



Centers for Disease Control
and Prevention (CDC)
Atlanta GA 30333
August 30, 2023

Reed Rubenstein
America First Legal Foundation
611 Pennsylvania Ave SE
#231
Washington, District of Columbia 20003
Via email: info@aflegal.org

Dear Mr. Rubenstein:

This letter is in response to your Centers for Disease Control and Prevention and Agency for Toxic Substances and Disease Registry (CDC/ATSDR) Freedom of Information Act (FOIA) request of August 28, 2023, for:

In response to the question, “Can transgender parents who have had breast surgery breastfeed or chestfeed [sic] their infants?” the Centers for Disease Control and Prevention (CDC) website answers, “Yes.”¹ However, the CDC advises that transgender parents “may need help” with “medication to induce lactation.”² The CDC website also provides an “Infant and Young Child Feeding in Emergencies (IYCF-E) Toolkit” that instructs providers to “ensure health equity” by using “terms that are inclusive of all gender identities such as ‘pregnant person,’ ‘breastfeeding 1 CTRS. FOR DISEASE CONTROL AND PREVENTION, Breast Surgery | Breastfeeding (July 9, 2023), <https://bit.ly/47rxoGZ> (last visited August 15, 2023). 2 Id. 2 parent,’ or ‘lactating person,’” because the “gender identity or expression of transgender individuals is different from their sex at birth,” and an “individual does not need to have given birth to breastfeed or chestfeed [sic].”³ While the CDC suggests that transgender parents can take medication to induce lactation for “chestfeeding,” it does not warn parents of the specific risks of such medication. The Food and Drug Administration (FDA), for example, warns parents against using domperidone to increase their milk supply because of the side effects it presents to the mother and the infant.⁴ The CDC provides no such warning. It is unclear whether the CDC published its recommendation unaware of the risks it poses to parents and infants or if the CDC deliberately published this recommendation without including a warning. Accordingly, AFL requests the following records pursuant to the FOIA, 5 U.S.C. § 552.

Custodians A. All employees at a grade of GS-15 and above and all political appointees in the Office of Health Equity. B. All employees at a grade of GS-15 and above and all political appointees in the National Center on Birth Defects and Developmental Disabilities.

Requested Records All records from August 2022 to the present with the custodians above and the following search terms: A. “Chestfeed” B. “Lactating person” C. “Breastfeeding parent” D. “Pregnant parent” E. “Domperidone”

A colleague at the CDC's National Center on Birth Defects and Developmental Disabilities (NCBBDD) pointed out that the source of the Web site article that you mentioned is identified as the CDC's National Center for Chronic Disease Prevention and Health Promotion's (NCCDPHP's) Division of Nutrition, Physical Activity, and Obesity. The NCBBDD colleague indicated that NCBBDD likely would not have responsive records, but that the NCDDPHP might. You did not

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include NCDDPHP within the scope of your records request. Do you wish to amend the scope of your records request by replacing the portion of the request dealing with NCBBD with NCDDPHP?

At this time, your request has been placed on hold until we receive the information requested. If you have any questions regarding your request, please contact Gilan Shamir at (404) 498-2436.

If we do not receive a response from you by September 28, 2023, we will consider your request withdrawn and it will be closed.

Sincerely,

Gilan Shamir

Gilan Shamir
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23-01709-FOIA