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October 22, 1990

Reply To
Attn Of: SO-125

MEMORANDUM

SUBJECT: Communications with Outside Counsel and Testimony
of EPA Employees

FROM: Jackson L. Fox
Regional Counsel

TO: All Region 10 Employees and Staff

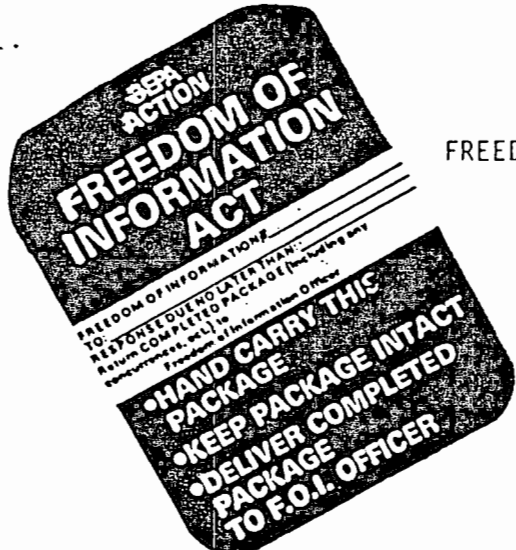
I would like to remind all Region 10 employees of the importance of contacting the Office of Regional Counsel (ORC) immediately upon receipt of: (1) a subpoena or other request to provide testimony or documentation; and (2) any communication (written or oral) from an attorney outside EPA regarding matters involving EPA.

When an EPA employee receives a subpoena or request to provide testimony or documents, it is important to contact ORC because there may be a legal duty to respond on your part. Failure to respond to a formal request may result in civil contempt sanctions against you. There are EPA regulations which are followed in such matters, and I am responsible for determining the EPA response to the subpoena or request. Since timing may be a crucial element, it is imperative that ORC be contacted as soon as possible. We can thus work together to ensure that an appropriate response is made.

Another area which requires a judgment call on your part involves communications made directly to you by outside counsel on an EPA matter. EPA employees who speak directly to outside counsel may be acting at some risk that comments may be misinterpreted, or used against you or EPA at a future date. As a general rule, if outside counsel contacts you regarding an EPA matter, you should refrain from communications unless an ORC attorney is also present.

If you are uncertain as to whether a communication or other written document triggers contacting this office, I suggest discussing the issue with an ORC attorney. We are available to assist you and EPA, and can best do so when we are made aware of these communications.

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FREEDOM OF INFORMATION ACT RESPONSE CHECKLIST



USE FOIA GUIDANCE BOOK LOCATED WITH EACH FOIA COORDINATOR

FORMAT

- Subject line: RE: Freedom of Information Act (FOIA) Request 10-RIN-....-90
- Closing sentence: "This concludes the EPA Region 10 response to FOIA request number 10-RIN-....-90."
- Include information about cost (see FEES section below)
- Signature: only Branch Chief and above can sign FOIAs (see RESPONSE section below)

TIMELINESS

- Response to FOIA requests is a LEGAL REQUIREMENT
- REQUESTS FOR EXTENSIONS MUST BE OKAYED BY THE FOIA OFFICER and are given only for solid reasons
- INTERIM RESPONSES are required for any delay in response and MUST contain reason for delay AND date by which response will be completed
- Appeals on timeliness of response will eventually take more of your time than doing a timely response.

RESPONSE

- If EPA Region 10 does not have document requested, that is not a "denial" - just respond that Region 10 has no such document and suggest a source if known.
- All partial/full denials are signed by the RA with FOIA Officer & ORC concurrences
- All other responses are signed by Branch Chief or above
- FOIA Coordinator must review response
- Specify in response letter whether or not the documents are enclosed, whether a bill is enclosed, or state clearly if this is a request for pre-payment
- If response is Denial/Partial Denial response must be concurred on by following before RA signs:
 - ORC (John Hohn)
 - FOIA Officer (Mary Neilson)
 - DRA (Robert Burd)
- If Denial/Partial Denial please provide copy for RA reading file.

