



CITIZENS FOR
RESPONSIBILITY &
ETHICS IN WASHINGTON

June 25, 2025

Department of Health and Human Services
Freedom of Information Act Office
Hubert H. Humphrey Building, Room 729H
200 Independence Avenue, SW
Washington, D.C. 20201

Re: Freedom of Information Act Request

Dear FOIA Officer:

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

Specifically, CREW requests the following records of the U.S. Centers for Disease Control and Prevention ("CDC") from January 20, 2025, to the date this request is processed:

1. All communications sent or received by any employees of the Centers for Disease Prevention and Control (CDC) that mention, reference, or relate to the Advisory Committee on Immunization Practices (ACIP) and/or its scheduled June 2025 meeting.
2. Any and all memoranda, communications, policies, directives, guidance, or other records that mention, reference, or relate to the Department of Health and Human Services ("HHS") decision to retire 17 members of ACIP and appoint 8 new members.
3. Any and all memoranda, communications, policies, directives, guidance, or other records that mention, reference, or relate to the withdrawal of Dr. Michael Ross from ACIP.

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 agencywide 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).

ACIP is “a federal advisory committee that develops recommendations on the use of vaccines in the civilian population of the United States. CDC sets the U.S. adult and childhood immunization schedules based on recommendations from ACIP.”¹ ACIP holds three regular meetings each year to review scientific data and vote on vaccine recommendations. The first meeting of 2025 is being held on June 25th and 26th, the day and the day after this request is being submitted.²

Two weeks prior to this scheduled meeting, HHS Secretary Kennedy announced he had “removed the 17 sitting members of the ACIP committee” in a move to “totally reconstitu[te]” the panel.³ This decision contradicts Mr. Kennedy’s assurances during his nomination that he would not alter the panel.⁴ Many public health experts have strongly condemned the decision. Dr. Sean O’Leary, chair of the infectious disease committee for the American Academy of Pediatrics said of the decision, “I don’t think there’s any way to put this, other than saying that this is an unmitigated public health disaster.”⁵

¹ *Advisory Committee on Immunization Practices General Committee-Related Information*, cdc.gov, <https://www.cdc.gov/acip/about/index.html> (last visited June 25, 2025).

² *ACIP Meeting Information*, cdc.gov, <https://www.cdc.gov/acip/meetings/index.html> (last visited June 25, 2025).

³ *HHS Takes Bold Step to Restore Public Trust in Vaccines by Reconstituting ACIP*, hhs.gov, <https://www.hhs.gov/press-room/hhs-restore-public-trust-vaccines-acip.html> (June 9, 2025).

⁴ Ken Alltucker, *RFK Jr. clashes with key GOP senator over vaccine committee firings*, USA Today, <https://www.usatoday.com/story/news/politics/2025/06/24/rfk-jr-bill-cassidy-vaccine-committee-firings/84331953007/> (June 24, 2025).

⁵ Apoorva Mandavilli, *Kennedy Removes All C.D.C. Vaccine Panel Experts*, NYTimes, <https://www.nytimes.com/2025/06/09/health/rfk-jr-cdc-vaccine-panel.html> (June 9, 2025).

After dismissing the sitting members, Secretary Kennedy named eight new members to ACIP. Republican Senator Cassidy, the chairman of the Senate Committee on Health, Education, Labor, and Pensions, said in the X post that “some [of the appointees] lack experience studying new technologies such as mRNA vaccines, and may even have a preconceived bias against them.” Dr. Richard Besser, who served as acting director of the C.D.C. in 2009, said, when the original panel members were dismissed that “a refigured committee of like-minded individuals to the secretary, doctors, nurses, pharmacists who provide advice are going to be in big trouble.”⁶ The night before the panel was set to meet, one of the eight appointees resigned from the panel.⁷ Given the upheaval in the past two weeks, many experts have called for the meeting to be delayed, including Senator Cassidy who said that the advisory panel’s meeting “should be delayed until the panel is fully staffed with more robust and balanced representation—as required by law—including those with more direct relevant expertise.”⁸

The public is rightly concerned about the consequences of this rapid reconfiguration.⁹ The public has a right to information about why and how decisions about the changes to the panel’s membership were made and HHS’s plan to address the consequences of upending this critical panel of experts.

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”).

CREW routinely disseminates information obtained through FOIA to the public in several ways. For example, CREW’s website receives over 150,000 page views every month.

⁶ *Id.*

⁷ Apoorva Mandavilli, *Vaccine Panel Gutted by Kennedy Loses a Member Ahead of First Meeting*, NYTimes, <https://www.nytimes.com/2025/06/24/us/politics/rfk-jr-cdc-vaccine-panel.html> (June 24, 2025).

⁸ @SenBillCassidy, X.com, <https://x.com/SenBillCassidy/status/1937283186758680766> (June 23, 2025 6:54 PM).

⁹ Pien Huang, *RFK Jr.’s picks for CDC vaccine advisers meet this week amid controversy*, NPR, <https://www.npr.org/sections/shots-health-news/2025/06/25/nx-s1-5438482/cdc-vaccine-committee-acip-meeting-rfk> (June 25, 2025).

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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.

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 or by mail to Alex Goldstein, Citizens for Responsibility and Ethics in Washington, P.O. Box 14596, Washington, D.C. 20044.

Sincerely,

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

Alex Goldstein
Associate Counsel