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**BEFORE THE STATE RECORDS COMMITTEE**

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<b>UARC,</b>	:	<b>RESPONDENT'S BRIEF</b>
<b>Petitioner,</b>	:	
<b>vs.</b>	:	<b>Case No. 2020-131 (expedited)</b>
<b>UTAH DEPARTMENT OF AGRICULTURE AND FOOD,</b>	:	
<b>Respondent.</b>	:	

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Respondent, the Utah Department of Agriculture and Food (UDAF or Department) hereby submit the following brief in support of their denial of Petitioner's GRAMA appeal.<sup>1</sup>

Public Health and Safety

UDAF recognizes the importance of the impact of COVID-19<sup>2</sup> as an epidemic affecting the safety and security of individuals throughout the state. Since the first reports of COVID-19

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<sup>1</sup> The assertions in this Brief, including the status of the investigation and the Department's review and categorization of the requested records is attested to through the sworn statements of Drs. Taylor and Price, which are attached.

<sup>2</sup> For ease of reference, SARS-CoV-2 and COVID-19 are collectively referred to as COVID-19 throughout this brief.

potentially affecting animal industries in Utah, UDAF, with the USDA, CDC and Utah Department of Health, has been actively and continuously investigating and monitoring reports of COVID-19 related incidents, including those with potential links to animal facilities. Information from the investigation on current cases of outbreaks on mink farms is posted regularly on the USDA website and updated as recently as November 15, 2020.<sup>3</sup> UDAF continues to cooperate fully with the Governor's office, journalists and issued its own press release on October 9, 2020, informing the public as to the status of the issue. UDAF is currently following all state and federal guidance regarding prevention of the spread of COVID-19, including guidance issued by the CDC, which finds the current risk of animal to human spread of COVID-19 to be low. These steps include quarantines of mink farms found with infected or suspected infections of animals. These quarantine orders are currently in effect and being strictly enforced. They include specific biosecurity measures and limit the number of people with direct contact to the mink to individuals providing animal care.

Because of UDAF's diligence in monitoring and immediately responding to the COVID-19 issues, there are currently no reports of any transmission of COVID-19 from quarantined animals to neighboring wild or domestic animal or human populations directly resulting from exposure to mink or the individuals who care for them. There are no "hot spots" located near these mink populations where COVID-19 has been found in disproportionate numbers.

Thus the risks to public health and safety from transmission of the virus between infected mink and humans is low, if almost non-existent.

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<sup>3</sup> Exhibits are attached to the Motion for Continuance filed before this Committee in this matter. The Motion for Continuance, including Exhibits, is also attached, and incorporated by reference, to this Brief.

### Risk to Public Health and Safety in Disclosing Information

In fact, the risks to public health and safety would be dramatically increased by disclosure of the specific locations of the areas where COVID-19 has been found in mink populations in the state. The primary concern is the release of this information on a broad public scale by posting the names, addresses and Google map coordinates of animal industry operations to a third-party website. These risks are serious and well-documented. There are numerous cases where animal industry operations have been broken into, with animals stolen from their owners and released into the wild or sent to large-scale facilities where they are in contact with numerous individuals and other animals. These are currently being prosecuted as felonies. In fact, there have been two recent incidents in Utah and Idaho where potentially infected mink have been stolen by individuals for release. The stolen mink were not under quarantine at that time but may have been infected with COVID-19.

Thus, the threat to human exposure to infected mink would be increased by the release of the requested information to Petitioner and the public interest is served best by allowing the investigation to proceed and information provided to the public through official channels.

Once the investigations into the quarantined mink farms have been fully concluded and the appropriate steps have been taken to lift the quarantine measures currently in effect, the Department is fully open to entertaining Petitioner's records request and releasing non-protected records as required by GRAMA.

### Cooperation with Federal and State Entities

The Department is specifically prohibited from releasing Petitioner's requested information as it relates to an ongoing, joint federal and state investigation into the relationship

between COVID-19 and mink.<sup>4,5</sup> This information was only shared with the Department with the agreement that it would retain the same confidential/protected designation. If we violate this agreement, the Department is potentially liable for violation of federal law.

Additionally, if this information is released, we will see a significant decline in the number of individuals who will provide information on security measures and potential outbreaks to the Department: our agreement to keep their legally protected information protected is extremely important to producers and without it our ability to regulate these industries and to protect against a widespread animal disease epidemic is in jeopardy.

Finally, the individuals providing information about mink and COVID-19 did so in order to comply with state and federal law. They have a clear expectation of privacy under GRAMA.<sup>6</sup>

#### Applicability of Utah's Control of Animal Disease Act

As addressed in detail in this brief, GRAMA's provision under UCA 63G-2-305(49) protects records of the Department "that provides for the identification, tracing, or control of livestock diseases...including...Title 4, Chapter 31, Control of Animal Diseases." The Department is acting with full authority under this Chapter in this matter, specifically by seeking the assistance of federal authorities, identifying COVID-19 as a potential threat to domestic animals and livestock and restricting the movement and contact with infected or exposed

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4 "In response to a request for a record, a governmental entity may not provide a record that it has received under Section 63G-2-206 as a shared record." UCA 63G-2-204(2)(a).

5 Protected records include "records provided by the United States or by a government entity outside the state that are given to the governmental entity with a requirement that they be managed as protected records if the providing entity certifies that the record would not be subject to public disclosure if retained by it." UCA 63G-3-305[31].

6 Protected records include "an individual's home address, home telephone number, or personal mobile phone number, if:(a) the individual is required to provide the information in order to comply with a law, ordinance, rule, or order of a government entity; and (b) the subject of the record has a reasonable expectation that this information will be kept confidential due to:(i)the nature of the law, ordinance, rule, or order; and(ii) the individual complying with the law, ordinance, rule, or order; UCA 63G-2-305(51).

animals. *See* UCA 4-31-105, 106 and 113.

Contrary to Petitioner's assertions, the Department's authority under this Act is not limited to any specific animal breed. Further, the Department has broad discretion under this Act to take any and all measures, including euthanizing animals for postmortem examination and destroying property necessary to contain any spread of an infectious disease. UCA 4-31-108, 106. Since the onset of COVID-19 and reports of potential mink-related cases, the Department has acted pursuant to its authority under this Act. Further, the Department relies on the protected nature of these records in order to prevent sabotage or other actions by individuals gaining access to Departmental protocols and procedures in controlling animal diseases from being introduced to, and spreading in, the state. Protection of these records is therefore necessary in order to allow the Department to act without fear or repercussions or risk unnecessary exposure to domestic and wild animals or individuals.

Again, the public interest is served in maintaining these records as protected, especially where disclosure could lead to infected animals being released into the wild, re-located to populations where COVID-19 has not been detected, and with respect to increased interactions between humans and mink through improper entry onto quarantined property.

#### Specific Requests and Applicable GRAMA Provisions<sup>7</sup>

The following are the specific record requests made by Petitioner and the most applicable GRAMA provisions which apply. The Department asserts that all provisions cited in this Brief apply as to each. For ease of analysis, a brief description of the Department's concerns and reasoning for withholding the requested records is included:

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<sup>7</sup> For the reader's convenience, GRAMA provisions are shortened after their first full citation appears in this brief.

1. *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.*

a. UCA 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”

i. Each of these subsections apply in this matter. Releasing information related to an ongoing investigation, including the identities or locations of the infected mink would undeniably release information known only to the Department and federal agencies, could impede the progress of the investigation by having a chilling effect on cooperation by individuals

involved in the investigations, could prejudice individuals in any disciplinary actions brought by the Department in enforcing its orders by allowing them to be pre-tried in the court of public opinion, would disclose sources not currently a matter of public record, and would disclose the Department's procedures and investigatory techniques (which in turn would allow individuals to controvert such efforts in future disease control measures). Indeed, the release of this information related to an ongoing investigation would have a chilling effect on the agricultural community as a whole in working with the Department during future outbreaks of any disease to the detriment of the agricultural industry in the state.