FEES

- Fee Category: requesters are "commercial" unless otherwise indicated by FOIA Officer
- Indicate which fee category the requester fits under:
 - commercial use (majority of EPA requests are "commercial")
 - educational/non-commercial/scientific institutions
 - news media
 - all other
- FOIA Officer is to make all fee waiver determinations and state reason which needs to be addressed in response to requester.
- If no fee will be charged, use the following/or similar wording:

"The cost of providing this information is \$____ (____ pages duplicated at .15¢ per page and \$____ for search time = \$____) but the fee is being waived."
- If a fee will be charged, use the following/or similar wording:

"The cost of providing this information is \$____ (____ pages duplicated at .15¢ per page and search time \$____).

"Your fee payment should be in the form of a check or money order payable to the U.S. Environmental Protection Agency (EPA) and should be sent to EPA, Region 10, P.O. Box 360903M, Pittsburgh, Pennsylvania 15251."

BILLING

- Date on bill must be same as date on letter
- Bill Number is the FOIA number
- Include appropriate language in letter (see FEES section on previous page)
- You must either attach the form Fee Schedule and Payment Procedures or type the paragraph below on all billing invoices indicating interest charged on all bills EXCEPT those requesting pre-payment (pre-payment is not subject to interest as it is not overdue; no product has yet been provided).

"In accordance with the U.S. Treasury (I TFM 6-8000) and the Debt Collection Act of 1982, payment is due within 30 days of the bill date. If not received within 30 days, interest at the rate of 9% which begins to accrue from the date of the bill through the date of payment, will be assessed. A late payment handling charge of \$15.00 will be imposed after 30 days with an additional charge of \$15.00 for each subsequent 30-day period. A 6% per annum penalty will be applied on any principal amount not paid within 90 days of the due date."

- Advise requester of charges if it is not indicated in the request that the person is willing to pay fees. To save time, telephone the requester and alert to cost and obtain assurance to pay the cost. If the requester cannot be reached by phone, include the following paragraphs in the letter:

The estimated cost of providing the documents you have requested is \$_____. Pursuant to 40 CFR §2.120(c) we are notifying you of this fee. Please provide prepayment so we may complete processing your request. Please send the estimated amount by check or money order with the enclosed billing to: (use address on previous page under FEES section)

If we do not receive the fee payment or further information from you within three weeks, we will consider FOIA request 10-RIN-....-90 closed.

- Advance payment required only when requester has failed to pay in timely fashion or charges are likely to exceed \$250

FOIA OFFICE MAILS RESPONSE

- Response is signed and dated in the Division (unless it's a denial)
- Submit MAIL READY package to FOIA Officer. Package must include following:
 - response letter
 - one copy of signed response (if Headquarters FOIA provide 3 copies)
 - copy of initialed concurrence sheet
 - enclosures for response (inside mailer)
 - adequate size box/envelope addressed for mailing
 - copy of control slip
- If response is an interim please keep red folder in program to be used with final response.
- FOIA Administrator records completion on log and mails FOIA response.
- SAMPLE LETTERS are available in the Guidance Book and through your FOIA Coordinator.
- FOIA requests must be in writing and signed by the requester--i.e., no telephone requests signed by EPA staff.

We are aware of the resources involved in responding to the Freedom of Information Act mandates and continue to try to simplify and make the process as easy as possible for everyone. The FOIA Guidance Books located in each division and office are intended to answer any questions that you may have. Your FOIA Coordinator also can provide assistance.

Any suggestions you may have for improving the system will be welcome.

Thank you for your continuing cooperation which has resulted in favorable comments from the public and others.

Mary M. Neilson
June 1, 1990

REGION 10 US EPA

FREEDOM OF INFORMATION ACT (FOIA)

There are FOIA Coordinators in each program division and operations office to assist staff. Each Coordinator has a FOIA Guidance Book containing sample FOIA responses, information of fees, etc.

