

----- Forwarded message -----

From: **doh.sm.BOB-FOIL** <foil@health.ny.gov>

Date: Thu, Dec 9, 2021, 9:33 AM

Subject: FOIL Number: 21-02-073

To: WilliamAHuston@gmail.com <WilliamAHuston@gmail.com>

Good Morning,

Kindly see the attached correspondence from the New York State Department of Health in regards to the above-referenced FOIL request.

Regards,

Records Access Office

New York State Department of Health

Corning Tower, Rm 2364

Albany, NY 12237

P: (518) 474-8734

F: (518) 486-9144

Email: foil@health.ny.gov



Department of Health

KATHY HOCHUL
Governor

MARY T. BASSETT, M.D., M.P.H.
Acting Commissioner

KRISTIN M. PROUD
Acting Executive Deputy Commissioner

December 9, 2021

William Huston
Terra Vigilante
P.O. Box 22
Endicott, NY 13761

FOIL #: 21-02-073

Dear Mr. Huston:

This letter responds to your Freedom of Information Law (FOIL) request of February 1, 2021, in which you requested “[r]ecords which indicate that the virus* which purportedly causes COVID-19 disease, has been isolated. (* Known by various names, including SARS-nCoV, SARS-COV-2, 2019-nCoV, SARS2-nCoV- 19, HCoV-19, etc).”

Please be advised that the culture and isolation of SARS-CoV-2 virus is a time-consuming process and a high biohazard procedure, that can only be performed in a certified biosafety level 3 (BSL-3) laboratory. Very few clinical laboratories can perform this procedure as most do not have BSL-3 facilities. The New York State Department of Health’s Wadsworth Center (“Wadsworth”) does have BSL-3 laboratories and as of November 12, 2021, has performed cultures on a total of 306 specimens from COVID patients, randomly selected throughout the pandemic. Due to the cost and labor-intensive nature of the procedure, it is only performed on a small fraction of samples. From these 306 specimens, the SARS-CoV-2 virus has been isolated 194 times.

The lineage of the harvested viruses from the cultures is determined by analyzing the entire genomic viral sequence following next generation sequencing. This is also a costly and time-consuming procedure, only performed on a small percentage of samples. For 85 of the inoculated samples that grew, the virus lineage (variant type) is not known at this time as the sequence analysis has not been performed.

Further, variants are only assigned a Greek letter by the World Health Organization when they are determined to be Variants of Interest or Variants of Concern. Thus, there have been numerous variants identified that do not have a Greek letter designation. For the 109 samples that have been cultured and sequenced at Wadsworth, the lineage and variant classifications identified are shown in the table below:

<u>SARS-CoV-2 Lineage</u>	<u>Greek letter designation</u>	<u>Number of Different Samples That Grew</u>
B.1	N/A	34
B.1.1.207	N/A	5
B.1.1.348	N/A	2
B.1.1.519	N/A	1

B.1.1.7	Alpha	21
B.1.2	N/A	2
B.1.108	N/A	2
B.1.243	N/A	6
B.1.319	N/A	1
B.1.346	N/A	1
B.1.351	Beta	1
B.1.369	N/A	1
B.1.375	N/A	1
B.1.409	N/A	1
B.1.427	Epsilon	1
B.1.429		4
B.1.525	Eta	1
B.1.526	Iota	6
B.1.617.2	Delta	5
AY.24	Delta (sub-lineage)	1
AY.25	Delta (sub-lineage)	1
AY.26	Delta (sub-lineage)	1
AY.44	Delta (sub-lineage)	3
C.37	Lambda	1
P.1	Gamma	2
P.2	Zeta	3
R.1	N/A	1
Total		109

N/A - not applicable
(No Greek letter
assigned)

Should you feel that you have been unlawfully denied access to records, you may appeal such denial in writing within 30 days to the Records Access Appeals Officer, Division of Legal Affairs, Empire State Plaza, 2438 Corning Tower, Albany, New York 12237-0026.

If you require additional information or wish to discuss this matter further, please do not hesitate to contact me at (518) 474-8734.

