

COMMENTS

An Environmental Legal Practitioner's Guide to EPA's Website

by Taryn L. Rucinski

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Amidst the birth of the U.S. environmental movement of the 20th century, one of the most important and far-reaching developments in terms of the federal government was the creation of the U.S. Environmental Protection Agency (EPA), an agency whose sole purpose was to “effectively ensure the protection, development, and enhancement of the total environment.”¹ Since its birth in 1970, EPA has grown from a relatively small, underfunded department to one of the largest independent agencies within the federal government, with regulatory responsibilities running the gamut from household cleaners to drinking water, to waste disposal, and beyond. In fact, it is not unrealistic to suggest that today's EPA has a hand in regulating almost every aspect of our daily lives. As a result, EPA has become one of the most critical organizations for matters relating to environmental law.

However, because of the breadth of the Agency and its administrative responsibilities, locating useful information in a timely and effective manner can often be frustrating. In an effort to provide insight into this “green haze,” this Article is designed to provide the environmental legal practitioner with an annotated guide to EPA.gov, EPA's public Internet portal.² Part One of this Article provides a general overview of the EPA and its organization. Next, Part Two discusses various strategies for navigating the site. Parts Three and Four then continue by identifying some key databases and general resources that will be of most assistance to the environmental legal practitioner. These sections will be followed by a brief conclusion.

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1. U.S. Environmental Protection Agency (EPA), *Reorganization Plan No. 3 of 1970*, <http://www.epa.gov/aboutepa/history/org/origins/reorg.html> (last visited Mar. 3, 2012).
2. EPA.gov, <http://www.epa.gov/> (last visited Mar. 3, 2012).

I. Getting to Know EPA.gov

Before a User³ attempts to navigate EPA's website, it is important to understand how EPA is organized, its regulatory responsibilities, and its mission. EPA is an administrative agency within the executive branch of the federal government. While the Agency is not a cabinet-level department, it is often functionally treated as one since the Administrator, currently Lisa P. Jackson, holds a cabinet-level rank.⁴ Furthermore, the mission of the Agency is “to protect human health and the environment.”⁵ In order to carry out this mission, EPA's overarching purpose is:

to ensure that:

- all Americans are protected from significant risks to human health and the environment where they live, learn and work;
- national efforts to reduce environmental risk are based on the best available scientific information;
- federal laws protecting human health and the environment are enforced fairly and effectively;
- environmental protection is an integral consideration in U.S. policies concerning natural resources, human health, economic growth, energy, transportation, agriculture, industry, and international trade, and these factors are similarly considered in establishing environmental policy;
- all parts of society—communities, individuals, businesses, and state, local and tribal governments—have

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3. For the purposes of this Article, the term “User” is meant to refer to an environmental legal practitioner or researcher.
 4. The Whitehouse, *The Cabinet*, <http://www.whitehouse.gov/administration/cabinet> (last visited Mar. 3, 2012) (noting that the EPA Administrator, among other positions, holds “the status of Cabinet-rank”). See also Scott H. Segal, *What's in a Name? The Elevation of the Environmental Protection Agency to Cabinet Level Status*, 24 ST. B. TEX. ENVTL. L.J. 154 (1994).
 5. U.S. EPA, *Our Mission and What We Do*, <http://www.epa.gov/aboutepa/whatwedo.html> (last visited Mar. 3, 2012) [hereinafter *EPA Mission*].

access to accurate information sufficient to effectively participate in managing human health and environmental risks;

- environmental protection contributes to making our communities and ecosystems diverse, sustainable and economically productive; and
- the United States plays a leadership role in working with other nations to protect the global environment.⁶

To effect this purpose, EPA is charged with the administration and enforcement of various environmental laws and executive orders, including laws that are designed to regulate or eliminate the presence of harmful pollutants in our air, land, and water.⁷

A. Basic Search Strategies

The first thing that a User should understand is that EPA's website is enormous. Sometimes described as "overwhelming,"⁸ EPA.gov is constantly growing and evolving as the site has become a major portal for both practitioners and the general public to access critical information on issues pertaining to the environment.⁹ The vast amount of information that the Agency is charged with managing is best exemplified by looking at some statistics, as EPA: (1) has been in operation for over 40 years¹⁰; (2) is responsible for administering the compliance and enforcement provisions of at least 29 major federal laws and Executive Orders¹¹; (3) has 10 Regional Offices that are responsible for overseeing the 50 states, as well as all U.S. territories and tribal nations¹²; (4) has 12 internal offices¹³; and (5) lastly, is charged with publishing regulatory, scientific, administrative, educational, and enforcement materials on subjects ranging from air to water to climate

change to waste and toxics, nuclear radiation, recycling, and beyond.¹⁴

The second thing that a User should know is that there is no right or wrong way to negotiate EPA.gov. That being said, because of the magnitude of the site and the complexity of the information available, Users are cautioned to develop a comprehensive strategy before diving headfirst into the website, as there are recommended approaches to navigating the site that will allow the User to efficiently obtain the most relevant information available.

