



**January 23, 2025**

*Submitted via email to*

FOIA Request  
U.S. Department of the Treasury  
Washington, DC 20220  
FOIA@treasury.gov

**Re: Request Under Freedom of Information Act (Fee Waiver/Limitation Requested)**

Dear Freedom of Information Officer:

Pursuant to the Freedom of Information Act (FOIA), 5 U.S.C. § 552, Bank Climate Advocates (“BCA”) requests the following documents from the U.S. Department of the Treasury (Treasury):

- (1) All documents, **not already publicly available on the “IFC Project Information and Data Portal”<sup>1</sup>**, that provide information, analysis, details, opinions, studies, or deliberations regarding climate change impacts or mitigation; or greenhouse gas emissions, figures, alternatives analysis, impacts, avoidance measures, or mitigation; for the following International Finance Corporation (IFC) financed projects between 2016-present:
  1. IFC Project Number: 43099 (IFC Project Name: Central Termica de Temane)
  2. IFC Project Number: 39630 (IFC Project Name: YEREVAN CGT)
  3. IFC Project Number: 36627 (IFC Project Name: MYINGYAN)
  4. IFC Project Number: 45205 (IFC Project Name: Syrdarya CCGT)
  5. IFC Project Number: 39096 (IFC Project Name: FCS RE CIPREL V)
  6. IFC Project Number: 40178 (IFC Project Name: SM2PCL)
  7. IFC Project Number: 39879 (IFC Project Name: RIAU PP)
  8. IFC Project Number: 39652 (IFC Project Name: CELSE)
  9. IFC Project Number: 38207 (IFC Project Name: ACWA POWER ZARQA)
  10. IFC Project Number: 45205 (IFC Project Name: Alvoar Equity)
  11. IFC Project Number: 46874 (IFC Project Name: GXYX GFSP)
  12. IFC Project Number: 47515 (IFC Project Name: Votorantim Cimentos Decarb)
  13. IFC Project Number: 43750 (IFC Project Name: Al Douh Cement)
- (2) All documents, **not already publicly available on the “IFC Project Information and Data Portal**, that provide information, analysis, details, opinions, studies, or deliberations regarding IFC’s Paris Methodology assessments and analysis for any of the above projects IFC approved after it began implementing its Paris Methodology, including for projects

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<sup>1</sup> The current website for the IFC Project Information and Data Portal is: <https://disclosures.ifc.org/>

45205 (Syrdarya CCGT), 47515 (Votorantim Cimentos Decarb), 45205 (Alvoar Equity), and 46874 (GXYX GFSP).

This request includes, but is not limited to, documents:

- 1.) Internally composed, received, sent, or kept by Treasury; or
- 2.) Exchanged between Treasury, and IFC staff and directors (including exchanged between U.S. Executive Directors and their staff at IFC, and IFC staff and directors)

We trust that the government will reach a determination on this request within FOIA's 20 working day deadline and will limit any possible withholding to those documents that the government can meet its burden to show are truly exempt from disclosure and the release of which would cause foreseeable harm.

For purposes of this request "documents" means "all written, typewritten, drawn or printed material or record of any type or description and all information kept or recorded on magnetic or electronic media, including, without limitation, correspondence, letters, agreements, contracts, memoranda of agreement or understanding, electronic mail (including both messages sent and received from government personnel), telegrams, inter- and intra-office communications, forms, reports, studies, working papers, handwritten or other notes, phone records, logs, diaries, minutes, spreadsheets, computation sheets, data sheets, transcripts, drawings, sketches, plans, leases, invoices, index cards, checks, check registers, maps, charts, graphs, bulletins, circulars, pamphlets, notices, summaries, books, photographs, sound recordings, videotapes, rules, photocopied or computer-related materials, and every other means of recording upon any tangible thing, any form of communication or representation, including letters, words, pictures, sounds, or symbols, or combinations of them, and all forms of written or recorded matter to which [the government has] access or of which [the government has] any knowledge"). "Related to" means "comprising, constituting, containing, evidencing, setting forth, summarizing, alluding to, responding to, commenting upon, discussing, supporting, refuting, showing, disclosing, explaining, mentioning, analyzing, recording, reflecting upon, or characterizing, either directly or indirectly, in whole or in part.

For all of the above requests, 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. This 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 any recipients that were bcc'ed or cc'ed on any responsive emails.

