

May 23, 2013

Dear Senator:

On behalf of the undersigned groups, we urge you to oppose Senator Grassley's amendments (Amendment 970, 1011, and 1097) to the Farm Bill (S. 954). The amendment would undermine the Freedom of Information Act (FOIA) by creating an unnecessary secrecy provision at odds with FOIA's goal of transparency, and it has improperly bypassed the Senate Judiciary Committee, the committee with jurisdiction over FOIA and FOIA-related issues.

The public has a right to know about livestock operations that affect it, 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 Senator Grassley's amendment would shield from public disclosure even basic information about the location of livestock operations.

Moreover, creating industry-specific FOIA exemptions to protect individual interest groups is bad policy that undermines the transparency objectives of FOIA. FOIA Exemption 6 already protects from public disclosure personal, private information of individuals. *See* 5 U.S.C. § 552(b)(6). Agencies routinely rely on exemption 6 to withhold email addresses, phone numbers, and other similar information of non-government individuals. Critically, however, the exemption balances the public's interest in disclosure against an individual's privacy interests to determine whether disclosure is appropriate. Senator Grassley's bill would eviscerate FOIA's balanced approach, shielding from public view numerous types of information relating to owners and operators of livestock operations, regardless of the public interest at stake in disclosure, and regardless of whether there is any realistic prospect that those operations might be targeted by domestic terrorists if their location were known.

In addition, although the proponents of the amendment argue that it is necessary to protect the personal, private information of people, the amendment sweeps far more broadly. The amendment 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. FOIA Exemption 6 appropriately does not apply to assertions of personal privacy by corporations. Senator Grassley's amendment is a step in the wrong direction.

If Senator Grassley's amendment is considered, we strongly urge you to oppose it. This amendment 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) or Angela Canterbury, Director of Public Policy for the Project On Government Oversight (acanterbury@pogo.org, or 202-347-1122).

Sincerely,

American Society of News Editors

American Booksellers Foundation for Free Expression

Association of Research Libraries

Center for Effective Government

Citizens for Responsibility and Ethics in Washington

Environmental Integrity Project

Fund for Constitutional Government

Mississippi Center for Freedom of Information

National Coalition Against Censorship

National Freedom of Information Coalition

OpenTheGovernment.org

Public Citizen

Project On Government Oversight

Wisconsin Freedom of Information Council