



Centers for Disease Control
and Prevention (CDC)
Atlanta GA 30333
February 24, 2023

Risa Evans
Children's Health Defense
c/o Children's Health Defense
852 Franklin Ave., Suite 511
Franklin Lakes, New Jersey 07417
Via email: risa.evans@childrenshealthdefense.org

Dear Risa Evans:

This letter is regarding your original attached Centers for Disease Control and Prevention and Agency for Toxic Substances and Disease Registry (CDC/ATSDR) Freedom of Information Act (FOIA) request of October 12, 2022, assigned #23-00056-FOIA. You narrowed your request per the attached email.

We located 985 pages of responsive records (400 pages released in full or part; 584 pages withheld in full). After a careful review of these pages, some information was withheld from release pursuant to 5 U.S.C. §552 Exemptions 3, 4, 5 and 6. The foreseeable harm standard was considered when applying these redactions.

Exemption 3 protects information exempted from release by statute. The information withheld is protected by an assurance of confidentiality, 42 U.S.C. §242m(d) Section 308(d) and other information is withheld under 21 U.S.C. 379h, the Food and Drug Administration's Reauthorization Act of 2017.

Exemption 4 protects trade secrets and commercial or financial information obtained from a person that is privileged or confidential. We have determined that the information withheld is customarily and actually kept private and confidential by the submitter of the information.

Exemption 5 protects inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency. Exemption 5 therefore incorporates the privileges that protect materials from discovery in litigation, including the deliberative process, attorney work-product, and attorney-client privileges. Information withheld under this exemption was protected under the deliberative process privilege. The deliberative process privilege protects the decision-making process of government agencies. The deliberative process privilege protects materials that are both pre-decisional and deliberative. The materials that have been withheld under the deliberative process privilege of Exemption 5 are both pre-decisional and deliberative, and do not contain or represent formal or informal agency policies or decisions. Examples of information withheld include drafts.

Exemption 6 protects information in personnel and medical files and similar files when disclosure would constitute a clearly unwarranted invasion of personal privacy. The information that has been withheld under Exemption 6 consists of personal information, such as patient PII and personal emails. We have determined that the individual(s) to whom this information pertains has a substantial privacy interest in withholding it.

We also located records belonging to the U.S. Department of Health and Human Services (HHS) (1 page) pages) and the U.S. Defense Department (21 pages). In accordance with the Department of Health and Human Services' implementing regulations, CDC does not make decisions on the release or denial of other agencies' documents. We have referred these respective record sets along with your request to each agency whose contact information is as follows:

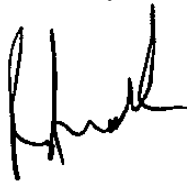
The Defense Health Agency (DHA)
Adriane Paris, DHA FOIA Officer
(703) 275-6017
adriane.s.paris.civ@health.mil

Department of Health and Human Services (HHS) Office of the Secretary (OS)
Freedom of Information Act Office
Hubert H. Humphrey Building, Room 729H
200 Independence Avenue, SW
Washington, D.C. 20201
Submit FOIA requests to: <https://requests.publiclink.hhs.gov/App/Index.aspx>
Send general questions and referrals/consultations to: FOIARquest@hhs.gov
Phone: 202-690-7453
Fax: 202-690-8320
FOIA Officer: Arianne Perkins (Acting)
FOIA Public Liaison: Beth Kramer; email: HHS_FOIA_Public_Liaison@hhs.gov

You may contact our FOIA Public Liaison at 770-488-6246 for any further assistance and to discuss any aspect of your request. Additionally, you may contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA mediation services they offer. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-6001, e-mail at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

If you are not satisfied with the response to this request, you may administratively appeal to the Deputy Agency Chief FOIA Officer, Office of the Assistant Secretary for Public Affairs, U.S. Department of Health and Human Services, via the online portal at <https://requests.publiclink.hhs.gov/App/Index.aspx>. Your appeal must be electronically transmitted by May 25, 2023.

Sincerely,



Roger Andoh
CDC/ATSDR FOIA Officer
Office of the Chief Operating Officer
(770) 488-6399
Fax: (404) 235-1852

Enclosures

23-00056-FOIA