- b. UCA 63G-2-204(2)(a): "In response to a request for a record, a governmental entity may not provide a record that it has received under Section 63G-2-206 as a shared record"
  - i. The Department has been working with USDA, the CDC, and the Utah Department of Health on these requests. Information was shared amongst these entities with the explicit understanding that this information would be kept confidential. The documents shared containing the location of these farms are marked as confidential on the communications exchanged between the entities and disclosure by the Department is therefore improper.
- c. UCA 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”

- i. The Department’s authority under this Act is not limited to any specific animal breed, extends to domestic animals and traditional livestock populations and the Department has broad discretion under this Act to take any and all measures necessary to contain any spread of an infectious disease. UCA 4-31-108, 106. Since the onset of COVID-19 and reports of potential mink-related cases, the Department has acted pursuant to its authority under this Act, including imposing quarantines and conducting necropsies of animals.
  - ii. Further, the Department relies on the protected nature of these records in order to prevent sabotage or other actions by individuals gaining access to Departmental protocols and procedures in controlling animal diseases from being introduced to and spreading in the state. Because mink farms are not required to formally register with the Department, the Department does not have records related to mink farms in contexts other than those gathered for the purposes of controlling the spread of COVID-19 and enforcing its quarantine and other biosecurity measures.
- d. UCA 63G-2-305 (31): “records provided by the United States or by a government entity outside the state that are given to the governmental entity with a requirement that they be managed as protected records if the providing entity certifies that the record would not be subject to public disclosure if retained by it”

- i. The Department has access to shared information from every federal and state entity based on its agreement to maintain the protected/confidential status of the information provided, including communications between the Department and those entities. These entities have marked the documents as confidential when they were shared between the groups. Absent such agreements, the Department would not be privy to information necessary to prevent the spread of COVID-19 in the state, and cannot rely on future cooperation if such records are released.
- e. UCA 63G-2-305(26): “records that reveal the location of historic, prehistoric, paleontological, or biological resources that if known would jeopardize the security of those resources or of valuable historic, scientific, educational, or cultural information”
  - i. Defined as “Resources that provide scientific inputs [such as] macro-structure (ecology) and micro-structure (genetics).”<sup>8</sup>
  - ii. COVID-19 is being studied on both a macro and micro scale and any information the Department has regarding the spread of the disease is protected.
- f. UCA 63G-2-201(8)(e): “In response to a request, a governmental entity is not required to: fill a person’s records request if: (i) the record requested is: (A) publicly accessible online”
  - i. Information related to the general location of these farms and other information related to the number of farms and animals affected can be

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<sup>8</sup> [https://www.ers.usda.gov/webdocs/publications/41964/30289\\_biological.pdf?v=0](https://www.ers.usda.gov/webdocs/publications/41964/30289_biological.pdf?v=0)

accessed on the USDA and CDC websites, which are updated at least monthly. The titles of these reports are: USDA Cases of SARS-CoV-2 in Animals in the United States, and CDC COVID-19 and Animals.

2. *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).*

a. UCA 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”

i. In addition to the justification for not releasing the records set forth under (1)(a)(i) of this brief, animals were sent for necropsy as part of the investigation into possible cases of COVID-19 related deaths on mink farms. They are being conducted as a joint investigation between the Department, the Department of Health, USDA and the CDC. The public has already been notified of the outbreak on mink farms and the county in which the outbreak occurred: there is no public interest to be served in release of the necropsies. Additionally, the necropsies are the basis for the issuance of the quarantine on these facilities.

b. UCA 63G-2-305(49): “records of the Department of Agriculture and Food that provides for the identification, tracing, or control of livestock diseases”

i. Section (1)(c)(i-ii) addresses this argument. Additionally, any responsive records of necropsies fall directly under the Department’s authority under the Act and were conducted for the purposes of identifying the cause of death to determine if there was an animal disease outbreak, tracing the

disease and controlling its spread throughout the state. These records are essential to the tracing and control of animal diseases.

c. UCA 63G-2-204(2)(a): “[A] governmental entity may not provide a record that it has received under Section 63G-2-206 as a shared record”

i. Lab results were shared with the Department from the National Veterinary Services Laboratories, Utah Veterinary Diagnostic Lab, and the Washington State Animal Laboratory. These records were shared with the Department with the restriction that these are protected records and would not be publicly released.

3. *Correspondence between Utah Department of Agriculture and Food representatives and representatives of the U.S. Department of Agriculture regarding SARS-CoV-2 cases in mink, or efforts to identify such cases (March 1, 2020-present).*

a. UCA 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.” In addition to the justification for not releasing the records set forth under (1)(a)(i) of this brief;

i. Communications with the USDA on the COVID-19 outbreak have all been provided to coordinate the investigation into outbreaks of COVID-19 on an around mink farms. These communications include shared reports, coordination of response, sampling, testing and meetings regarding the investigation.

1. Reports include the number of animals tested, the method of testing, the number of mink losses and information related to the

containment of the outbreak. The disclosure of this information marked as confidential by the producing entity and shared with the public is thus improper.

2. Coordination of response: The records contain information regarding individuals conducting sampling for the ongoing state investigation. All this information relates to how the CDC, USDA, Department of Health, and the Department conduct investigations and disclosure is thus improper.
3. Meetings: All records refer to meetings discussing the status of the ongoing investigation and disclosure is thus improper.

b. UCA 63G-2-305(49): “records of the Department of Agriculture and Food that provides for the identification, tracing, or control of livestock diseases.” Section (1)(c)(i-ii) addresses this argument. In addition;

- i. Reliance on the expertise of USDA is imperative to the Department’s ability to adequately control animal disease, as is the ability for USDA and the Department to be able communicate freely in investigating and controlling animal disease outbreaks. USDA and the Department, along with the Utah Department of Health and CDC exchange information on sampling, tracking, and tracing, and updated policies and procedures for disposition of the animals and biosecurity measures.

1. The sampling, tracking, and tracing communications: The disclosure of this information would lead to issues in enforcement of the Control of Animal Disease act in the future by deterring

individuals from cooperating with the Department. Further, it would cause federal and state agencies to decline to share important investigative techniques and information in the future, knowing it can be released to the public.

2. Policies development: Currently there are draft documents regarding protocols and security measures. These documents are not finalized, are the property of the USDA and the CDC, and are not properly classified as Departmental records. It is UDAF's understanding that the documents will be released to the public by the USDA and CDC and/or other cooperating entities once finalized.

c. UCA 63G-2-305(31): "records provided by the United States or by a government entity outside the state that are given to the governmental entity with a requirement that they be managed as protected records if the providing entity certifies that the record would not be subject to public disclosure if retained by it"

i. In addition to the reasons set forth in section (1)(d)(i) of this brief, records regarding the investigation on mink farms, sampling and coordination between the Department and USDA were clearly marked as confidential and it was agreed that the documents would not be released to the public. The release of such information would profoundly affect the Department's ability to cooperate with USDA on future investigations and on other matters on which the Department cooperates with USDA.

d. UCA 63G-2-305(22): "drafts, unless otherwise classified as public"



investigative techniques and would interfere with ongoing investigative and enforcement actions, including the quarantine measures in effect.

b. UCA 63G-2-204(2)(a): “a governmental entity may not provide a record that it has received under Section 63G-2-206 as a shared record”

i. The Utah Department of Health is the creator of records regarding the meeting minutes and the status of conditions on the farms. These documents are marked as confidential and shared with the understanding that the information is protected. Should the Department release this information it would jeopardize the Department’s ability to work in conjunction with the Department of Health on future health issues.

ii. Petitioner should submit a GRAMA request to the Department of Health if they would like to receive this information.

c. UCA 63G-2-305(49): “records of the Department of Agriculture and Food that provides for the identification, tracing, or control of livestock diseases”

i. USDA and the Department, along with the Utah Department of Health and CDC exchange information on sampling, tracking, and tracing, and updated policies and procedures for disposition of the animals and biosecurity measures. When appropriate and after verification, information which can be shared by these entities is released.

5. *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).*

- a. UCA 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”
  - i. Communication between the Department and mink farmers is part of the animal disease investigation. Many of the individuals and farms involved continue to be hesitant to cooperate with the investigation as their location and other important information regarding their operations would become public information. If records are released involving these communications, there will be a chilling effect on the Department's ability to conduct such investigation in the future.
- b. UCA 63G-2-305(6) “records, the disclosure of which would impair governmental procurement proceedings or give an unfair advantage to any person proposing to enter into a contract or agreement with a governmental entity”
  - i. There are communications between the department that are not directly related to the investigation or control of animal disease; however, they do relate to possibilities of receiving COVID-19 relief funding. Appropriate grant information will be released public if otherwise not protected under GRAMA, once that process is finalized.
- c. UCA 63G-2-305(49): “records of the Department of Agriculture and Food that provides for the identification, tracing, or control of livestock diseases”



Conclusion

In sum, not only are there specific GRAMA provisions preventing the release of the requested documents as outlined *supra*, but the public interest weighs in favor of non-disclosure rather than disclosure. Therefore, the Committee should uphold the Department's decision to deny Petitioner access to the records not previously released.

