential key words, and the date range(s) for each portion of your request.

Please note that requests phrased as legal discovery, e.g., for all records "including but not limited to" and "related to" or "pertaining to" a subject with no further limitation, do not provide adequate information to allow a professional employee to determine which records you wish EPA to provide.

EPA's FOIA regulations state:

"Whenever possible, your request should include specific information about each record sought, such as the date, title or name, author, recipient, and subject matter. If known, you should include

any file designations or descriptions for the records that you want. The more specific you are about the records or type of records that you want, the more likely EPA will be able to identify and locate records responsive to your request.”

40 C.F.R. § 2.102(c).

As indicated in 40 C.F.R. § 2.102(c), please include or be prepared to discuss any specific information about the records you seek, including the date range, authors, or a more detailed description of the records’ subject matter.

Unusual Circumstances and Extension of Time

Pursuant to 40 C.F.R. § 2.104(e), an extension of time is necessary to respond to your request. Given the scope of the request, EPA anticipates that the response will require a significant amount of EPA’s resources and time to search for and collect the requested records from field facilities or other establishments that are separate from the office processing the request, to search for, collect, and appropriately examine a voluminous amount of separate and distinct records and to consult with another agency having a substantial interest in the determination of the request or among two or more components of the agency having substantial subject-matter interest therein.

Based on the request as written, the estimated date of completion is: **July 30, 2024**. We will update this estimate once you provide additional information about your request. Please note that EPA will provide you with interim releases as records are available.

Interim Response: Publicly Available Information

The following information is publicly available and may be responsive to portions of your request:

For parts 2-5 please see the Journey to Justice website and the senior leaders calendar page:

- Journey to Justice: <https://www.epa.gov/environmentaljustice/journey-justice>
- Senior Leaders Calendars: <https://www.epa.gov/senior-leaders-calendars>
 - The links on this website open best using the Microsoft Edge browser.

For parts 6-11, the Complaints for 01R-22-R6, 02R-22-R6, and 04R-22-R6, as well as the Acceptance letters, Letter of Concern, and Admin Closure letters for each of the three Complaints are available here:

- External Civil Rights Docket: <https://www.epa.gov/external-civil-rights/external-civil-rights-docket-2014-present>
 - Type “Louisiana” or “R6” in the search box to filter and review the records more quickly.

Processing Fees

You were placed in the “other” fee category, which means you may be charged for search and duplication costs in accordance with the Agency’s regulations under 40 C.F.R. Part 2, Subpart A.

Your fee waiver request is currently under review.

Next Steps

EPA has initiated the search for records for your request and determined that more information is necessary. **The processing clock is stopped for your FOIA request** until we receive your clarification or modification. Please respond to Dykeman.Denise@epa.gov and Stein.Jonathan@epa.gov within ten calendar days from the date of this letter to arrange a time to discuss your request.

Once we receive your clarification or modification, EPA will provide you with an updated estimated date of completion and, if applicable, a fee estimate.

Additional Contacts

For all media related inquiries, please contact: press@epa.gov

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.

If you have any questions or concerns about the status of your request, please do not hesitate to contact us. Please be sure to include the FOIA request tracking number. Thank you for your interest in the work of the EPA.

Sincerely,

ANHTHU
HOANG

Digitally signed by
ANHTHU HOANG
Date: 2023.07.24
17:40:43 -04'00'

Anhthu Hoang
Acting Director
Office of External Civil Rights Compliance
Office of Environmental Justice and External Civil Rights