



**U.S. Department of Justice**  
Drug Enforcement Administration  
FOI/Records Management Section  
8701 Morrissette Drive  
Springfield, Virginia 22152

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Case Number: 19-00413-F

**MAY 31 2019**

Subject: Your March 15, 2019 FOIA Request (Second Partial Release)

Patrick Morrissey  
c/o Thomas Lampman  
State of WV Office of Attorney General  
State Capitol Building 1 Rm. E-26  
1900 Kanawha Boulevard, East  
Charleston, West Virginia 25305  
[Thomas.T.Lampman@wvago.gov](mailto:Thomas.T.Lampman@wvago.gov)

Dear Mr. Morrissey:

This letter responds to your Freedom of Information Act/Privacy Act (FOIA/PA) request dated March 15, 2019, addressed to the Drug Enforcement Administration (DEA), Freedom of Information/Privacy Act Unit.

On May 03, 2019, our office made a first release of 162 pages to you, which included responsive records to Item 2 in its entirety along with a partial release of Item 3. With regard to Item 3 of your request, we provided a sample of documents that we thought may be responsive and asked you to confirm whether you were interested in receiving the rest of them. On May 30, 2019, your office responded, and confirmed that it was interested in receiving the rest of the documents that were located in response to Item 3.

While waiting for your response regarding Item 3, we conducted a search for responsive records pertaining to Item 1 part a through d.<sup>1</sup> To search for responsive records, the Office of Information Systems (SI) collected the relevant custodian emails for the years that they were in the positions that you requested. They then searched the email correspondence against the search phrases/terms: "opioid + deaths"; "opioid + sales"; "opioid + overdose"; "opioid + street value" and "rise in opioid use".

DEA pages 163-323 represent the first partial batch of emails collected from Joseph Rannazzisi's archived inbox while he was Deputy Assistant Administrator in charge of the Office of Diversion Control for years 2010 through 2014.

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<sup>1</sup> On April 18<sup>th</sup>, 2019, agreement to postpone reformulation for the remainder of part 1 until part 1a-1d is processed.

Certain materials identified during the processing of your request will be released to you. The portions withheld are exempt from disclosure pursuant to the FOIA, 5 U.S.C. § 552, and/or the PA, 5 U.S.C. § 552a. Please refer to the list enclosed with this letter that identifies the authority for withholding the deleted material, which is indicated by a mark appearing in the block next to the exemption. An additional enclosure with this letter explains these exemptions in more detail. The agency documents you requested are enclosed with this letter.

The rules and regulations of the DEA applicable to FOIA requests are contained in the Code of Federal Regulations, Title 28, Part 16, as amended. They are published in the Federal Register and are available for inspection by members of the public.


Certain DEA documents contained information that the Department of Health and Human Services (HHS), the Food and Drug Administration (FDA), the Centers for Disease Control and Prevention (CDC), and the Office of National Drug Control Policy (ONDCP) have equities in. DEA is in the process of consulting with these agencies before granting access to the documents in accordance with 28 C.F.R. § 16.4 and/or 16.42. You will be notified if more material is available for release pending results from these consultations.

In addition, certain DEA files contain information that was furnished by the FDA. That information and a copy of your request have been referred to the FDA for a decision. The FDA will respond directly to you in accordance with 28 C.F.R. § 16.4 and/or 16.42. If you have any questions about this referral, you can contact Sarah Kotler, Director, Division of Freedom of Information, FDA, 5630 Fishers Lane, Room 1035, Rockville, Maryland, 20857 or call (301) 796-3900.

For your information, Congress excluded three discrete categories of law enforcement and national security records from the requirements of the FOIA. *See* 5 U.S.C. § 552(c). This response is limited to those records that are subject to the requirements of the FOIA. This is a standard notification that is given to all our requesters and should not be taken as an indication that excluded records do, or do not, exist.

If you have any questions regarding this letter, you may contact Caitlin Trujillo, Attorney, Office of Chief Counsel Administrative Law Section at 202-598-2730.