The first step in this process is to determine what type of information the User is looking for, not in terms of subject, but in terms of audience, by asking, for whom do I need this information? The reason for this first question is that EPA's website is layered; in other words, the most easily accessible pages have the least specific information that caters to the general public. As a result, the first question a User should ask is how sophisticated is the information they are looking for. For example, if a User is looking for complex information on state-impaired water body's total maximum daily load (TMDL)¹⁵ allowances under the Clean Water Act (CWA),¹⁶ a User should avoid the site's home page quick links and choose a more targeted strategy.

Next, once the User has an idea of what level of refinement they need, the User should then evaluate the subject matter of their search—what is my research topic? This question is relevant because EPA organizes its information in terms of such broad categories as: Air, Climate Change, Ecosystems, Toxic Substances, Sustainable Practices, and Water. As a result, if the information the User is looking for does not cleanly or clearly fall into a category, a search using one of EPA's many internal search tools may be advisable.

Last, the User should be cognizant of the fact that a significant amount of interrelated information that is available on EPA's site is not conveniently or rationally linked. This lack, caused by the enormity of the site, is not deliberate, but it does force the User to repeat searches for information in a variety of different ways in order to make sure that no bit of key information is missed.

B. Tips for Navigating EPA.gov

In searching for information on EPA's website, there are several tips that may assist the User in accessing more relevant results. The first tip is to thoroughly brainstorm any pertinent search terms, as often, EPA's site uses related

6. *Id.*

7. U.S. EPA, *Summaries of Laws and EOs*, <http://www.epa.gov/lawsregs/laws/index.html> (last visited Mar. 3, 2012) [hereinafter *Enforcement Summaries*].

8. J.W. Carter II, *Policing on the Web U.S. Environmental Protection Agency*, 28 POLICING: INT'L J. POLICE STRATEGY & MGMT. 379 (2005) (noting that "the EPA website is very comprehensive and the sheer amount of information can be quite overwhelming"). For an idea of the popularity of this site, in a 1996 memorandum, the Agency recorded over three million hits *per month* to its public access server. U.S. EPA, *Mandate to Publish EPA Information Via EPA Servers* (Sept. 23, 1996), <http://yosemite.epa.gov/OEI/webguide.nsf/policy/hansmemo> (last visited Mar. 14, 2012) (emphasis added).

9. See Paul Duffy & Jessica Gonzalez, *A Practitioner's Guide to Environmental Research on the Internet*, 16 NAT. RESOURCES & ENV'T 329 (2001) (describing EPA's website as "[a] cornerstone for environmental legal research in the United States"). See also Scott Larson, *Federal Environmental Administrative Law Pathfinder*, 22 LEGAL REFERENCE SERVICES Q. 22 (2003) (describing EPA's website as an "excellent source" for locating information related to environmental law).

10. U.S. EPA, *EPA History*, <http://www.epa.gov/history/> (last visited Mar. 14, 2012).

11. *Enforcement Summaries*, *supra* note 7.

12. U.S. EPA, *Laws & Executive Orders*, <http://www.epa.gov/lawsregs/laws/> (last visited Mar. 14, 2012).

13. U.S. EPA, *EPA Organizational Structure*, <http://www.epa.gov/aboutepa/organization.html> (last visited Mar. 14, 2012).

14. *EPA Mission*, *supra* note 5.

15. "A Total Maximum Daily Load, or TMDL, is a calculation of the maximum amount of a pollutant that a waterbody can receive and still safely meet water quality standards." U.S. EPA, *Impaired Waters and Total Maximum Daily Loads*, <http://water.epa.gov/lawsregs/lawsguidance/cwa/tmdl/> (last visited Mar. 14, 2012).

16. 33 U.S.C. §§1251-1387, ELR STAT. FWPCA §§101-607.

terms or, more frequently, acronyms.¹⁷ In addition, because most of EPA's information requires the User to drill down to achieve more accurate results, a variety of search terms will allow the User to more efficiently either access relevant and or discard irrelevant information. Another tip in searching the site is to use a search engine such as Google¹⁸ or Bing.¹⁹ The benefit of using these types of search engines is that most queries will yield a relevant link to a EPA website within five results.²⁰ However, because of the inherent nesting of information on the site, a User may miss out on another more relevant link that is usually buried further down in the results listings. As a result, when employing a search engine to access EPA.gov, Users should scan the first two pages of search results before selecting a link.

