

TCR RECORDS REQUEST - N.C. DHHS 8/12/2020

From: [Emily Brill](#)
To: [Haight, Kelly](#)
Subject: Public Records Request - The Canine Review
Date: Wednesday, August 12, 2020 9:44:49 AM
Importance: High

Dear Ms. Haight,

Under the North Carolina Public Records Law, **G.S. §132-1**, I am requesting an opportunity to inspect or obtain copies of public records that refer to the case involving the dog in the press release issued by NCDHHS on August 11, 2020 [<https://www.ncdhhs.gov/news/press-releases/north-carolina-has-first-reported-sars-cov-2-positive-case-dog>]. Specifically, I am requesting a copy of **the necropsy, notes, photographs, and email communications between state veterinarian Dr. Carl Williams and/or current members of the North Carolina Veterinary Medical Board and/or NCDHHS and any individuals at the CDC, USDA-APHIS, and/or NC State Veterinary Hospital.**

I am seeking any documents in any format that refer to information about the **pathology, necropsy, physical symptoms/state of health at the time the dog was diagnosed as positive for COVID-19, age, gender, breed, underlying health conditions, and other relevant information** about the dog now deceased and confirmed as having contracted COVID-19.

I am the editor and founder of The Canine Review; as a member of the news media, this request is for urgent news gathering purposes. If there are any fees for searching or copying these records, please inform me if the cost will exceed \$200. However, I would also like to request a waiver of all fees in that the disclosure of the requested information is in the public interest and will contribute significantly to the public's understanding of how COVID-19 affects domestic pets.

The law requires that you respond to and fulfill this request "as promptly as possible." If you expect a significant delay of more than a week in responding to and fulfilling this request, please contact me with information about when I might expect copies or the ability to inspect the requested records.

If you believe a portion but not all of the records that I have requested are not disclosable under the law, please supply those that are required to be disclosed under the Public Records Law. If you deny any or all of this request, please cite each specific exemption you have determined justifies the refusal to release the information and notify me of the appeal procedures available to me under the law.

Thank you for considering my request.

Sincerely,
Emily Brill

Emily J. Brill
Editor and Publisher
The Canine Review
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TCR RECORDS REQUEST - GEORGIA DEPT. OF AG 8/13/2020

From: [Emily Brill](#)
To: openrecords@agr.georgia.gov; Cortney.Kiser@agr.georgia.gov
Cc: Janemarie.Hennebelle@agr.georgia.gov; [Nydham, Nancy](#); [Davis, Terrell](#)
Subject: The Canine Review - Open Records Request
Date: Thursday, August 13, 2020 10:14:41 AM
Importance: High

Dear Public Records Officer,

Under Georgia's "Sunshine Laws," which consist of the Open Meetings Act (O.C.G.A. §§ 50-14-1 through 6) and the Open Records Act (O.C.G.A. § 50-18-70 through 77), I am requesting an opportunity to inspect or obtain copies of public records that refer to the case involving the dog in the press release issued by Georgia's DPH on July 1, 2020 [<https://dph.georgia.gov/press-releases/2020-07-01/dog-georgia-tests-positive-virus-causes-covid-19>].

Specifically, I am requesting a **copy of the necropsy, notes, photographs, and email communications between state veterinarians Dr. Janemarie Hennebelle, Dr. Robert M. Cobb, Jr., and/or representatives of the Georgia State Board of Veterinary Medicine and/or representatives of Georgia's Department of Public Health and/or Department of Agriculture and any individuals at the Centers for Disease Control and Prevention, USDA-APHIS, and/or the University of Georgia's College of Veterinary Medicine or its Veterinary Teaching Hospital.**

I am seeking records in any format that refer to pathology, necropsy, physical symptoms/state of health at the time the dog was diagnosed as positive for COVID-19, the dog's underlying health condition(s), and other relevant health information about this case.