/s/ H. Nicole Hanna o/b/o

H. NICOLE HANNA

MELISSA A. URE

Assistant Attorneys General

Attorney for Utah Department of

Agriculture and Food

CERTIFICATE OF SERVICE

I hereby certify that on December 8, 2020, I sent the foregoing **MOTION** electronically and via first class mail, to the State Records Committee and Petitioner:

State Records Committee  
c/o Rebekkah Shaw, Executive Secretary  
346 S. Rio Grande  
Salt Lake City, UT 84101-1106  
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Jeremy Beckham  
UARC  
PO Box 3451  
Salt Lake City, UT 84110  
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/s/ H. Nicole Hanna

# AFFIDAVITS

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**BEFORE THE STATE RECORDS COMMITTEE**

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<b>UARC,</b>	:	<b>SWORN STATEMENT OF DEAN TAYLOR</b>
<b><u>Petitioner,</u></b>	:	
<b>vs.</b>	:	<b>Case No. 2020-131 (expedited)</b>
<b>UTAH DEPARTMENT OF AGRICULTURE AND FOOD,</b>	:	
<b><u>Respondent.</u></b>	:	

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I, Dean Taylor, declare under criminal penalty of the State of Utah, that the following is true and correct:<sup>1</sup>

1. I am the State Veterinarian employed by the Utah Department of Agriculture and Food (Department).
2. Statutorily, my duties for the state include coordinating the Department's responsibilities to ensure animal health and with the diagnosis, surveillance, and prevention of animal disease. UCA 4-2-402.
3. I have been in this position with the Department since December 2, 2019.
4. I am a licensed veterinarian with the state of Utah.
5. I have been actively practicing veterinarian medicine since 1991.

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<sup>1</sup> This statement meets the qualifications for sworn statements under UCA 78B-18a-106.

6. I have been leading the investigation of the incidences of the SARS CoV-19 and COVID-19<sup>2</sup> among mink farms in the state on behalf of the Department.
7. This investigation has been coordinated between the Department, Utah Department of Health, the CDC, and USDA.
8. The investigation into the COVID-19 outbreak is an ongoing and active matter.
9. During the investigation information has been shared between multiple governmental entities: the sharing of that information is critical to conducting the investigation into animal diseases.
10. The Department of Health has marked information shared with the Department as confidential and shared the information with the Department based on the understanding that the information would remain protected.
11. USDA has shared information with the Department to assist in the investigation, much of that information has been marked as confidential and was shared with the understanding that that information would not be disseminated outside of the Department or with other entities not directly involved with the investigation without their consent.
12. Information released or discussed with the CDC is subject to the same restrictions as for the DOH and USDA.
13. The Department has quarantined the farms where mink have died of COVID-19 at my direction and in consultation with multiple state and federal entities.
14. All farms where COVID-19 has been found in mink continue to be quarantined and monitored as part of the investigation. Biosecurity and other measures are in place and being actively enforced. **I am complying with all CDC, DOH and USDA guidance on these matters, including the guidance that animal to human transmission of COVID-19 is “low.”**
15. I rely heavily on producers to assist the Department to help control outbreaks of infectious and contagious animal diseases.
16. Agricultural producers, including mink farmers, have expressed hesitance to cooperate with the Department and other agencies for fear that they will be targeted by outside

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<sup>2</sup> Collectively referred to as COVID-19.

entities through the release of information related to their operations, and stated that public dissemination of information regarding their operations would have a chilling effect on current and future voluntary cooperation in this investigation and with any future investigations. **They have provided me with evidence that mink farmers and mink are being targeted and potentially infectious animals being released.**

17. This presents a direct threat to local domestic and wildlife populations, as well as potentially for any individuals who come into contact with infected mink.
18. I am familiar with the studies investigating the transmission of COVID-19 from mink to humans and animal populations cited by Petitioner.
19. At this time, these studies have not been subject to peer review, are not considered authoritative on this matter, and demonstrate that any health risk for mink to human transmission is "low." There is, however, evidence that transmission of COVID-19 between mink and related species is a legitimate concern.
20. I understand that this is a sworn statement as allowed under UCA 78B-18a-106.

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So sworn and dated this 8<sup>th</sup> day of December, 2020.

/s/Dean Taylor  
DEAN TAYLOR, DVM  
STATE OF UTAH VETERINARIAN

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**BEFORE THE STATE RECORDS COMMITTEE**

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<b>UARC,</b>	:	<b>SWORN STATEMENT OF AMANDA</b>
		<b>PRICE, DVM, MS</b>
<b>Petitioner,</b>	:	
<b>vs.</b>	:	<b>Case No. 2020-131 (expedited)</b>
<b>UTAH DEPARTMENT OF</b>	:	
<b>AGRICULTURE AND FOOD,</b>	:	
<b>Respondent.</b>	:	

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I, Amanda Price, declare under criminal penalty of the State of Utah, that the following is true and correct.<sup>1</sup>

1. I am the Record Officer for the Division of Animal Industry, Utah Department of Agriculture and Food (Department).
2. I have received and completed the training for Record Officers.
3. I received the GRAMA request from the Utah Animal Rights Coalition (UARC) dated October 14, 2020 requesting records related to the outbreak of COVID on mink farms in the state.
4. Prior to the GRAMA request, these records were classified as protected in accordance with UCA 63G-2-305(10), (31), and (49) and UCA 63G-2-204(2)(a).

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<sup>1</sup> This statement meets the qualifications for sworn statements under UCA 78B-18a-106.



# MOTION AND EXHIBITS

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**BEFORE THE UTAH STATE RECORDS COMMITTEE**

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**UARC,** : **MOTION FOR CONTINUANCE**  
**Petitioner,** :  
**vs.** : **Case No. 2020-131 (expedited)**  
**UTAH DEPARTMENT OF** :  
**AGRICULTURE AND FOOD,** :  
**Respondent.** :

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Respondent, the Utah Department of Agriculture and Food (“UDAF”) hereby petition the Utah State Records Committee (“Committee”), by and through their counsel, H. Nicole Hanna and Melissa A. Ure, Assistant Attorneys General, for a continuance of the December 10, 2020 hearing. This request is based on the following arguments:

Public Health and Safety

UDAF absolutely and unequivocally recognizes the importance of the impact of COVID-19 as an epidemic affecting the safety and security of individuals throughout the state. As such, since the first reports of COVID potentially affecting animal industries in Utah, UDAF has been

actively and continuously investigating and monitoring reports of COVID related incidents, including those with potential links to animal facilities. These investigations are still active and ongoing and are being conducted in coordination with USDA, the CDC and the Utah Department of Health. Information regarding the current outbreaks on mink farms is readily available on the USDA website and updated as recently as November 15, 2020. (Exhibit A). UDAF has also cooperated fully with the Governor's office, journalists and issued its own press release on October 9, 2020, informing the public as to the status of the issue. (Exhibit B).

UDAF is currently following all state and federal guidance for the prevention of the spread of COVID-19 in cooperation with state and federal agencies. These steps include, where appropriate, quarantines of animal industry operations with infected or suspected infections of animals. These quarantine orders are currently in effect and being strictly enforced. (Exhibit F).

Because of UDAF's diligence in monitoring and immediately responding to the COVID-19 issues, there are currently no reports of any transmission of COVID-19 from quarantined animals to neighboring wild or domestic animal or human populations directly resulting from exposure to mink or the individuals who care for them.

As such, the risks to public health and safety from transmission of the virus between infected mink and humans is low, if almost non-existent.

#### Risk to Public Health and Safety in Disclosing Specific Information

However, the risks to public health and safety would be dramatically increased by disclosure of the specific locations within the state where COVID-19 has been found in mink populations. The primary concern is the release of this information on a broad public scale, as is a common practice by animal rights organizations, who provide the names, addresses and Google map coordinates of animal industry operations to a third-party website. (Exhibit C).

These risks are serious and well-documented. There are numerous cases where animal industry operations have been broken into, with animals stolen from their owners and released into the wild or sent to large-scale facilities where they are in contact with numerous individuals and other animals. These are currently being prosecuted as felonies. (Exhibit D). In fact, there have been two recent incidents in Utah and Idaho where potentially infected mink have been stolen by individuals for release. (Exhibit E). Thus, any threat to human or animal exposure to COVID-19 through mink would be dramatically increased by the release of the requested information to Petitioner.