Aside from using a search engine to locate information, EPA's website also has a variety of different internal resources for locating information. Some of the most basic locating tools are discussed below:

1. A-Z Index

EPA's A-Z Index²¹ can be accessed from the Agency's home page. The link to this browsable list is located on the top right header above EPA's search box. The Index is arranged alphabetically and has internal hyperlinks to access different letters. The main header of the site notes that the A-Z list reflects only "terms and keywords that our Web visitors frequently search for."²² As a result, the terms that are available are strictly dictated by popularity, yielding a list that is reflective of the general public's interest. As a result, the disclaimer continues by encouraging Users to "[u]se our search engine to view all of our resources on a particular term or keyword."²³

2. EPA Search Box

EPA's search box can be easily accessed from the upper right corner of the home page header, while more search options can be found by clicking on the "Advanced Search" link listed above the box.²⁴ As of December 3, 2010, the EPA website converted to Google Search Appliance (GSA) in order to replace the older and more difficult Northern Light search engine.²⁵ With GSA, EPA hopes to achieve the following benefits:

- Better ranking
- Learning ranking
- Smarter, faster indexing
- Related searches feature
- Robust multi-language support
- High availability²⁶

Search results in GSA, using both the simple and advanced options, therefore allow Users to organize their results by: "All Results"; "Web Pages"; and "PDF." Users may also refine their results by conducting secondary searches within the original results by limiting the search to "only within these results." Search results are organized by relevancy, by default, but they can also be arranged by date. Relevant "Related Searches," or search terms, are also proposed and listed in the right sidebar for every search.

3. Searching for New Information

Pursuant to §207(f)(2) of the E-Government Act of 2002,²⁷ federal governmental agencies are required to develop and publish an inventory and schedule of when different pieces of information will be published on their websites.²⁸ At the present time, most likely due to practical considerations, EPA does not maintain a formalized schedule—just an activities list.²⁹ However, the Agency claims it is their "long-standing policy to publish information as soon as it can be released to the public . . . [therefore] [a] new information becomes available that is important to the public, we [the EPA] are committed to putting it on our Web site."³⁰

As a result, because of the vastness of EPA's site, one of the best places to look for recently posted/published information is on EPA's "Recent Additions" page.³¹ This content page, which can be accessed from the EPA home page's left content sidebar under "More Resources" (listed as "Recent Additions to this Web Site"), "provides access to a listing of some of the recent additions and new materials made available on [the] EPA site within the past six weeks."³² Users should be cautioned that this page only contains links to *selected* updates. However, as a time saver, this site should be consulted first in order to avoid excessive and fruitless clicking.

17. The current environmental regulatory scheme is commonly referred to as "alphabet soup."

18. Google.com, <http://www.google.com/> (last visited Mar. 14, 2012).

19. Bing.com, <http://www.bing.com/> (last visited Mar. 14, 2012).

20. Compare Google.com, <http://www.google.com/> (search for "OALJ" yielded correct EPA website within 3 results) (last visited Mar. 17, 2012), with Bing.com, <http://www.bing.com/> (search for "OALJ" yielded correct EPA website within four results) (last visited Mar. 17, 2012).

21. U.S. EPA, *A-Z Index*, <http://www.epa.gov/epahome/quickfinder.htm> (last visited Mar. 14, 2012).

22. *Id.*

23. *Id.*

24. U.S. EPA, *Advanced Search*, <http://www.epa.gov/search.html> (last visited Mar. 14, 2012).

25. U.S. EPA, *Search Central*, <http://nlquery.epa.gov/> (last visited Mar. 14, 2012).

26. *Id.*

27. E-Government Act, 44 U.S.C. §101 (2006).

28. *Id.*

29. U.S. EPA, *Web Publishing Schedule*, <http://www.epa.gov/epahome/inventory.htm> (last visited Mar. 14, 2012).

30. *Id.*

31. U.S. EPA, *Recent Additions*, <http://www.epa.gov/epahome/recentadditions.htm> (last visited Mar. 14, 2012). This page is not accessible from the EPA's A-Z Index.

32. *Id.*

4. Locating Databases

As of March 16, 2012, EPA listed a total of 198 separate databases and software packages on its site,³³ each of which is accessible in a variety of different ways. Following are some of the best ways to locate and access this information.

a. Database & Software Page³⁴

If you know the given name of the database and/or software package that you are looking for, one of the easiest places to look to access this information is from the Agency's "Alphabetical List of Databases & Software" page.³⁵ For ease of navigation, the site also contains alphabetical internal links to information. The link to "browse by topic" is a bit of a misnomer, as the link brings the User back to the main Database page.³⁶

b. Datafinder³⁷

Another way to access database and software information is through EPA's Datafinder. Datafinder is the closest thing EPA has to an Index for its site, as the program is designed to be a "single place to find a vast selection of EPA data sources, organized into topics such as air and water that are in easily downloadable formats . . . [f]or each data source, you can see a basic overview, including the geographic scale and other contextual information, then access the data source itself."³⁸

c. System of Registries (SoR)³⁹

The third, more esoteric way of locating database information on EPA's website is through its system of registries. Here, EPA has created a "directory to EPA metadata services and information. It contains information which makes EPA data accessible and understandable."⁴⁰ This site has separate searchable registries for System Inventory Services, Data Registry Services, Substance Registry Services, Reusable Component Services, Terminology Services, and Facility Registry Systems.⁴¹

II. Key Resources for the Environmental Legal Practitioner

In the interest of efficiency, the following resources and databases have been identified as being most helpful to the environmental legal practitioner.