FOIA COORDINATORS

Michelle Wright	X-1747	ATD	8th Floor
Pat Madding	X-1106	ESD	9th Floor
Eunice Miller	X-1233	MD	10th Floor
Montel Livingston	X-1905	HWD	11th Floor
Patricia Winsett	X-2139	Superfund/HWD	11th Floor
John Freilingsdorf	X-8283	RCRA/HWD	11th Floor
Peg Kellen	X-1098	ORC	12th Floor
Sally Hanft	X-8508	WD	13th Floor
Gene Burton	8-907-271-5083	AOO/A	Anchorage
Divola Nettles	8-554-1470	IOO	Boise
Donna Preussler	8-423-3250	OOO	Portland
Michelle Bell	8-434-9437	WOO	Olympia

Region 10 FOIA Officer Mary Neilson	X-4280	MD	10th Floor
FOIA Officer Backup Jim Peterson	X-2977	MD	10th Floor
Region 10 FOIA Legal Advisor John Hohn	X-1506	ORC	12th Floor
Region 10 FOIA Administrator Vivian Warden	X-8665	MD/IMB	8th Floor
Region 10 FOIA Finance (billings, etc.) Greg Luchey	X-2967	MD	10th Floor
Receptionists Terri Griffith Steve Hill	X-1200	MD/IMB/ISS	10th Floor

(Receptionist has FOIA public information materials/request forms, etc.)

(This reference list does not include the MANY program staff who do the responses for the individual programs in addition to their regular designated duties.)

U.S. ENVIRONMENTAL PROTECTION AGENCY
FREEDOM OF INFORMATION
FEE SCHEDULE AND PAYMENT PROCEDURES
Effective January 3, 1990

NOTICE TO REQUESTER

Payment should be made in the form of a check or money order, payable to the U.S. Environmental Protection Agency. To ensure proper credit of your payment, please write the Freedom of Information Act Request Identification Number (RIN #) on your check or money order and return with the top portion of the Bill of Collection. Mail payment to:

U.S. Environmental Protection Agency
Region 10
P.O. Box 360903M
Pittsburgh, PA 15251

In accordance with the U.S. Treasury (I TFM 6-8000) and the Debt Collection Act of 1982, payment is due within 30 calendar days of the bill date. If not received within 30 days, interest at the rate of 9% which begins to accrue from the date of the bill through the date of payment, will be assessed. A late payment handling charge of \$15.00 will be imposed after 30 days with an additional charge of \$15.00 for each subsequent 30-day period. A 6% per annum penalty will be applied on any principal amount not paid within 90 days of the due date.

In accordance with the Freedom of Information Reform Act of 1986, your request has been categorized as:

- COMMERCIAL USE REQUEST: requester charged for search, review, and duplication costs
- EDUCATIONAL AND NON-COMMERCIAL SCIENTIFIC INSTITUTIONS: requester charged for duplication costs excluding first 100 pages
- REPRESENTATIVE OF THE NEWS MEDIA: requester charged for duplication costs excluding the first 100 pages
- ALL OTHER REQUEST: requester charged for search and duplication time excluding the first two hours of search time and the first 100 pages of duplication

ATTACHMENT TO BILL FOR COLLECTION FOR FREEDOM OF INFORMATION PAYMENT

SEE REVERSE SIDE FOR SAMPLE FOIA REQUEST

40 CFR Part 2
PART 2 - PUBLIC INFORMATION
Subpart A - Requests for Information

§2.108 Form of request.

A request shall be made in writing, shall reasonably describe the records sought in a way that will permit their identification and location, and should be addressed to one of the addresses set forth in §2.106, but otherwise need not be in any particular form.

§2.109 Requests which do not reasonably describe records sought.

(a) If the description of the records sought in the request is not sufficient to allow EPA to identify and locate the requested records, the EPA office taking action under §2.111 will notify the requestor (by telephone when practicable) that the request cannot be further processed until additional information is furnished.

