



Occupational Safety and Health Administration  
Directorate of Training and Education  
2020 S. Arlington Heights Road  
Arlington Heights, IL 60005-4102

November 16, 2010

Mr. Nathan Paul Mehrens  
Council  
Americans for Limited Government  
9900 Main Street, Suite 303  
Fairfax, VA 22031-3907

Dear Mr. Mehrens:

This is in response to your Freedom of Information Act (FOIA) request #622027 dated September 17, 2010, and forwarded to the OSHA Directorate of Training and Education. You requested "all documents that refer to, reflect or mention communications discussing the selection of OSHA's 2010 Susan Harwood Grant Awardees," and "all documents reflecting any meeting, phone call, email, letter or other communication including handwritten communications regarding the selection of OSHA 2010 Susan Harwood Grant Awardees," and "all evaluations used in determining the selection of OSHA's 2010 Harwood Awardees."


Your request is partially granted. The enclosed documents are copies of the records that are responsive to your FOIA request. While the focus of the FOIA is on making government information available to the public, the statute recognizes that disclosure of certain kinds of information would be harmful. Please note that documents are being withheld in accordance with 5 U.S.C. §552(b) of the FOIA, Exemptions High 2 and 5. A list of the documents that are being withheld is enclosed in this letter.

- Exemption High 2 protects information relevant to significant internal agency practices. The FOIA allows OSHA to withhold information that falls into this category in order to prevent the release of information that would likely cause significant harm. The scores and comments of individual grant applications would provide information to perfect an organization's application in a following year, giving that organization an undue advantage in regards to other applicants.
- Exemption 5 protects the integrity of the deliberative or policy-making processes within an agency by exempting from mandatory disclosure opinion, conclusions, and recommendations included within inter-agency or intra-agency communications. The grant application scores and comments reflect the personal opinion of the evaluator. The memorandums and briefing book contain recommendations for the Assistant Secretary for OSHA. These documents are being withheld because they do not reflect the official OSHA position.

You may file an appeal of this decision with the Solicitor of Labor within 90 days from the date of this letter. The appeal must state, in writing, the grounds for appeal, including any supporting statements or arguments. To facilitate processing, you may wish to fax your appeal to: (202) 693-5538. The appeal should include a copy of your initial request and a copy of this letter. The appeal must be addressed to: Solicitor of Labor, U.S. Department of Labor, Room N2428, 200 Constitution Avenue, N.W., Washington, D.C. 20210. If mailed, both the envelope, and the letter of appeal itself should be clearly marked: "Freedom of Information Act Appeal."

If you require any additional information or clarification regarding your FOIA request, please contact James Barnes, Director of the Office of Training and Educational Programs at [Barnes.jim@dol.gov](mailto:Barnes.jim@dol.gov).

Sincerely,

  
Henry E. Payne  
Disclosure Officer

Enclosures

List of Grant Application Selection Documents Being Withheld  
Under FOIA Request #622027

Note:

- A page is single-sided sheet of paper

Capacity Building Grant Evaluation Related Documents:

- Capacity Building Briefing Book for the Assistant Secretary for OSHA, 148 pages
- Memorandum of recommendation, 12 (72 pages)
- Emails, 1 (2 pages)
- Evaluator scoring and comment spreadsheet, 23 Excel files
- Alliance Member/Past Grant Performance Spreadsheet, 13 Excel files
- Paper evaluation forms (Optional use), 14 pages

Targeted Topic Grant Evaluation Related Documents

- Targeted Topic Briefing Book for the Assistant Secretary for OSHA, 168 pages
- Memorandum of recommendation, 10 (51 pages)
- Emails, 7 (15 pages)
- Evaluator scoring and comment spreadsheet, 20 Excel files
- Alliance Member/Past Grant Performance spreadsheet, 10 Excel files
- Paper evaluation forms (Optional use), 288 pages