A. Enforcement Summaries

As previously discussed, EPA is responsible for administering the compliance and enforcement provisions of at least 29 major federal laws and Executive Orders.⁴² Because of the breadth of laws involved, one of the best resources is EPA's "Law and Executive Order" summaries page. This page provides links to the main summaries provided for each piece of legislation (and Executive Order) that the Agency enforces. However, even more important is that each summary page provides links to other critical pieces of information such as: (1) the text of each law [provided via the U.S. Government Printing Office's FDsys access]⁴³; (2) links to any applicable regulations; (3) links to guidance documents; and (4) links to other related materials. In essence, the summaries for each piece of legislation tend to function as a portal to the entire universe of information relating to a given statute or Executive Order. The User should be cautioned, however, that some critical links are occasionally not available from the summary pages.

B. Office of Administrative Law Judges

EPA's Office of Administrative Law Judges (OALJ)⁴⁴ is an independent office under the Office of the Administrator that adjudicates proceedings brought by the federal government involving the following statutes:

- Clean Air Act (CAA)⁴⁵
- CWA
- Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA)⁴⁶
- Emergency Planning and Community Right-To-Know Act (EPCRA)⁴⁷
- Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA)⁴⁸
- Marine Protection, Research, and Sanctuaries Act (MPRSA)⁴⁹
- Safe Drinking Water Act (SDWA)⁵⁰

33. U.S. EPA, *Alphabetical List of Databases and Software*, <http://www.epa.gov/epahome/abdcdata.htm> (last visited Mar. 16, 2012) [hereinafter *Alpha Database List*].

34. U.S. EPA, *Databases & Software*, <http://www.epa.gov/epahome/data.html> (last visited Mar. 14, 2012).

35. *Alpha Database List*, *supra* note 33.

36. *Databases & Software*, *supra* note 34.

37. U.S. EPA, *Datafinder*, <http://www.epa.gov/datafinder/> (last visited Mar. 14, 2012).

38. *Id.*

39. U.S. EPA, *SoR, System of Registries*, http://iaspub.epa.gov/sor_internet/registry/sysofreg/home/overview/home.do (last visited Mar. 14, 2012).

40. U.S. EPA, *What Is a Registry?*, http://iaspub.epa.gov/sor_internet/registry/sysofreg/whatisaregistry/#a2 (last visited Mar. 14, 2012).

41. *SoR, System of Registries*, *supra* note 39.

42. *Laws & Executive Orders*, *supra* note 12.

43. FDsys.gov, <http://www.gpo.gov/fdsys/> (last visited Mar. 14, 2012).

44. U.S. EPA, *Office of Administrative Law Judges*, <http://www.epa.gov/oalj/index.htm> (last visited Mar. 14, 2012).

45. 42 U.S.C. §§7401-7671q, ELR STAT. CAA §§101-618.

46. 42 U.S.C. §§9601-9675, ELR STAT. CERCLA §§101-405.

47. 42 U.S.C. §§11011-11050, ELR STAT. EPCRA §§301-330.

48. 7 U.S.C. §§136-136y, ELR STAT. FIFRA §§2-35.

49. 16 U.S.C. §§1431-1447f.

50. 42 U.S.C. §§300f to 300j-26, ELR STAT. SDWA §§1401-1465.

- Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act (RCRA)⁵¹
- Toxic Substances Control Act (TSCA)⁵²
- Subchapter II of TSCA, known as the Asbestos Hazard Emergency Response Act (AHERA)⁵³

The OALJ's website contains a page dedicated to its "Decisions & Orders"⁵⁴; this database is browsable by party name, number, and year (from 1989 to the present), and the entire OALJ site is searchable.⁵⁵ A corollary to the OALJ is the Environmental Appeals Board (EAB), which "is the final Agency decisionmaker on administrative appeals under all major environmental statutes that the Agency administers."⁵⁶ The EAB's site contains links to the board's docket,⁵⁷ decisions,⁵⁸ oral argument calendar,⁵⁹ and Standing Orders.⁶⁰

C. Regulatory Development and Retrospective Review Tracker

EPA's Regulatory Development and Retrospective Review Tracker (Reg DaRRT)⁶¹ is the Agency's portal for tracking the status of its regulations including: (1) priority rulemakings; and (2) retrospective reviews of existing regulations.⁶² With the most recent upgrade to the Reg DaRRT system (version 1.0),⁶³ it is important to note that even though the database is only updated on a monthly basis, in many respects, Reg DaRRT is broader and includes more up-to-date information than its companion site, Regulations.gov.⁶⁴ For example, according to EPA, "[a] rulemaking may appear on . . . [the Reg DaRRT] website months or even

years before a docket is opened on Regulations.gov."⁶⁵ In addition, the database also:

includes rulemakings that have not yet been proposed, those that are open for public comment, those for which EPA is working on a final rule, and those that have been recently finalized. In addition, Reg DaRRT includes retrospective reviews of rules that have already been finalized and are undergoing a review to determine if the rules should be modified, streamlined, expanded, or repealed.⁶⁶