I am the editor and founder of The Canine Review; as a member of the news media, this request is for urgent news gathering purposes. If there are any fees for searching or copying these records, please inform me if the cost will exceed \$200. However, I would also like to request a waiver of all fees in that the disclosure of the requested information is in the public interest and will contribute significantly to the public's understanding of how COVID-19 affects domestic pets.

The law requires that you respond to and fulfill this request "as promptly as possible." If you expect a significant delay of more than a week in responding to and fulfilling this request, please contact me with information about when I might expect copies or the ability to inspect the requested records.

If you believe a portion but not all of the records that I have requested are not disclosable under the law, please supply those that are required to be disclosed under the Open Records Law. If you deny any or all of this request, please cite each specific exemption you have determined justifies the refusal to release the information and notify me of the appeal procedures available to me under the law.

Thank you for considering my request.

Sincerely,
Emily Brill

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Dear FOIL Officer,

Under New York's Freedom of Information Law, I am requesting an opportunity to inspect or obtain copies of public records that refer to the case involving 'Buddy' the German Shepherd dog, the first dog to test positive for COVID-19 that was recently profiled in National Geographic

[<https://www.nationalgeographic.com/animals/2020/07/first-dog-to-test-positive-for-covid-in-us-dies/>]: "Buddy, first dog to test positive for COVID-19 in the U.S., has died."

I am attaching that report with my FOIL request here.

Specifically, I am requesting copies of any and all notes, reports, photographs, and email communications between New York City Department of Health officials and/or any officials at the New York Department of Agriculture (including the NY state veterinarian), and/or any individuals at the CDC, and/or any individuals at the U.S. Department of Agriculture and/or communications with Dr. Robert Cohen of Bay Street Animal Hospital.

Note: According to the National Geographic report, veterinarian Robert Cohen "says he had three or four conversations with the New York City Health Department and the USDA about Buddy and whether COVID-19 could be related to any of his health problems"; thus, whether veterinary medical records are the property of the dogs' owners is moot because information and presumably documents have already been released to the government and to at least one news organization (National Geographic), at which point the information became public record since the communications with government officials are public record and the medical information is not covered by HIPAA.



I am seeking records in any format that refer to pathology, necropsy, physical symptoms/state of health at the time the dog was diagnosed as positive for COVID-19, the dog's underlying health condition(s), including the suspected lymphoma, and other relevant health information about the dog that is now deceased and confirmed by New York State and by the USDA as having contracted COVID-19.

I am the editor and founder of The Canine Review; as a member of the news media, this request is for urgent news gathering purposes. If there are any fees for searching or copying these records, please inform me if the cost will exceed \$200. However, I would also like to request a waiver of all fees in that the disclosure of the requested information is in the public interest and will contribute significantly to the public's understanding of how COVID-19 affects domestic pets.

The law requires that you respond to and fulfill this request "as promptly as possible." If you expect a significant delay of more than a week in responding to and fulfilling this request, please contact me with information about when I might expect copies or the ability to inspect the requested records.

If you believe a portion but not all the records that I have requested are not disclosable under the law, please supply those that are required to be disclosed under the Freedom of Information Law. If you deny any or all of this request, please cite each specific exemption you have determined justifies the refusal to release the information and notify me of the appeal procedures available to me under the law.

Thank you for considering my request.



Sincerely,

Emily Brill

Emily J. Brill

Editor and Publisher

The Canine Review

<https://www.thecaninereview.com>

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emily@thecaninereview.com

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From: [Emily Brill](#)
To: bparr@clemson.edu
Subject: FW: [External] The Canine Review - public records request
Date: Wednesday, August 12, 2020 4:35:26 PM
Importance: High

Dear Dr. Parr,
I'm writing to you on the advice of Alden Terry (we just spoke by phone), the general counsel for South Carolina's Department of Agriculture. Alden suggested that I submit this public records request to you. Please see below and thanks very much in advance.

