



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 the following records from January 20, 2025 to the date this request is processed:

1. All guidance, communications, memoranda, directives, policies, or other final directives relating to CDC's plan to take down its FOIA portal website at <https://foia.cdc.gov/>.
2. All guidance, communications, memoranda, directives, policies, or other final directives relating to CDC's plan to provide an automated email response to requesters' FOIA emails.

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

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info@citizensforethics.org 202.408.5565

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.

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).

On April 1, 2025, public reporting suggests that the CDC has shut down its entire FOIA office.¹ Requesters who sent emails to the CDC have received an automated message: “Hello, the FOIA office has been placed on admin leave and is unable to respond to any emails.”² The closure of a FOIA office would violate multiple of CDC’s specific duties under FOIA, including to timely respond to FOIA requests, to provide information about the status of a request, and to designate a Chief FOIA Officer, *see, e.g.*, 5 U.S.C. § 552(a), (j). The public has a right to know why the CDC placed its entire FOIA office on administrative leave, and whether it did so despite knowledge that it would be unlawful to close its FOIA office.

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 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”).

¹ Alexander Tin, *RFK Jr. purges CDC and FDA's public records teams, despite "transparency" promises*, CBS News (Apr. 1, 2025), <https://www.cbsnews.com/news/rfk-jr-purges-cdc-fda-records-transparency-teams/>; Rachel Cohrs Zhang, *RFK Jr. Pushes Out Top Officials in Health Agency Overhaul*, Bloomberg News (Apr. 1, 2025), <https://www.bloomberg.com/news/articles/2025-04-01/us-health-agency-mass-firings-begin-as-kenedy-orders-10-000-cut?embedded-checkout=true>.

² Alex Morey (@1AMorey), X.com (Apr. 1, 2025, 3:31 PM), <https://x.com/1AMorey/status/1907153963436081449>.

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.³

On April 1, 2025, public reporting suggests that the CDC has shut down its entire FOIA office.⁴ Requesters who sent emails to the CDC have received an automated message: "Hello, the FOIA office has been placed on admin leave and is unable to respond to any emails."⁵ The closure of a FOIA office would violate multiple of CDC's specific duties under FOIA, including to timely respond to FOIA requests, to provide information about the status of a request, and to designate a Chief FOIA Officer, *see, e.g.*, 5 U.S.C. § 552(a), (j).

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.

³ *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").

⁴ *See supra* note 1.

⁵ *See supra* note 2.

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 structural changes to the federal workforce. *Id.* at 310. Within a day, there have already been multiple news articles reporting the news.⁶ Numerous journalists have been alarmed about the potentiality of the CDC FOIA office being shut down entirely, which includes the dismantling of existing FOIA pages containing the submission portals and request logs.⁷

Second, the American public needs information about the decision to shut down the CDC FOIA office in order to understand whether the department intends to evade public scrutiny at a time of public health crisis. 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 This is thus 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 be transparent under its FOIA obligations. If the CDC did decide to shut down its FOIA office, the public needs to know why and what could be done to remedy that unlawful action to maintain the CDC’s transparency amidst the ongoing public health crisis. The public also has a right to know whether the CDC shut down its FOIA office despite knowledge that it would be unlawful to close its FOIA office.

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

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

⁶ See *supra* note 1.

⁷ See, e.g., Isaac Stanley-Becker (@isaacstanbecker), X.com (Apr. 1, 2025, 1:20 PM), <https://x.com/isaacstanbecker/status/1907120799347085684>; David Folkenflik (@davidfolkenflik), X.com (Apr. 1, 2025, 2:53 PM), <https://x.com/davidfolkenflik/status/1907144188212166784>; FOIA Nate (@FOIANate), X.com (Apr. 1, 2025, 2:55 PM), <https://x.com/FOIANate/status/1907144888342261933>; Alex Morey (@1AMorey), X.com (Apr. 1, 2025, 3:31 PM), <https://x.com/1AMorey/status/1907153963436081449>; Jason Leopold (@JasonLeopold), X.com (Apr. 1, 2025, 4:22 PM), <https://x.com/JasonLeopold/status/1907166616497844352>.

⁸ 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/>.

⁹ 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>.

Conclusion

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

Sincerely,

A handwritten signature in black ink that reads "Alex Goldstein". The signature is written in a cursive, flowing style.

Alex Goldstein
Associate Counsel