(b) EPA will make every reasonable effort to assist in the identification and description of records sought and to assist the requestor in formulating his request. If a request is described in general terms (e.g., all records having to do with a certain area), the EPA office taking action under §2.111 may communicate with the requestor (by telephone when practicable) with a view toward reducing the administrative burden of processing a broad request and minimizing the fees payable by the requestor. Such attempts will not be used as a means to discourage requests, but rather as a means to help identify with more specificity the records actually sought.

§2.120 Fees. (Effective 02/04/88) EPA may group requests by one requestor to determine a cumulative fee.

(3) Fees will be charged to requestors, as appropriate, for search, duplication and review of requested records in accordance with the following schedule:

(i) Manual search for records. For each 1/2 hour or portion thereof (EPA employees):

(A) GS-8 and below: \$ 4.00

(B) GS-9 and above: \$10.00

(ii) Computer search for records charges will consist of:

(A) EPA employee operators: For each 1/2 hour or portion thereof:

(1) GS-8 and below: \$ 4.00

(2) GS-9 and above: \$10.00, plus

(B) Contractor operators (where separately charged to the EPA), actual charges up to but not exceeding the rate which would have been charged had EPA employees conducted the search (see (A) above), plus

(C) Actual computer resource usage charges for this search, as indicated on the computer run printout.

(iii) Review of records. For each 1/2 hour or portion thereof (EPA employees):

(A) GS-8 and below: \$ 4.00

(B) GS-9 and above: \$10.00

(iv) Duplication or reproduction of records.

(A) Duplication or reproduction of documents by EPA employees (paper copy of paper original): \$.15 per page

(B) Computer printouts (other than those calculated in a direct-cost billing-see paragraph (a)(3)(ii) of this section "Computer Search for records") \$.15 per page

(C) Other methods of duplication or reproduction, including, but not limited to, duplication of photographs, microfilm and magnetic tape, will be charged at the actual direct cost to EPA.

(v) Certification or authentication of records: \$25.00 per certification or authentication.

(vi) Other charges. Other charges incurred in responding to a request including but not limited to, special handling or transportation of records will be charged at the actual direct cost to EPA.

(4) EPA may assess charges for time spent searching and reviewing, even if EPA fails to locate the records or if the records located are determined to be exempt from disclosure.

(over)



Let us help you fly easily and safely through the FOIA process

DO use the FOIA GUIDANCE BOOK maintained by your FOIA Coordinator.

DO call the requestor if you need more specifics on the records sought or other clarification. "All of everything pertaining to, etc.," are not reasonable requests and a better definition of records sought should be requested. A review of the files by a requestor frequently results in request for fewer documents to be duplicated.

DO remember that agency records cannot be taken offsite by a requestor. See Agency Order in Guidance Book.

DO NOT accept verbal FOIA requests. A written request is necessary. This is a regulatory requirement that assists the requestor in defining what is requested and assists EPA in properly responding.

DO NOT make private arrangements with individual requestors that circumvent the process, i.e., responding to pressure from a requestor to have materials ready for pickup without FOIA office approval. Time must be allowed for response to be checked, logged out, and ready for mail or pickup. FOIA office will call a requestor when response is ready for pickup if requestor wishes.

DO NOT respond to individual calls of requestors needing special consideration because of "emergencies". All have emergent needs. FOIAs are processed as they come in-- no requestor is placed ahead of another requestor and they would not want someone's request placed ahead of theirs! (Forward any such calls to me (4280) as I will be glad to explain).

DO remember that FOIA does not require EPA to place a requestor's name on a distribution list for automatic receipt of records as they become available; FOIA only establishes requirements for disclosure of existing records.

DO remember that FOIA does not require EPA to manufacture lists or other documents nor to provide records in form (i.e., discs, tapes) requested --only documents as they exist or if providing in a different form is less costly.

