

Pesticides and You

News from the National Coalition Against the Misuse of Pesticides (NCAMP)

One in a Series of NCAMP "How-To's"

FOIA Fee Waivers, Revisited

•••**What is the Freedom of Information Act (FOIA)?** FOIA provides citizens with access to any written federal agency records.

•••**How does FOIA work?** Anyone can make a FOIA request for any "reasonably described" agency-held record, including internal memos, labeling information and health and safety data. "Trade secret" data is not available. Requests should be as specific as possible. For pesticide related information make requests in writing to: Public Information Officer, EPA-Office of Pesticide Programs, Freedom of Information Office, 401 M St., SW, Washington, DC 20460. The agency must respond within 10 work days.

•••**Who's eligible for a fee waiver?**

Requesters who can demonstrate that the information requested will "contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the requester" may apply for a fee waiver under FOIA section 2.120 (*Federal Register* 53(2):214-219, Jan. 5, 1988). Fee waivers will usually be granted to non-partisan, non-profit organizations.

•••**How can I apply for a fee waiver?**

Under 1988 regs., EPA asks for the following information for a fee waiver: (i) a clear statement of your interest in the requested documents; (ii) the use proposed for the documents and

whether you will derive income or other benefit from such use; (iii) a statement of how the public will benefit from such use and from the release of the requested documents; (iv) if specialized use of the documents or information is contemplated, a statement of your qualifications that are relevant to the specialized use; and (v) a statement indicating how you plan to disseminate the documents or information to the public. A lengthy explanation is not necessary (a page is enough), but *you must assure EPA that you will not profit from the information, and that the information will be distributed to the general public.*

•••**Does FOIA apply to states?**

No, but many states have some kind of similar law, often called an "Open Records Act," which can be used.