

Public Records Requests

As a member of the public, you have a right to review government documents under both state and federal law. At the state level, the law is referred to as the Sunshine Law (Mo. Rev. Stat. § 610.010 of the Missouri Revised Statutes). At the federal level, the Freedom of Information Act (FOIA) governs public access to documents. As an environmental advocate, reviewing public records can help you ensure that government agencies follow the law when making decisions that impact the environment.

Most reports, documents, correspondence, and permits filed with the government become public records and are available for review at agency offices. Environmental laws and regulations require that agencies and permit holders gather, produce, record, and report much of this information. For example, when companies violate their permits or accidentally release toxic chemicals, the law usually requires those companies to file prompt reports. Additionally, the law often requires permit holders to monitor and file reports about their discharges to show whether or not they are complying with permit limits. Companies submit these reports to agencies such as the Missouri Department of Natural Resources (DNR). Types of records you may request include:

- Research data used in decision-making or rule-making
- Inspection reports
- Internal reporting (e.g. daily records of water levels, manure application)
- Notices of violations (NOV)
- Letters of warning (LOW)
- Maps
- Industry reports (for example, reports of monitoring results or pollution incidents)
- Permits and permit applications
- Environmental Assessments (EA) and Environmental Screening Worksheets (ESW)
- Agency meeting minutes
- Concern investigations
- Correspondence between agencies and permitted entities (mail, electronic, etc.)

Generally, if you visit a government agency office, you can ask the person on duty for the record(s). Depending on the agency, however, you may need to provide a written request to review public records. You may also choose to request records instead of physically visiting the agency office. This section details why and how to request public records for CAFOs. For more information about requesting records and addressing any issues that may arise, see Section 2: Accessing Public Records in MCE's Advocacy Guide.

Missouri Sunshine Law Requests

In the state of Missouri, citizens have the right to request and access public records from government agencies under the Sunshine Law. These public records requests are often referred to as “Sunshine requests”. The Missouri Sunshine Law promotes government transparency and accountability while providing citizens with resources to be better engaged and informed about how their state agencies function.

In most cases, documents that you may request for CAFO Watchdogging should be directed to the Department of Natural Resources (DNR). However, you may request documents from any public government agency under the Sunshine Law by contacting that agency’s Custodian of Record. The DNR has its own [webpage](#) with information on Sunshine Law requests and a link to its [online public records center](#). Requests can be made through this system or submitted directly to the Custodian of Record. To learn more about the Missouri Sunshine Law and how to write an effective public records request, see Part 2: Accessing Public Records and Public Meetings in MCE’s Advocacy Guide. You may also use [this template](#) to help you write a Missouri Sunshine Law request.

Freedom of Information Act

At the federal level, the statute that grants the right to review public records is the Freedom of Information Act (FOIA). FOIA provides that “any person” can request information from the government without requiring identification of the requestor or an explanation of why the requestor wants the information. Congress has established nine categories of information for which there are restrictions on public access; see a list of FOIA-exempt information on the Office of Information Policy’s [FOIA FAQ Page](#).

If protected information can easily be separated or removed from the requested files, the agency should make the remainder publicly available. In this case, protected information will be removed or “redacted” from the document. Usually, portions of text will be grayed or blacked out with the exemption code over the information. For example, a FOIA request document with information redactions may look like this:

Environmental Assessment for Farm Loan Program Projects

Environmental Assessment for (b)(3) Section 1619
2008 Farm Bill (b) (6)

The letters and numbers in parentheses indicate the exemption this information falls under in the relevant federal law.

Once the agency receives a FOIA request, it has 20 business days to reply with its decision of whether it will comply with no automatic extensions. Due to the high volume of requests in some offices, though, agencies typically take more time to fulfill requests. To save time, you may want to make sure the information is not already available online, in a library, or in an agency reading room.

To compensate for the time and effort spent in reviewing and copying requested documents, federal agencies may charge for copying costs and some other costs. Each federal agency has its own regulations outlining its FOIA program, including procedures for the disclosure of records, confidentiality, fees and exemptions. You may want to check the agency's rules to be sure that your request meets its requirements. For example, see the Environmental Protection Agency (EPA) [webpage](#) of FOIA request resources.

There is also an [online FOIA request portal](#) which simplifies the process. The online form allows you to select the agency from which you are requesting information, describe the request, attach supporting files, and request a fee waiver. To learn more about how and where to submit an effective FOIA request, see Part 2: Accessing Public Records and Public Meetings in MCE's Advocacy Guide. You may also use [this template](#) to help you write a FOIA request.

Requesting Environmental Assessments

For the most part, CAFOs are regulated at the state level. However, one important CAFO document that you might request from a federal agency under FOIA is an Environmental Assessment (EA). CAFOs often apply for loans from the USDA Farm Service Agency (FSA). When a CAFO applies for a loan, the FSA must conduct an environmental review of the facility to determine the possible environmental and human impacts of the proposed project.

Environmental reviews range from informal Environmental Screening Worksheets (ESW) to the highest level of review: an Environmental Impact Statement (EIS). Most CAFOs receive an EA, which is considered an intermediary level of review but should include detailed information about a facility's animal capacity; waste production, storage and application; compliance with environmental policies like the Endangered Species Act, Clean Air Act, and Clean Water Act; nearby natural and historic preservation sites; and a variety of other information. Note that some information may be redacted or removed from the requested documents to protect the operator's privacy. See an explanation of FOIA exemptions in Part 5 of the [FSA Handbook on FOIA requests](#).

The FSA has its own electronic FOIA request form [here](#). Note that a final EA can be more of a summary document; you will usually find site photos, agency consultation reports, and other important information in the appendices rather than the EA itself. When requesting an EA document from the FSA, you should specify that you would like to receive the EA document *and* any appendices. You can do this under 'Section 5: Additional comments' of the online request form.