

March 14, 2018

**Re: S. 255**

Dear Distinguished Members of the Senate Natural Resources & Energy Committee,

I write to express the ACLU's concerns regarding the proposed Public Records Act (PRA) exemption for nutrient management plans (NMP) in S. 255. Transparency in government is essential to the functioning of a democracy. While exemptions to the PRA may at times be warranted, they should be few and far between and should always be weighed against the public's interest in the information.



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Julie Kalish  
*President*

James Lyall  
*Executive Director*

The ACLU of Vermont believes that the proposed exemption is unjustified and antithetical to the PRA and the Vermont Constitution. The vitality, condition, and protection of Vermont's waterways are exceedingly important to the public interest.

As public funds are allocated based on the data and plans proposed to be exempted, the public deserves to know the basis for expenditures and how the government's regulations are being enforced.

The justifications that have been offered for the proffered exemption, such as that protestors will show up to individual farms, or that the public will not understand or will misconstrue the data,<sup>1</sup> are not sufficient justifications for this exemption. The Constitution protects the right to protest what some may see as unsuitable practices, just as existing trespassing and harassment laws protect farmers from unlawful protests. Furthermore, any data released by the government may be subject to misinterpretation or misunderstanding by the public – that is simply not an adequate justification for exempting this information from the PRA.

There are already over 260 exemptions to the Public Records Act, and the Center for Public Integrity has given Vermont an "F" in public access to information. There is no reason to add yet another exemption to the PRA and deny the public the ability to judge the health of Vermont's waterways. Please promote government transparency by removing this provision from S. 255.

Sincerely,

A handwritten signature in black ink that reads "Chloé White". The signature is written in a cursive, flowing style.

Chloé White  
Policy Director  
ACLU of Vermont

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<sup>1</sup> Mike Polhamus, *Ag Agency, Starr want to keep farm plans under wraps*, VTDIGGER (March 4, 2018), <https://vtdigger.org/2018/03/04/ag-agency-starr-want-keep-farm-plans-wraps/>.