FOIA requires that an agency disclose documents to any person except where the document falls under a specifically enumerated exemption. 5 U.S.C. § 552 (2002). "[T]hese limited exemptions do not obscure the basic policy that disclosure, not secrecy, is the dominant objective of the Act"; "[c]onsistent with the Act's goal of broad disclosure, these exemptions have been consistently given a narrow compass." *Dep't of Interior v. Klamath Water Users Protective Ass'n*,

532 U.S. 1, 7-8 (U.S. 2001) (internal citations omitted). The courts have emphasized the narrow scope of these exemptions and “the strong policy of the FOIA that the public is entitled to know what its government is doing and why.” *Coastal States Gas Corp. v. Dep’t of Energy*, 617 F.2d 854, 868 (D.C. Cir. 1980). Further, under the recent amendments, 5 U.S.C § 552(a)(8)(A) now provides that (1) an agency shall withhold information only if the agency reasonably foresees that disclosure would harm an interest protected by an exemption described in subsection (b) or disclosure is prohibited by law; (2) the agency shall consider whether partial disclosure of information is possible whenever the agency determines that a full disclosure of a requested record is not possible; and (3) the agency shall take reasonable steps necessary to segregate and release nonexempt information.

Thus, the government has a duty in preparing responses to BCAs’ FOIA request not to withhold documents unless foreseeable harm exists, to consider partial disclosure, and to take reasonable steps to segregate nonexempt information. Exemptions are read narrowly and the government bears the burden of proving exemptions apply. 5 U.S.C. § 552(a)(4)(b); *see Milner v. Dep’t of the Navy*, 562 U.S. 562, 563 (U.S. 2011). Agencies “should not withhold information simply because [they] may do so legally. . . For every request, for every record reviewed, agencies should be asking ‘Can this be released?’ rather than asking ‘How can this be withheld?’”<sup>2</sup> *See also Mobil Oil Corp. v. U.S. E.P.A.*, 879 F.2d 698, 700 (9<sup>th</sup> Cir. 1989) (“The exemptions are permissive, and an agency may voluntarily release information that it would be permitted to withhold under the FOIA exemptions.”)

## **Denial of Requested Material**

In the event that access to the requested record is denied, please note that FOIA provides that “[a]ny reasonably segregable portion of a record shall be provided to any person requesting such record after deletion of the portions which are exempt under [FOIA].” 5 U.S.C. § 552(b). BCA therefore requests that it be provided with all non-exempt portions of the requested record that are reasonably segregable. If your position is that any portion of the requested records is exempt from disclosure, we also request that you provide an index of those documents as required under *Vaughn v. Rosen*, 484 F.2d 820 (D.C. Cir 1973). 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 Cent. v. U.S. Dep’t of the Air Force*, 566 F.2d 242, 261 (D.C. Cir. 1977). BCA further requests that you describe the deleted material in detail and specify the statutory basis for denial, as well as your reasons for believing that the alleged statutory justification applies in each instance. Please separately state your reasons for not invoking your discretionary powers to release the requested documents in the public interest. Such statements will be helpful in deciding whether to appeal an adverse determination and in formulating arguments in case an appeal is taken. The agency’s written justification might also help to avoid unnecessary litigation. Of course, BCA reserves its right to appeal the withholding or deletion of any information.

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<sup>2</sup> U.S. Department of Justice – Office of Information Policy, *Creating a New Era of Open Government*; *see also* Presidential Memorandum for Heads of Executive Departments and Agencies Concerning the Freedom of Information Act (74 Fed. Reg. 4683); Attorney General Holder’s Memorandum for Heads of Executive Departments and Agencies Concerning the Freedom of Information Act [74 Fed. Reg. 51879 (Oct. 8, 2009)]

We request that the government provide electronic copies of its response to this request – as well as any responsive documents that may be transmitted via e-mail – to Jason Weiner at the following e-mail addresses:

Jason Weiner: [jason@bankclimateadvocates](mailto:jason@bankclimateadvocates)

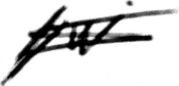
Please send any documents or correspondence that must be sent via regular mail to the following address:

Bank Climate Advocates  
P.O. Box 49697  
Los Angeles, CA 90049

As indicated in the attached fee waiver, BCA requests that Treasury waive any fees associated with responding to this request (See Fee Waiver Request in Attachment 1 at pages 5-7 below). If the Treasury declines this request, BCA further requests (1) an estimate of the charges to respond to this request in full and (2) that Treasury please explain the justification and notify us of the specific reasons. In the event Treasury denies our fee waiver request, BCA will provide Treasury with further instructions concerning how much it would then be willing to pay for a response to this request pending what would then be a likely appeal of the Treasury denial of our fee waiver. In the event Treasury denies our fee waiver request, to the extent this is required for Treasury to presently process our request, BCA indicates it would be willing to pay the fees associated with the processing of BCA's request up to \$100.00.

Your staff may contact me at [jason@bankclimateadvocates.org](mailto:jason@bankclimateadvocates.org) or [310-439-8702](tel:310-439-8702) to further discuss your response to this request. Thank you for your prompt attention to this matter.