Sincerely,

Rosemarie Hewig

Rosemarie Hewig, Esq.
Records Access Officer

RH/bae

FOIA request to NYS Department of Health re: "SARS-COV-2" purification

Christine Massey <cmssyc@gmail.com>
To: foil@health.ny.gov

Thu, Nov 4, 2021 at 6:48 PM

November 4, 2021

To:
Records Access Office
New York State Department of Health
Corning Tower, Room 2364
Albany, New York 12237-0044

Dear Freedom of Information Officer,

This is a formal request for access to general records, made under the *New York State Freedom of Information Law*.

Description of Requested Records:

All studies and/or reports in the possession, custody or control of the New York State Department of Health describing the purification of any "COVID-19 virus" (aka "SARS-COV-2", including any alleged "variants" i.e. "B.1.1.7", "B.1.351", "P.1", etc.) (for example: via filtration, ultracentrifugation and chromatography), directly from a sample taken from a diseased human where the patient sample was not first combined with any other source of genetic material (i.e. monkey kidney cells aka Vero cells; fetal bovine serum).

Please note that I am not requesting studies/reports where researchers failed to **purify** the suspected "virus" and instead:

- cultured an unpurified sample or other unpurified substance, and/or
- performed an amplification test (i.e. a PCR test), and/or
- fabricated a "genome", and/or
- produced electron microscopy images of unpurified things.

I am already aware that according to virus theory a "virus" requires host cells in order to replicate, and am **not** requesting records that describe replication of a 'virus' without host cells. Nor am I requesting records that describe a strict fulfillment of Koch's Postulates, or records that describe a suspected "virus" floating in a vacuum, or private patient information.

I simply request records that describe **purification** (separation of the alleged virus from everything else in the patient sample, as per standard laboratory practices for the purification of other very small things).

Please note that my request includes any study/report matching the above description, **authored by anyone, anywhere**.

If any records match the above description of requested records and are currently available to the public elsewhere, please provide enough information about each record so that I may identify and access each one with certainty (i.e. title, author(s), date, journal, where the public may access it). Please provide URLs where possible.

Format:

Pdf documents sent to me via email; I do not wish for anything to be shipped to me.

Contact Information:

Last name: Massey
First name: Christine
Address: [REDACTED] Peterborough, Ontario, Canada [REDACTED]
Phone: [REDACTED]
Email: cmssyc@gmail.com

Thank you in advance and best wishes,
Christine Massey, M.Sc.



Christine Massey <cmssyc@gmail.com>

FOIL #: 21-11-095

doh.sm.BOB-FOIL <foil@health.ny.gov>
To: "cmssyc@gmail.com" <cmssyc@gmail.com>

Tue, Dec 7, 2021 at 4:46 PM

Good Afternoon,

Attached you will find the NYS Department of Health's Extension letter for the above referenced matter.

Thank you

Records Access Office

New York State Department of Health

Corning Tower, Rm 2364

Albany, NY 12237

P: (518) 474-8734

F: (518) 486-9144

Email: foil@health.ny.gov

 **12.7.21 ext. letter 21-11-095.pdf**
50K



**Department
of Health**

KATHY HOCHUL
Governor

MARY T. BASSETT, M.D., M.P.H.
Acting Commissioner

KRISTIN M. PROUD
Acting Executive Deputy Commissioner

December 7, 2021

Christine Massey

Peterborough, [REDACTED]

FOIL #: 21-11-095

Dear Christine Massey:

This letter is in regard to your Freedom of Information Law (FOIL) request of November 5, 2021, which is currently being processed.

Please be advised this Office is unable to respond to your request by the date previously given to you because a diligent search for responsive documents is still being conducted.

We estimate that this Office will complete its process by February 9, 2022. The Department will notify you in writing when/if the responsive materials are available for release or if the time needed to complete your request extends beyond the above date.

Should you require additional information or wish to discuss this matter further, please do not hesitate to contact me at (518) 474-8734.

Sincerely,

Rosemarie Hewig, Esq.
Records Access Officer

RH/ysd



Christine Massey <cmssyc@gmail.com>

FOIL #: 21-11-095

doh.sm.BOB-FOIL <foil@health.ny.gov>
To: "cmssyc@gmail.com" <cmssyc@gmail.com>

Wed, Feb 9, 2022 at 3:16 PM

Good Afternoon,

Attached you will find the NYS Department of Health's Extension letter for the above referenced matter.