(over)

DO NOT ask other federal agencies to use FOIA. FOIA is not used between federal agencies.

DO NOT HOLD FOIA REQUESTS. The legal time clock is running. If you believe another program/office has the material, check with them, agree on a transfer of the request with the other program and FOIA office. Do not hold request until just before the due date and then decide it's someone else's response--this probably won't work and then you have to hustle to meet the due date. Responsibility for the FOIA response, including coordination, is with the office staff assigned.

DO remember that FOIA requestors can appeal to headquarters on FOIA responses missing the due dates. Such an appeal process requires major time on your part. Fortunately this region has had no such appeals in recent years so lets keep that record going.

DO remember that the Freedom of Information Act is a law as other laws under which EPA exists.

DO use RESOURCE SAVERS such as readily available form letters on word processors that can be quickly modified for responses, printed EPA postcards to refer requestors to sources where material is already available to the public and use of public depositories when you recognize there will be a high demand for documents in a certain geographic area (i.e., Hanford) etc.

DO share resource saving ideas.

QUICK VIEW OF THE FOIA PROCESS

1. Request received.
2. FOIA Officer reviews request and assigns response to program/operations office as EPA has no central file or locator, some requests may be sent to more than one program which will require coordination among responders.
3. FOIA Assistant dates, assigns FOIA number, logs onto system, prepares RED FOIA assignment folder, delivers to responding office. Regional FOIAs are identified 10-RIN-(#)-90 and headquarters FOIAs are HQ-(#)-90.
4. FOIA Assistant sends acknowledgement card with identifying FOIA number to requestor.
5. Responding office assigns to appropriate staff for response.
6. Completed, mail-ready response is returned to FOIA office before due date.
7. FOIA office reviews response. (Any needed corrections are returned to responding office for remedy.) Approved response, completion date etc., noted on FOIA log and response is sent to requestor.

Available for the public: sample FOIA request letters, FOIA fee schedules, fee waiver criteria, request form that can be used in lieu of letter request.

Available for EPA staff: FOIA guidance books containing regulations, sample letters, etc.; guidance and assistance from your FOIA office, legal guidance from former FOIA officer ORC's John Hohn, and assistance on confidential business information questions from ORC's Ted Rogowski.

Information on FOIA exemptions is available in the FOIA guidance book, from the FOIA and ORC staff, and through the one hour+ regional video featuring ORC staff and others on overview of exemptions, confidential business information, adequate search, litigation, etc. In 1989 only 88 full/partial denials of information were claimed of 1367 regional FOIA responses. The majority of regional staff working with FOIA responses are not involved with exemptions but should know the sources available.



June 1, 1990

Reply To
Attn Of: MD-103

MEMORANDUM

SUBJECT: Review Of Agency Files By The Public

FROM: Mary M. Neilson *MN*
Freedom of Information Officer/Constituency Coordinator

TO: FOIA Coordinators

Please place a copy of the attached with any files you are making available to the public for review.

NOTICE

Persons reviewing agency records are reminded that:

Removal of agency records from EPA premises is illegal.

Federal law (44 U.S.C. 3106) requires heads of Federal agencies to notify the General Services Administration or federal enforcement services of any actual or threatened unlawful removal or destruction of federal records in their custody.

Willfull and unlawful destruction, removal from files and private use of federal records (Ch. 33, Title 44 U.S. Code) is prohibited.

Thank you for your cooperation.

6-1-90

mmn

ACC/A ROUTING LIST

AL AL
Dan DF
Ken L. KL
Brian B
Dianne D
Carl C
Doug D
Linda L
Tom TRW
Valerie V
~~Kurt~~ K
Marcia M
Phil P
Ken G. K
Jeanne J
Susan S
Heather H
~~Kirsten~~ K
Admin A
FILE F

ADD/A RAWG
T



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10
SEATTLE, WASHINGTON 98101

RECEIVED

May 3, 1990

MAY 7 1990

REPLY TO
ATTN OF:

EPA-AOO - ANCHORAGE

MEMORANDUM

SUBJECT: Prohibited Use of Contracting Employees in FOIA

FROM: Mary M Neilson *MM*
Freedom of Information Officer/Constituency Coordinator

TO: FOIA Coordinators

On April 17, 1990 Administrator William Reilly issued a list of prohibited contracting activities.