Therefore, UDAF requests that this appeal be continued until the investigations into the quarantined mink farms have been fully concluded and the appropriate steps have been taken to lift the quarantine measures currently in effect.

#### Lack of Notice

UDAF's counsel received notice of this appeal on December 3, 2020, just 5 business days prior to the date of the hearing. UDAF was then faced with the daunting task of preparing a complete response to Petitioner, including sorting through literally hundreds of potentially responsive documents and preparing them as required by the Committee. Not only is this prejudicial to UDAF, but also to Petitioner, who could not receive UDAF's response with the required 5-day prior notice set by the Committee.

Finally, the request to expedite this hearing is improper and premature. As set forth in this Motion and in the attached Exhibits, the risk of COVID-19 transmission from infected mink to human populations has not been proven and is contrary to the current guidance from the CDC, which considers the risk to be, at best, "low." (Exhibit G). Further, all reported cases have been effectively and expeditiously addressed by UDAF and the current quarantine measures in place

prevent exposure to the public at large. Thus, there is no need for the Committee to hear this matter at this time and it can be more effectively addressed once the quarantines are lifted and the investigations concluded.

#### Unavailability of Witnesses

In support of its denial of records request, UDAF intends to solicit testimony from the Utah State Veterinarian, Dr. Dean Taylor, who is currently out of the office on scheduled leave. Dr. Taylor's testimony is key in refuting the claims by Petitioner that the failure to provide specific information on the location of COVID-19 positive mink presents a current public health threat. Dr. Taylor is also expected to testify on the quarantine measures in place and UDAF's monitoring of those animal facilities.

UDAF also intends to consult with a leading epidemiologist to appropriately and properly review the cases cited by Petitioner, yet cannot do so in the time allotted due to scheduling conflicts. As the Committee is aware, the fact that a study is released is virtually insignificant, as such studies must be subject to peer review and include appropriate sample sizes, using well-recognized and accepted methodologies in order to be anything other than "junk science." They certainly should not be relied upon by either this Committee or the general public until that process is complete: the danger of relying on these studies without epidemiological review is that false and/or misleading information is relied upon in making a determination as to how to effectively move forward in addressing COVID-19 transmission and taking steps to effectively remedy the concerns with any potential mink to human, wildlife or domestic populations.

Therefore, UDAF is requesting additional time to respond to Petitioner's appeal in order to prepare its witnesses and make them available to the Committee.

Wherefore, UDAF respectfully requests that the Motion be granted on its merits.

**DATED** this 7th day of December, 2020.

/s/ H. Nicole Hanna o/b/o

H. NICOLE HANNA

MELISSA A. URE

Assistant Attorneys General

Attorney for Utah Department of

Agriculture and Food

CERTIFICATE OF SERVICE

I hereby certify that on December 7, 2020, I sent the foregoing **MOTION** electronically and via first-class mail, to the State Records Committee and Petitioner:

State Records Committee  
c/o Rebekkah Shaw, Executive Secretary  
346 S. Rio Grande  
Salt Lake City, UT 84101-1106  
rshaw@utah.gov

Jeremy Beckham  
UARC  
PO Box 3451  
Salt Lake City, UT 84110  
jeremy@uarc.io  
*Petitioner*

/s/ H. Nicole Hanna

# EXHIBIT A



**The .gov means it's official.**

Federal government websites always use a .gov or .mil domain. Before sharing sensitive information online, make sure you're on a .gov or .mil site by inspecting your browser's address (or "location") bar.



This site is also protected by an SSL (Secure Sockets Layer) certificate that's been signed by the U.S. government.

The **https://** means all transmitted data is encrypted — in other words, any information or browsing history that you provide is transmitted securely.



# Cases of SARS-CoV-2 in Animals in the United States

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View the most recent *animal cases* of SAR-CoV-2 (the virus that causes COVID-19 in humans) that have been confirmed by USDA's National Veterinary Services Laboratories (NVSL). Unless otherwise specified, the animal(s) had exposure to a **probable or confirmed human with COVID-19.**

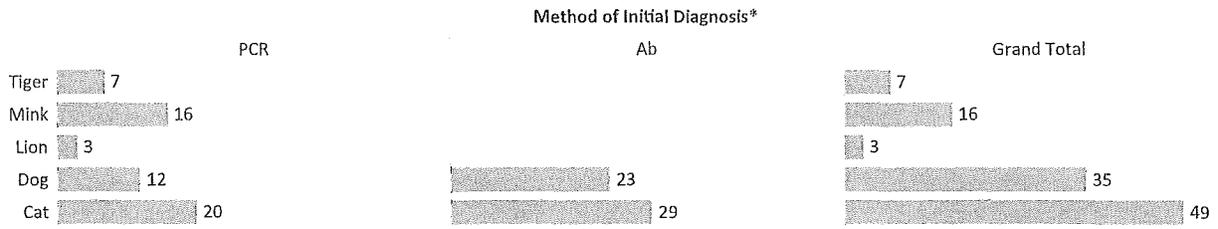
SARS-CoV-2 is considered to be an emerging disease by the World Organisation for Animal Health (OIE). USDA must report confirmed animal infections in the United States to the OIE. We are still learning about the SARS-CoV-2 virus, which causes COVID-19 in people, but it appears that it can spread from people to animals in some situations. A small number of animals worldwide, have been reported to be infected with SARS-CoV-2, mostly after close contact with people with COVID-19. More information on COVID-19 can be found at <https://www.cdc.gov/coronavirus/2019-ncov/animals/pets-other-animals.html>

The overall number of animals tested for SARS-CoV-2 will be updated monthly: testing of 1,842 animals was reported to USDA as of November 15, 2020.

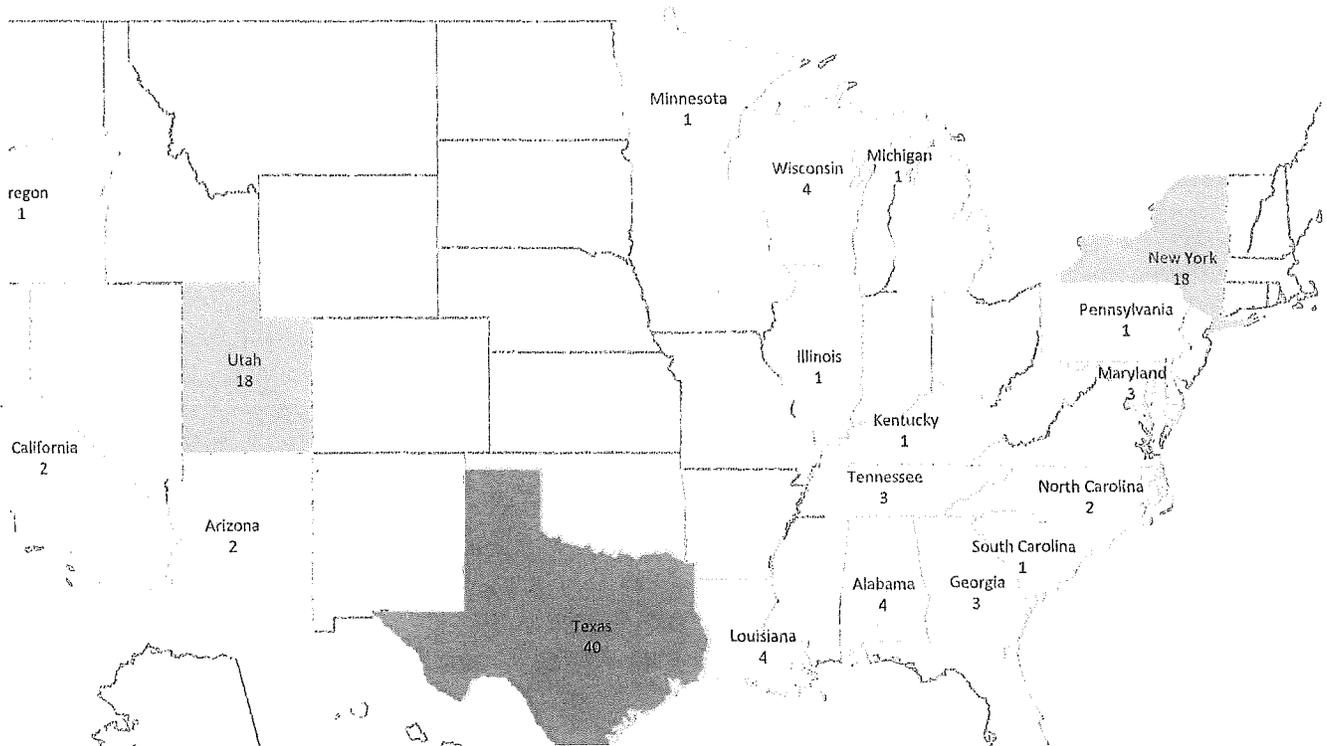
## Cases of SARS-CoV-2 in Animals in the United States



# Cases of SARS-CoV-2 in Animals in the United States



## Map



# List of SARS-CoV-2 Cases

Most recently identified case locations are listed first. Unless otherwise specified, the animal(s) had exposure to a probable or confirmed human with COVID-19.