Thank you

Records Access Office

New York State Department of Health

Corning Tower, Rm 2364

Albany, NY 12237

P: (518) 474-8734

F: (518) 486-9144

Email: foil@health.ny.gov

 **2.9.22 Ext. Letter 21-11-095.pdf**
50K



**Department
of Health**

KATHY HOCHUL
Governor

MARY T. BASSETT, M.D., M.P.H.
Commissioner

KRISTIN M. PROUD
Acting Executive Deputy Commissioner

February 9, 2022

Christine Massey

[REDACTED]
Peterborough, [REDACTED]

FOIL #: 21-11-095

Dear Christine Massey:

This letter is in regard to your Freedom of Information Law (FOIL) request of November 5, 2021, which is currently being processed.

Please be advised this Office is unable to respond to your request by the date previously given to you because a diligent search for responsive documents is still being conducted.

We estimate that this Office will complete its process by April 15, 2022. The Department will notify you in writing when/if the responsive materials are available for release or if the time needed to complete your request extends beyond the above date.

Should you require additional information or wish to discuss this matter further, please do not hesitate to contact me at (518) 474-8734.

Sincerely,

Rosemarie Hewig, Esq.
Records Access Officer

RH/ysd



Christine Massey <cmssyc@gmail.com>

NYS Department of Health, FOIL # 21-11-095

doh.sm.BOB-FOIL <foil@health.ny.gov>
To: "cmssyc@gmail.com" <cmssyc@gmail.com>

Wed, Feb 23, 2022 at 2:31 PM

Dear Christine Massey:

Attached please find the Department of Health's letter pertaining to the above-referenced request.

Regards,

Records Access Office

New York State Department of Health
2364 Corning Tower, Albany, NY 12237
(518) 474-8734 | Fax (518) 486-9144
foil@health.ny.gov

 **21-11-095 Letter, 2-23-22.pdf**
237K



Department of Health

KATHY HOCHUL
Governor

MARY T. BASSETT, M.D., M.P.H.
Commissioner

KRISTIN M. PROUD
Acting Executive Deputy Commissioner

February 23, 2022

Christine Massey
580 Fagan Avenue
Peterborough, Ontario, Canada K9J 4J1

FOIL #: 21-11-095

Dear Christine Massey:

This is in regard to your Freedom of Information Law (FOIL) request of November 5, 2021, in which you requested:

All studies and/or reports in the possession, custody or control of the New York State Department of Health describing the purification of any "COVID-19 virus" (aka "SARS-COV-2", including any alleged "variants" i.e. "B.1.1.7", "B.1.351", "P.1", etc.) (for example: via filtration, ultracentrifugation and chromatography), directly from a sample taken from a diseased human where the patient sample was not first combined with any other source of genetic material (i.e. monkey kidney cells aka Vero cells; fetal bovine serum).

Please note that I am not requesting studies/reports where researchers failed to purify the suspected "virus" and instead:

- cultured an unpurified sample or other unpurified substance, and/or
- performed an amplification test (i.e. a PCR test), and/or
- fabricated a "genome", and/or
- produced electron microscopy images of unpurified things.

Please be advised that the Records Access Office requires clarification regarding the records you are seeking, specifically, additional details regarding the purification method requested.

Your request is currently pending until the requested clarification is received. If we do not receive a response from you within 10 days, or March 9, 2022, we will assume that you no longer

wish to receive the records you requested, and your request will be closed. Please contact this office with your response by phone, mail, fax, or email:

Records Access Office
New York State Department of Health
Corning Tower – Room 2364
Albany, New York 12237-0044
Phone: (518) 474-8734
Fax: (518) 486-9144
Email: foil@health.ny.gov

If I can be of further assistance, please do not hesitate to contact me at (518) 474-8734.

Sincerely,

Rosemarie Hewig

Rosemarie Hewig, Esq.
Records Access Officer

RH/ysd



Christine Massey <cmssyc@gmail.com>

NYS Department of Health, FOIL # 21-11-095

Christine Massey <cmssyc@gmail.com>
To: "doh.sm.BOB-FOIL" <foil@health.ny.gov>

Thu, Feb 24, 2022 at 12:05 PM

Dear Rosemarie,

I have no idea what sort of clarification you require. You haven't asked me any questions.

