

## Exhibit A to Complaint

*U.S. Right to Know v. United States Food and Drug Administration &  
United States Department of Health and Human Services*

Case No. 3:21-cv-00884  
N.D. Cal. (February 4, 2021)



July 21, 2020

Food and Drug Administration  
Division of Freedom of Information  
Office of the Executive Secretariat, OC  
5630 Fishers Lane, Room 1035  
Rockville, MD 20857

**RE: Freedom of Information Act request**

Dear FOIA Officer:

This request under the Freedom of Information Act, 5 U.S.C. § 552, *et seq.*, to the U. S. Food & Drug Administration (“FDA”) consists of three parts regarding the following employees:

1. Vanessa Shaw-Dore, Director, Office of Global Policy and Strategy, China Office
2. Latasha Robinson, Deputy Director, Office of Global Policy and Strategy, China Office
3. Peter Marks, Director, Center for Biologics Evaluation and Research (CBER)
4. Carolyn Wilson, Associate Director of Research, CBER
5. David S. Cho, Senior Scientist for Emerging & Pandemic Threat Preparedness, CBER
6. Sanjai Kumar, Laboratory of Emerging Pathogens, Office Of Blood Research And Review, CBER
7. Marion F. Gruber, Director, Office of Vaccines Research and Review, CBER
8. Phillip R. Krause, Deputy Director, Office of Vaccines Research and Review, CBER
9. Konstantin Chumakov, Associate Director for Research, Office of Vaccines Research and Review, CBER
10. Jerry P. Weir, Division of Viral Products, Office of Vaccines Research and Review, CBER
11. Zhiping Ye, Laboratory of Pediatric & Respiratory Viral Diseases, Office of Vaccines Research and Review, CBER
12. Michael Schmitt, Laboratory of Respiratory & Special Pathogens, Office of Vaccines Research and Review, CBER
13. Muhammad Shahabuddin, Laboratory of Biochemistry, Virology and Immunology, Office of Compliance and Biologics Quality, CBER
14. Bryan Wilson, Director, Office of Tissues and Advanced Therapies, CBER
15. Rachael Anatol, Deputy Director, Office of Tissues and Advanced Therapies, CBER
16. Suzanne L. Epstein, Associate Director for Research, Office of Tissues and Advanced Therapies, CBER
17. Andrew Byrnes, Gene Transfer and Immunogenicity Branch, Office of Tissues and Advanced Therapies, CBER

For this FOIA request we are seeking copies of records created, received and/or in the possession of FDA, including cross-references. Specifically, we are seeking records that reflect communications – whether in writing or verbal communications that were later reduced to writing (including any emails

Exposing what the food industry *doesn't* want us to know

and their attachments, non-email correspondence, or other forms of communication) – to, from, or in the possession of the above-named individuals -- containing any of the following keywords or domains:

Part I of this request pertains to communications containing any of the following keywords or domains:

- East China Normal University
- Wuhan Institute of Virology OR WIV OR @wh.iov.cn
- Wuhan Center for Disease Control and Prevention
- Wuhan University State Key Laboratory of Virology OR SKLV OR @whu.edu.cn
- Wuhan University Institute of Medical Virology
- EcoHealth Alliance OR EcoHealth OR @ecohealthalliance.org
- Christophe Mérioux Laboratory located in Beijing

Part II of this request pertains to communications containing any of the following combinations of keywords:

- “Global Health Security Agenda” AND “China” OR “GHSA” AND “China”
- “Coalition for emerging preparedness innovations” AND “China” OR “CEPI” AND “China” OR “@cepi.net” AND “China”
- “PREDICT 2” AND “China” OR “USAID” AND “China”
- “China” AND “biothreat”
- “China” AND “bioincident”
- “China” AND “Dual Use Research” OR “China” AND “DURC” OR “China” AND “GOF”
- “China” AND “US Army Medical Research Institute of Infectious Diseases” OR “China” AND “USAMRIID”

For Part III, please search for all email correspondence to or from above listed employees– including attachments, CC and BCC – and the following person(s):

