**Morris, Alexander**

**From:** FOIA-Central@hq.doe.gov
**Sent:** Wednesday, June 24, 2009 3:13 PM
**To:** FOIA-Central
**Subject:** DOE Headquarters FOIA Request

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SCIENTIFIC/EDUCATIONAL/NEWS MEDIA
100 FREE PAGES

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Record Description:

We request copies of all records kept by the Department of Energy (DOE) that relate to or discuss:

1. The failure of a covered product or any covered equipment to meet an applicable energy or water conservation standard, design requirement, or labeling requirement imposed pursuant to the Energy Policy and Conservation Act (EPCA) 42 U.S.C. §§ 6291-6317. Records requested in this subparagraph are limited to records prepared or received after June 24, 2004.

2. The failure of any manufacturer, distributor, retailer, or private labeler to submit required information relating to the compliance of a covered product or covered equipment with an applicable energy or water conservation standard, design requirement, or labeling requirement imposed pursuant to EPCA, 42 U.S.C. §§ 6291-6317. Records requested in this subparagraph are limited to records prepared or received after June 24, 2004.

3. The failure of any manufacturer, distributor, retailer, or private labeler to comply with sampling, testing, or labeling requirements imposed pursuant to EPCA, 42 U.S.C. §§ 6291-6317. Records requested in this subparagraph are limited to records prepared or received after June 24, 2004.

We also request that you indicate any withheld records (or portions deleted) and indicate the exemption under which the deletion has been made.

You may exclude from this request any records that are publicly available on the internet as of the date of this request. It may be possible to further limit the above request once we are better apprised of the nature of the documents in your files. Please contact me to discuss this possibility at your earliest convenience.

Preferred Form or Format: Electronic - Adobe PDF

Type of Requester (if provided):

A representative of the news media affiliated with other environmental organizations and our own supporters and the request is made as part of news gathering and not for commercial use.

Type of Media (if provided):

FOIA-2009-000505

Brenda

Other: website, newsletter, etc.

Fees and Fee Waivers:

I request a waiver or reduction of fees.

Waiver or Reduction of Fees Factors (if provided):

1. The subject of the request: Whether the subject of the requested records concerns "the operations or activities of the government."

The subject of the requested records concerns the operations or activities of the government. The records requested relate to the Department of Energy's enforcement of efficiency standards applicable to appliances and commercial equipment.

2. The informative value of the information to be disclosed: Whether the disclosure is "likely to contribute" to an understanding of government operations or activities.

The records requested will contribute to the public's understanding of the effectiveness of the Department's enforcement program. The information requested will help develop a greater awareness of the appliance and commercial equipment standards program, the efficacy of the Department's efforts to assure compliance by manufacturers, distributors, retailers, and private labelers with all program requirements, and the existence of any gaps in compliance and their possible relationship to lax enforcement.

3. The contribution to an understanding by the general public of the subject likely to result from disclosure, taking into account your ability and intent to disseminate the information to the public in a form that can further understanding of the subject matter.

We intend to use the above-requested documents to better inform community organizations, environmental groups and our own supporters about the status of manufacturers' compliance with appliance and commercial equipment efficiency standards and the effectiveness of DOE's program to enforce those standards. Earthjustice has proven abilities to disseminate information to a large segment of the public and has routinely been granted fee waivers under FOIA. For decades, our organization has worked to further the public interest by educating the public, promoting sound environmental policies, and supporting vigorous enforcement of laws designed to protect public health and natural resources. Information about our activities is widely distributed in periodic newsletters, in the media, and on our web site - www.earthjustice.org.

4. The significance of the contribution to public understanding: Whether the disclosure is likely to contribute "significantly" to public understanding of government operations or activities.

Disclosure will contribute significantly to public understanding of government operations because there has been very little attention directed to compliance and enforcement issues relating to efficiency standards for appliances and commercial equipment. However, there is presently an unprecedented level of public interest in this program, as evidenced by the increase in public interest in DOE standard-setting rulemakings. With the public increasingly aware of the importance of energy efficiency in combating global warming and reducing dependence on fossil fuels, people are eager to become better-educated about their choices as consumers, and providing information on appliance and commercial equipment standards compliance and enforcement will help to educate the public about the government's role in policing the efficiency of common products.

5. The existence and magnitude of a commercial interest: Whether the requester has a commercial interest that would be furthered by the requested disclosure, and, if so

Earthjustice is a national, nonprofit, tax exempt organization that provides information, advice and advocacy on environmental issues to a wide range of community organizations, environmental groups, and interested persons. We do not charge fees for these activities, and have no commercial interest in the requested information.

6. The primary interest in disclosure: Whether the magnitude of the identified commercial interest of the requester is sufficiently large, in comparison with the public interest in disclosure, that disclosure is "primarily in the commercial interest of the requester."

Earthjustice has no commercial interest in disclosure. Our only interest in disclosure is to satisfy the public's interest in receiving the requested information.

Expedited Processing:

Specific Justification for Expedited Processing: