

April 30, 2025

FOIA Officer  
National FOIA Office  
Office of General Counsel  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, NW  
Mail Code 2310A  
Washington, DC 20460

**Re: Expedited Freedom of Information Act Request**

Dear FOIA Officer:

Citizens for Responsibility and Ethics in Washington (“CREW”) submits this request for records pursuant to the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552, and U.S. Environmental Protection Agency (“EPA”) regulations. Specifically, CREW requests:

1. All records<sup>1</sup> concerning the monitoring, recording, preservation, retention, removal, alteration, corruption, deletion, erasure, or destruction of records related to the DOGE EPA affiliate X account (@DOGE\_EPA), including communications sent, received by, or copying the United States DOGE Service (“DOGE”),<sup>2</sup> the EPA “DOGE Team,”<sup>3</sup> or other federal officials carrying out the DOGE agenda at EPA, including but not limited to:
  - A. Gautier “Cole” Killian;
  - B. Kathryn Armstrong Loving; or
  - C. Erica Jehling.
2. All records of communications conducted through the DOGE EPA affiliate X account (@DOGE\_EPA) conducting government business, including direct messages sent or received.
3. From January 20, 2025 to the date this request is processed, all records concerning, reflecting, or referring to any formal or informal policies,

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<sup>1</sup> Unless otherwise indicated, all “records” sought in this FOIA request include reports, documents, and notes created by your agency or any of its components and communications sent or received by your agency or any of its components regarding the subject matter described in this request. *Cf. U.S. Dep’t of Just. v. Tax Analysts*, 492 U.S. 136, 144-145 (1989) (defining “agency record” under FOIA).

<sup>2</sup> The United States Digital Service was renamed and reorganized as the United States DOGE Service by executive order on January 20, 2025. *See Establishing and Implementing the President’s “Department of Government Efficiency,”* Exec. Order 14158, 90 Fed. Reg. 8441 (Jan. 20, 2025).

<sup>3</sup> Exec. Order 14158 requires the establishment of “DOGE Teams” within each agency “in consultation with the USDS Administrator.” *Id.*

determinations or conclusions concerning EPA's use of X, including communications sent, received by, or copying Elon Musk, DOGE, the EPA "DOGE Team," or other federal officials carrying out the DOGE agenda at EPA, including but not limited to:

- A. Gautier "Cole" Killian;
- B. Kathryn Armstrong Loving; or
- C. Erica Jehling.

Please search for responsive records regardless of format, medium, or physical characteristics. We seek records of any kind, including paper records, electronic records, audiotapes, videotapes, photographs, data, and graphical material. Our request includes without limitation all correspondence, letters, emails, text messages, facsimiles, telephone messages, voice mail messages, and transcripts, notes, or minutes of any meetings, telephone conversations, or discussions. Our request also includes any attachments to emails and other records, and anyone who was cc'ed or bcc'ed on any emails.

If it is your position any portion of the requested records is exempt from disclosure, CREW requests that you provide it with an index of those documents as required under *Vaughn v. Rosen*, 484 F.2d 820 (D.C. Cir. 1973). If some portions of the requested records are properly exempt from disclosure, please disclose any reasonably segregable non-exempt portions of the requested records. See 5 U.S.C. § 552(b). If it is your position that a document contains non-exempt segments, but that those non-exempt segments are so dispersed throughout the document as to make segregation impossible, please state what portion of the document is non-exempt, and how the material is dispersed throughout the document. See *Mead Data Central v. U.S. Dep't of the Air Force*, 566 F.2d 242, 261 (D.C. Cir. 1977).

Please be advised that CREW intends to pursue all legal remedies to enforce its rights under FOIA. Accordingly, because litigation is reasonably foreseeable, the agency should institute an agencywide preservation hold on all documents potentially responsive to this request.

### **Fee Waiver Request**

In accordance with 5 U.S.C. § 552(a)(4)(A) and agency regulations, CREW requests a waiver of fees associated with processing this request for records. The subject of this request concerns the operations of the federal government, and the disclosures likely will contribute to a better understanding of relevant government procedures by CREW and the general public in a significant way. See *id.* § 552(a)(4)(A)(iii). Moreover, the request primarily and fundamentally is for non-commercial purposes. See, e.g., *McClellan Ecological v. Carlucci*, 835 F.2d 1282, 1285 (9th Cir. 1987).

On November 13, 2024, President-elect Trump announced the formation of a "Department of Government Efficiency" on the social media platform X.<sup>4</sup> X is owned and

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<sup>4</sup> Donald J. Trump (@realDonaldTrump), X (Nov. 13, 2024, 6:21 AM) <https://x.com/realDonaldTrump/status/1856658569124262092>.

operated by Elon Musk,<sup>5</sup> who President Trump has repeatedly stated has been tasked to lead DOGE.<sup>6</sup> On January 20, 2025, President Trump took three executive actions establishing and directing the activities of DOGE.<sup>7</sup> The executive actions created “DOGE Teams” at federal agencies that work on behalf of DOGE.<sup>8</sup> DOGE and reportedly sourced staff from Mr. Musk’s existing businesses to implement President Trump’s DOGE Agenda.<sup>9</sup> On February 11, 2025, the president issued a further executive order purportedly granting “DOGE Team Leads” significant authority in agency hiring practices.<sup>10</sup>

On February 16, DOGE announced on X the creation of DOGE affiliate X accounts for specific federal agencies.<sup>11</sup> DOGE itself posted on X calling on the public to direct message these agency-specific DOGE accounts with ideas on “reducing waste, fraud and abuse” in the government.<sup>12</sup> DOGE posted links to the DOGE affiliate X accounts for specific federal agencies under the “Affiliates” tab of its X profile.<sup>13</sup> Each of those DOGE affiliate X accounts has a grey verification checkmark, signifying that X has verified it as a “government/multilateral organization.”<sup>14</sup>

To date, CREW has identified 32 DOGE affiliate X accounts. These DOGE affiliate accounts appear to conduct public business on X. For example, DOGE affiliate X accounts

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<sup>5</sup> Kate Conger et al., *How Elon Musk’s Own Account Dominates X*, N.Y. Times (Nov. 3, 2024), <https://www.nytimes.com/2024/11/03/technology/elon-musk-x-election.html>.

<sup>6</sup> See, e.g., President Trump Remarks at the FII Priority Summit, C-SPAN (Feb. 19, 2025), <https://www.c-span.org/program/white-house-event/president-trump-remarks-at-fii-prioritysummit/655974> (President Trump stating “I signed an order creating the Department of Government Efficiency and put a man named Elon Musk in charge”). See generally Aaron Blake, *The White House’s many contradictions on Musk running DOGE*, Wash. Post (Feb. 18, 2025), <https://www.washingtonpost.com/politics/2025/02/18/trump-musk-doge-contradictions/>; Donald J. Trump (@realDonaldTrump), Truth Social (Nov. 12, 2024, 7:46 PM), <https://truthsocial.com/@realDonaldTrump/posts/113472884874740859>.

<sup>7</sup> See *Establishing DOGE*, Exec. Order 14158, *supra* note 1; *Reforming the Federal Hiring Process and Restoring Merit to Government Service*, Exec. Order 14170, 90 Fed. Reg. 8621 (Jan. 20, 2025); *Hiring Freeze* (Jan. 20, 2025), <https://www.whitehouse.gov/presidential-actions/2025/01/hiring-freeze/>.

<sup>8</sup> Order, *AFL-CIO v. Dep’t of Labor*, --- F. Supp. 3d ---, 25-cv-00339-JDB (D.D.C. Mar. 31, 2025) (“The Executive Order directs agency heads to select the individuals to implement the DOGE Agenda ‘in consultation with the USDS Administrator’ and requires the agencies to ‘coordinate [the DOGE Teams’] work with DOGE.’”) (citing *Establishing DOGE*, Exec. Order 14158 at § 3(c), *supra* note 1).

<sup>9</sup> See Shannon Bond et al., *Who is part of Elon Musk’s DOGE, and what are they doing?*, NPR (Feb. 7, 2025), <https://www.npr.org/2025/02/07/nx-s1-5288988/doge-elon-musk-staff-trump>; Nick Robins-Early, *Who is helping Elon Musk gut the US government?*, The Guardian (Feb. 8, 2025), <https://www.theguardian.com/us-news/2025/feb/08/elon-musk-doge-team-staff/> (“Several people at Doge come directly from Musk’s private companies”).

<sup>10</sup> *Implementing The President’s “Department of Government Efficiency” Workforce Optimization Initiative*, Exec. Order 14210, 90 Fed. Reg. 9669 (Feb. 11, 2025).

<sup>11</sup> Department of Government Efficiency (@DOGE), X (Feb. 16, 2025, 7:49 PM), <https://x.com/DOGE/status/189128881674240070>.

<sup>12</sup> Department of Government Efficiency (@DOGE), X (Feb. 16, 2025, 7:49 PM), <https://x.com/DOGE/status/189128881674240070>.

<sup>13</sup> Department of Government Efficiency (@DOGE), X, *Affiliates*, <https://x.com/DOGE/affiliates> (last visited Feb. 28, 2025).

<sup>14</sup> *Id.*; *About profile labels and checkmarks on X*, X, <https://help.x.com/en/rules-and-policies/profile-labels> (last visited Feb. 21, 2025).

solicit direct messages from the public,<sup>15</sup> comment on federal policy on X,<sup>16</sup> and broadcast future agency action.<sup>17</sup> It is unclear just how many private communications these accounts have received. Because federal agencies appear to be communicating on X to transact public business, the public has a strong interest in understanding the nature of these communications and whether records of these communications are being preserved as required.

CREW is a non-profit corporation, organized under section 501(c)(3) of the Internal Revenue Code. CREW is committed to protecting the public's right to be aware of the activities of government officials, to ensuring the integrity of those officials, and to highlighting and working to reduce the influence of money on politics. CREW uses a combination of research, litigation, and advocacy to advance its mission. CREW intends to analyze the information responsive to this request and to share its analysis with the public through reports, press releases, or other means. In addition, CREW will disseminate any documents it acquires from this request to the public through its website, [www.citizensforethics.org](http://www.citizensforethics.org). The release of information obtained through this request is not in CREW's financial interest.

CREW further requests that it not be charged search or review fees for this request pursuant to 5 U.S.C. § 552(a)(4)(A)(ii)(II) because CREW qualifies as a member of the news media. *See Nat'l Sec. Archive v. U.S. Dep't of Defense*, 880 F.2d 1381, 1386 (D.C. Cir. 1989) (holding non-profit a "representative of the news media" and broadly interpreting the term to include "any person or organization which regularly publishes or disseminates information to the public").

CREW routinely disseminates information obtained through FOIA to the public in several ways. For example, CREW's website receives over 150,000 page views every month. The website includes blogposts that report on and analyze newsworthy developments regarding government ethics, corruption, and money in politics, as well as numerous reports CREW has published to educate the public about these issues. These reports frequently rely on government records obtained through FOIA. CREW also posts the documents it obtains through FOIA on its website.

Under these circumstances, CREW satisfies fully the criteria for a fee waiver.

### **Request for Expedited Processing**

CREW requests expedited processing of this request pursuant to FOIA and EPA regulations. CREW is entitled to expedited processing because (1) CREW is "primarily

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<sup>15</sup> See, e.g., DOGE GSA (@DOGE\_GSA), X (Feb. 17, 2025, 8:24 AM), [https://x.com/DOGE\\_GSA/status/1891478907859165596](https://x.com/DOGE_GSA/status/1891478907859165596); DOGE OPM (@DOGE\_OPM), X (Feb. 16, 2025, 8:07 PM), [https://x.com/DOGE\\_OPM/status/1891293329133797655](https://x.com/DOGE_OPM/status/1891293329133797655).

<sup>16</sup> See, e.g., DOGE Education (@DOGE\_ED), X, [https://x.com/DOGE\\_ED/with\\_replies](https://x.com/DOGE_ED/with_replies) (last visited Feb. 28, 2025); Department of Government Efficiency (@DOGE), X (Feb. 19, 2025, 7:42 PM), <https://x.com/DOGE/status/1892374128444772703> (reposted by DOGE Education).

<sup>17</sup> ProudAmericanGarbageLady (@garbage\_proud), X (Feb. 22, 2025, 10:27 PM), [https://x.com/garbage\\_proud/status/1893503000724873413](https://x.com/garbage_proud/status/1893503000724873413); DOGE GSA (@DOGE\_GSA), X (Feb. 22, 2025, 11:52 PM), [https://x.com/DOGE\\_GSA/status/1893524309382959571](https://x.com/DOGE_GSA/status/1893524309382959571) ("Will take a look."); DOGE\_GSA (@DOGE\_GSA), X (Feb. 24, 2025, 12:33 PM), [https://x.com/DOGE\\_GSA/status/1894078177661571237](https://x.com/DOGE_GSA/status/1894078177661571237).

engaged in disseminating information to the public;” and (2) there is an “urgency to inform the public about an actual or alleged Federal Government activity.” 5 U.S.C. § 552(a)(6)(E)(v)(II); 40 C.F.R. § 2.104(g)(1)(i)(B).

