



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

May 17, 2022

OFFICE OF THE
EXECUTIVE SECRETARIAT

Mr. Reed D. Rubinstein
Senior Counselor and Director of
Oversight and Investigations
America First Legal Foundation
611 Pennsylvania Avenue, SE #231
Washington, D.C. 20003

Dear Mr. Rubinstein:

The U.S. Environmental Protection Agency has processed your March 30, 2022, Freedom of Information Act request as EPA-2022-003395. You are seeking the EPA's "Equity Action Plan," (Section 7) and "Equity Assessment" (Section 5) of Executive Order 13985. The Office of the Administrator conducted a search and located the Equity Action Plan at <https://www.epa.gov/environmentaljustice/equity-action-plan>.

During our review of the Equity Assessment, the EPA determined that releasing this document could result in foreseeable harm, so we are withholding it under FOIA Exemption 5 to protect pre-decisional and deliberative discussions. The document also is withheld under the presidential communications privilege, which protects advisory communications made to the President and his close advisers, and which authorizes the EPA to forgo a segregability analysis because the privilege may be applied to "documents in their entirety." *In re Sealed Case*, 121 F.3d 729, 745 (D.C. Cir. 1997).

This letter concludes our response to your request. You may appeal this final response with an email to hq.foia@epa.gov, through [FOIAonline.gov](https://www.foiaonline.gov), or by writing to EPA National FOIA Office, 1200 Pennsylvania Avenue, NW (2310A), Room 7309 Clinton North Building, Washington, D.C. 20460.

Written appeals must be received no later than 90 calendar days from the date of this letter and should include the request number under which we processed this request. The EPA will not consider appeals received after the 90-calendar-day limit. Appeals received after 5 p.m. Eastern time will be considered as having been received the next business day. For the quickest possible handling, the subject line of your email or the appeal letter and its envelope should be marked "Freedom of Information Act Appeal."

Additionally, you may seek dispute-resolution services through the EPA's FOIA public liaison at hq.foia@epa.gov or (202) 566-1667 or through the National Archives and Records Administration's Office of Government Information Services via email ogis@nara.gov; by calling (202) 741-5770 or (877) 684-6448; with a fax to (202) 741-5769; or by mail to Office of Government Information Services, National Archives and Records Administration, 8610 Adelphi Road, Room 2510, College Park, Maryland 20740.

Finally, you are most welcome to contact Mariana Cubeddu in the Office of the Executive Secretariat at (202) 564-6566 or cubeddu.mariana@epa.gov if you have any questions. She would be pleased to assist you further.

In the meantime, please accept my gratitude for your interest in the EPA and our work to fulfill our critical mission to protect human health and the environment.

Sincerely,

A handwritten signature in black ink, appearing to read "Eric E. Wachter". The signature is fluid and cursive, with a large loop at the end of the last name.

Eric E. Wachter
Director