In addition, the Reg DaRRT site is easy to navigate and contains options for both searching and finding (based upon popularity, recent addition, etc.).⁶⁷ As an added benefit, the EPA also offers a real simple syndication (RSS) feed for the Reg DaRRT system so that Users can obtain instant alerts.⁶⁸

D. Enforcement Compliance & History Online

Finally, EPA's Enforcement Compliance & History Online (ECHO)⁶⁹ portal is essential for any environmental practitioner looking for site-specific information, as the ECHO portal is designed to provide "both summary and detailed information" for specific facilities.⁷⁰ The site describes how Users can search for information on a given facility in one of four ways by using: (1) the "Quick Search" feature (which employs zip codes)⁷¹; (2) the "All Data Search"⁷²; (3) the individual topic search "Air/Water/Hazardous Waste/Drinking Water Data Search"⁷³; and (4) searching using "Multiple IDs."⁷⁴ The site additionally provides Users with the ability to search for cases and other supplemental enforcement documents.⁷⁵

E. Envirofacts

An alternative to EPA's ECHO database is the Agency's Envirofacts portal.⁷⁶ Envirofacts functions as a one-stop destination for information relating to "environmental

51. 42 U.S.C. §§6901-6992k, ELR STAT. RCRA §§1001-11011.

52. 15 U.S.C. §§2601-2692, ELR STAT. TSCA §§2-412.

53. U.S. EPA, *Statutes Administered by the EPA Administrative Law Judges*, <http://www.epa.gov/oalj/statutes.htm> (last visited Mar. 14, 2012).

54. U.S. EPA, *Office of Administrative Law Judges, Decisions & Orders*, <http://www.epa.gov/oalj/orders.htm> (last visited Mar. 14, 2012).

55. U.S. EPA, *Search the Administrative Law Judges WebSite*, <http://www.epa.gov/oalj/search.htm> (last visited Mar. 14, 2012).

56. U.S. EPA, *Environmental Appeals Board*, <http://www.epa.gov/eab/> (last visited Mar. 14, 2012). See also Nancy B. Firestone, *The Environmental Protection Agency's Environmental Appeals Board*, 1 ENVTL. L. 1 (1994).

57. U.S. EPA, *EAB Dockets*, http://yosemite.epa.gov/oa/EAB_Web_Docket.nsf/EAB+Dockets?OpenPage (last visited Mar. 14, 2012).

58. U.S. EPA, *EAB Decisions*, http://yosemite.epa.gov/oa/EAB_Web_Docket.nsf/Board+Decisions?OpenPage (last visited Mar. 14, 2012).

59. U.S. EPA, *Upcoming Oral Arguments*, http://yosemite.epa.gov/oa/EAB_Web_Docket.nsf/Upcoming+Oral+Arguments?OpenView (last visited Mar. 14, 2012).

60. U.S. EPA, *Standing Orders*, http://yosemite.epa.gov/oa/EAB_Web_Docket.nsf/General+Information+Standing+Orders?OpenDocument (last visited Mar. 14, 2012).

61. U.S. EPA, *Regulatory Development and Retrospective Review Tracker (Reg DaRRT)*, <http://yosemite.epa.gov/opei/RuleGate.nsf/content/index.html?opendocument> (last visited Mar. 14, 2012) [hereinafter *Reg DaRRT Home Page*].

62. U.S. EPA, *About Reg DaRRT*, <http://yosemite.epa.gov/opei/RuleGate.nsf/content/about.html?opendocument#priority> (last visited Mar. 14, 2012).

63. U.S. EPA, *Recent Upgrades*, <http://yosemite.epa.gov/opei/RuleGate.nsf/content/upgrades.html> (last visited Mar. 14, 2012) (scroll down to entry "08/22/2011—The new Reg DaRRT launched").

64. Regulations.gov, <http://www.regulations.gov/#!home> (last visited Mar. 23, 2012).

65. *About Reg DaRRT*, *supra* note 62.

66. *Id.*

67. *Reg DaRRT Home Page*, *supra* note 61.

68. U.S. EPA, *Get Alerts*, <http://yosemite.epa.gov/opei/rulegate.nsf/content/getalerts.html?opendocument> (last visited Mar. 14, 2012).

69. U.S. EPA, *Enforcement & Compliance History Online (ECHO)*, <http://www.epa-echo.gov/echo/index.html> (last visited Mar. 14, 2012) [hereinafter *ECHO Home Page*].