You stated:

"....the Records Access Office requires clarification regarding the records you are seeking, specifically, additional details regarding the purification method requested."

I did not request or specify any purification method. I simply listed examples of techniques that might have been used.

Best wishes,
Christine

[Quoted text hidden]



Christine Massey <cmssyc@gmail.com>

NYS Department of Health, FOIL # 21-11-095

doh.sm.BOB-FOIL <foil@health.ny.gov>
To: "cmssyc@gmail.com" <cmssyc@gmail.com>

Thu, Feb 24, 2022 at 1:18 PM

Good afternoon Christine,

Our office needs additional clarification from you in order to fulfill your request based on feedback that we have received from the program area that is currently working to complete its search of records responsive to your FOIL request. Please give our office a call at your convenience.

Thank you.

Records Access Office

New York State Department of Health
2364 Corning Tower, Albany, NY 12237
(518) 474-8734 | Fax (518) 486-9144
foil@health.ny.gov

From: Christine Massey <cmssyc@gmail.com>
Sent: Thursday, February 24, 2022 12:05 PM
To: doh.sm.BOB-FOIL <foil@health.ny.gov>
Subject: Re: NYS Department of Health, FOIL # 21-11-095

ATTENTION: This email came from an external source. Do not open attachments or click on links from unknown senders or unexpected emails.

[Quoted text hidden]



Christine Massey <cmssyc@gmail.com>

NYS Department of Health, FOIL # 21-11-095

Christine Massey <cmssyc@gmail.com>
To: "doh.sm.BOB-FOIL" <foil@health.ny.gov>

Thu, Feb 24, 2022 at 2:03 PM

I require these communications to be in writing, so have whoever needs clarification write to me.

Christine
[Quoted text hidden]



Christine Massey <cmssyc@gmail.com>

NYS Department of Health, FOIL # 21-11-095

doh.sm.BOB-FOIL <foil@health.ny.gov>
To: "cmssyc@gmail.com" <cmssyc@gmail.com>

Fri, Feb 25, 2022 at 1:45 PM

Dear Christine Massey:

Attached please find the Department of Health's response to the above-referenced request.

Regards,

Records Access Office

New York State Department of Health
2364 Corning Tower, Albany, NY 12237
(518) 474-8734 | Fax (518) 486-9144

foil@health.ny.gov

 **21-11-095 Response Letter, 2-25-22.pdf**
212K



KATHY HOCHUL
Governor

Department of Health

MARY T. BASSETT, M.D., M.P.H.
Commissioner

KRISTIN M. PROUD
Acting Executive Deputy Commissioner

February 25, 2022

Christine Massey

Peterborough, [REDACTED]

FOIL #: 21-11-095

Dear Christine Massey:

This letter responds to your Freedom of Information Law (FOIL) request of November 5, 2021, in which you requested:

All studies and/or reports in the possession, custody or control of the New York State Department of Health describing the purification of any "COVID-19 virus" (aka "SARS-COV-2", including any alleged "variants" i.e. "B.1.1.7", "B.1.351", "P.1", etc.) (for example: via filtration, ultracentrifugation and chromatography), directly from a sample taken from a diseased human where the patient sample was not first combined with any other source of genetic material (i.e. monkey kidney cells aka Vero cells; fetal bovine serum).

Please note that I am not requesting studies/reports where researchers failed to purify the suspected "virus" and instead:

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I am already aware that according to virus theory a "virus" requires host cells in order to replicate, and am not requesting records that describe replication of a 'virus' without host cells. Nor am I requesting records that describe a strict fulfillment of Koch's Postulates, or records that describe a suspected "virus" floating in a vacuum, or private patient information. I simply request records that describe purification (separation of the alleged virus from everything else in the patient sample, as per standard laboratory practices for the purification of other very small things).

Please be advised that the New York State Department of Health does not maintain records responsive to your request.

Should you feel that you have been unlawfully denied access to records, you may appeal such denial in writing within 30 days to the Records Access Appeals Officer, Division of Legal Affairs, Empire State Plaza, 2438 Corning Tower, Albany, New York 12237-0026.

If you require additional information or wish to discuss this matter further, please do not hesitate to contact me at (518) 474-8734.

Sincerely,

Rosemarie Hewig

Rosemarie Hewig, Esq.
Records Access Officer

RH/ysd