



December 8, 2022

Harry Duty

(b) (6)

**Re: Docket No. FDA-2022-P-1125**

Dear Mr. Duty:

Pursuant to 21 CFR 10.30, this is a tentative response to your Citizen Petition (FDA-2022-P-1125) filed by the Food and Drug Administration on June 10, 2022.

The petition requests “FDA-CVM to comply with FOIA law and post publicly on the FDA FOIA reading room all documents requested through various FOIA requests pertaining to FDA Employee Charlotte Conway’s emails containing the key search term: AAFCO. This is for the date range of *11.01.2020-11.30.2020*.” As grounds for the petition, you state, “The following information has been requested through FOIA ‘3 or more times’ and FDA is now required to comply with 5 U.S.C. § 552(a)(2)(D) and publish these records on the FDA FOIA reading room.”

5 U.S.C. § 552(a)(2)(D) states, in part:

Each agency ... shall make available for public inspection in an electronic format ... copies of all records ... that have been released to any person under [FOIA]; and ... that have been requested 3 or more times[.]

Although your petition does not specify three Freedom of Information Act (FOIA) requests that pertain to the same records, or whether any records have been released in response to any of the unidentified FOIA requests, to the extent we have three or more FOIA requests for the same records and those records have been released under FOIA, we will post those records on the CVM Electronic Reading Room, <https://www.fda.gov/about-fda/center-veterinary-medicine/cvm-foia-electronic-reading-room>.

FDA will issue a final response to your citizen petition once records that are the subject of three or more FOIA requests as described in your petition are released, or we determine either that there are no responsive records or that responsive records are not releasable under FOIA.

Sincerely,

Steven M. Solomon, DVM, MPH  
Director, Center for Veterinary Medicine