70. U.S. EPA, *First Time Users*, http://www.epa-echo.gov/echo/first_time_users.html (last visited Mar. 14, 2012).

71. *ECHO Home Page*, *supra* note 69.

72. U.S. EPA, *Search All Data*, http://www.epa-echo.gov/echo/compliance_report.html (last visited Mar. 14, 2012).

73. See *ECHO Home Page*, *supra* note 69 (listing the various options on the left side navigation bar).

74. U.S. EPA, *Multiple ID Search*, http://www.epa-echo.gov/echo/search_multiple_ids.html (last visited Mar. 14, 2012).

75. U.S. EPA, *Enforcement Case Search*, http://www.epa-echo.gov/echo/compliance_report_icis.html (last visited Mar. 14, 2012); U.S. EPA, *Supplemental Enforcement Search*, http://www.epa-echo.gov/echo/compliance_report_sep.html (last visited Mar. 14, 2012).

76. U.S. EPA, *Envirofacts*, <http://www.epa.gov/enviro/> (last visited Mar. 14, 2012).

activities that may affect air, water, and land anywhere in the United States.”⁷⁷ This site provides 30 distinct search options, including a multisystem search, to look for information about “facility information, including toxic chemical releases, water discharge permit compliance, hazardous waste handling processes, Superfund status, and air emission estimates.”⁷⁸ The difference between the ECHO portal and the Envirofacts portal lies in the scope of the information provided. ECHO provides Users with access to enforcement information only, while Envirofacts provides access to information on all types of regulated facilities specifically geared for the general public.

III. General Information for the Environmental Legal Practitioner

Like many other specialized practitioners, environmental lawyers are often called upon to research and access information that falls along more general research lines. Upon review, the three most helpful EPA sites for this type of information include such subjects as the Freedom of Information Act (FOIA), EPA news and press release information, and access to EPA’s library resources.

A. FOIA

FOIA⁷⁹ has long been recognized as one of the most “critical tool[s] in the arsenal of environmental and energy lawyers.”⁸⁰ Recognizing this mechanism’s importance, EPA’s website has a direct link to its FOIA content located in the navigational footer on its home page.⁸¹ The Agency’s “Freedom of Information Act (FOIA)” section page⁸² contains links to EPA’s “FOIA Reference Guide,” “Policy and Guidance” (including relevant statutes and regulations), EPA “Annual FOIA Reports” dating back to 1998, and “Fee Waiver” information. However, probably the most important component of the site is EPA’s “Online FOIA Request Form” and “Status” pages (organized by EPA region).⁸³ These quick links provide concerned citizens and litigators alike with quick access to and tracking of all FOIA requests.

B. EPA Newsroom and Press Releases

Many times during the course of litigation, dates and EPA press releases become relevant to a case. EPA’s “Newsroom” content page, containing the Agency’s press releases, news, and other announcements, can either be accessed from the link at the bottom of the “News & Announcements” center sidebar on the home page, or by consulting EPA’s A-Z Index located in the upper right corner of the home page header.⁸⁴ The “Newsroom” content page is, however, only truly useful for accessing the most recent news and announcements, i.e., the last two weeks. What is more helpful to the User is the series of links to “Find news releases by date, by subject, by EPA headquarters office, and by EPA Regional office” that are located at the bottom of the “Top Stories” feature. Each of these links brings the User to the same browsable page entitled, “News Releases.”⁸⁵

In addition, Users may also search EPA’s press releases by accessing the searchable “New Releases by Date” content pages.⁸⁶ This site can be accessed either by clicking on the link for “All news releases” located at the bottom of the “News & Announcements” center sidebar on the home page, or from the “All news releases” link at the bottom of the left-hand side “New Feeds” RSS display from the “Newsroom” content page. These pages appear to list all news and announcements for the last two calendar months. Older releases can be accessed by clicking either the “Search This Collection” (basic date search),⁸⁷ or the “Search All Collections” (advanced search for all fields) links located on the left sidebar. Older, select press releases can be obtained by accessing the “Selected Historical Press Releases, 1970-1998”⁸⁸ link. However, by far, the best way to search is by using the “Search for All Collections” link described above, because it allows the User to search “[n]ews releases issued by EPA headquarters since 1994 . . . by Date . . . [and] [s]ince the beginning of 2005, they have been available by Subject and by Issuing Office. News releases issued by EPA Regional Offices are available by Locality.”⁸⁹

77. U.S. EPA, *Envirofacts Overview*, http://www.epa.gov/enviro/facts/ef_overview.html (last visited Mar. 14, 2012).

78. *Id.*

79. Freedom of Information Act of 1966, Pub. L. No. 89-554, 80 Stat. 383 (codified at 5 U.S.C. §552).

80. Norman A. Dupont, *Supreme Court 2010 Term and Environmental Cases: A Whimper of a Bang?*, 42 A.B.A. TRENDS 14 (2011).

