



## State of Utah

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Lieutenant Governor

## Department of Agriculture and Food

R. LOGAN WILDE  
Commissioner

KELLY PEHRSON  
Deputy Commissioner

LEANN HUNTING  
Director, Animal Industry

October 19, 2020

Jeremy Beckham, MPA, MPH  
Executive Director  
Utah Animal Rights Coalition  
PO Box 3451  
Salt Lake City, UT 84110  
[jeremy@uarc.io](mailto:jeremy@uarc.io)

Re: GRAMA Request for the Utah Animal Rights Coalition

Dear Mr. Beckham,

The Utah Department of Agriculture and Food (Department) Division of Animal Industry received your request for:

- *Records identifying any and all Utah mink farms which have had positively identified cases of SARS-CoV-2 and/or COVID-19, including (but not limited to) those nine farms referenced in public media reports.*
- *Necropsy reports and diagnostic test reports for any mink from the two Utah mink farms which later had confirmed positive cases of SARS-CoV-2 (March 1, 2020 – present).*
- *Correspondence between Utah Department of Agriculture and Food (UDAF) representatives and representatives of the U.S. Department of Agriculture (USDA) regarding SARS-CoV-2 cases in mink, or efforts to identify such cases (March 1, 2020 – present).*
- *Correspondence between Utah Department of Agriculture and Food (UDAF) representatives and representatives of the Utah Department of Health (UDOH) or any county or district health department located in the state of Utah regarding SARS-CoV-2 cases in mink, or efforts to identify such cases (March 1, 2020 – present).*
- *Correspondence between any UDAF representatives and any representatives of the mink farming industry, including the Utah Farm Bureau and/or representatives of Utah fur farms, regarding the COVID-19 epidemic and its impact on Utah's fur farming industry (March 1, 2020 – present).*
- *Any protocols or documents reflecting precautions being taken or recommended be taken for Utah mink farms to reduce transmission of SARS-CoV-2.*
- *Records revealing the nature of the "stringent biosecurity measures" implemented on fur farms in response to the latest COVID-19 outbreaks, as indicated by a UDAF spokesperson in recent public media reports.*

The Department has conducted a thorough search of its records based on your GRAMA request. The Department must partially deny your request for the following reasons:

1. Some of the records you have requested, such as necropsy and other diagnostic test reports from state and federal veterinary diagnostic laboratories, as well as correspondence originating from other government agencies, are not prepared, owned, or maintained by the Department. These records are owned by the Utah Veterinary Diagnostic Laboratory, the USDA National Veterinary Services Laboratory, the Centers for Disease Control

and Prevention, and UDOH. Pursuant to Utah Code, 63G-2-204 (2), a person making a request for a record shall submit the request to the governmental entity that prepares, owns, or retains the record; and Subsection (2)(c) “if a governmental entity is prohibited from providing a record it shall, deny the records request and inform the person making the request that records requests must be submitted to the governmental entity that prepares, owns, or retains the record.”

2. All documents related to the identity of the mink farms or the ongoing investigation are considered protected under Sections 63G-2-305(10) and Section 63G-2-305(49), which state that the following records are protected:

63G-2-305(10) – “records created or maintained for civil, criminal, or administrative enforcement purposes or audit purposes, or for discipline, licensing, certification, or registration purposes, if release of the records:

- (a) reasonably could be expected to interfere with investigations undertaken for enforcement, discipline, licensing, certification, or registration purposes;
- (b) reasonably could be expected to interfere with audits, disciplinary, or enforcement proceedings;
- (c) would create a danger of depriving a person of a right to a fair trial or impartial hearing;
- (d) reasonably could be expected to disclose the identity of a source who is not generally known outside of government and, in the case of a record compiled in the course of an investigation, disclose information furnished by a source not generally known outside of government if disclosure would compromise the source; or
- (e) reasonably could be expected to disclose investigative or audit techniques, procedures, policies, or orders not generally known outside of government if disclosure would interfere with enforcement or audit efforts.

63G-2-305(49) – “records of the Department of Agriculture and Food that provides for the identification, tracing, or control of livestock diseases, including any program established under Title 4, Chapter 24, Utah Livestock Brand and Anti-Theft Act, or Title 4, Chapter 31, Control of Animal Disease;”

The Department has distributed one piece of guidance to mink farmers that is not a record of the Department and is publicly available. It is:

**Response & Containment Guidelines: Interim Guidance for Animal Health and Public Health Officials Managing Farmed Mink and other Farmed Mustelids with SARS-CoV-2** (available at: [https://www.aphis.usda.gov/publications/animal\\_health/sars-cov-2-mink-guidance.pdf](https://www.aphis.usda.gov/publications/animal_health/sars-cov-2-mink-guidance.pdf))

The Department is granting your request for a fee waiver for this information.

If you believe that the attached response is incomplete or deficient, you may appeal the GRAMA Officer’s decision to the Chief Administrative Officer for the Department: Kelly Pehrson, 350 N Redwood Rd, Salt Lake City, UT 84116, (801) 982-2200. Any appeal must be within thirty (30) days of the above date of determination and must be by filing a “notice of appeal” compliant with Utah Code 63G-2-401; Appeal to Head of Governmental Entity. Thank you for your cooperation, and if you have any questions, please feel free to contact our counsel Melissa Ure at 801-982-2200.

Sincerely yours,



Amanda Price, DVM, MS  
GRAMA Officer, Division of Animal Industry