



August 2, 2022
Emma Lewis
American Oversight
1030 15th Street, NW
Suite B255
Washington, DC 20005

By email: foia@americanoversight.org

Re: FOIA Request 2022-F-00667

Dear Ms. Lewis:

This decision is in response to your Freedom of Information Act (FOIA) request dated October 20, 2021, to the Occupational Safety and Health Administration (OSHA), requesting communications between: 1. Former Principal Deputy Assistant Secretary of Labor for Occupational Safety and Health Loren Sweatt, or anyone communicating on her behalf, such as a scheduler or assistant; 2. Former Chief of Staff, Krisann Pearce; and 3. Former Deputy Assistant Secretary, Mandy Edens, or anyone communicating on her behalf, such as a scheduler or assistant with: 1. American Association of Meat Processors (@aamp.com); 2. Cargill (@cargill.com); 3. Cattlemen's Beef Board (@beefboard.org); 4. Consumer Brands Association (@consumerbrandsassociation.org); 5. Iowa Meat Processors Association (@iowameatprocessors.org); 6. Iowa Pork Producers Association (@iowapork.org); 7. JBS (@jbssa.com); 8. National Beef (@nationalbeef.com); 9. National Cattlemen's Beef Association (@ncba.org); 10. National Pork Board (@pork.org); 11. National Pork Producers Council (@nppc.org); 12. North American Meat Institute (@meatinstitute.org); 13. Perdue Farms Inc. (@perdue.com); 14. The Poultry Federation (@thepoultryfederation.com); 15. Triumph Foods (@triumphfoods.com); 16. Tyson Foods Inc. (@tyson.com); 17. US Poultry and Egg Association (@uspoultry.org).

Additionally, you request a fee waiver.

OSHA conducted a search for the communications you seek and deduplicated the records located using the technology available to us. However, there is still duplication in the 102 pages of records released. Selected personal identifying information was redacted pursuant to exemption 6.

Exemption 6 permits the withholding of information contained in “personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.” 5 U.S.C. § 552(b)(6). The Supreme Court has ruled that the term “similar files” encompasses any government record that concerns a particular individual; the term is not limited to records contained in personnel or medical files. See, e.g., Dep’t of State v. Washington Post, 456 U.S. 595 (1982). We find that release of personal identifying information withheld here reasonably could be expected to have a negative impact on an individual’s privacy.

OSHA grants your request for a fee waiver.

If you have any questions about this FOIA determination, please contact Christopher Durso, OSHA’s National Office FOIA Coordinator, at 202-693-2009.

You have the right to appeal this decision with the Solicitor of Labor within 90 days from the date of this letter. The appeal must state, in writing, the grounds for the appeal, including any supporting statements or arguments. The appeal should also include a copy of your initial request and a copy of this letter.

If you appeal, you may mail your appeal to: Solicitor of Labor, U.S. Department of Labor, Room N-2420, 200 Constitution Avenue, N.W., Washington, D.C. 20210 or fax your appeal to (202) 693-5538. Alternatively, you may email your appeal to foiaappeal@dol.gov; appeals submitted to any other email address will not be accepted. The envelope (if mailed), subject line (if emailed), or fax cover sheet (if faxed), and the letter indicating the grounds for appeal, should be clearly marked: “Freedom of Information Act Appeal.”

In addition to filing an appeal, you may contact the Department’s FOIA Public Liaison, Thomas G. Hicks, Sr. at (202) 693-5427 or hicks.thomas@dol.gov for assistance in resolving disputes.

You also may contact the Office of Government Information Services (OGIS) for assistance. OGIS offers mediation services to resolve disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. Using OGIS services does not affect your right to pursue litigation. You may mail OGIS at the Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road – OGIS, College Park, MD 20740-6001. Alternatively, you may email or

contact OGIS through its website at: ogis@nara.gov; web: <https://ogis.archives.gov>. Finally, you can call or fax OGIS at: telephone: (202) 741-5770; fax: (202) 741-5769; toll-free: 1-877-684-6448.

It is also important to note that the services offered by OGIS is not an alternative to filing an administrative FOIA appeal.

Sincerely,

A handwritten signature in black ink that reads "Francis Meilinger". The signature is written in a cursive, flowing style.

Francis Meilinger
Director, Office of Communications
OSHA

Email Attachment