

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

COMMITTEE ON OVERSIGHT AND REFORM

2157 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6143

MAJORITY (202) 225-5051  
MINORITY (202) 225-5074  
<https://oversight.house.gov>

June 10, 2021

Mr. Donald Smith  
Chief Executive Officer  
Combined Systems, Inc.  
388 Kinsman Road  
Jamestown, PA 16134

Dear Mr. Smith:

The Subcommittee on Economic and Consumer Policy and the Subcommittee on Civil Rights and Civil Liberties are requesting documents and information about the safety of tear gas products manufactured by your company.

Tear gas weapons are commonly used in the United States by law enforcement as “riot control agents.” What is commonly referred to as “tear gas” are chemical compounds containing different combinations of chemical agents, such as those known as chloroacetophenone (CN), chlorobenzylidenemalonitrile (CS), chloropicrin (PS), bromobenzylcyanide (CA), and dibenzoxazepine (CR).<sup>1</sup> Studies have shown significant adverse health outcomes for individuals exposed to tear gas.<sup>2</sup> The safety of tear gas products sold in the United States appears to be largely left to the discretion of manufacturers.<sup>3</sup>

To assist the Subcommittees in their review of this matter, I request that you produce, by June 24, 2021, the following documents and information for the period of January 1, 2018, to the present, unless otherwise indicated:

1. For each year, a list of all entities within the United States to which you sold tear gas products, including a description of the products sold and their chemical agents and the revenue generated from sales to each entity;

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<sup>1</sup> Centers for Disease Control and Prevention, *Facts About Riot Control Agents Interim Document* (online at <https://emergency.cdc.gov/agent/riotcontrol/factsheet.asp>) (accessed May 17, 2021).

<sup>2</sup> Knapik et al., *o-Chlorobenzylidene Malonitrile (CS Riot Control Agent) Associated Acute Respiratory Illnesses in a U.S. Army Basic Combat Training Cohort*, *Military Medicine* (July 1, 2014) (online at <https://academic.oup.com/milmed/article/179/7/793/4259353>).

<sup>3</sup> *Lack of Study and Oversight Raises Concerns About Tear Gas*, Associated Press (Aug. 6, 2020) (online at <https://apnews.com/article/virus-outbreak-charlotte-race-and-ethnicity-ap-top-news-police-c814cc7b873ccaf60b95b10e96ecfc12#:~:text=It's%20unclear%20exactly%20who%20in,the%20use%20of%20tear%20gas>).

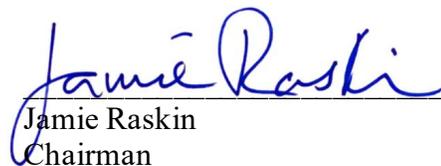
2. A description of safety testing performed for each of your tear gas products, and all documents relating to any such safety testing;
3. All policies and procedures regarding safety or testing of tear gas products for use on humans, including the maximum levels of any potentially hazardous ingredient that you allow in your products, and the actions your company takes if testing reveals that those maximum levels are exceeded in a product;
4. All internal documents, including communications, meeting minutes, and reports, referring or relating to negative health effects on humans of tear gas;
5. A description of any federal government regulatory entity in the United States that regulates the composition, testing, safety, or sale of your tear gas products, including a description of any reporting requirements by your company to the regulating entity;
6. All documents relating to any reports or complaints of health impacts from the use of your tear gas products;
7. All communications with the federal government or state governments regarding or relating to the safety of tear gas products sold by your company;
8. A list of any administrative or legal actions against your company relating to harm to any individual and relating to the use or manufacture of your tear gas products, including claims by members of the public, members of the community surrounding manufacturing facilities, and workers in manufacturing facilities; and
9. All documents relating to any workplace exposure to tear gas products requiring medical attention, anonymized to protect employee privacy.

The Committee on Oversight and Reform is the principal oversight committee of the House of Representatives and has broad authority to investigate “any matter” at “any time” under House Rule X. An attachment to this letter provides additional instructions for responding to the Committee’s request. If you have any questions regarding this request, please contact Committee staff at (202) 225-5051.