\*PCR: real-time reverse transcription polymerase chain reaction; Ab: virus neutralizing antibody

Footnote 1: Samples collected as part of planned and targeted active surveillance of a specific animal, with known or suspected exposures to a person with COVID-19 or other exposure to SARS-CoV-2, to better understand risk factors for SARS-CoV-2 transmission.

Footnote 2: The COVID-19 status of human(s) associated with the case is unknown and/or under investigation.

Location ID	Date Confirmed	Location Type - Animal	State	Method of Initial Diagnosis*	Status	Footnote(s)
77	11/27/2020	premises - Mink	Oregon	PCR	Confirmed	--
74	11/5/2020	premises - Mink	Utah	PCR	Confirmed	--
73	11/5/2020	premises - Mink	Utah	PCR	Confirmed	--
72	11/5/2020	premises - Mink	Utah	PCR	Confirmed	--
71	10/30/2020	premises - Mink	Wisconsin	PCR	Confirmed	--
70	10/30/2020	conservatory - Tiger a	Tennessee	PCR	Confirmed	--
		conservatory - Tiger b	Tennessee	PCR	Confirmed	--
	11/6/2020	conservatory - Tiger c	Tennessee	PCR	Confirmed	--
69	10/21/2020	household - Cat a	Texas	Ab	Confirmed	1
		household - Dog b	Texas	Ab	Confirmed	1
68	10/21/2020	household - Cat	Texas	Ab	Confirmed	1
67	10/21/2020	household - Dog a	Texas	Ab	Confirmed	1
		household - Dog b	Texas	Ab	Confirmed	1
		household - Dog c	Texas	Ab	Confirmed	1
66	10/21/2020	household - Dog	Texas	PCR	Confirmed	1
65	10/16/2020	household - Cat	Pennsylvania	PCR	Confirmed	--
64	9/28/2020	household - Cat a	Texas	Ab	Confirmed	--
		household - Cat b	Texas	Ab	Confirmed	--
63	9/28/2020	household - Cat	Texas	Ab	Confirmed	1
62	10/7/2020	premises - Mink	Michigan	PCR	Confirmed	--
61	10/7/2020	premises - Mink	Wisconsin	PCR	Confirmed	--
60	10/7/2020	premises - Mink	Utah	PCR	Confirmed	--
59	10/6/2020	household - Cat a	Alabama	PCR	Confirmed	--
	11/12/2020	household - Cat b	Alabama	PCR	Confirmed	--
		household - Cat c	Alabama	Ab	Confirmed	--
		household - Cat d	Alabama	Ab	Confirmed	--
58	9/30/2020	household - Dog	Texas	PCR	Confirmed	1
57	9/30/2020	household - Cat	Texas	PCR	Confirmed	1
56	9/24/2020	premises - Mink	Utah	PCR	Confirmed	--
55	9/24/2020	premises - Mink	Utah	PCR	Confirmed	--
54	9/24/2020	household - Cat	New York	Ab	Confirmed	1&2
53	9/24/2020	household - Cat	New York	Ab	Confirmed	1&2
52	9/24/2020	household - Cat	New York	Ab	Confirmed	1&2
51	9/17/2020	premises - Mink	Utah	PCR	Confirmed	--

## List of SARS-CoV-2 Cases

Most recently identified case locations are listed first. Unless otherwise specified, the animal(s) had exposure to a probable or confirmed human with COVID-19.

\*PCR: real-time reverse transcription polymerase chain reaction; Ab: virus neutralizing antibody

**Footnote 1:** Samples collected as part of planned and targeted active surveillance of a specific animal, with known or suspected exposures to a person with COVID-19 or other exposure to SARS-CoV-2, to better understand risk factors for SARS-CoV-2 transmission.

**Footnote 2:** The COVID-19 status of human(s) associated with the case is unknown and/or under investigation.

Location ID	Date Confirmed	Location Type - Animal	State	Method of Initial Diagnosis*	Status	Footnote(s)
50	9/17/2020	household - Cat	Kentucky	PCR	Confirmed	--
49	9/2/2020	household - Dog	Texas	PCR	Confirmed	1
48	9/2/2020	household - Cat	Texas	PCR	Confirmed	1
47	9/2/2020	household - Cat	Texas	PCR	Confirmed	1
46	9/2/2020	household - Cat a	Texas	PCR	Confirmed	1
	9/24/2020	household - Cat b	Texas	Ab	Confirmed	1
		household - Cat c	Texas	Ab	Confirmed	1
		household - Cat d	Texas	Ab	Confirmed	1
		household - Cat e	Texas	Ab	Confirmed	1
45	9/2/2020	household - Dog	Texas	PCR	Confirmed	1
44	8/27/2020	household - Cat a	Louisiana	PCR	Confirmed	--
	9/22/2020	household - Cat b	Louisiana	Ab	Confirmed	--
		household - Cat c	Louisiana	Ab	Confirmed	--
43	8/25/2020	household - Dog	Texas	Ab	Confirmed	1
42	8/25/2020	household - Dog	Texas	Ab	Confirmed	1
41	8/25/2020	household - Cat	Texas	Ab	Confirmed	1
40	8/25/2020	household - Dog	Texas	Ab	Confirmed	1
39	8/25/2020	household - Dog	Texas	Ab	Confirmed	1
38	8/25/2020	household - Cat a	Texas	Ab	Confirmed	1
		household - Cat b	Texas	Ab	Confirmed	1
37	8/25/2020	household - Dog	Texas	Ab	Confirmed	1
36	8/25/2020	shelter - Cat	Arizona	Ab	Confirmed	1&2
35	8/25/2020	household - Cat a	Maryland	PCR	Confirmed	--
	8/26/2020	household - Cat b	Maryland	Ab	Confirmed	--
		household - Dog c	Maryland	Ab	Confirmed	--
34	8/25/2020	premises - Mink	Utah	PCR	Confirmed	--
33	8/24/2020	household - Cat	California	PCR	Confirmed	--
32	8/19/2020	premises - Mink	Utah	PCR	Confirmed	--
31	8/19/2020	premises - Mink	Utah	PCR	Confirmed	--
30	8/17/2020	premises - Mink	Utah	PCR	Confirmed	--
29	8/17/2020	premises - Mink	Utah	PCR	Confirmed	--
28	8/12/2020	household - Cat	Georgia	PCR	Confirmed	--
27	8/12/2020	shelter - Cat a	New York	Ab	Confirmed	1&2
		shelter - Cat b	New York	Ab	Confirmed	1&2

## List of SARS-CoV-2 Cases

Most recently identified case locations are listed first. Unless otherwise specified, the animal(s) had exposure to a probable or confirmed human with COVID-19.

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**Footnote 2:** The COVID-19 status of human(s) associated with the case is unknown and/or under investigation.

