

**Congress of the United States**  
**House of Representatives**

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

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<http://oversight.house.gov>

January 12, 2017

The Honorable David S. Ferriero  
Archivist  
National Archives and Records Administration  
700 Pennsylvania Avenue NW  
Washington, D.C. 20408

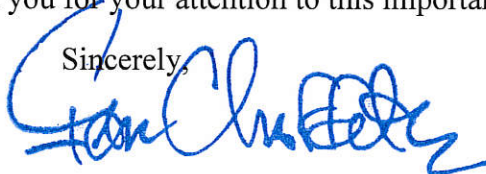
Dear Mr. Ferriero:

The Committee has been investigating the National Institute of Health's funding and support of the International Agency for Research on Cancer (IARC), a France-based organization that generated controversy for its carcinogenic classification measures.<sup>1</sup> Earlier this year, IARC advised members of its working groups not to release any documents relating to IARC in response to a request for such information.<sup>2</sup> IARC vaguely claimed that producing such records "would be contrary to its privileges and Immunities," and asserted that U.S. open records laws do not apply to IARC's work.<sup>3</sup>

IARC's non-disclosure directive, however, was sent to the official government email addresses of employees at the U.S. Environmental Protection Agency and the National Institute of Health.<sup>4</sup> The directive, and any other such documents and communications that were transmitted to U.S. government employees, would therefore appear to be subject to federal recordkeeping statutes.

To help the Committee better understand the scope of federal records law, especially relating to information transferred from an extra-national entity to a U.S. government email account, please provide Committee staff with a briefing as soon as possible, but by no later than January 26, 2016. Please contact Drew Feeley of the Committee staff at (202) 225-5074 with any questions about this request. Thank you for your attention to this important matter.

Sincerely,



Jason Chaffetz  
Chairman

cc: The Honorable Elijah E. Cummings, Ranking Minority Member

<sup>1</sup> Letter from Jason Chaffetz, Chairman, H. Comm. on Oversight & Gov't Reform, to Francis Collins, Dir., Nat'l Inst. of Health (Sept. 26, 2016).

<sup>2</sup> Kate Kelland, *Exclusive: WHO cancer agency asked experts to withhold weedkiller documents*, REUTERS, Oct. 25, 2016, <http://www.reuters.com/article/us-health-cancer-iarc-exclusive-idUSKCN12P2FW>.

<sup>3</sup> Letter from Angkana Santhiprechachit, IARC, to IARC Vol. 12 Working Group Members (Apr. 7, 2016), available at <https://morningconsult.com/wp-content/uploads/2016/10/IARCletter.pdf>.

<sup>4</sup> Email from Kathryn Guyton, IARC, to Gloria Jahnke, NIH/NIEHS, et al. (Apr. 1, 2016, 7:02 a.m.), available at <https://morningconsult.com/wp-content/uploads/2016/10/IARCemail.pdf>.