Sincerely,



Raja Krishnamoorthi  
Chairman  
Subcommittee on Economic and  
Consumer Policy



Jamie Raskin  
Chairman  
Subcommittee on Civil Rights and  
Civil Liberties

Mr. Donald Smith  
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Cori Bush  
Member of Congress



Alexandria Ocasio-Cortez  
Member of Congress

Enclosure

cc: The Honorable Michael Cloud, Ranking Member  
Subcommittee on Economic and Consumer Policy

The Honorable Pete Sessions, Ranking Member  
Subcommittee on Civil Rights and Civil Liberties

## **Responding to Oversight Committee Document Requests**

1. In complying with this request, produce all responsive documents that are in your possession, custody, or control, whether held by you or your past or present agents, employees, and representatives acting on your behalf. Produce all documents that you have a legal right to obtain, that you have a right to copy, or to which you have access, as well as documents that you have placed in the temporary possession, custody, or control of any third party.
2. Requested documents, and all documents reasonably related to the requested documents, should not be destroyed, altered, removed, transferred, or otherwise made inaccessible to the Committee.
3. In the event that any entity, organization, or individual denoted in this request is or has been known by any name other than that herein denoted, the request shall be read also to include that alternative identification.
4. The Committee's preference is to receive documents in electronic form (i.e., CD, memory stick, thumb drive, or secure file transfer) in lieu of paper productions.
5. Documents produced in electronic format should be organized, identified, and indexed electronically.
6. Electronic document productions should be prepared according to the following standards:
  - a. The production should consist of single page Tagged Image File ("TIF"), files accompanied by a Concordance-format load file, an Opticon reference file, and a file defining the fields and character lengths of the load file.
  - b. Document numbers in the load file should match document Bates numbers and TIF file names.
  - c. If the production is completed through a series of multiple partial productions, field names and file order in all load files should match.
  - d. All electronic documents produced to the Committee should include the following fields of metadata specific to each document, and no modifications should be made to the original metadata:

BEGDOC, ENDDOC, TEXT, BEGATTACH, ENDATTACH, PAGECOUNT, CUSTODIAN, RECORDTYPE, DATE, TIME, SENTDATE, SENTTIME, BEGINDATE, BEGINTIME, ENDDATE, ENDTIME, AUTHOR, FROM, CC, TO, BCC, SUBJECT, TITLE, FILENAME, FILEEXT, FILESIZE, DATECREATED, TIMECREATED, DATELASTMOD, TIMELASTMOD,

INTMSGID, INTMSGHEADER, NATIVELINK, INTFILPATH, EXCEPTION,  
BEGATTACH.

7. Documents produced to the Committee should include an index describing the contents of the production. To the extent more than one CD, hard drive, memory stick, thumb drive, zip file, box, or folder is produced, each should contain an index describing its contents.
8. Documents produced in response to this request shall be produced together with copies of file labels, dividers, or identifying markers with which they were associated when the request was served.
9. When you produce documents, you should identify the paragraph(s) or request(s) in the Committee's letter to which the documents respond.
10. The fact that any other person or entity also possesses non-identical or identical copies of the same documents shall not be a basis to withhold any information.
11. The pendency of or potential for litigation shall not be a basis to withhold any information.
12. In accordance with 5 U.S.C. § 552(d), the Freedom of Information Act (FOIA) and any statutory exemptions to FOIA shall not be a basis for withholding any information.
13. Pursuant to 5 U.S.C. § 552a(b)(9), the Privacy Act shall not be a basis for withholding information.
14. If compliance with the request cannot be made in full by the specified return date, compliance shall be made to the extent possible by that date. An explanation of why full compliance is not possible shall be provided along with any partial production.
15. In the event that a document is withheld on the basis of privilege, provide a privilege log containing the following information concerning any such document: (a) every privilege asserted; (b) the type of document; (c) the general subject matter; (d) the date, author, addressee, and any other recipient(s); (e) the relationship of the author and addressee to each other; and (f) the basis for the privilege(s) asserted.
16. If any document responsive to this request was, but no longer is, in your possession, custody, or control, identify the document (by date, author, subject, and recipients), and explain the circumstances under which the document ceased to be in your possession, custody, or control.
17. If a date or other descriptive detail set forth in this request referring to a document is inaccurate, but the actual date or other descriptive detail is known to you or is otherwise apparent from the context of the request, produce all documents that would be responsive as if the date or other descriptive detail were correct.