Location ID	Date Confirmed	Location Type - Animal	State	Method of Initial Diagnosis*	Status	Footnote(s)
26	8/11/2020	household - Dog	Texas	PCR	Confirmed	1
25	8/11/2020	household - Cat a	Texas	PCR	Confirmed	1
	8/25/2020	household - Cat b	Texas	Ab	Confirmed	1
		household - Cat c	Texas	Ab	Confirmed	1
24	8/11/2020	household - Dog	North Carolina	PCR	Confirmed	--
23	8/3/2020	household - Dog	Louisiana	PCR	Confirmed	--
22	7/22/2020	shelter - Dog	North Carolina	Ab	Confirmed	--
21	7/22/2020	household - Dog	Wisconsin	Ab	Confirmed	1
20	7/22/2020	household - Dog	Wisconsin	Ab	Confirmed	1
19	7/22/2020	household - Dog	Utah	Ab	Confirmed	1
18	7/22/2020	household - Cat	Utah	Ab	Confirmed	1
17	7/22/2020	household - Cat	Utah	Ab	Confirmed	1
16	7/22/2020	household - Cat a	Utah	Ab	Confirmed	1
		household - Cat b	Utah	Ab	Confirmed	1
	9/2/2020	household - Dog c	Utah	Ab	Confirmed	1
15	7/22/2020	household - Cat a	Texas	PCR	Confirmed	1
	9/2/2020	household - Dog b	Texas	Ab	Confirmed	1
		household - Dog c	Texas	Ab	Confirmed	1
14	7/21/2020	household - Cat a	Texas	PCR	Confirmed	1
	9/2/2020	household - Dog b	Texas	Ab	Confirmed	1
		household - Dog c	Texas	Ab	Confirmed	1
13	7/15/2020	household - Dog	Arizona	PCR	Confirmed	--
12	7/9/2020	household - Dog	South Carolina	PCR	Confirmed	--
11	7/8/2020	household - Cat	California	PCR	Confirmed	--
10	7/8/2020	household - Dog	Texas	PCR	Confirmed	--
9	7/1/2020	household - Dog a	Georgia	PCR	Confirmed	--
	8/17/2020	household - Dog b	Georgia	Ab	Confirmed	--
8	6/24/2020	household - Dog	New York	Ab	Confirmed	--
7	6/24/2020	household - Dog	New York	Ab	Confirmed	--
6	6/4/2020	household - Cat	Illinois	PCR	Confirmed	--
5	6/1/2020	household - Cat	Minnesota	PCR	Confirmed	--
4	6/1/2020	household - Dog a	New York	PCR	Confirmed	--
	6/25/2020	household - Dog b	New York	Ab	Confirmed	--
3	4/22/2020	household - Cat	New York	PCR	Confirmed	--

## List of SARS-CoV-2 Cases

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**Footnote 2:** The COVID-19 status of human(s) associated with the case is unknown and/or under investigation.

Location ID	Date Confirmed	Location Type - Animal	State	Method of Initial Diagnosis*	Status	Footnote(s)
2	4/22/2020	household - Cat	New York	PCR	Confirmed	--
1b	4/15/2020	conservatory - Lion a	New York	PCR	Confirmed	--
		conservatory - Lion b	New York	PCR	Confirmed	--
		conservatory - Lion c	New York	PCR	Confirmed	--
1a	4/4/2020	conservatory - Tiger a	New York	PCR	Confirmed	--
	4/15/2020	conservatory - Tiger b	New York	PCR	Confirmed	--
		conservatory - Tiger c	New York	PCR	Confirmed	--
		conservatory - Tiger d	New York	PCR	Confirmed	--

# EXHIBIT B

## Utah Department of Agriculture and Food Statement on Mink: 10/9/2020

On August 17, 2020, the US Department of Agriculture's (USDA) National Veterinary Services Laboratories (NVSL) confirmed that mink from two mink farms in Utah were infected with SARS-CoV-2, the virus that causes COVID-19. USDA's NVSL has now confirmed SARS-COV-2 infection in mink at nine mink farms in Utah. Approximately 10,000 mink have died, mostly older animals. Mink are not being depopulated and at this time there are no plans to depopulate. The carcasses from most of the mink that have died from the virus have been buried or incinerated. No pelts have left the state.

The affected mink farms have been quarantined to stop the spread of SARS-CoV-2 and the Utah Department of Agriculture and Food has implemented stringent biosecurity measures and is working diligently with other organizations to address these outbreaks.

All evidence indicates that the spread of SARS-COV-2 was from workers to the mink. There is currently no evidence suggesting transmission from mink to humans on any of the Utah farms. Based on the limited information available to date, the risk of animals spreading COVID-19 to people is considered to be low.

Investigations are ongoing to learn more to protect human health as well as animal health and welfare. The results of these investigations will help guide how to manage the situation and will be shared as information develops.

# EXHIBIT C

## Welcome to Counterglow

This map shows factory farms and other animal facilities in the United States. It is made possible by contributions from the community. If you see a facility that is not on the map, you can contribute by adding it to the map. This will require creating a free account.

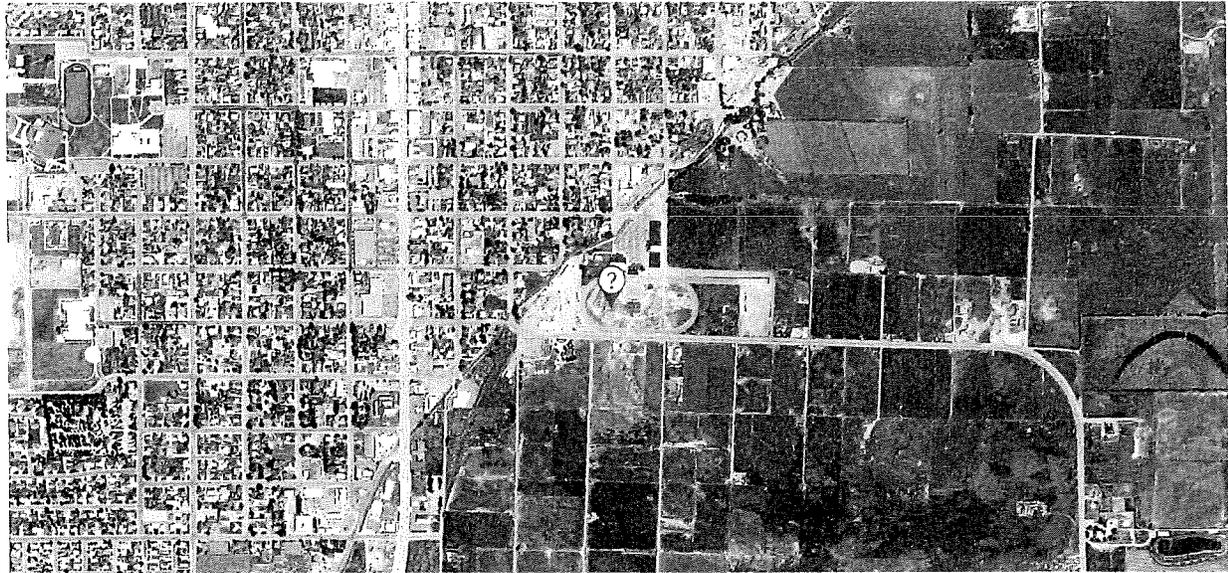
See a pin that's not on a facility? Some satellite images may be outdated. Try clicking "view in google maps" to see if the expected facility is present on newer data.

We can't guarantee the accuracy of the data. Use your discretion when determining the exact location of an animal-exploitive facility. This map is intended to be a guide based on available public information and contributions by the community. Please use it as a starting point for your research.

You can add information about farms using the link called "Create a papertrail". This will open a new window. Please click "New Topic" and follow the directions on your screen.

If you are a whistleblower and you would like to send us information, please send an email to [admin@counterglow.org](mailto:admin@counterglow.org). For your security we recommend that you send any confidential files using an encryption service such as [Firefox Send](#).





## Dairy

- Address
- Farm Type
- Location

Specific information on the name, address, latitude and longitude and animal industry have been removed for individual's safety.

<https://map.counterglow.org/farm/133543>

# EXHIBIT D

## Animal-rights activists are charged with felonies in Sanpete County for taking a sickly turkey chick



(Photo courtesy of Direct Action Everywhere) An activist with Direct Action Everywhere removes Abby, a turkey, from a Norbest turkey farm in Moroni in January, 2017. On Wednesday, six activists involved in the operation were charged with felony theft and burglary.

By Aubrey Wieber | May 3, 2018, 6:33 p.m. | Updated: 10:16 p.m.

Six activists face prison time for taking a turkey chick from a Norbest turkey farm in Moroni. The activists say they w 

saving a bird who was on the edge of death due to its inhumane conditions.

Each activist was charged with a third-degree-felony count of burglary and of theft Wednesday in 6th District Court by the Sanpete County attorney's office.

According to court documents, the alleged theft occurred in January 2017. The six individuals, members of Direct Action Everywhere, entered the farm and removed the chick.

The activists say they did not force entry into the farm. They went through an unlocked door and found animals in deplorable conditions, some sick, others injured. They did not have permission to enter the property or remove animals.

"Rescuing a dying bird is not a crime; it's an act of compassion," Direct Action Everywhere co-founder Wayne Hsiung, one of the defendants, said in a news release. "Abby was collapsed in her own feces and dying. We did what any good person would do: We took her to the vet."

