March 15, 2018

S.722 (Ortt)/A.9644 (Jenne)

Title: An act to amend the agriculture and markets law, in relation to requests for public information regarding certain farm operations.

Purpose: This legislation, written in part or whole by the New York State Farm Bureau under the guise of protecting its members from “environmental terrorism,” requires the notification of owners or operators of farms to receive, within five business days, information from the state or agencies that a request has been made under the Freedom of Information Law (FOIL). Such notification will include the name and address of the person or entity making the FOIL request, plus the description of records requested. Please note: this is even before a determination has been made as to whether the information requested is is actually FOIL-able or whether it falls under the category of confidential information.

Statement of Opposition: This bill would discourage the public from requesting records they have the right to review. Citizens should be able to ensure that farms in their communities are following environmental laws and regulations regarding practices like manure application, which can impact local water sources, without having their civil liberties violated.

Currently, all FOIL requests are a matter of public record, but the farm operators must request that information, just as members of the public must FOIL information about farming operations. This legislation completely circumvents this system of equitable checks and balances. It would also serve to exacerbate the conflict among farmers and non-farmers in agricultural communities across the state rather than attempt to bring communities together.

Sierra Club Atlantic Chapter, which represents over 54,000 members in New York State, opposes any legislation that would weaken the intent of FOIL to allow public access to the work of our NYS government. This bill, if enacted, would set a dangerous precedent for rolling back the public’s right to know about matters that affect health, safety, and environmental protections by enabling businesses to hide their operations.

Sierra Club Atlantic Chapter strongly urges you oppose S.722/A.9644.