



May 22, 2023

Via EMAIL

Nick Penzenstadler
P.O. Box 371
Milwaukee, Wisconsin 53201
npenz@usatoday.com

RE: Freedom of Information Act Request #23-F-00231: I am seeking all emails sent or received by accounts used by: Richard Trumka, Jr. and Alexander Hoehn-Saric from 1/9/2023 to 1/11/2023 referencing the keywords: "gas stoves." (Date Range for Record Search: From 01/09/2023 To 01/11/2023)

Dear Mr. Penzenstadler:

Thank you for your Freedom of Information Act (FOIA) request seeking records from the U.S. Consumer Product Safety Commission (CPSC). On March 28, 2023, you narrowed your request for the above-referenced emails to exclude records that consist of already publicly released material, such as email newsletters, email news alerts, news clippings and press releases, unless this material was emailed with commentary to and/or from one of the named individuals in this request.

The records responding to your request have been processed, provided in response to FOIA Request 23-F-00245, and posted on our website on the Frequently Requested Records page. They consist of the responsive emails to and from Alexander Hoehn-Saric (115 pages) and Richard Trumka, Jr. (322 pages), with certain excisions explained below. The records can be accessed and downloaded from the following link: [FOIA Request 23-F-00245 - Gas Stoves - Final Response - Emails | CPSC.gov](#).

Portions of the records have been withheld pursuant to FOIA Exemptions 5 and 6, 5 U.S.C. §§ 552(b)(5) and (b)(6). CPSC considered the foreseeable harm standard when reviewing these records and applying FOIA exemptions.

Exemption 5. FOIA Exemption 5 permits withholding from disclosure inter-agency and intra-agency memoranda that would not be available, by law, to a party other than an agency in litigation with the agency. The staff memoranda and analyses withheld are pre-decisional and deliberative, consisting of recommendations, opinions, suggestions, and analyses of technical and/or legal staff. Any factual materials in the records not covered by some other exemption are inextricably intertwined with exempt materials, or the disclosure of the factual materials would expose the deliberative process and/or violate the attorney-client privilege. It would not be in the public interest to disclose these materials because disclosure would impair the frank exchange of views necessary for such matters.

The following pages were withheld in full pursuant to the deliberative process privilege: Alexander Hoehn-Saric emails, pp. 57, 60, 84 and 110 (Draft Statement on Gas Stoves); 115 (Chair's Agenda - January 9, 2023); Richard Trumka, Jr. emails, pp. 11-12, 35-36 and 300-301 (interview talking points/notes), 293 (internal briefing agenda). Additionally, certain information was withheld from the following pages pursuant to the Presidential Communications Privilege: Alexander Hoehn-Saric emails, pp. 1, 14, 16-18, 58, 61-63, 86-87 and 105-108.

Exemption 6. FOIA Exemption 6 permits withholding personnel and medical files and similar files, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy. Absent authorizations to disclose the records or personally identifying information from the persons identified in the records or their representatives, such information falls within the protection of this FOIA exemption to disclosure and is withheld accordingly.

FOIA Administrative Procedures

Right to appeal. According to the CPSC's regulations implementing the FOIA at 16 C.F.R. § 1015.7, a partial denial of access to records may be appealed. If you are not satisfied with the response to this request, you may administratively appeal in writing, addressed to FOIA APPEAL, Office of the General Counsel, ATTN: Division of Information Access, U.S. Consumer Product Safety Commission, 4330 East West Highway, Room 820 Bethesda, MD 20814-4408.

Your appeal must be postmarked or electronically transmitted (cpscfoiarequests@cpsc.gov) within 90 days of the date of the response to your request. You may also fax your appeal to 301-504-0127. You may contact us Monday – Friday from 8:00AM – 4:30PM EST, by telephone at 1-800-638-2772, by fax to 301-504-0127, or by e-mail addressed to cpsc-foia@cpsc.gov.

Before filing a formal appeal with the CPSC, you may contact me or one of CPSC's FOIA Public Liaisons, Korinne Super (ksuper@cpsc.gov) or Cooper Gerus (cgerus@cpsc.gov), via email or at 1-800-638-2772, for any further assistance, or to discuss any aspect of your request. Assistance may include guidance on possible reformulation of your request or an alternative time frame for processing the request.

Right to Mediation. Additionally, you may contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA mediation services they offer. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, MD 20740-6001; e-mail at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile to 202-741-5769.

Fees. You have requested a fee waiver. There are no fees that apply in this instance to cover the costs to the CPSC in processing this request, performing the file searches, and preparing the information. Because we are not assessing fees, a determination on your request for a fee waiver in this case is unnecessary.

Sincerely,

**ROBERT
DALTON**

Digitally signed by
ROBERT DALTON
Date: 2023.05.22
16:22:38 -04'00'

Robert Dalton
Supervisory Attorney
Office of the General Counsel
Division of Information Access
(301) 504-7246
rdalton@cpsc.gov

Submit New Request

Requester Details

To modify request details please update your requester profile or contact the our office for assistance.

Nick Penzenstadler

Reporter
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Phone 9203796383
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Requester Default Category: News Media

General Information

Request Type	FOIA
Requester Category	All Other Requesters
Delivery Mode	PAL
Payment Mode	PAY.gov (http://www.pay.gov)

Shipping Address

Street1	P.O. Box 371
Street2	
City	Milwaukee
State	Wisconsin
State (Other)	
Country	United States
Zip Code	53201

Request Information

Description	I am seeking all emails sent or received by accounts used by: Richard Trumka, Jr. and Alexander Hoehn-Saric from 1/9/2023 to 1/11/2023 referencing the keywords: "gas stoves."
Date Range for Record Search:From	01/09/2023
Date Range for Record Search:To	01/11/2023
Description Document	

Fee Information

Willing Amount	\$25
Fee Waiver Requested	Yes
Fee Waiver Request Reason	I am a bona fide member of the national news media. This request would fall under the public interest prong of an acceptable fee waiver. I am a specialist in providing information of public interest to the public.
Willing to Pay All Fees	No

Billing Address

Street1	P.O. Box 371
Street2	
City	Milwaukee
State	Wisconsin
State (Other)	
Country	United States

Zip Code

53201

Expedite Information

Expedite Requested

Yes

Expedite Reason

I am a member of the national news media. The CPSC commissioner Trumka said in an interview this week that gas stoves are dangerous, setting off a flurry of public statements including from Chair Hoehn-Saric saying the stoves can be dangerous.