

CITIZENS EDUCATION PROJECT

April 6, 2004

Scott Williams, M.D.
Executive Director
Utah Department of Health

A. Richard Melton, Dr. P.H.
Deputy Director
Utah Department of Health

Re: GRAMA Request

Dear Drs. Williams and Melton,

This is a formal request pursuant to the Utah Government Records and Management Act (GRAMA) § 63-2-101, on behalf of the undersigned, to allow inspection and copying of the following public records,¹ including, but not limited to letters, correspondence, tape recordings, notes, data, memoranda, reports, email, agendas and minutes to meetings, environmental assessments and findings of no significant impact, technical manuals, technical specifications, or any other materials, held by the Utah Department of Health regarding the certain proposals and projects of the U.S. Army Dugway Proving Ground.

This request is limited to records regarding the following Environmental Assessments and FONSI's published since January 1, 2003:

EA for Installation and Operation of a Gamma Irradiator on DPG

EA for Use of the Bushnell Materiel Test Facility (BMTF) for Testing with Agent of Biological Origin (ABO) Biosafety Level 3 Challenge Materials on DPG

EA for Reconstruction and Operation of a 13,000 Foot Fixed Wing Runway at Michael Army Airfield on DPG

EA for Approval for Eleven New Chemical Warfare Agents To Be Used in Laboratory and Field Tests on DPG

¹ The term "record(s)" as used herein shall mean "all documents, papers, letters, maps, books, tapes, photographs, films, recordings or other material, regardless of physical form or characteristics, made or received pursuant to law or ordinance or in connection with the transaction of official business by any agency."

EA for Impact for Increased Training on DPG

EA for Modular Biosafety Level 3 (BL-3) and 2 (BL-2) Laboratories at U.S. Army Dugway Proving Ground

This request also includes, but is not restricted to information regarding similar activities being conducted by any public and/or private agency or organization.

Utah's Government Records and Management Act expresses the state's policy that all state records be available at all times for inspection by any person. In accordance with § 63-2-101, we would like the requested records to be made available to us immediately. If, for any reason, any of the requested records will not be made available to us immediately, please advise us in writing as soon as possible at 801-554-9029.

Pursuant to § 63-2-101 if the person who has custody of a public record contends that the record or part of it is exempt from inspection, such person must state the basis for the exemption that the person contends is applicable to the record, including the statutory citation to an exemption created or afforded by statute. Additionally, if requested by the person who has custody of the public record must state in writing and with particularity the reasons for his conclusion that the record is exempt. We hereby request that any person claiming an exemption state in writing both the statutory citation for any exemption deemed applicable to any requested record and the specific reasons for a conclusion that any requested record is exempt.

As used herein, the term "relating to" is used in the broadest possible sense and means and includes: describing, explaining, analyzing, encompassing, including, containing, embodying, comprising, identifying, constituting, verifying, reflecting, referring to, containing reference to, contradicting, refuting, evidencing, dealing with, commenting on, responding to, supplementing, and/or supporting. The word "relating" is defined to include the common meaning of those terms, and shall include indirect as well as direct references to, description of or commentary on the subject matter set forth in this Request.

The word "documents" is used in the broadest possible sense, and means and includes all written, recorded, or graphic matters, however produced or reproduced, including computer files, tapes, disks or diskettes and computer generated reports, whether or not privileged, pertaining in any way to the subject matters of this Request. This definition includes, but is not limited to, any and all originals, copies, or drafts of any and all of the following which are in the possession, custody and control of any Department official, employee, agent or representative: records, notes, messages, phone messages, summaries, schedules, contracts or agreements; plans, drawings, maps, specifications, invoices, proposals, quotations, orders or acknowledgments; diaries or desk, pocket or other calendars; reports, forecasts, financing statements, instruments, financial statements, books of account, ledgers, journals, accounting or other work papers; charts, schedules, tabulations or appraisals; memorandum, letters, e-mails, telegrams, telexes, or cables prepared, drafted, received or sent; tapes, transcripts or recordings; photographs, pictures or films; or any other graphic recorded or written material of any nature whatsoever. "Document" shall be deemed to include any summary of a document of documents requested.

The word “communications” means any transfer of information regardless of means of communication, including but not limited to, those by oral, written, electronic, photographic or other means, and includes any record or memorialization of the communication by any means whatsoever.

Please be advised that this Public Records Request is intended to be as broad and inclusive as permitted by law and is intended to apply to all officers, officials, employees, departments, divisions, bureaus, commissions, councils, and any other private agency, person, partnership, corporation or business entity acting on behalf of, or with the knowledge of, the Department.

In accordance with state law and in furtherance of compliance with our GRAMA request, we ask that the custodians of the records hereby requested make an investigation of this request to ensure full compliance with all applicable provisions of § 63-2-101.

We agree to compensate the Department for the cost of duplicating any of the records of which we request duplication, as provided by law. Upon locating the requested documents, please contact us prior to photocopying and advise us of the actual costs of duplication or any necessary staff research time so that we may decide whether a narrowing of the request will be necessary

If you have any questions, please do not hesitate to contact us. Your immediate attention to these matters is greatly appreciated. If this request was directed to you in error, please forward to the person in charge of such requests. Thank you for your assistance.

Respectfully,

Steve Erickson
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