

National Institutes of Health (NIH)
National Institute of Environmental and Health Sciences (NIEHS)
Attention: Division of Translational Toxicology (DTT)/Systems Toxicology Branch (STB)

Via [NIH Online FOIA Portal](#)

April 10, 2024

Re: Freedom of Information Act Request for rodent follow-up study protocols

To Whom It May Concern:

CHD is a non-profit organization that works to expose causes of health epidemics, eliminate harmful exposures, hold those responsible accountable, seek justice for those injured, and establish safeguards to prevent future harm. CHD's areas of focus include the human health effects of radiofrequency radiation (RFR) from wireless devices and facilities.

CHD seeks to understand the activities of federal public health agencies in connection with the study and monitoring of the human health effects of RFR from wireless devices and facilities. To that end, pursuant to the Freedom of Information Act, 5 U.S.C. § 552 (FOIA) and the implementing regulations of your agency, would you please provide the following records:

All protocols, standard operating procedures, and other records describing the methods, procedures, and/or study goals of every study planned or conducted by DTT to follow up on the rodent studies previously conducted by the National Toxicology Program (NTP) and reported in NTP TR 595 and NTP TR 596.¹

Information helpful to fulfilling the request:

The follow-up rodent studies for which the records are sought were described in detail on the NTP's now-archived webpage regarding cell phone radio frequency radiation, under the heading "What are the future plans for studying cell phone RFR?" *See*

¹ NTP TR 595 is here https://ntp.niehs.nih.gov/sites/default/files/ntp/htdocs/lt_rpts/tr595_508.pdf and NTP TR 596 is here https://ntp.niehs.nih.gov/sites/default/files/ntp/htdocs/lt_rpts/tr596_508.pdf.

<https://web.archive.org/web/20240103231700/https://ntp.niehs.nih.gov/whatwestudy/topics/cellphones>. The webpage provides the following description of the follow-up studies:

The goals of the current research efforts into the effects of RFR are to conduct rodent studies to:

- Determine the impact of RFR exposure on behavior and stress, including the real-time assessment of activity and response to system-generated noise and RFR signals.
- Conduct physiological monitoring including evaluation of heart rate.
- Investigate whether RFR induces heating.
- And further evaluate whether RFR exposure causes DNA damage.

To work toward accomplishing these goals:

- Researchers developed and designed a novel customized small-scale RFR exposure system, with flexible capabilities to address a broader range of RFR exposure scenarios than the original system used in the earlier studies. This included building and testing an exposure chamber prototype that could incorporate real-time physiological monitoring on animals during RFR exposure. Facility modifications had to be made along the way to accommodate installation of the RFR exposure system and the exposures had to be independently evaluated to validate the RFR signals and exposure levels.
- A series of in vivo rodent studies were then designed to assess the suitability of the new exposure system. This included an evaluation of thermal changes in exposed animals with increasing exposure levels, a well-established RFR-mediated effect. These studies would serve to “replicate” short-term studies conducted as part of the published NTP bioassay studies and provide a comparison between the new exposure system and the old exposure system.
- After installation of the chambers and initial testing of the new small-scale exposure system, several technical issues were identified and resolved.

Addressing technical issues and moving forward

Once the issues with the new chambers were addressed, several short-term exposure studies were conducted. Studies were conducted to evaluate approaches to assess physiological changes using real-time monitoring of animals during RFR exposure and to evaluate whether RFR exposure causes DNA damage.

Data from these studies are being evaluated and interpreted and once complete, manuscripts will be written and submitted for peer review. Publications from these studies is expected to occur sometime in 2023-2024.²

²<https://web.archive.org/web/20240103231700/https://ntp.niehs.nih.gov/whatwestudy/topics/cellphones>; the follow-up studies are also described at

Guidance Regarding the Search and Processing of Requested Records:

Please search all locations, agency departments, and systems likely to have responsive records, regardless of format, medium, or physical characteristics, using all tools available to your agency to conduct a complete and efficient search for potentially responsive records.

If some portions of the requested records are properly exempt from disclosure, please disclose any reasonably searchable non-exempt portions of the requested records. Please describe any redacted, deleted or withheld material in detail and specify the statutory basis for the denial in addition to the reasons that statutory basis applies. Please also indicate whether and how the “foreseeable harm” standard applies to each redaction. If a request is denied in whole, please state the specific reason(s) why it is not reasonable to segregate portions of the record for release. Finally, please also separately state your reasons for not invoking your discretionary powers to release the requested documents in the public interest.

Fees:

We ask that you waive fees associated with this request, for two reasons. First, Children’s Health Defense (CHD) is a member of the media. To advance its mission, CHD disseminates public health information and data. CHD “gathers information of interest to the general public, uses its editorial skills to turn the raw materials into a distinct work, and distributes that work to an audience” via its daily online news publication,³ website,⁴ broadcast media channel⁵ and social media platforms.⁶ *See* 5 U.S.C. § 552(a)(4)(A)(ii). Thus, CHD should not be charged search and review fees. *See id.*

Second, a fee waiver is required because “disclosure of the information is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the requester.” *See* 5 U.S.C. § 552(a)(4)(A)(iii). The subject of this request concerns the operations of the taxpayer-funded NIH. The disclosures are in the public interest because they will likely contribute significantly to the public’s understanding of the Agency’s activities in connection with the study and monitoring of the health effects of radiofrequency radiation from wireless devices and facilities. As a 501(c)(3) nonprofit organization, CHD makes this request primarily and fundamentally for non-commercial purposes, and will disseminate records provided in response to this request through one or more of its media channels. Accordingly, CHD qualifies for a fee waiver.

Conclusion:

CHD and the NIH share a common mission to promote public health and transparency in government. If you have any questions regarding how to construe this request for records or

https://web.archive.org/web/20240106102439/https://www.niehs.nih.gov/sites/default/files/health/materials/cell_phone_radiofrequency_radiation_studies_508.pdf at p. 3

³ *See The Defender* <https://childrenshealthdefense.org/defender>.

⁴ *See* <https://childrenshealthdefense.org>.

⁵ *See* CHD.TV <https://live.childrenshealthdefense.org>.

⁶ <https://www.facebook.com/ChildrensHealthDefense>; <https://twitter.com/ChildrensHD>; <https://rumble.com/user/childrenshealthdefense>.

believe that further discussions regarding search and processing would facilitate a more efficient production of the records, please do not hesitate to contact CHD to discuss this request at foia@childrenshealthdefense.org. By working together at the outset, we can decrease the likelihood of costly and time-consuming litigation in the future.

Children's Health Defense looks forward to working with your agency on this request. Thank you for your time and attention to this matter.

Sincerely,
/s/ Risa Evans,
Staff Attorney
Children's Health Defense
foia@childrenshealthdefense.org