Item 13 on page 3 of the attachment is the FOIA reference as is page 5 item 11 which refers to potentially vulnerable areas of which EPA managers should be aware.

In addition, all contractors' Statements of Work(SOW) that involve FOIA-related activities must receive FOIA and Office of General Counsel clearance. Provide copies to the Agency FOIA Officer Jeralene Green, A-101, EPA Headquarters and a copy concurrently to the Office of General Counsel, LE-130, EPA headquarters. The Agency will forward the SOW to the Project Officer and Contracting Officer after review and approval. Lin Pinskey, Contracting Officer for Labat-Anderson Contract No. 69-W9-0052 sent this information on April 30, 1990 to Primary and Alternate Delivery Order Project Officers.

Attachment: Administrator Reilly memorandum

cc John Hohn, ORC



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

APR 17 1990

MEMORANDUM

SUBJECT: Contracting at EPA

THE ADMINISTRATOR

TO: All Agency Personnel

Since coming to EPA, I have been continually impressed with the broad range of work that we perform. It follows that the expertise required to successfully perform such an assortment of functions must be equally varied. EPA is fortunate to employ a multi-talented workforce. However, we are still not able to do all of this work ourselves. We must get help from the outside, specifically by way of contractor support.

Contract Management and Accountability

Due to the extent of EPA's contracting, it is critical for us to effectively manage our contracts. In recent years, we have improved considerably by focussing on those individuals who perform the day-to-day contract management activities. However, in a very real sense, we are all contract managers. Each one of us, including myself and senior management, bears responsibility.

Agency accountability begins when we make a decision to use contractor support. And, once we accept a final product from a contractor, we become responsible for its content and for how it may be used in reaching Agency decisions. To assure accountability at senior management levels, I am requiring all EPA managers to include in their performance standards a requirement emphasizing contracting controls. The Procurement and Contracts Management Division (PCMD) has the lead in developing this language.

Prohibited Contracting

With increasing frequency, I am becoming aware of uses of contractor support that leave us open to criticism. In many cases, we have used contractors in areas of a policy and decision-making nature that should remain under the sole authority of EPA. Although I am certain that key decisions are being made internally by EPA managers, there is often the appearance that contractors make those decisions for us. This perception is highly damaging to EPA's credibility. And, it must be stopped.

As a result, I am instituting measures to maintain tighter control on the Agency's use of contracting support. Attachment A to this memorandum comprises a list of activities for which EPA will not contract. The prohibition of these activities will be

incorporated into all future contracts and current contractors will be alerted to this new policy. These prohibitions also extend to Agency subcontractors.

Sensitive Areas

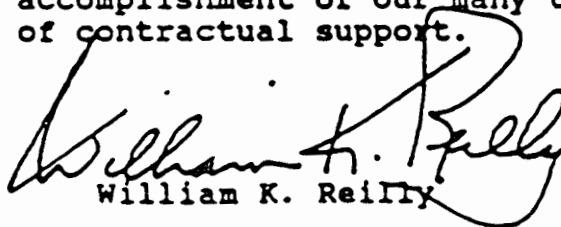
Attachment B is a list of activities that often place the Agency in positions of vulnerability. They are not activities from which contractor involvement is precluded but are ones wherein we must exercise great control if we choose to contract for them. Over the next months, PCMD will be issuing direction regarding contracting for these types of activities. As a minimum, prior to procuring support in any of these areas, adequate control measures must be established to ensure a final Agency product that is unbiased and represents Agency thinking.