18. This request is continuing in nature and applies to any newly-discovered information. Any record, document, compilation of data, or information not produced because it has not been located or discovered by the return date shall be produced immediately upon subsequent location or discovery.
19. All documents shall be Bates-stamped sequentially and produced sequentially.
20. Two sets of each production shall be delivered, one set to the Majority Staff and one set to the Minority Staff. When documents are produced to the Committee, production sets shall be delivered to the Majority Staff in Room 2157 of the Rayburn House Office Building and the Minority Staff in Room 2105 of the Rayburn House Office Building.
21. Upon completion of the production, submit a written certification, signed by you or your counsel, stating that: (1) a diligent search has been completed of all documents in your possession, custody, or control that reasonably could contain responsive documents; and (2) all documents located during the search that are responsive have been produced to the Committee.

### **Definitions**

1. The term “document” means any written, recorded, or graphic matter of any nature whatsoever, regardless of how recorded, and whether original or copy, including, but not limited to, the following: memoranda, reports, expense reports, books, manuals, instructions, financial reports, data, working papers, records, notes, letters, notices, confirmations, telegrams, receipts, appraisals, pamphlets, magazines, newspapers, prospectuses, communications, electronic mail (email), contracts, cables, notations of any type of conversation, telephone call, meeting or other inter-office or intra-office communication, bulletins, printed matter, computer printouts, teletypes, invoices, transcripts, diaries, analyses, returns, summaries, minutes, bills, accounts, estimates, projections, comparisons, messages, correspondence, press releases, circulars, financial statements, reviews, opinions, offers, studies and investigations, questionnaires and surveys, and work sheets (and all drafts, preliminary versions, alterations, modifications, revisions, changes, and amendments of any of the foregoing, as well as any attachments or appendices thereto), and graphic or oral records or representations of any kind (including without limitation, photographs, charts, graphs, microfiche, microfilm, videotape, recordings and motion pictures), and electronic, mechanical, and electric records or representations of any kind (including, without limitation, tapes, cassettes, disks, and recordings) and other written, printed, typed, or other graphic or recorded matter of any kind or nature, however produced or reproduced, and whether preserved in writing, film, tape, disk, videotape, or otherwise. A document bearing any notation not a part of the original text is to be considered a separate document. A draft or non-identical copy is a separate document within the meaning of this term.
2. The term “communication” means each manner or means of disclosure or exchange of information, regardless of means utilized, whether oral, electronic, by document or otherwise, and whether in a meeting, by telephone, facsimile, mail, releases, electronic

message including email (desktop or mobile device), text message, instant message, MMS or SMS message, message application, or otherwise.

3. The terms “and” and “or” shall be construed broadly and either conjunctively or disjunctively to bring within the scope of this request any information that might otherwise be construed to be outside its scope. The singular includes plural number, and vice versa. The masculine includes the feminine and neutral genders.
4. The term “including” shall be construed broadly to mean “including, but not limited to.”
5. The term “Company” means the named legal entity as well as any units, firms, partnerships, associations, corporations, limited liability companies, trusts, subsidiaries, affiliates, divisions, departments, branches, joint ventures, proprietorships, syndicates, or other legal, business or government entities over which the named legal entity exercises control or in which the named entity has any ownership whatsoever.
6. The term “identify,” when used in a question about individuals, means to provide the following information: (a) the individual’s complete name and title; (b) the individual’s business or personal address and phone number; and (c) any and all known aliases.
7. The term “related to” or “referring or relating to,” with respect to any given subject, means anything that constitutes, contains, embodies, reflects, identifies, states, refers to, deals with, or is pertinent to that subject in any manner whatsoever.
8. The term “employee” means any past or present agent, borrowed employee, casual employee, consultant, contractor, de facto employee, detailee, fellow, independent contractor, intern, joint adventurer, loaned employee, officer, part-time employee, permanent employee, provisional employee, special government employee, subcontractor, or any other type of service provider.
9. The term “individual” means all natural persons and all persons or entities acting on their behalf.