Sincerely,



Jason Weiner  
Executive Director & Legal Director  
Bank Climate Advocates  
2489 Mission Street, Suite 16  
San Francisco, CA 94110  
Phone: (310) 439-8702  
[www.bankclimateadvocates.org](http://www.bankclimateadvocates.org)

# Attachment 1

## Fee Waiver Request

## **Attachment 1 to Freedom of Information Act (FOIA) Request Letter: Fee Waiver Request**

Treasury allows requesters to request in writing a waiver of fees associated with a FOIA request if the disclosure of the requested information is in the public interest because it is likely to contribute significantly to public understanding of the operations and activities of the government and is not primarily in the commercial interest of the requester.

BCA hereby requests that any fee associated with this FOIA request be waived, as the subject matter of the requested records specifically concerns identifiable operations or activities of the government, namely, IFC investments with climate change impacts that Treasury has: considered; analyzed; received information and documents from IFC about; and abstained, voted to approve, or voted to deny IFC financing for.

BCA is a non-profit public benefit organization with 501(c)(3) tax exempt status from the Internal Revenue Service that will disseminate the information received to the public free of charge. BCA will receive no, and does not intend to receive any, commercial or economic benefit from the information or dissemination of the information. BCA does not receive payment for its publications nor for its public dissemination of any other information, and will not be paid for the documents responsive to this request.

Disclosure of the requested information will significantly contribute to public understanding of government operations and activities. Specifically, the information will shed light on climate change practices and protections that Treasury engages in at multilateral development banks, including at IFC, in its role and capacity as the United States of America's shareholder and director representative at IFC.

The documents BCA requests constitute the best available evidence regarding Treasury's practices in implementing and acting consistently with United States' policy, including: (a) the Pelosi Amendment's (Public Law 101-240; 22 U.S.C. 262m-7, [22 U.S.C. 262m-7](#), [31 U.S.C. 321](#); [57 FR 24545](#), June 10, 1992; 31 CFR Part 26) environmental impact and alternatives analysis requirements prior to Treasury decision making at IFC and Multilateral Development Banks (MDBs) in general; and (b) Treasury's [Fossil Fuel Energy Guidance for Multilateral Development Banks \(MDBs\) in its decision making at IFC and other MDBs](#).

Further, the documents BCA requests constitute the best available evidence regarding Treasury's practices in ensuring, before it votes to finance a project, IFC's adherence to IFC's board adopted policies<sup>3</sup> applicable to climate change and greenhouse gas emissions impacts analysis, alternatives analysis, mitigation analysis and measures, and disclosure of this information. Evidence of these practices is important because the United States voted to approve the policies,<sup>4</sup> and is responsible for ensuring implementation of these policies in its capacity as

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<sup>3</sup> These board adopted policies include the: IFC Policy on Environmental and Social Sustainability (hereinafter, "E&S Policy"), IFC Performance Standards on Environmental and Social Sustainability ("PS" or "Performance Standards"), and the IFC Access to Information Policy (hereinafter, "Access to Info Policy") (all effective January 1, 2012).

<sup>4</sup> *Id.*

an IFC shareholder.

And lastly, these documents will inform BCA and the public of Treasury's policies and practices that allowed, and continue to allow, IFC to finance high greenhouse gas emitting projects, such as natural gas plants, cement operations, and industrial livestock, that have a severe impact on climate change impacts to United States citizens, people all over the world, and meeting the 1.5°C global warming limitation objective, and will inform BCA and the public about whether such practices and policies continue.

There has been significant environmental group focus on nontransparent practices of Treasury regarding non-disclosure of climate change environmental and social impact assessment and analysis documents in Treasury's possession prior to IFC financing decisions, and disclosing this information to BCA will allow BCA to provide valuable data on (1) the details of these practices, and (2) whether Treasury has and is currently securing, as consistent with its obligations, including those detailed in the paragraphs above, adequate climate change and greenhouse gas emissions estimates, alternatives analysis, impact analysis, impact avoidance, and mitigation measures prior to approving IFC financing decisions.

Further, disclosing the requested information to BCA is needed for the public to understand the role Treasury and the United States Government (USG) plays in IFC. In addition, the USG has strongly promoted IFC as a solution to climate change and called for it to do more on climate, and disclosing the requested information to BCA is needed for the public to understand whether Treasury is actually ensuring the IFC is fulfilling these roles.

BCA's staff possess unique and advanced scientific and analytical skills related to the policy, legal, environmental and social implications of MDB finance and development in regards to climate change impacts, which allows for the assimilation and dissemination of complex environmental and social data contained in the records requested. Disclosure of the documents will promote the understanding of the general public in a significant way because BCA will analyze the information and make its conclusions known to our members, the Big Shift Global, networks of other environmental groups in the United States and in the Global North and South working on IFC climate change reform, and the public at large via press releases and by posting our analyses of the information on one or more internet web sites or citizen group email broadcast systems.

For all the foregoing reasons, BCA requests that any fees associated with this request be waived.