From: Kyle Moring [redacted]
Subject: Formal FOIA Public Liaison Escalation – Unfulfilled Remands and Overdue Responses (2026-EPA-02222 / 2026-EPA-00386)
Date: July 20, 2026 at 2:58 PM
To: Murdock, James Murdock.James@epa.gov, R6 FOIA r6foia@epa.gov
Cc: hq.foia@epa.gov

KM

Mr. Murdock and EPA FOIA Public Liaison:

Please treat this message as a formal request for supervisory assistance from EPA's FOIA Public Liaison and as notice of continuing delay in two Region 6 matters that EPA's Office of General Counsel granted on appeal and remanded for additional processing.

Request No. 2026-EPA-02222 / Appeal No. 2026-EPA-03099

The March 23, 2026 appeal determination granted my appeal and remanded subparts 1, 2, 3, 5, and 6 for supplemental searches, including coordination with other EPA offices and reassignment if necessary. On April 6, Region 6 estimated a July 6 final response, promised interim responses as records became available, and stated that EPA would contact me if it could not meet that date. On April 7, you confirmed that the supplemental search covered all portions identified in the appeal decision and that I would be notified of transfers or referrals. July 6 passed. I followed up in writing on July 8 and received only an automatic travel reply. I have received no substantive update, revised completion date, interim release, or final response.

Request No. 2026-EPA-00386 / Appeal No. 2026-EPA-03851

The April 24, 2026 appeal determination granted my appeal and remanded the request for a secondary review of the initial search results and a supplemental search of all locations where responsive records may be found, including consultation with a subject-matter expert. The determination also directed review of responsive records for withholdings and release of reasonably segregable non-exempt information. On May 14, Region 6 estimated a July 12 final response and planned interim releases as records became available. That date passed without a final response, interim release, or revised estimated completion date. My prior effort to obtain a post-deadline update has not produced a substantive response.

Under 40 C.F.R. § 2.108(e)(2), a request returned after an appeal is to be reprocessed in accordance with the appeal decision. Under 5 U.S.C. § 552(a)(7)(B), EPA's request-status service must provide an estimated date of completion. I understand that an estimated date can change; the present concern is that both dates have passed without the promised notice, a revised estimate, or any identified production.

Please provide the following in writing no later than 5:00 p.m. Central on Thursday, July 23, 2026:

1. The current processing stage for each request, including whether the supplemental searches are complete and what review remains.
2. A new, individualized estimated completion date for each request and a date certain for the first rolling or interim production.
3. The offices or components currently involved and whether any portion has been transferred, referred, reassigned, or placed in consultation.
4. Immediate production of all responsive records that have completed review, without holding cleared records for a single final release.
5. The name and contact information of the official responsible for each remand and the date of the next scheduled written update.
6. For Request No. 2026-EPA-02222, confirmation that the search covers subparts 1, 2, 3, 5, and 6 and the additional file locations identified by the appeal decision.
7. For Request No. 2026-EPA-00386, confirmation that Region 6 completed or is completing both the secondary review of the initial production and the supplemental search of all likely locations with a knowledgeable subject-matter expert.

Nothing in this message narrows, modifies, or withdraws either request. Please preserve the complete administrative record for both matters. If EPA does not provide a substantive response and concrete production schedule by the date above, I will seek further OGIS assistance and evaluate judicial review. Both appeal determinations describe themselves as EPA's final determinations and expressly advise me of the right to judicial review.

Please confirm receipt and identify who will respond for EPA.

Respectfully,

Kyle Douglas Moring
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