



✉ P.O. Box 3451
SALT LAKE CITY, UT 84110
☎ 385-401-4301
🌐 uarc.io
🐦 @uarc

December 7, 2020

Rebekkah Shaw
Executive Secretary
State Records Committee
346 South Rio Grande St.
Salt Lake City UT 84101

Re: Petitioner's Reply to Respondent's December 7, 2020 Motion for a Continuance

Sent via email: SRCsecretary@utah.gov

Dear Rebekkah Shaw:

Utah Animal Rights Coalition (UARC) opposes the Utah Department of Agriculture and Food (the Department)'s eleventh hour Motion for Continuance ("the Motion"), dated and transmitted earlier today. UARC asks that the Utah State Records Committee (SRC) maintain its existing scheduling for an expedited hearing this Thursday, December 10, 2020. The SRC already made the correct determination, that in light of the substantial public interest in the records in question, where *time is of the essence*, an expedited hearing for UARC's appeal was justified, pursuant to Utah Code § 63G-2-403(4)(a)(1). In its Motion, the Department has not provided a sound basis for the Committee to reverse this original determination.

The primary bases of the Department's Motion are not actually reasons to support a *continuance*, but substantive arguments related to the merits of the appeal before the SRC. This includes every bases under the subheaders "Public Health and Safety", and "Risk to Public Health and Safety in Disclosing Specific Information." The Department is introducing these arguments to block release of the records UARC seeks. These arguments go to the heart of the actual dispute being addressed by the SRC at the upcoming hearing. This substance of the Department's arguments and volume of its exhibits show that the Department is perfectly capable and prepared to argue the merits of the case on December 10 and that a continuance is not needed.

Further, the Department should not be in a position where it is "sorting through literally hundreds of potentially responsive documents." UARC has already gone through an administrative appeal process with the Department. During that appeal, the Department's Chief Records Officer denied UARC's request, citing content-based exemptions under GRAMA. This means the Department has already gathered the records, reviewed them, and determined that content-based

exemptions apply. SRC is now simply in the position of making a *de novo* appeal of that determination. There should not be a need for any additional time to gather responsive material.

The Department has been on official notice that UARC is seeking access to this information since our organization filed its original request on October 14, 2020. The Department also should have reasonably ascertained that UARC was determined to pursue access to this information when our organization filed its administrative appeal on November 12, 2020. Nearly all of the cases and peer-reviewed literature that UARC referenced in its December 2, 2020 State Records Committee appeal were also included and referenced in its November 12, 2020 administrative appeal, addressed and sent to the Department. Therefore, the Department has been on notice since that time. It already had an opportunity to “consult with a leading epidemiologist” or solicit additional expert opinions during the administrative appeal process. It chose not to do so.

Most importantly, however, Dr. Taylor’s testimony is simply not needed for this proceeding. The SRC is not a body of scientific experts that has been impaneled to make a conclusive determination about the severity of zoonotic transmission of the virus that causes COVID-19. It need only review enough evidence to determine that the records relate to a matter of significant public concern and controversy. Experts still disagree with one another about the role that children play in transmitting COVID-19, but this surely could never be a justification to withhold access to information related to public school closures.

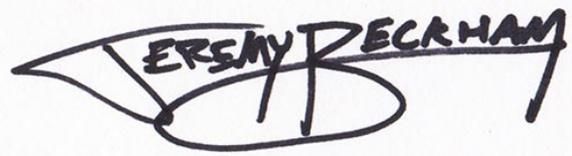
UARC’s has clearly met the public interest threshold. Several European nations with large mink farming industries have introduced drastic measures to contain what they perceive as a significant public health threat emanating from their mink farms. They made these policy decisions based upon recommendations from their public health authorities. Utahns have a legitimate basis to question why similar measures were not undertaken here, and based upon what evidence.

Dr. Taylor’s testimony before the SRC would have to be predicated on a foundation of precisely the records that UARC seeks. The Department should simply release the records themselves and bypass any testimony from Dr. Taylor that would likely be nothing more than an attempt to excuse the agency’s lack of meaningful response and deceptive public statements.

In addition to the Department's eleventh-hour Motion being substantively flawed, a continuance would prejudice UARC and the public. The Utah Legislature designed GRAMA to provide the public speedy access to disclosable public records and expedited hearings on appeals where the requester establishes good cause. Utah Code §§ 63G-2-204(4); 63G-2-403(4)(a)(i). This body has already established that good cause exists. Further, *time is of the essence* because COVID-19 is already breaking out at mink farms around the world, jeopardizing the effectiveness of vaccines and threatening the health of the communities surrounding these farms. Every day of delay risks calamity—a full month of delay would risk catastrophe.

Because the Department has given no rational or legal basis to delay this week's hearing, the SRC should deny the Department's Motion for Continuance.

Sincerely,

A handwritten signature in black ink that reads "JEREMY BECKHAM". The signature is stylized, with the first letters of each name being larger and more prominent. The signature is written over a light gray rectangular background.

Jeremy Beckham, MPA, MPH
Executive Director
Utah Animal Rights Coalition
385-401-4301 (office)
385-227-7034 (mobile)
jeremy@uarc.io