

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

_____)	
SIERRA CLUB,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 19-3018 (APM)
)	
UNITED STATES ENVIRONMENTAL,)	
PROTECTION AGENCY,)	
)	
Defendant.)	
_____)	

SECOND JOINT STATUS REPORT

Pursuant to the Court’s January 7, 2020, Minute Order, Plaintiff Sierra Club and Defendant United States Environmental Protection Agency (“EPA”) (hereinafter the “Parties”), by and through their undersigned counsel, respectfully submit this Second Joint Status Report updating the Court regarding EPA’s efforts to search for and produce responsive records.

1. The Freedom of Information Act (“FOIA”) request at issue in this case, request number EPA-HQ-2019-005176, seeks records related to a statement made in a televised interview by Andrew Wheeler, EPA Administrator, that “most of the threats from climate change are 50 to 75 years out.” Specifically, the request seeks: “(1) All records that Administrator Wheeler relied on in asserting that ‘most of the threats from climate change are 50 to 75 years out’; and (2) All records produced, commissioned, or otherwise obtained by EPA that support the conclusion that ‘most of the threats from climate change are 50 to 75 years out,’ other than any encompassed by (1).

2. Defendant completed its search for responsive records to Part 1 of the request and produced those records to Plaintiff on January 17, 2020.

3. The Parties met and conferred on January 27, 2020, regarding Part 2 of the request. Plaintiff proposed that Defendant conduct a two-pronged search for records responsive to Part 2 of the request in a manner, and on a timeline, guided by the search ultimately performed in *Public Employees for Environmental Responsibility v. EPA*, 314 F. Supp. 3d 68, 77 (D.D.C. 2018), a case that dealt with what Plaintiff views as a materially analogous FOIA request. Plaintiff alternatively offered to work with Defendant if it does not again find that approach agreeable. Defendant advises that the proposed search would include electronic and manual searching for records of approximately 100 custodians across multiple program offices.

4. Defendant is considering Plaintiff's proposal and requires additional time to fully evaluate it. Defendant proposes that the Parties confer no later than February 14, 2020, to further discuss Plaintiff's proposal, and that they provide the Court with an update as to this matter in a third joint status report to be filed no later than February 21, 2020. Plaintiff consents to Defendant's proposal, though Plaintiff does not concede that additional time should be necessary for Defendant's further internal consideration at this juncture.

Based on the foregoing, the Parties propose that they submit a third joint status report on February 21, 2020.

Dated: January 30, 2020

By: /s/ Matthew E. Miller
MATTHEW E. MILLER
D.C. Bar # 1015222
Staff Attorney, Sierra Club
1536 Wynkoop St., Suite 200
Denver, CO 80202
Tele: 303-454-3344
Email: matthew.miller@sierraclub.org

Respectfully submitted,

JESSIE K. LIU, D.C. Bar No. 472845
United States Attorney

DANIEL VAN HORN, D.C. Bar No. 92409
Chief, Civil Division

/s/ Brenda González Horowitz
BRENDA GONZÁLEZ HOROWITZ
D.C. Bar No. 1017243
Assistant United States Attorney

JOSEPH HALSO

Admitted pro hac vice

CO Bar No. 48666

Staff Attorney, Sierra Club

1536 Wynkoop St., Suite 200

Denver, CO 80202

Tele: 303-454-3365

Email: joe.halso@sierraclub.org

555 Fourth Street, N.W.

Washington, D.C. 20530

(202) 252-2512

Brenda.Gonzalez.Horowitz@usdoj.gov

Counsel for Defendant

Counsel for Plaintiff

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[PROPOSED] ORDER

In light of the parties' joint status report, it is ORDERED that the parties will file another status report by February 21, 2020, noting any disagreement that requires judicial resolution.

SO ORDERED.

Date

Amit P. Mehta
United States District Judge