



June 5, 2024

Via Email and Box

Joe Hernandez

jhernandez1@npr.org

RE: Freedom of Information Act Request #24-F-00463: Request a spreadsheet created by the CPSC entitled "Wearable Infant Blanket Related Incidents 1/1/2011 to 2/14/2023." The spreadsheet should include but is not limited to the following columns: incident #, document #, date, age/sex, state, narrative, weighted/non-weighted/unknown, and notes. (Date Range for Record Search: From 1/1/2011 To 2/14/2023)

Dear Mr. Hernandez:

Thank you for your Freedom of Information Act (FOIA) request seeking records from the U.S. Consumer Product Safety Commission (CPSC). Enclosed is a copy of the record responsive to your request, maintained in CPSC's Office of Hazard Identification and Reduction (EXHR) records, with certain excisions explained below.

The aforementioned records include file information generated by CPSC, or its contractors, for regulatory or enforcement purposes. CPSC has established management systems under which supervisors are responsible for reviewing the work of their employees or contractors. The file information materials are final and have been prepared and accepted by CPSC staff under such review systems. CPSC believes that it has taken reasonable steps to ensure the accuracy of the information.

The variables as to whether the wearable infant blankets involved in the incidents compiled in the spreadsheet were weighted or unweighted are not included in specific columns containing that information. These variables are not associated with the incident narrative data EXHR maintains and are therefore not available. Several of the incident narratives reference, however, whether a blanket was weighted or unweighted.

Portions of the enclosed records are being withheld pursuant to FOIA Exemptions 3 and 6, 5 U.S.C. §§ 552(b)(3) and (b)(6); section 6(b)(1) of the Consumer Product Safety Act (CPSA), 15 U.S.C. § 2055(b)(1). CPSC considered the foreseeable harm standard when reviewing these records and applying FOIA exemptions.

Exemption 3. FOIA Exemption 3 permits withholding from disclosure matters that are specifically exempted from disclosure by another statute. In applying FOIA Exemption 3, we are also relying on CPSC's regulations at 16 C.F.R. § 1101.33(b) and section 6(b)(1) of the CPSA, which require that

CPSC will not disclose information when it would not be fair in the circumstances. It would not be fair in the circumstances to disclose a firm's name when a spreadsheet of incident narratives is being provided and the CPSC has not sent notification of to the firm and verified that the product came from the firm. We are therefore withholding any company names mentioned in the enclosed spreadsheet.

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.

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 ET, by telephone at 1-800-638-2772, by fax to 301-504-0127, or by email to 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), 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; email: ogis@nara.gov; telephone: 202-741-5770; toll free: 1-877-684-6448; fax: 202-741-5769.

Fees. We are not charging you fees in this instance to cover the costs to the CPSC in processing this request, performing the file searches, and preparing the information.

Sincerely,

Pam Keller
Attorney
Office of the General Counsel
Division of Information Access
(301) 504-6987
pkeller@cpsc.gov

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Enclosure: Spreadsheet of Wearable Infant Blanket Related Incidents 1/1/2011 to 2/14/2023