



Walter Wright, Jr.
wwright@mwlaw.com
(501) 688.8839

Freedom of Information Act : Center for Biological Diversity Complaint for Declaratory/Injunctive Relief Against U.S. Environmental Protection Agency in U.S. District Court (D.C.) Alleging Violations

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The Center for Biological Diversity (“CBD”) filed a May 3rd Complaint for Declaratory and Injunctive Relief (“Complaint”) against the United States Environmental Protection Agency (“EPA”) alleging violations of the Freedom of Information Act (“FOIA”). See Case No.: 1:17cv-00816.

CBD challenges EPA’s alleged failure to:

. . . provide the communications and schedules of its administrator Scott Pruitt, in violation of the Freedom of Information Act, 5 U.S.C. § 552, as amended (“FOIA”), or alternatively, the Administrative Procedure Act, 5 U.S.C. § § 701-06 (“APA”).

CBD alleges that EPA refused to provide a response to its February 28, 2017 FOIA request for Administrator Pruitt’s communications. The organization further alleges that EPA claims CBD did not adequately describe the records requested. This EPA determination was stated to have been timely appealed. CBD states that EPA affirmed its refusal to provide Mr. Pruitt’s communications in a determination on the organization’s appeal on April 26, 2017.

CBD also alleges that EPA failed to provide a response to its February 28th FOIA request for Administrator Pruitt’s schedules.

EPA allegedly unlawfully withheld the records by failing to conduct an adequate search for responsive records and by refusing to provide all reasonably segregable portions in any records that may contain material that is lawfully exempt. It further states that:

prompt access to these records is necessary to effectuate FOIA’s purpose.

CBD states it is seeking declaratory relief and a determination established that EPA violated the FOIA, or alternatively, the APA. It asks that the Court direct EPA to provide it with any improperly withheld records and all reasonably segregable portions of any lawfully exempt records without any further delay.

[A copy of the Complaint can be downloaded here.](#)