Normally, third-degree-felony theft is applicable if the item is worth at least \$1,500, but Utah provides an exception for a stolen "stallion, mare, colt, gelding, cow, heifer, steer, ox, bull, calf, sheep, goat, mule, jack, jenny, swine, poultry, or a fur-bearing animal raised for commercial purposes."

The defendants face a maximum of five years in prison on each count.

Defendant Jon Frohnmayer said he did not know of the felony exception when he took the bird.

"I think that exception was written into Utah's criminal code by the industry to protect itself," he said. "Sooner or later, those statutes need to be challenged."

But Frohnmayer said it likely wouldn't have affected his decision. In a way, he said, it's helpful because the felony makes it higher profile and gives him more of a platform.

"I think it highlights the disconnect between the action we took, which is to take sick turkeys to a vet, and the repercussions that other human beings would seek to impose," he said. However, he said he wouldn't wish prison on his worst enemies.

Sanpete County Attorney Kevin Daniels, who is handling the case, was out of the office Thursday, according to his secretary, and was not available to respond to questions for comment.

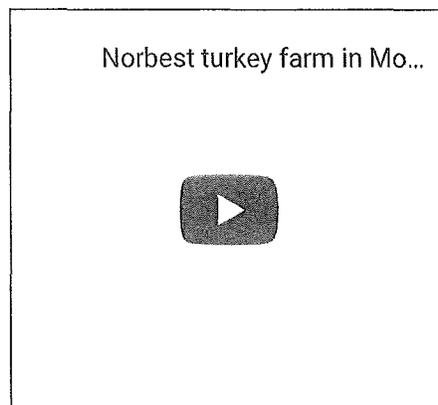
Direct Action Everywhere spokesman Matt Johnson said the charges were brought to deter activists from showing the public the conditions the turkeys are kept in.



“Norbest isn’t concerned about the negligible value of a few turkeys being taken,” Johnson said. “Their intent is to intimidate.”

But the exposure can go both ways. Frohnmayer said the activists will try to get its farm-shot videos in front of a jury.

The group has long been investigating Norbest, which markets “mountain-grown turkeys.” Other than Utah’s elevation, the activists say, nothing about the animals’ environment resembles mountains. Videos published by the group show the birds living in a dark building with minimal space to move.



In November, Frohnmayer and Johnson rushed a turkey-pardoning ceremony hosted by Gov. Gary Herbert in partnership with Norbest. A short time later, they released video from the farm.

In response, Norbest President Matt Cook said that he was disappointed by what was shown in the video, and that it wasn’t the first time problems at the farm have been found.

But on Thursday, Frohnmayer questioned why it took activists releasing a video for Cook to acknowledge or condemn the farm’s conditions. Further, he said, the group asked Cook how the Moroni farm differed from the company’s other farms. It received no response, Frohnmayer said.

A voicemail message left for Cook was not immediately returned.

Frohnmayer said the agricultural community views animal activists as a threat. He doesn’t see it that way, he says, and he wants to be able to build a partnership.



“I want us to all work together toward a future where animals don’t need to be harmed for food and for their livelihood,” Frohnmayer said.



[awieber@strib.com](mailto:awieber@strib.com)

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 COMMENTS: (0)

RECOMMENDED



# Animal rights activists who removed two piglets from factory farm charged after FBI raids

By Justin Wm. Moyer

May 25, 2018 at 8:00 a.m. EDT

Five animal rights activists who removed two piglets from a Smithfield Foods hog farm in Utah last year were charged by the state this week with felony burglary, rioting and a “pattern of unlawful activity.”

The charges come about eight months after unusual raids of two animal sanctuaries in Utah and Colorado by FBI agents, who, witnesses said, sought DNA samples from pigs at the facilities as part of a search for the missing piglets.

The defendants, all affiliated with the California-based group Direct Action Everywhere, “engaged in a pattern of unlawful activity and committed the offenses of burglary and theft targeting animal enterprises located in Utah and other states,” a warrant filed Monday in Beaver County said. “The defendants also videotaped their criminal acts to solicit monthly donations for the DxE open rescue network.”

Prosecutors said they did not know how many years the defendants faced in prison if convicted. Wayne Hsiung, a lawyer who is the group’s co-founder and one of those charged, said they could be sentenced to more than 60 years in prison. None of the accused has been arrested.

Direct Action Everywhere, also known as DxE, says it rescues “animals in captivity, exposing violence behind closed doors.” A video its members took at the Smithfield farm alleged the animals were poorly treated.

“Piglets were rotting to death in piles of their own mother’s feces at Smithfield,” Hsiung said in a statement at the time. “Rescuing them was an act of compassion, not a crime.” A Smithfield spokeswoman called the video evidence of “trespassing onto company property, breaking into a barn, stealing animals and violating Smithfield’s strict biosecurity policy to prevent the spread of disease onto our farms.” and said it featured “blatant inaccuracies and assertions.”

FBI Raids Animal Shelters Searching for Rescued Piglet...



Court documents this week detailed the efforts of the FBI and the Beaver County Sheriff's Office to track the pigs, which were taken to the sanctuaries in Utah and Colorado, and investigate DxE through the group's online videos and cellphone records.

In an interview, Hsiung called the charges an "end-run" around Utah's "ag-gag" law, which targeted whistleblowing at agricultural facilities. The law was repealed last year.

"It is shocking to see how much power the industry has in states like Utah and how relentless they are in trying to crush nonviolent dissent," he said. "I don't think any American that thinks taking a sick animal to the vet justifies possibly life in prison."

DxE activists also face unrelated state charges after removing a turkey from a Norbest plant in Sanpete County, Utah, in January 2017. A representative for Norbest did not return a request for comment; CEO Matt Cook said at the time that he was "disappointed," and that the company's own animal care team had already documented violations at the farm and removed birds from its owner.

Andrew George Sharo, a biophysics doctoral student at the University of California at Berkeley who was charged in both cases, said he became involved with DxE when he realized that "being a non-pushy vegan is not enough" to advance animal rights.

"There's billions of animals out there languishing," he said. "There's a need for people who are willing to make a sacrifice and put themselves out there."

Sanpete County Attorney Kevin Daniels, on the other hand, compared DxE's actions to kidnapping a child one suspects is abused. He said he would have investigated the activists' claims about animal abuse at the plant if they had gone through the proper channels.

"What they didn't do is follow the law," he said. "It's black and white — they took property that did not belong to them. In my mind, it has nothing to do with the ag-gag law."

Daniels said those charged could be sentenced up to five years in prison, but "a prison sentence is highly unlikely in a case of this nature unless the defendants have a lengthy criminal record."

Animal rights activists have been imprisoned for releasing animals before. Two activists were sentenced to federal prison last year after pleading guilty to releasing thousands of mink from farms in what prosecutors called a "cross-country crime spree targeting the fur industry" in 2013. They were charged under the Animal Enterprise Terrorism Act, which prohibits conduct "for the purpose of damaging or interfering with the operations of an animal enterprise."

**Read more:**

How eggs became a victory for the animal welfare movement

FBI raids animal shelters, searching for piglets rescued from factory farm, activists say

A dramatic cattle breakout reveals schism over animal rescue tactics

Animal rights activists went on a cross-country anti-fur rampage. Final stop: Federal prison.

**Comments are not available on this story.**



Share your feedback by emailing the author. Have a question about our comment policies? Review our guidelines or contact the commenting team here.

# EXHIBIT E

Had a mink farm broken into in  
Malad last night

Turned loose 1k mink

Mon, Sep 7, 3:22 PM

Had a mink farm in Morgan  
broken into last night. Had 1k  
mink turned loose

Wed, Sep 9, 5:33 PM

Thanks for your help today.

If there is more money issued  
from usda maybe we can revisit  
breeder costs?

Thu, Sep 10, 8:11 AM

FYI the fbi has been in contact  
with both farms that were  
broken into last week . One falls  
under Docatello jurisdiction the

# EXHIBIT F

of \_\_\_\_\_ are released from \_\_\_\_\_  
(SPECIES)  
quarantine imposed on \_\_\_\_\_  
(DATE)  
by \_\_\_\_\_  
(INSPECTOR)  
Subject to: \_\_\_\_\_

\_\_\_\_\_  
(AUTHORIZED REPRESENTATIVE)

STATE OF UTAH  
DEPARTMENT OF AGRICULTURE AND FOOD  
NOTICE OF QUARANTINE

C0517

To owner or person having possession of: Anna Lou Meat  
(HEAD) (SPECIES)

Name \_\_\_\_\_ Address \_\_\_\_\_

Location \_\_\_\_\_

You are hereby notified that the above animals have been placed in quarantine by a lawful representative of the State Department of Agriculture and Food for the following reasons

coronavirus infection

I, \_\_\_\_\_ owner or caretaker of the above described animals, understand that it is a violation of the Utah State Law to move any of the above described animals without first obtaining a Permit from the Utah State Department of Agriculture and Food or their authorized Representative.

