



State of New Jersey
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March 28, 2018

Via E-mail

Michael Marquis, HHS FOIA Officer
Hubert H. Humphrey Building, Room 729H
200 Independence Avenue, SW
Washington, D.C. 20201
E-mail: FOIARequest@hhs.gov

Dear FOIA Officer,

The Office of the New Jersey Attorney General submits this Freedom of Information Act (FOIA) request to obtain important information about significant changes to the World Trade Center Health Program (WTC Health Program) proposed in the President's budget for fiscal year 2019. Specifically, the President has proposed moving the National Institute for Occupational Safety and Health (NIOSH), which houses and supports the WTC Health Program, from the Centers for Disease Control and Prevention (CDC) to the National Institutes of Health (NIH), separating NIOSH and the WTC Health Program.

The WTC Health Program reflects our nation's shared commitment to first responders and survivors of the terrorist attacks of September 11, 2001, by providing them with critical medical monitoring, health evaluations, and treatment for physical and mental health conditions related to 9/11. More than 80,000 individuals participate in the program. New Jersey is one of the States with the highest number of residents enrolled, and New Jersey State Police under the Attorney General's command are among those who have benefited from the program.

Many have voiced concerns that the President's proposal to move NIOSH to NIH, if adopted, would negatively affect the WTC Health Program's ability to provide important benefits to 9/11 responders and survivors. *See, e.g.,* Citizens for the Extension of the James Zadroga Act, *OMB Proposal Threatens Health of Injured and Ill 9/11 Responders and Survivors*, <http://www.renew911health.org/omb-proposal-threatens-health-of-injured-and-ill-9-11-responders-and-survivors>; Marisa Schultz, *Jon Stewart Joins 9/11 First Responders To Save Health Program*, N.Y. Post (Mar. 5, 2018), <https://nypost.com/2018/03/05/jon-stewart-joins-9-11-first-responders-to-save-health-program>. To better understand the President's proposal and assist those of its residents who are affected, New Jersey seeks information about what consideration (if any) the federal government gave to the views of 9/11 responders and survivors before the President offered his proposal and what analysis (if any) the federal government performed to evaluate how the proposal might affect the WTC Health Program.



Requested Records

Please promptly produce the following records:

1. All records of the U.S. Department of Health & Human Services' (HHS)¹ analysis of whether or how the WTC Health Program would be affected by separating the WTC Health Program from NIOSH or by separating NIOSH from the CDC, including but not limited to whether or how such reorganization might adversely affect the delivery of services through the WTC Health Program.
2. All records reflecting any consultations, meetings, or other communications between HHS (or any of its personnel) and any of the following persons or entities about separating the WTC Health Program from NIOSH or about separating NIOSH from the CDC:
 - a. The Administrator of the WTC Health Program;
 - b. The WTC Responders Steering Committee, the WTC Survivors Steering Committee, or any member of either committee;
 - c. Any other 9/11 first responder or survivor enrolled in the WTC Health Program;
 - d. Any charitable organization that works with 9/11 first responders or survivors, such as the FealGood Foundation, Voices of September 11th, Tuesday's Children, and 9/11 Environmental Action;
 - e. Any Member or Members of Congress, or any congressional staff; and
 - f. Any officer or employee within the White House Office.

Time Frame

The time frame for this request is May 23, 2017, through February 12, 2018.

Fee Waiver Request

The Office of the New Jersey Attorney General requests a waiver of document search, review, and duplication fees because "disclosure of the [requested] information is in the public interest." 5 U.S.C. § 552(a)(4)(A)(iii). Disclosure "is likely to contribute significantly to public understanding of the operations or activities of the government," because of the substantial public interest in the government's treatment of 9/11 responders and survivors and how the President's budget proposal affects them. *Id.* Disclosure also "is not primarily in the commercial interest of the requester." *Id.* This Office does not have any commercial interest in the requested information; it seeks these records in its capacity as an agency of a State whose residents could be affected by the government operations and activities in question. The Office of the New Jersey Attorney General anticipates making records obtained from this request available to the public at no cost.

¹ This request seeks records from the Secretary, Deputy Secretary, Chief of Staff, the Executive Secretariat, the Office of the Assistant Secretary for Financial Resources, the Office of the Assistant Secretary for Legislation, and the Office of the Assistant Secretary for Public Affairs, and any other component of the Office of the Secretary that may be likely to possess responsive records. The Office of the New Jersey Attorney General is submitting separate FOIA requests to the relevant HHS Operating Divisions: CDC and NIH.

If our request for a waiver is denied, the Office of the New Jersey Attorney General is willing to pay all reasonable fees incurred in responding to this request, up to \$50. If the costs of responding to this request should exceed that amount, please contact us before incurring any additional costs.

Contact Information

Please direct any response to this request to the following e-mail address: gov-info@njoag.gov.

We appreciate your assistance and look forward to your prompt response.

Sincerely,

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