*a. CREW is primarily engaged in disseminating information to the public*

CREW is “primarily engaged in disseminating information” to the public. This “standard ‘requires that information dissemination be the main [and not merely an incidental] activity of the requestor,’” but “publishing information ‘need not be [the organization’s] sole occupation.’” *Protect Democracy Project, Inc. v. U.S. Dep’t of Def.*, 263 F. Supp. 3d 293, 298 (D.D.C. 2017). CREW routinely disseminates information obtained through FOIA to the public in several ways. For example, CREW’s website receives hundreds of thousands of page views every month. The website includes blogposts that report on and analyze newsworthy developments regarding government ethics, corruption, and money in politics, as well as numerous reports CREW has published to educate the public about these issues. These reports frequently rely on government records obtained through FOIA. CREW also posts the documents it obtains through FOIA on its website. CREW is a credible requestor and disseminator of information often relied on by major media outlets.<sup>18</sup>

*b. There is an urgency to inform the public about an actual or alleged Federal Government activity*

As DOGE continues its accelerated, secretive, and possibly illegal<sup>19</sup> campaign to reshape the federal government, there is an urgency to shed light on how the federal government is using X to rapidly advance “the DOGE agenda.”<sup>20</sup> Informing the public now is doubly urgent, as communications on X are outside of established government communication channels and may violate DOGE and agency record keeping obligations, allowing DOGE, already “operating with unusual secrecy,”<sup>21</sup> to permanently conceal its communications from public scrutiny.

It is not clear how many direct messages agency-affiliated DOGE X accounts described above have sent or received since DOGE has begun exercising “substantial authority over vast swathes of the federal government” with “unusual secrecy.”<sup>22</sup> The DOGE

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<sup>18</sup> See, e.g., *Citizens for Responsibility and Ethics in Washington*, N.Y. Times, <https://www.nytimes.com/topic/citizens-for-responsibility-and-ethics-in-washington> (last visited Nov. 20, 2024) (list of numerous New York Times articles referencing CREW spanning over a decade); Ed Pilkington and Dharna Noor, *Top US ethics watchdog investigating Trump over dinner with oil bosses*, The Guardian (May 15, 2024), <https://www.theguardian.com/us-news/article/2024/may/15/ethics-watchdog-investigating-trump-big-oil> (referring to CREW as “Top US ethics watchdog”).

<sup>19</sup> *Doe v. Musk*, --- F. Supp. 3d ---, No.25–0462–TDC (D.Md. Mar. 18, 2025), \*67 (describing Musk and DOGE’s steps in dismantling USAID, likely in violation of the Appointments Clause and separation of powers principles).

<sup>20</sup> See 90 Fed. Reg. 8441 (“This Executive Order establishes the Department of Government Efficiency to implement the President’s DOGE Agenda.”).

<sup>21</sup> *CREW v. DOGE*, --- F. Supp. 3d ---, No. 81:25-cv-00511-CRC (D.D.C.Mar. 10, 2025), \*8.

<sup>22</sup> *CREW v. DOGE*, --- F. Supp. 3d ---, No. 81:25-cv-00511-CRC (D.D.C.Mar. 10, 2025), \*25.



affiliate accounts, created on February 16,<sup>23</sup> continue to use X direct messages to conduct DOGE's public business, including responding to and acting on direct messages.<sup>24</sup>

Further, it is not clear whether DOGE is preserving federal records created on X to comply with its records preservation obligations. DOGE has made no indication that it is preserving direct messages on X, despite National Archives and Records Administration ("NARA") guidance that social media content, including a "Twitter Direct Message,"<sup>25</sup> is subject to federal record retention laws.<sup>26</sup> Exacerbating the risk of loss or destruction of federal records, DOGE has not been able to provide assurances to courts that records are being appropriately preserved, resulting in one court entering a preservation order because the evidence in that case gave rise "to the possibility that representatives of [DOGE] may not fully appreciate their obligations to preserve federal records."<sup>27</sup>

Finally, given that Mr. Musk owns X and leads DOGE, there may be significant conflicts of interest issues inherent in any direction by Mr. Musk or DOGE to agencies to use X for public business. In addition to the use of X direct messages as the primary official communication mechanism for DOGE, any determinations by agencies or DOGE that X should be used for public business has the potential to benefit Mr. Musk by directing more users to his platform as a primary method to interact with their government.

