



May 24, 2024

**Via Email and Box**

Sarah Wilson  
One City Center  
Washington, District of Columbia 20001-4956  
swilson@cov.com

**RE:** Freedom of Information Act Request #22-F-00391: We request copies of all records, regardless of the form or format of such records, regarding, relating to, or falling within [] the following categories:

3. Documents and communications relating to the proposed Recalls Pledge between CPSC and Amazon;
4. Documents and communications relating to the proposed Memorandum of Understanding between CPSC and Amazon; and
8. Any opinion, order, or other decisional document entered by a Presiding Officer or the Commission in any CPSC adjudicative proceeding.

Dear Ms. Wilson:

This is a supplemental response to your March 15, 2024, email inquiry into the status of your May 19, 2023, appeal to CPSC Appeal 23-A-00001/FOIA request 22-F-00391. On April 3, 2024, the FOIA Office informed you that, rather than open a new appeal, it would reopen your initial FOIA request to search for additional records responsive to categories 3,4, and 8, per your March 15, 2024, letter.

Regarding your open request for additional records under categories 3 and 4, per its May 22, 2024, email to you, the FOIA Office will conduct a wider search for records responsive to those categories as soon as we hear back from you with the requested list of search terms and custodians.

The FOIA Office conducted an additional search of the Office of the Secretary's records and found 455 records responsive to category 8. Nine of those records are currently under review to determine whether they contain privileged information; we will follow up with you on those records as soon as a determination is made. Those records are docketed as:

- Docket No. 02-02 In the Matter of Daisy Manufacturing Co – 16
- Docket No. 02-02 In the Matter of Daisy Manufacturing Co – 38
- Docket No. 02-02 In the Matter of Daisy Manufacturing Co. – 52
- Docket No. 02-02 In the Matter of Daisy Manufacturing Co. – 82

- Docket No. 02-02 In the Matter of Daisy Manufacturing Co. – 87
- Docket No. 02-02 In the Matter of Daisy Manufacturing Co. – 89
- Docket No. 77-3 In the Matter of North America Systems, Inc. - Notice of Violation 5-5-1977
- Docket No. 77-4 Corning Glass Works, Inc. – Notice of Violation 3-24-1977

We are releasing the remaining 446 records responsive to category 8 to you via Box today and will post them to the CPSC.gov website on our Frequently Requested Records webpage over the course of the week of May 27, 2024. Some of these records contain partial withholdings under FOIA Exemptions 5 and 6 (see below for more information regarding those exemptions).

Exemptions. Portions of the enclosed records are being withheld pursuant to FOIA Exemptions 5 and 6, 5 U.S.C. §§ 552 (b)(5), (b)(6).

*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 being withheld are pre-decisional and deliberative, consisting of recommendations, opinions, suggestions, and analyses of technical and/or legal staff. Any factual materials in the memoranda not covered by some other exemptions 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.

*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 being withheld accordingly. That information includes residential addresses, personal contact information, bank account numbers, social security numbers, and similar highly sensitive information.

### 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](mailto: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 ET, by telephone at 1-800-638-2772, by fax to 301-504-0127, or by email to [cpsc-foia@cpsc.gov](mailto:cpsc-foia@cpsc.gov).

Before filing a formal appeal with the CPSC, you may contact me or CPSC's FOIA Public Liaison, Robert Dalton ([rdalton@cpsc.gov](mailto:rdalton@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 reformulation of your request or an alternative time frame for processing the request.

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*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; email: [ogis@nara.gov](mailto:ogis@nara.gov); telephone: 202-741-5770; toll free: 1-877-684-6448; fax: 202-741-5769.

*Fees.* No fees were charged.

Sincerely,

Abioye Mosheim Oyewole  
Assistant General Counsel  
Office of the General Counsel  
Division of Information Access  
[aoyewole@cpsc.gov](mailto:aoyewole@cpsc.gov)  
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Enclosures: Please see attached PNG files (18 total) containing a list of the records released via Box under this letter.