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U.S. Environmental Protection Agency Deployment of Artificial Intelligence: Public Employees for Environmental Responsibility Appeals Freedom of Information Act Denial

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The Public Employees for Environmental Responsibility and the Free Information Group, PLLC (collectively, “PEER”) filed a September 15th appeal of a determination issued by the United States Environmental Protection Agency (“EPA”) regarding a Freedom of Information Act (“FOIA”) request.

PEER states that their request sought two tranches of information regarding EPA’s use of Artificial Intelligence (“AI”) tools and its compliance with OMB and other legal requirements regarding such tools.

PEER is appealing the sufficiency of EPA’s search for records responsive to their FOIA request and the agency’s determination to withhold records under Exemption 5, and the agency’s alleged failure to properly segregate information in withheld records.

The organizations filed an FOIA request seeking records related to EPA’s chemical assessments and use of AI. This is stated to have included the AI screening tools used for seven chemicals.

The PEER appeal alleges that EPA’s response indicated it found only two types of records responsive to the FOIA request:

- 2025 AI Use Case Inventory.
- Final impact assessments for high-impact AI tools (withheld as part of a deliberative process privilege).

PEER asserts that under OMB Memorandum M-25-21, federal agencies are required to complete an impact assessment before deploying any AI tools classified as “high-impact.” The OMB Memorandum is further stated to indicate that AI is considered “high-impact” when its output serves as a principal basis for decisions with legal, material, or significant effects on public health, safety, or rights.

PEER argues in the appeal that EPA made “numerous” public statements that the agency is growing its use of AI to improve administrative efficiency and testing the use of AI on chemical safety assessments.

A copy of the PEER FOIA appeal can be found [here](#).