Due to the immense impact DOGE has had on the federal government and outstanding questions about the legality of its actions and structure, it is imperative that the public receive prompt information about how DOGE Teams use X, a non-government social media platform, to inform and achieve the DOGE agenda. The urgency is further increased given that DOGE Teams may not be fulfilling their record preservation obligations for federal records created on X, meaning that with every day that passes records of their activities could be permanently lost.

Under these circumstances, there is an "urgency to inform the public about an actual or alleged Federal Government activity" about which this request seeks information, namely, DOGE Teams' use of X to implement its agenda and possible failure to preserve federal records which may be permanently lost – particularly given that DOGE has been subject of widespread public reporting and debate.

<sup>23</sup> See, e.g., Department of Government Efficiency (@DOGE), X (Feb. 16, 2025, 7:49 PM), <https://x.com/DOGE/status/1891288881674240070>; Department of Government Efficiency (@DOGE), X, *Affiliates*, <https://x.com/DOGE/affiliates> (last visited Feb. 21, 2025).

<sup>24</sup> DOGE GSA (@DOGE\_GSA), X (Feb. 21, 2025), [https://x.com/DOGE\\_GSA/status/1893107567905099846](https://x.com/DOGE_GSA/status/1893107567905099846); ProudAmericanGarbageLady (@garbage\_proud), X (Feb. 22, 2025, 10:27 PM), [https://x.com/garbage\\_proud/status/1893503000724873413](https://x.com/garbage_proud/status/1893503000724873413); DOGE GSA (@DOGE\_GSA), X (Feb. 22, 2025, 11:52 PM), [https://x.com/DOGE\\_GSA/status/1893524309382959571](https://x.com/DOGE_GSA/status/1893524309382959571) ("Will take a look."); DataRepublican (small r) (@DataRepublican), X (Feb. 24, 2025, 10:43 AM), <https://x.com/DataRepublican/status/1894050491912622543> (reposted by DOGE GSA); DOGE\_GSA (@DOGE\_GSA), X (Feb. 24, 2025, 12:33 PM), [https://x.com/DOGE\\_GSA/status/1894078177661571237](https://x.com/DOGE_GSA/status/1894078177661571237); Department of Government Efficiency (@DOGE), X (Feb. 23, 2025), <https://x.com/DOGE/status/1893528456077447334>.

<sup>25</sup> National Archives and Records Administration, Bulletin 2015-02, July 29, 2015, <https://www.archives.gov/records-mgmt/bulletins/2015/2015-02.html> (Before being purchased by Mr. Musk, the social media company X was known as Twitter).

<sup>26</sup> National Archives and Records Administration, Bulletin 2014-02, Oct. 25, 2013, *available at* <https://www.archives.gov/records-mgmt/bulletins/2014/2014-02.html>.

<sup>27</sup> *CREW v. DOGE*, --- F. Supp. 3d ---, No. 81:25-cv-00511-CRC (D.D.C. Mar. 10, 2025), \*8.

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The undersigned certifies that the representations in the foregoing Request for Expedited Processing are true and correct to the best of his knowledge and belief.

**Conclusion**

If you have any questions about this request or foresee any problems in fully releasing the requested records, please email [kfarchadi@citizensforethics.org](mailto:kfarchadi@citizensforethics.org) and [foia@citizensforethics.org](mailto:foia@citizensforethics.org) or call me at (202) 408-5565. Also, if CREW's request for a fee waiver is denied, please contact our office immediately upon making such a determination.

Where possible, please produce records in electronic format. Please send the requested records to [kfarchadi@citizensforethics.org](mailto:kfarchadi@citizensforethics.org) and [foia@citizensforethics.org](mailto:foia@citizensforethics.org) or by mail to Crew Staff, Citizens for Responsibility and Ethics in Washington, P.O. Box 14596, Washington, D.C. 20044.

Sincerely,

A handwritten signature in black ink, appearing to read 'DS/SL', with a long horizontal flourish extending to the right.

Donald Sherman  
Citizens for Responsibility and Ethics in  
Washington (CREW)