81. EPA’s FOIA content page can also be accessed by consulting EPA’s A-Z Index located in the upper right corner of the home page header.

82. U.S. EPA, *Freedom of Information Act (FOIA)*, <http://www.epa.gov/foia/> (last visited Mar. 14, 2012).

83. U.S. EPA, *Online Request Form for EPA Documents*, <http://www.epa.gov/foia/requestform.html> (last visited Mar. 14, 2012); U.S. EPA, *Status of My FOIA Request*, http://www.epa.gov/foia/foia_request_status.html (last visited Mar. 14, 2012); see also U.S. EPA, *Make a FOIA Request*, http://www.epa.gov/foia/make_a_request.html (last visited Mar. 14, 2012).

84. U.S. EPA, *Newsroom*, <http://www.epa.gov/newsroom/> (last visited Mar. 14, 2012).

85. U.S. EPA, *New Releases*, <http://www.epa.gov/newsroom/newsreleases.htm#date> (last visited Mar. 14, 2012).

86. U.S. EPA, *News Releases by Date, Earlier Releases*, <http://yosemite.epa.gov/opa/admpress.nsf/Press%20Releases%20By%20Date!OpenView&Start=100> (last visited Mar. 14, 2012); U.S. EPA, *News Releases by Date, Later Releases*, <http://yosemite.epa.gov/opa/admpress.nsf/Press%20Releases%20By%20Date!OpenView&Start=1> (last visited Mar. 14, 2012).

87. U.S. EPA, *Search News Releases by Date*, <http://yosemite.epa.gov/opa/admpress.nsf/search?OpenForm&view=Press%20Releases%20By%20Date> (last visited Mar. 14, 2012); U.S. EPA, *Newsroom, Advanced Search*, <http://yosemite.epa.gov/opa/admpress.nsf/advs> (last visited Mar. 14, 2012).

88. U.S. EPA, *Selected Historical Press Releases, 1970-1998*, http://www.epa.gov/history/publications/hist_pr.html (last visited Mar. 14, 2012).

89. *Newsroom, Advanced Search*, *supra* note 87 (emphasis omitted).

C. EPA Collections

In addition to the multitude of information that EPA provides on its website, the Agency also has other collections that may be of interest to the legal practitioner. Even though the Agency is in the process of digitizing its collections,⁹⁰ EPA still has a significant print collection that is maintained by EPA's National Library Network,⁹¹ a collection of 27 libraries and repositories located throughout the United States.⁹²

The combined network collection contains a wide range of general information on:

- environmental protection and management;
- basic sciences such as biology and chemistry;
- applied sciences such as engineering and toxicology; and
- extensive coverage of topics featured in legislative mandates such as hazardous waste, drinking water, pollution prevention, and toxic substances.⁹³

These resources can be accessed through the Library Networks OLS (Online Library System)⁹⁴ and can be obtained through interlibrary loan, viewed in-person at the nearest physical library, or in some cases, documents may be available for download for free from the National Service Center for Environmental Publications (NSCEP), the National Technical Information Service (NTIS), or from the Educational Resources Information Center (ERIC).⁹⁵

When searching for documents, Users should avoid the "OLS Basic"⁹⁶ and opt instead to use the "OLS Advanced"⁹⁷ search. This is primarily because the OLS Basic search requires an exact title, while the OLS Advanced option allows the User to search using "all the words," "exact phrase," or "any words." This feature can be critical when attempting to locate a document that has either an

ambiguous or excessively long title.⁹⁸ In addition, it is also important to note that EPA's OLS system is not seamlessly integrated. Instead, the system has separate OLS databases for its special collections, including the NSCEP,⁹⁹ the Air Pollution Technical Information Center (APTIC),¹⁰⁰ and the Ground Water Ecosystem Restoration Database (GWERD).¹⁰¹ The search portals for these databases are accessible as links from either the bottom of the OLS Basic or the OLS Advanced search page.

In addition, EPA maintains a collection of historical documents located in offices throughout the United States. The main collection located at EPA's headquarters in Washington, D.C., contains "more than forty separate collections in a variety of formats . . . [on the topic of] EPA's organizational history and related environmental history."¹⁰² Other collections of historic documents include individual collections of historic materials from Regions 1 (Boston, Mass.), 8 (Denver, Colo.), and 9 (San Francisco, Cal.); these documents can be located either by doing an OLS Basic or OLS Advanced lookup by selecting the option to "Search all Libraries," or by selecting the individual database links for Region 1¹⁰³ or Region 9¹⁰⁴ that are listed separately and accessible from either the bottom of the OLS Basic or the OLS Advanced search page.¹⁰⁵ Finally, the National Archives also contains a significant collection of EPA (and precursor agency) documents for the years 1944-1996.¹⁰⁶ These documents are searchable through the National Archive's Online Public Access Database (OPA).¹⁰⁷ Individual National Archives Regional Offices¹⁰⁸ contain the records of projects administered by the U.S. Army Corp of Engineers.