- Dennis Carroll OR [dcarroll@usaid.gov](mailto:dcarroll@usaid.gov)
- Sina Bavari OR [sina.bavari.civ@mail.mil](mailto:sina.bavari.civ@mail.mil)
- Shi Zheng-Li OR Shi Zhengli OR [zshi@wh.iov.cn](mailto:zshi@wh.iov.cn)
- Fang Li OR [lifang@umn.edu](mailto:lifang@umn.edu)
- Yuan Zhiming OR [yzm@wh.iov.cn](mailto:yzm@wh.iov.cn)
- Anthony Fauci OR [afauci@niaid.nih.gov](mailto:afauci@niaid.nih.gov)
- Peter Daszak OR [daszak@ecohealthalliance.org](mailto:daszak@ecohealthalliance.org)
- William Karesh OR Billy Karesh OR [karesh@ecohealthalliance.org](mailto:karesh@ecohealthalliance.org)
- Jonathan Epstein OR [epstein@ecohealthalliance.org](mailto:epstein@ecohealthalliance.org)
- Jonna Mazet OR [jkmazet@ucdavis.edu](mailto:jkmazet@ucdavis.edu)
- George Gao OR [gaof@im.ac.cn](mailto:gaof@im.ac.cn)
- Linfa Wang OR [linfa.wang@duke-nus.edu.sg](mailto:linfa.wang@duke-nus.edu.sg)
- Christian Bréchet OR [cbrechet@usf.edu](mailto:cbrechet@usf.edu)
- Ralph Baric OR [rbaric@email.unc.edu](mailto:rbaric@email.unc.edu)
- Ian Lipkin OR [wil2001@columbia.edu](mailto:wil2001@columbia.edu)
- James Le Duc OR [jwleduc@utmb.edu](mailto:jwleduc@utmb.edu)
- Thomas Ingelsby OR [tinglesby@jhu.edu](mailto:tinglesby@jhu.edu)

We respectfully request that in conducting its searches implicating e-mail correspondence the FDA ensures that the scope encompasses emails to or from the FDA personnel named above, including e-mails on which they or anyone else was carbon copied ("CC") or blind carbon copied ("BCC").

FDA may limit the timeframe to January 1, 2017, or the earliest date after which such records exist, and up until the date upon which FDA begins conducting searches for responsive records.

The scope of the searches should not be limited to FDA-originated records and should be construed to include records that are currently in the possession of a U.S. Government contractor for purposes of records management. The scope of the search should encompass all individual hard drives, shared drives, e-mail accounts and/or communication devices (including personal e-mail accounts and communication devices) that would be reasonably likely to maintain responsive records.

We request that you disclose the listed documents and materials as they become available to you, without waiting until all the documents have been assembled.

If documents are denied in whole or in part, please specify which exemption(s) is (are) claimed for each passage or whole document denied. Give the number of pages in each document and the total number of pages pertaining to this request and the dates of documents withheld. We request that excised material be "blacked out" rather than "whited out" or cut out and that the remaining non-exempt portions of documents be released as provided under the Freedom of Information Act. Please send a memo (with a copy or copies to me) to the appropriate unit(s) in your office to assure that no records related to this request are destroyed.

Please advise of any destruction of records and include the date of and authority for such destruction. As we expect to appeal any denials, please specify the office and address to which an appeal should be directed.

U.S. Right to Know is requesting a waiver of or, at a minimum, a reduction in fees related to this request. We are a 501(c)(3) nonprofit research organization based in Oakland, California. As a public interest organization, we have no commercial interest in the records that are the subject of this FOIA request and would derive no financial benefit from their disclosure. Our research has been featured many times in newspapers such as the *New York Times* and *The Guardian*, as well as in medical and public health journals such as the *BMJ*. As with our prior work, we intend to disseminate newsworthy information to the general public by way of academic or media articles, or fact sheets, relying upon any records released in response to this FOIA request. These records, which are not publicly available at present, may shed light on the activities of the FDA and its employees in relation to biosafety research networks operating both within the U.S. and abroad, and specifically linked to China. Such disclosure is in the public interest because it is likely to contribute to the public's understanding of the extent to which U.S. taxpayer dollars and resources might be facilitating dual use research of concern on dangerous pathogens in China. Further, documentation of such influence is important, and is in the public interest because it concerns how taxpayer resources are allocated, whether or not they are being wasted or squandered, and whether the public interest is being served.

We ask, if fees are assessed, that they not exceed \$25 without first contacting our office for authorization.

Please send the documents electronically in PDF format to Sainath Suryanarayanan at [sainath@usrtk.org](mailto:sainath@usrtk.org).

Please call, rather than write Gary Ruskin, if there are any questions or if you need additional information. He can be reached at (415) 944-7350.

Thank you for your help in filling this FOIA request.

Sincerely,

A handwritten signature in blue ink that reads "Sainath".

Sainath Suryanarayanan, PhD  
Staff Scientist

A handwritten signature in blue ink that reads "Gary Ruskin".

Gary Ruskin  
Executive Director