



CITIZENS FOR
RESPONSIBILITY &
ETHICS IN WASHINGTON

April 1, 2025

CDC/ATSDR
Attn: FOIA Office, MS-D54
600 Clifton Road, N.E.
Atlanta, GA 30333

Re: Expedited Freedom of Information Act Request

Dear FOIA Officers:

Citizens for Responsibility and Ethics in Washington (“CREW”) makes this request for records pursuant to the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552, and Department of Health and Human Services (“HHS”) regulations, 45 C.F.R. § 5.1 *et seq.*

Specifically, CREW requests all records from January 20, 2025 to the date this request is processed that mention, reference, or relate to the CDC’s decision not to release an assessment by the Center for Forecasting and Outbreak Analytics that addressed the risk of catching measles in relation to the vaccination rates of nearby areas.

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 agency wide preservation hold on all documents potentially responsive to this request.

CITIZENSFORETHICS.ORG

info@citizensforethics.org 202.408.5565

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).

America has seen its first measles death in a decade.¹ There has been reporting that the CDC has suppressed information about measles forecast and the need for vaccination.² Specifically, it has been reported that “[l]eaders at the Centers for Disease Control and Prevention ordered staff this week not to release their experts’ assessment that found the risk of catching measles is high in areas near outbreaks where vaccination rates are lagging.”³ The risk assessment “was carried out by its Center for Forecasting and Outbreak Analytics, which relied, in part, on new disease data from the outbreak in Texas.”⁴ Reportedly, “more than 30 agency staff were told in an email that after a discussion in the CDC director’s office, ‘leadership does not want to pursue putting this on the website.’”⁵ A CDC staff member said the cancellation was “not normal at all,” and that they have “never seen a rollout plan that was canceled … that far along in the process.”⁶ The public needs to know the details of the CDC’s decision not to release an assessment by their own experts, and whether factors other than scientific accuracy, such as political views, have been considered in the process.

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. 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

¹ Tom Bartlett, *His Daughter Was America’s First Measles Death in a Decade*, The Atlantic (March 11, 2025), <https://www.theatlantic.com/health/archive/2025/03/texas-measles-outbreak-death-family/681985/>.

² Patricia Callahan, *The CDC Buried a Measles Forecast That Stressed the Need for Vaccinations*, ProPublica (Mar. 31, 2025), <https://www.cnn.com/2025/03/31/health/cdc-measles-forecast-propublica/index.html>.

³ *Id.*

⁴ *Id.*

⁵ *Id.*

⁶ *Id.*

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

Expedited Processing Request

CREW is entitled to expedited processing because there is an “urgency to inform the public concerning actual or alleged Federal Government activity,” and CREW “is primarily engaged in disseminating information,” 5 U.S.C. § 552(6)(E)(v)(II); *see also* 45 C.F.R. § 5.27(b)(2).

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.⁷

America has seen its first measles death in a decade.⁸ There has been reporting that the CDC has suppressed information about measles forecast and the need for vaccination.⁹ Specifically, it has been reported that “[l]eaders at the Centers for Disease Control and

⁷ 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 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”).

⁸ See *supra* note 1.

⁹ See *supra* note 2.

Prevention ordered staff this week not to release their experts' assessment that found the risk of catching measles is high in areas near outbreaks where vaccination rates are lagging.¹⁰ The risk assessment "was carried out by its Center for Forecasting and Outbreak Analytics, which relied, in part, on new disease data from the outbreak in Texas."¹¹ Reportedly, "more than 30 agency staff were told in an email that after a discussion in the CDC director's office, 'leadership does not want to pursue putting this on the website.'"¹² A CDC staff member said the cancellation was "not normal at all," and that they have 'never seen a rollout plan that was canceled at that far along in the process."¹³

This demonstrates that (1) the request concerns a matter of current exigency to the American public; (2) the consequences of delaying a response would compromise a significant recognized interest; and (3) the request concerns federal government activity. *Al-Fayed v. C.I.A.*, 254 F.3d 300, 310 (D.C. Cir. 2001).

First, the requested records concern a matter of current exigency to the American public insofar as they are "the subject of a currently unfolding story" about the measles outbreak. *Id.* at 310. The public health crisis caused by measles has been an ongoing focal point in the news.¹⁴

Second, given the ongoing public health crisis, the public urgently needs to know the details of the CDC's decision not to release an assessment by their own experts, and whether factors other than scientific accuracy, such as political views, have been considered in the process. Given that America has seen its first measles death in a decade,¹⁵ and the reporting that the CDC has suppressed information about measles forecast and the

¹⁰ *Id.*

¹¹ *Id.*

¹² *Id.*

¹³ *Id.*

¹⁴ See, e.g., Mary Kekatos, *Texas measles outbreak hits 422 cases with 22 new infections confirmed over last 5 days*, ABC News (Apr. 1, 2025),

<https://abcnews.go.com/Health/texas-measles-outbreak-hits-422-cases-22-new/story?id=12037442>;

Julia Musto, *US is on track to have the worst measles outbreak of this century, former Covid response coordinator warns*, The Independent (Apr. 1, 2025),

<https://www.independent.co.uk/news/health/measles-outbreak-us-covid-biden-white-house-b2725301.html>;

John Ingold, *Colorado reports measles case in Pueblo, not tied to ongoing Texas outbreak*, Colorado Sun (Mar. 31, 2025), <https://coloradosun.com/2025/03/31/colorado-measles-case-pueblo/>; Erika Edwards, *Dozens of free measles vaccine clinics close in Texas as federal funding is cut*, NBC News (Apr. 1, 2025), <https://www.nbcnews.com/health/health-news/texas-measles-outbreak-dallas-vaccines-hhs-funding-cuts-rcna199144>; Brandy Zdrozny, *How the anti-vaccine movement weaponized a 6-year-old's measles death*, NBC News (Mar. 20, 2025),

<https://www.nbcnews.com/health/health-news/anti-vaccine-influencers-weaponized-measles-death-texas-rcna196900>; Shahid Meighan, *Knox County confirms 2 more people infected with measles as outbreak rages in Ohio*, Columbus Dispatch (Mar. 31, 2025),

<https://www.dispatch.com/story/news/healthcare/2025/03/31/knox-county-ohio-confirms-2-more-people-infected-measles-outbreak/82748997007/>.

¹⁵ See *supra* note 1.

need for vaccination,¹⁶ this is a critical time for the CDC to be transparent about its operations, and for the public to be assured that the CDC will continue to operate in the best interest of American public health. If the CDC did decide to withhold an expert assessment for improper reasons, the public needs to know why and what could be done to maintain the CDC's integrity amidst the ongoing public health crisis.

Finally, the closure of a FOIA office concerns quintessential federal government activity.

The undersigned certifies that the above statement is true and correct.

Conclusion

If you have any questions about this request or foresee any problems in fully releasing the requested records, please email me at jtsoi@citizensforethics.org and 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 jtsoi@citizensforethics.org and foia@citizensforethics.org. Thank you for your assistance in the matter.

Sincerely,



Chun Hin Jeffrey Tsoi
Senior Legal Fellow

¹⁶ See *supra* note 2.