Broadening Competition

A high percentage of the tasks falling into the "sensitive" range are purchased by program offices under broad management consultant contracts. Having a limited number of contractors supporting us in so many of these areas creates great potential for conflict of interest. I ask senior management to help alleviate this situation by breaking requirements into smaller portions. Instead of just one contract, a program might be supported by two or three. This would reduce the conflict of interest potential and provide for more involvement of small and minority-owned businesses.

Conclusion

Within the near future, I will be issuing an EPA Executive Order which will implement in greater detail the policies discussed in this memorandum. The use of contractor support at EPA is a very practical way to meet our obligations. However, each of us is responsible for this Agency's reputation and for the ideas and opinions we express on behalf of it. Whenever a contract is used, we must ensure that we provide clear guidance to contractors on our thoughts, ideas, and positions and that we scrutinize contractor outputs to ensure they reflect this guidance. I am confident that each one of us will take ownership of this large responsibility and work to create an environment which is conducive to the accomplishment of our many tasks through the judicious use of contractual support.


William K. Reilly

Attachments

PROHIBITED CONTRACTING ACTIVITIES AT EPA

1. The actual preparation of Congressional testimony
2. The interviewing or hiring of individuals for employment at EPA
3. Developing and/or writing of Position Descriptions and Performance Standards
4. The actual determination of Agency policy
5. Participating as a voting member on a Performance Evaluation Board; participating in and/or attending Award Fee meetings
6. Preparing Award Fee letters, even under typing services contracts
7. The actual preparation of Award Fee Plans
8. The preparation of documents on EPA letterhead other than routine administrative correspondence
9. Reviewing vouchers and invoices for the purposes of determining whether cost, hours, and work performed are reasonable
10. The development of Statements of Work, Work Assignments, Technical Direction Documents, Delivery Orders, or any other work issuance document under a contract that the contractor is performing or may perform
11. On behalf of EPA, actually preparing responses to audit reports from the Inspector General, General Accounting Office, or other auditing entities
12. On behalf of EPA, actually preparing responses to Congressional correspondence
13. The actual preparation of responses to Freedom of Information Act requests, other than routine, non-judgmental correspondence -- in all cases, EPA must sign it
14. Any contract which authorizes a contractor to represent itself as EPA to outside parties
15. Conducting administrative hearings

16. Reviewing findings concerning the eligibility of EPA employees for security clearances

17. The actual preparation of an office's official budget request

ACTIVITIES OF POTENTIAL VULNERABILITY

The following activities very often require contractor involvement in programs that are dependent upon contractor support to accomplish their mission. These activities may result in the improper use of contractors if internal controls to ensure proper oversight have not been established. They may also lead to the perception that inherent Government functions have been assigned to contractors. Whenever contractors are used to perform these tasks, Agency employees must play an active role in overseeing the effort and making all final decisions. This requires close monitoring to ensure that final outputs reflect the Agency's positions, thoughts, and ideas.

1. Budget preparation support including workload modeling, fact-finding, efficiency studies, should-cost analyses, etc.
2. Reorganization and planning support
3. Support services such as analyses, feasibility studies, etc. to be used by EPA personnel in developing policy
4. Regulation development support
5. Any support in the in-house evaluation of another contractor's performance
6. Involvement in strategic acquisition planning
7. Support on improving contract management
8. Providing specialized expertise in the contractor selection process
9. Situations where contractors share office space with EPA employees
10. Providing specialized expertise in the development of Statements of Work, Work Assignments, other contract-ordered tasks
11. Support in preparing responses to Freedom of Information Act requests
12. Any situation wherein a contractor has access to Confidential Business Information and/or any other sensitive information

13. Any support involving EPA policy or regulatory interpretation, such as staffing hotlines, attending conferences on behalf of EPA, community relations efforts, conducting EPA training courses

14. Any situation where it can be assumed that the contractor is EPA, without specifically identifying itself as a contractor

15. Independently interpreting EPA policies or regulations on EPA's behalf to outside parties