90. Efforts to begin digitizing EPA's print collections were initiated in 2007 and finalized in 2009. U.S. EPA, *EPA National Library Network News—Archive, Policy and Procedures for EPA Libraries Finalized—July 2009*, http://www.epa.gov/libraries/news_archive.html#policy (last visited Mar. 14, 2012) (scroll down to view). See also Amy R. Berman et al., Overview of Current Digitization Practices, A White Paper for the Environmental Protection Agency (2007), available at <http://www.epa.gov/libraries/documents/OverviewCurrentDigitizationPracticesLMIJuly07.pdf>; U.S. EPA, LIBRARY COLLECTIONS DIGITIZATION PROCESS REPORT (2007), available at <http://www.epa.gov/nscep/DigitizationReport.pdf#zoom=100>.

91. U.S. EPA, *EPA National Library Network*, <http://www.epa.gov/libraries/index.html> (last visited Mar. 14, 2012).

92. U.S. EPA, *EPA Library Services and Repositories*, <http://www.epa.gov/libraries/libraries.htm> (last visited Mar. 14, 2012) (noting three repository, 10 regional, five specialty, and nine research laboratory libraries).

93. U.S. EPA, *EPA Library National Library Network (About)*, <http://www.epa.gov/libraries/aboutthenetwork.html> (last visited Mar. 14, 2012).

94. U.S. EPA, *The EPA Online Library System (OLS)*, <http://www.epa.gov/libraries/aboutols.htm> (last visited Mar. 14, 2012).

95. U.S. EPA, *How to Obtain Publications*, <http://www.epa.gov/natlbra/aboutols.htm#pubs> (last visited Mar. 14, 2012).

96. U.S. EPA, *OLS: Search EPA National Catalog*, <http://www.epa.gov/libraries/ols.htm> (last visited Mar. 14, 2012) [hereinafter *OLS Basic Search*].

97. U.S. EPA, *OLS: Search EPA National Catalog (Advanced)*, http://cfpub.epa.gov/ols/catalog/advanced_lookup.cfm (last visited Mar. 14, 2012) [hereinafter *OLS Advanced Search*].

98. See, e.g., THE PRESIDENT'S SCI. ADVISORY COMM. REPORT ON THE USE OF PESTICIDES AND THE UNIV. OF CAL.'S POLICY ON RESEARCH AND EXTENSION ASSOCIATED WITH PESTICIDE CHEMICALS (1963). The main title of this report in the OLS is listed as "Use of pesticides, a report."

99. U.S. EPA, *National Service Center for Environmental Publications, Search*, <http://www.epa.gov/nscep/> (last visited Mar. 14, 2012).

100. U.S. EPA, *OLS: Search EPA Air Pollution Technical Information Center (APTIC)*, http://cfpub.epa.gov/ols/aptic/aptic_lookup.cfm (last visited Mar. 14, 2012).

101. U.S. EPA, *OLS: Search EPA Ground Water Ecosystem Restoration Database (GWERD)*, http://cfpub.epa.gov/ols/gwerd/gwerd_lookup.cfm (last visited Mar. 14, 2012).

102. U.S. EPA, *Historical Document Collection at EPA Headquarters*, http://www.epa.gov/aboutepa/history/physical_collectionsxml.html#admin (last visited Mar. 14, 2012).

103. U.S. EPA, *OLS: Search Region 1 Catalog*, http://cfpub.epa.gov/ols/ehal/ehal_lookup.cfm (last visited Mar. 14, 2012).

104. U.S. EPA, *OLS: Search Region 9 Catalog*, http://cfpub.epa.gov/ols/eral/eral_lookup.cfm (last visited Mar. 14, 2012).

105. There is no separate database search for Region 8.

106. Nat'l Archives, *Records of the Environmental Protection Agency [EPA]*, <http://www.archives.gov/research/guide-fed-records/groups/412.html#412.3> (last visited Mar. 14, 2012) (Record Group #412).

107. Nat'l Archives, *Online Public Access, Results for Record Group 412*, http://research.archives.gov/search?desc-rg=412&pg_src=group&data-source=all (last visited Mar. 14, 2012).

108. Nat'l Archives, *Locations Nationwide*, <http://www.archives.gov/locations/> (last visited Mar. 14, 2012).

IV. Conclusion

As the User can see, EPA's website, EPA.gov, is a complex, multilayered, and multifaceted behemoth that has a tremendous amount of information to impart to the savvy researcher. However, because of the nuanced nature of much of the information and the different types of audi-

ences that the site has to cater to (ranging from kindergarteners to environmental engineers and litigation partners), information is often difficult to locate or to put into a larger context. By taking a strategic approach to the site and by employing different finding aids, Users can locate the information they need with a minimal amount of effort.