---------- Forwarded message ---------
From: **FDA FOIA** <FDAFOIA@fda.hhs.gov>
Date: Tue, Feb 18, 2020 at 1:18 PM
Subject: RE: FOIA Request ID #2019-6698 from BuzzFeed
To: Scott Pham <scott.pham@buzzfeed.com>, Marquis, Michael (OS) <Michael.Marquis@hhs.gov>
Cc: PSC FOIA Request (OS/ASA/PSC/FMP) <FOIARequest@psc.hhs.gov>, Christopher Hickman <chris.hickman@buzzfeed.com>

Scott,

HHS reviews and responds to appeals, they are copied on this email. They have a large backlog and it takes HHS anywhere from 1-5 years to respond to appeals. Michael Marquis the director for HHS appeals can provide more information.

Regards,

Katherine

From: Scott Pham <scott.pham@buzzfeed.com>
Sent: Tuesday, February 18, 2020 12:26 PM
To: FDA FOIA <FDAFOIA@fda.hhs.gov>
Cc: PSC FOIA Request (OS/ASA/PSC/FMP) <FOIARequest@psc.hhs.gov>; Christopher Hickman

Exhibit H

<chris.hickman@buzzfeed.com>
Subject: Re: FOIA Request ID #2019-6698 from BuzzFeed

Hello,

I'd just like to inquire about the status of this appeal.

Thank you,

Scott Pham | BuzzFeed News | Data Reporter | 971.533.4860 | @scottpham
111 East 18th St., NY, NY 10003

On Thu, Oct 10, 2019 at 6:32 AM FDA FOIA <FDAFOIA@fda.hhs.gov> wrote:

> HHS,
>
> Please log this FOIA appeal to FDA.
>
> Thanks,
>
> Katherine
>
> **From:** Scott Pham <scott.pham@buzzfeed.com>
> **Sent:** Wednesday, October 09, 2019 5:56 PM
> **To:** FDA FOIA <FDAFOIA@fda.hhs.gov>
> **Cc:** Simpson, Cheree <Cheree.Simpson@fda.hhs.gov>; Christopher Hickman <chris.hickman@buzzfeed.com>
> **Subject:** Re: FOIA Request ID #2019-6698 from BuzzFeed
>
> Hello,
>
> I would like to formally appeal the agency's denial of my request for expedited processing. The documents I have requested, which refer to the FDA's investigation of possible misuse of gabapentin and pregabalin, have been described by the former commissioner as pressing and time-sensitive (https://www.fda.gov/news-events/speeches-fda-officials/remarks-public-workshop-strategies-promoting-safe-use-and-appropriate-prescribing-prescription). In February of 2018, the commissioner discussed gabapentin abuse as a possible evolution in the worsening crisis of opioid addiction. He said, "the addiction crisis is burgeoning out of control. We find ourselves at a point where our interventions are being outmatched by its constant evolution."
>
> There is clearly an urgency to inform the public about this information. The agency itself calls for "aggressive" and "swift" action by the FDA. In his 2018 speech, the commissioner outlined a number of steps the agency was taking

on gabapentin and said, "We'll have more to say about our work on this challenge soon." The agency never released the details of those investigations.

When I filed this request in August, the FDA had just approved pregabalin--a more potent form of gabapentin--for generic use, expanding its availability to the American public. The public has an urgent need to know the details and results of the agency's investigations into these drugs.

As a journalist primarily engaged in the dissemination of information to the public, I ask that the agency grant expedited processing to this request.

Thank you,