Owner's Signature \_\_\_\_\_ Inspector [Signature]

Date 9/2/2020

- White Copy - to Owner
- Canary Copy - to State Office
- Pink Copy - Book copy

# EXHIBIT G

# Coronavirus Disease 2019 (COVID-19)

MENU >



## COVID-19 and Animals

Updated Nov. 18, 2020 [Print](#)

### What you need to know

- We do not know the exact source of the current outbreak of coronavirus disease 2019 (COVID-19), but we know that it originally came from an animal, likely a bat.
- At this time, there is no evidence that animals play a significant role in spreading SARS-CoV-2, the virus that causes COVID-19, to people.
- Based on the limited information available to date, the risk of animals spreading COVID-19 to people is considered to be low.
- More studies are needed to understand if and how different animals could be affected by COVID-19.
- We are still learning about this virus, but it appears that it can spread from people to animals in some situations.

Coronaviruses are a large family of viruses. Some coronaviruses cause cold-like illnesses in people, while others cause illness in certain types of animals, such as cattle, camels, and bats. Some coronaviruses, such as canine and feline coronaviruses, infect only animals and do not infect humans.

### Risk of animals spreading SARS-CoV-2, the virus that causes COVID-19, to people

Some coronaviruses that infect animals can be spread to humans and then spread between people, but this is rare. This is what happened with SARS-CoV-2, which likely originated in bats. The first reported infections were linked to a live animal market, but the virus is now spreading from person to person.

SARS-CoV-2 spreads mainly from person to person through respiratory droplets from coughing, sneezing, and talking. At this time, there is no evidence that animals play a significant role in spreading the virus that causes COVID-19. Based on the limited information available to date, the risk of animals spreading COVID-19 to people is considered to be low. More studies are needed to understand if and how different animals could be affected by COVID-19.

### Risk of people spreading the virus that causes COVID-19 to animals

We are still learning about this virus, but it appears that it can spread from people to animals in some situations, especially after close contact with a person with COVID-19.



For information on how to protect pets from possible infection with SARS-CoV-2, see [If You Have Pets](#).

## Animals that can be infected with the virus that causes COVID-19

We know that cats, dogs, and some other mammals can be infected with SARS-CoV-2, but we don't yet know all of the animals that can get infected. There have been reports of animals being infected with the virus worldwide.



The first US case of an animal testing positive for COVID-19 was a tiger at a NY zoo.

- A small number of pet cats and dogs have been reported to be infected with SARS-CoV-2 in several countries, including the United States. Most of these pets became sick after contact with people with COVID-19.
- Large cats in captivity have tested positive for SARS-CoV-2. Several lions and tigers in a New York zoo [📰](#) [🔗](#), a puma in South Africa, and tigers in a Tennessee zoo [📰](#) [🔗](#) tested positive for SARS-CoV-2 after showing signs of respiratory illness. It is suspected that these large cats became sick after being exposed to zoo employees with COVID-19.

## Mink and SARS-CoV-2

- SARS-CoV-2 has been reported in mink on farms in the Netherlands, Denmark, Spain, Italy, Sweden, the United States, and Greece.
- SARS-CoV-2 infection in farmed mink has been characterized by respiratory disease and increases in deaths.
- Because some workers on these farms had COVID-19, it is likely that infected farm workers were the initial source of the mink infections.
- Once the virus is introduced on a farm, spread can occur between mink as well as from mink to other animals on the farm (dogs, cats).
- Currently, there is no evidence that animals play a significant role in the spread of SARS-CoV-2 to people. However, reports from infected mink farms in the Netherlands and Denmark suggest that in these environments there is the possibility for spread of SARS-CoV-2 from mink to humans.
- Worker safety is critical to protect people and animals on mink farms. Mink farm workers should follow available guidance for farmed mink and other mustelids to avoid introducing SARS-CoV-2 to mink on farms.
  - Guidance developed collaboratively by the U.S. Department of Agriculture (USDA), CDC, and state animal and public health partners using a One Health approach is available to protect worker and animal health:
    - [Prevent Introduction of SARS-CoV-2 on Mink Farms: Interim SARS-CoV-2 Guidance and Recommendations for Farmed Mink and Other Mustelids](#) [📰](#) [🔗](#)
    - [Response and Containment Guidelines: Interim Guidance for Animal Health and Public Health Officials Managing Farmed Mink and other Farmed Mustelids with SARS-CoV-2](#) [📰](#) [🔗](#)
- CDC deployed One Health teams to multiple states to support state and local departments of health and agriculture, federal partners, and others in conducting on-farm investigations into people and multiple animal species with SARS-CoV-2 infection. These investigations are ongoing and will help us learn more about the transmission dynamics among mink, other animals, and people.

The U.S. Department of Agriculture (USDA) maintains a list [🔗](#) of all animals and mink farms in the United States with SARS-CoV-2 infections confirmed by their National Veterinary Services Laboratories.

## Research on animals and COVID-19

Many studies have been done to learn more about how this virus can affect different animals.

- Recent experimental research shows that cats, dogs, ferrets, fruit bats, hamsters, and tree shrews can become infected with the virus. Cats, ferrets, fruit bats, and hamsters can also spread the infection to other animals of the same species in laboratory settings.
- Data from studies suggest that dogs can get infected but might not spread the virus to other dogs as easily as cats and ferrets can spread the virus to other animals of the same species.
- A number of studies have investigated non-human primates as models for human infection. Rhesus macaques, cynomolgus macaques, Grivets, and common marmosets can become infected SARS-CoV-2 and become sick in a laboratory setting.
- Laboratory mice, pigs, chickens, and ducks do not seem to become infected or spread the infection based on results from studies.

These findings were based on a small number of animals, and do not show whether animals can spread infection to people. More studies are needed to understand if and how different animals could be affected by COVID-19.

CDC, USDA, state public health and animal health officials, and academic partners are working in some states to conduct active surveillance of SARS-CoV-2 in pets, including cats, dogs, and other small mammals, that had contact with a person with COVID-19. These animals are being tested for SARS-CoV-2 infection and also tested to see whether the pet develops antibodies to this virus. This work is being done to help us better understand how common SARS-CoV-2 infection might be in pets as well as the possible role of pets in the spread of this virus.

## Guidance and recommendations

- [Interim Guidance for Public Health Professionals Managing People with COVID-19 in Home Care and Isolation Who Have Pets or Other Animals](#)
- [Interim recommendations for intake of companion animals from households where humans with COVID-19 are present](#) 
- [Interim Infection Prevention and Control Guidance for Veterinary Clinics](#)
- [Evaluation for SARS-CoV-2 Testing in Animals](#)
- [Interim Guidance for SARS-CoV-2 Testing in North American Wildlife](#)
- [Toolkit: One Health Approach to Address Companion Animals with SARS-CoV-2](#)
- [COVID-19 Recommendations for Pet Stores, Pet Distributors, and Pet Breeding Facilities](#)
- [Interim SARS-CoV-2 Guidance and Recommendations for Farmed Mink and Other Mustelids](#)  
- [Response & Containment Guidelines: Interim Guidance for Animal Health and Public Health Officials Managing Farmed Mink and other Farmed Mustelids with SARS-CoV-2](#)  

## More Information

[COVID-19 and Animals FAQs](#)

[USDA: Confirmed cases of SARS-CoV-2 in Animals in the United States](#) 

[COVID-19 and Pets](#)

[USDA: Coronavirus Disease 2019](#) 

[Information on Bringing an Animal into the United States](#)

[FDA: Coronavirus Disease 2019](#) 

[World Organisation for Animal Health: COVID-19 Events in Animals](#) 

## Media Announcements

- [USDA Confirms SARS-CoV-2 in Mink in Utah](#) 
- [Confirmation of COVID-19 in Pet Dog in New York](#) 
- [Confirmation of COVID-19 in Two Pet Cats in New York](#)

USDA Statement on the Confirmation of COVID-19 Infection in a Tiger in New York [↗](#)

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