

November 6, 2013

Dear Conferee:

On behalf of the undersigned groups, we urge you to oppose including provisions in the conferenced version of the Farm Bill that unnecessarily cut off public access to a broad swath of information about agricultural and livestock operations. This language would undermine the Freedom of Information Act's (FOIA) goal of transparency and it eviscerates the Act's balanced approach to weigh the public interest in the release of information.

Members of the public have a right to know about agricultural and livestock operations that affect them, including where such operations are located. This information is especially critical for people who live near or share waterways with concentrated animal feeding operations (CAFOs). Yet the language included in the House-passed version of the Farm Bill (HR 2642) requires the government to withhold even basic information about the location of livestock operations.

FOIA (5 U.S.C. § 552(b)(6)) includes strong protections of personal, private information that proponents seek through the provision. Agencies routinely rely on exemption 6 to withhold email addresses, phone numbers, and other similar information of non-government individuals. Indeed, after determining that it improperly released personal information related to CAFOs earlier this year, the Environmental Protection Agency (EPA) asked requesters who had received the information to return it to the agency. The requesters complied.

Beyond being unnecessary to protect the information of individuals and small family farms, the language included in the House-passed bill is exceedingly broad and vague. The provision does not define "owners" or "operators," and thus permits the information of large corporate operations to be kept from public view alongside the information of individuals and small family operations. As the Supreme Court reaffirmed in *FCC v. AT&T, Inc.*, Congress never intended to extend the FOIA's protections for personal privacy to corporations and Congress must not do so now.

We urge you to oppose any effort to require the government to deny the public access to information about livestock and agricultural operations. Including this language in the conferenced version of the Farm Bill is bad for transparency and accountability, and is unnecessary. If you have any questions or would like to discuss this issue further, please contact Patrice McDermott, Director of OpenTheGovernment.org (pmcdermott@openthegovernment.org or 202-332-6736).

Sincerely,

American Association of Law Libraries

Californians Aware

American Library Association

Center for Effective Government

ARTICLE 19

Center for Media and Democracy

Brechner Center for Freedom of Information

Center for Science and Democracy at the Union
of Concerned Scientists

Citizens for Responsibility and Ethics in
Washington – CREW

Colorado Freedom of Information Coalition

Colorado Press Association

Community Research

The Constitution Project

Defending Dissent Foundation

Essential Information

First Amendment Coalition

Freedom of Information Center at the Missouri
School of Journalism

Government Accountability Project – GAP

Iowa Freedom of Information Council

Knowledge Ecology International

Michigan Coalition for Open Government

Minnesota Coalition On Government
Information

Montana Freedom of Information Hotline

MuckRock

National Coalition Against Censorship

National Freedom of Information Coalition

National Security Archive

New England First Amendment Coalition

Northern California Association of Law Libraries

Ohio Newspaper Association

OpenTheGovernment.org

Pennsylvania Freedom of Information Coalition

Progressive Librarians Guild

Project On Government Oversight – POGO

Public Citizen

Public Employees for Environmental
Responsibility – PEER

Public Record Media

Reporters Committee for Freedom of the Press

Sage Information Services

Society of American Archivists

Society for Professional Journalists

South Dakota Newspaper Association

Student Press Law Center

Sunlight Foundation

Tully Center for Free Speech at Syracuse
University

Washington Coalition for Open Government

Wisconsin Freedom of Information Council

cc: Chairman Darrel Issa, House Oversight and Government Reform Committee
Ranking Member Elijah Cummings, House Oversight and Government Reform Committee