Sincerely,



Angela D. Hertel, Acting Chief  
Freedom of Information/Privacy Act Unit  
FOI/Records Management Section

Number of pages released: 153

Number of pages consulted: 4 (HHS, FDA, CDC, ONDCP)

Number of pages referred: 4 (FDA)

**APPLICABLE SECTIONS OF THE FREEDOM OF INFORMATION AND/OR PRIVACY ACT:**

**Freedom of Information Act  
5 U.S.C. 552**

**Privacy Act  
5 U.S.C. 552a**

<input type="checkbox"/> (b)(1)	<input type="checkbox"/> (b)(5)	<input checked="" type="checkbox"/> (b)(7)(C)
<input type="checkbox"/> (b)(2)	<input checked="" type="checkbox"/> (b)(6)	<input type="checkbox"/> (b)(7)(D)
<input type="checkbox"/> (b)(3)	<input type="checkbox"/> (b)(7)(A)	<input type="checkbox"/> (b)(7)(E)
<input type="checkbox"/> (b)(4)	<input type="checkbox"/> (b)(7)(B)	<input type="checkbox"/> (b)(7)(F)

<input type="checkbox"/> (d)(5)	<input type="checkbox"/> (k)(2)
<input type="checkbox"/> (j)(2)	<input type="checkbox"/> (k)(5)
<input type="checkbox"/> (k)(1)	<input type="checkbox"/> (k)(6)

Enclosure

**EXPLANATION OF EXEMPTIONS**  
**SUBSECTIONS OF TITLE 5, UNITED STATES CODE, SECTION 552**

- (b)(1) (A) specifically authorized under criteria established by an Executive order to be kept secret in the interest of national defense or foreign policy and (B) are in fact properly classified pursuant to such Executive order;
- (b)(2) related solely to the internal personnel rules and practices of an agency;
- (b)(3) specifically exempted from disclosure by statute (other than section 552b of this title), if that statute- (A)(i) requires that the matters be withheld from the public in such a manner as to leave no discretion on the issue; or (ii) establishes particular criteria for withholding or refers to particular types of matters to be withheld; and (B) if enacted after the date of enactment of the OPEN FOIA Act of 2009, specifically cites to this paragraph.
- (b)(4) trade secrets and commercial or financial information obtained from a person and privileged or confidential;
- (b)(5) inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency;
- (b)(6) personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;
- (b)(7) records or information compiled for law enforcement purposes, but only to the extent that the production of such law enforcement records or information (A) could reasonably be expected to interfere with enforcement proceedings, (B) would deprive a person of a right to a fair trial or an impartial adjudication, (C) could reasonably be expected to constitute an unwarranted invasion of personal privacy, (D) could reasonably be expected to disclose the identity of a confidential source, including a State, local, or foreign agency or authority or any private institution which furnished information on a confidential basis, and, in the case of a record or information compiled by criminal law enforcement authority in the course of a criminal investigation or by an agency conducting a lawful national security intelligence investigation, information furnished by a confidential source, (E) would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law, or (F) could reasonably be expected to endanger the life or physical safety of any individual;
- (b)(8) contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions; or
- (b)(9) geological and geophysical information and data, including maps, concerning wells.

**SUBSECTIONS OF TITLE 5, UNITED STATES CODE, SECTION 552a**

- (d)(5) information compiled in reasonable anticipation of a civil action proceeding;
- (j)(2) material reporting investigative efforts pertaining to the enforcement of criminal law including efforts to prevent, control, or reduce crime or apprehend criminals;
- (k)(1) information which is currently and properly classified pursuant to an Executive order in the interest of the national defense or foreign policy, for example, information involving intelligence sources or methods;
- (k)(2) investigatory material compiled for law enforcement purposes, other than criminal, which did not result in loss of a right, benefit or privilege under Federal programs, or which would identify a source who furnished information pursuant to a promise that his/her identity would be held in confidence;
- (k)(3) material maintained in connection with providing protective services to the President of the United States or any other individual pursuant to the authority of Title 18, United States Code, Section 3056;
- (k)(4) required by statute to be maintained and used solely as statistical records;
- (k)(5) investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment or for access to classified information, the disclosure of which would reveal the identity of the person who furnished information pursuant to a promise that his/her identity would be held in confidence;
- (k)(6) testing or examination material used to determine individual qualifications for appointment or promotion in Federal Government service the release of which would compromise the testing or examination process;
- (k)(7) material used to determine potential for promotion in the armed services, the disclosure of which would reveal the identity of the person who furnished the material pursuant to a promise that his/her identity would be held in confidence.