



Sent via Electronic Mail to: records@americanoversight.org

November 15, 2024

Ben Sparks
American Oversight

Re: Public Records Request to Ohio EPA dated October 23, 2024

Dear Mr. Sparks:

Ohio EPA is in receipt of the public records request you submitted on or about October 23, 2024. In that records request, you specifically requested the following:

“All email communications (including emails, email attachments, complete email chains, calendar invitations, and calendar invitation attachments) between (a) the officials listed below and, (b) the external individuals listed below (including, but not limited to, anyone communicating from an email address ending in the listed domains), concerning the February 3, 2023 Norfolk Southern freight train derailment in East Palestine.

Ohio Environmental Protection Agency Officials:

- 1. Anne Vogel, Director*
- 2. Shelby Croft, Chief of Staff*
- 3. Andrew Smith, Deputy Director, Strategic Partnerships and Governmental Affairs*
- 4. Todd Anderson, Chief, Legal*
- 5. Ed Gortner, Chief, Emergency Response*

External Individuals:

- a. JD Vance*
- b. Jacob Reses*
- c. James Braid*
- d. Wells King*
- e. Andrew Baker*
- f. William Martin*
- g. Luke Schroeder*
- h. Taylor van Kirk*
- i. Anyone communicating from an email address ending in donaldjtrump.com and/or djtfp24.com*

j. Anyone communicating from an email address ending in *jdvance.com*”

Please consider this response a denial as your records request is overly broad. Without greater specificity and particularity, our office is unable to identify the exact records you are requesting. R.C. 149.43(B); *State ex rel. McDougald v. Greene*, 163 Ohio St. 3d 461, ¶ 15 (2020). Your request seeks all emails between several Ohio EPA employees and other listed external individuals. Your request further seeks any email, across an 11-month time period sent to or from several Ohio EPA office employees [to or from essentially any person with email addresses ending in *donaldjtrump.com* and *jdvance.com*]. Though your request identifies a time frame, it fails to include other information critical to identifying responsive records, such as a proper subject matter and/or exact email address. Ohio law expressly states that a requester should identify the records with sufficient or reasonable clarity. *State ex rel. Dillery v. Icsman*, 92 Ohio St.3d 312, 314 (2001); *State ex rel. Morgan v. New Lexington*, 112 Ohio St.3d 33, 2006-Ohio-6365, 857 N.E.2d 1208, ¶ 29. Further, the request must be for specific, existing records. Ohio Sunshine Laws: An Open Government Resource Manual 2024, pg. 13.

While Ohio EPA is committed to ensuring all individuals requesting public records are provided with the records they seek, we cannot properly respond to your request without additional information. To assist you in clarifying your request and what Ohio law requires, the Ohio Sunshine Law Manual cited above is a good resource. It is available online at <https://www.ohioattorneygeneral.gov/yellowbook>.

Pursuant to R.C. 149.43(B)(2), you can revise your request. To this end, you may also find it helpful to refer to Ohio EPA’s Public Records checklist (available here: <https://epa.ohio.gov/help-center/contact-us/forms/file-review-checklist-form>), which describes how Ohio EPA maintains its records.

Upon receiving a properly framed and specific request, the Ohio EPA would be happy to provide any responsive records, along with the legal authority for any records that were withheld or redacted under exemptions to R.C. 149.43. In the event you choose not to revise your request, Ohio EPA will consider its response to your public records request complete.

Regards,



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Ohio EPA
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(614) 644-3037

cc: Richard Boudier, Ohio EPA Central Office