

VIA FIRST CLASS MAIL AND EMAIL

January 24, 2015

The Honorable Bruce Cozart
Chairman House Education
Arkansas House of Representatives
500 Woodlane Street
Room 350
Little Rock, AR 72201

RE: House Bill 1080

Dear Chairman Cozart:

Buffalo River Watershed Alliance (BRWA) has recently read and analyzed House Bill 1080. The legislation is alarming on many levels. It not only shields the work of government paid employees, but removes them from public scrutiny

As you may know, the Arkansas Freedom of Information Act is one of the most comprehensive and strongest open-records and open-meetings laws in the United States. Its passage over 46 years ago in the Arkansas legislature afforded Arkansans an open and transparent process with regard to public entities.

In a response to a challenge of the FOIA law during its early beginnings an Arkansas Supreme Court opinion stated:

We have no hesitation in asserting our conviction that the Freedom of Information Act was passed wholly in the public interest and is to be liberally interpreted to the end that its praiseworthy purposes may be achieved.

We understand the need of academic integrity, but we do not agree that it should come at the expense of a 'sunshine law'.

The proposed legislation would exempt documents, records, papers, data, protocols, information, or materials in the possession of a community college or

state institution of higher education that are created, collected, developed, generated, ascertained or discovered during the course of academic research. Also included are manuscripts, preliminary analyses, drafts of scientific or academic papers, plans, or proposals for future research and prepublication peer reviews that are In the possession of a community college or state institution of higher education or submitted and accepted for publication by publishers; and unpublished.

You may be aware that University of Arkansas School of Agriculture is conducting a study of C & H Farms at the request of former Governor Mike Beebe and through the allocation of rainy day funds. The study is referred to as the Big Creek Research Team Project (BCRT).

The BCRT was charged to monitor water quality. In addition to water monitoring, the BCRT is researching ways to manage the liquid waste generated by C & H Hog facility. The Big Creek Project is run by the University of Arkansas School of Agriculture, but it is paid for by the state of Arkansas.

The Arkansas Freedom of Information law was designed to shine a light on how a government works—and that includes universities and community colleges.

HB 1080 as written would block the public's access to important information gathered at the expense of Arkansas taxpayers. Some may argue that the bill provides for disclosure after this study or any study is complete. But if the project drags on then the information could be shielded from public view for several years.

BRWA believes HB 1080 runs smack against the intention of the FOIA laws and has the potential to keep the public in the dark on matters that should and must be transparent. With any public project and public money come responsibility and in Arkansas one of those strings is transparency.

Now a little bit about our group. The BRWA is a statewide organization of approximately 1500 Arkansans who have grave concerns about the Cargill

sponsored factory hog farm in the Buffalo River Watershed. We are opposed to the farm and believe the 2 million annual gallons of untreated feces and urine is now slowly polluting ground and surface water and working its way to America's first national river. This is one of the reasons we think the FOIA should remain unchanged so that the effects can be documented in a timely and transparent manner.

Sincerely,

Buffalo River Watershed Alliance