Best regards,
Emily Brill

Emily J. Brill
Editor and Publisher
The Canine Review
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From: Emily Brill
Sent: Wednesday, August 12, 2020 4:25 PM
To: Terry, Alden <aterry@scda.sc.gov>
Cc: Moore, Eva <emoore@scda.sc.gov>; Leach, Clint <jcleach@scda.sc.gov>; bparr@clemson.edu
Subject: RE: [External] The Canine Review - public records request

Dear Alden,
There seems to be some confusion. Perhaps we can get on the phone, but if the records are not held by Dr. Parr, then what was he basing his comments on? He was the lead authority in your press release. Dr. Parr is the state veterinarian and director of Clemson LPH which is a state regulatory agency; thus his office and the records including necropsy he was basing his public commentary on are custody of your department. If not, which notes from which agency or entity was Dr. Parr referring to?
It says so in your press release:

"Clemson LPH, a state regulatory agency, is part of the university's Public Service and Agriculture unit. Its mission is to protect animal health by controlling endemic, foreign and emerging diseases in livestock and poultry and to protect the health of S.C. consumers by inspecting meat and poultry products to ensure they are safe, wholesome and accurately labeled.

Its Veterinary Diagnostic Center in Columbia assists veterinarians, the animal industry and animal owners by identifying diseases that affect livestock, poultry, companion animals and wildlife. The center is an integral part of a disease surveillance system that helps ensure a safe and adequate food supply and protects the health of South Carolinians."

Thanks again,
Emily

Emily J. Brill
Editor and Publisher
The Canine Review
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From: Terry, Alden <aterry@scda.sc.gov>
Sent: Wednesday, August 12, 2020 3:56 PM
To: Emily Brill <emily@thecaninereview.com>
Cc: Moore, Eva <emoore@scda.sc.gov>; Leach, Clint <jcleach@scda.sc.gov>; bparr@clemson.edu
Subject: Re: [External] The Canine Review - public records request

Emily,

That makes complete sense, and now I understand why you reached out to us. Still, the subject of your request is outside the scope of what we as an agency are charged with. We do not have custody of any records (tests, pathology, reports) that Dr. Parr could have used to base his conclusions/analysis on.

Sincerely,

Alden

Alden G. Terry
General Counsel

South Carolina Department of Agriculture
1200 Senate Street | Wade Hampton Building, 5th Floor
Columbia, South Carolina 29201
Office: 803-734-2225 | Cell: 803-413-8894
aterry@scda.sc.gov | agriculture.sc.gov | Facebook



On Aug 12, 2020, at 3:29 PM, Emily Brill <emily@thecaninereview.com> wrote:

Hi Alden,

Thanks very much. S.C. state veterinarian Boyd Parr offered a fair amount of commentary in the public domain on this case, including in the recent National Geographic report. I am seeking any and all records that Dr. Parr is basing his

conclusions and analysis on. Those records are presumably in the S.C. state vet's custody. I am filing a request with USDA-APHIS, too, but having already gone to them about other states, I know that their position is that the records are not in their custody but, rather, with the states.

A necropsy, for example, along with any tests, pathology, reports, would have taken place in South Carolina. The USDA's only role is confirming the COVID-19 testing.

Best,
Emily

Emily J. Brill
Editor and Publisher
The Canine Review
<https://www.thecaninereview.com>
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From: Terry, Alden <aterry@scda.sc.gov>
Sent: Wednesday, August 12, 2020 3:19 PM
To: Emily Brill <emily@thecaninereview.com>
Cc: Moore, Eva <emoore@scda.sc.gov>; Leach, Clint <jcleach@scda.sc.gov>
Subject: Re: [External] The Canine Review - public records request

Hi Emily,

I hope you're well. The press release you refer in your public information request to was actually in conjuncture with the U.S. Department of Agriculture (USDA) National Veterinary Services Laboratories, not the South Carolina Department of Agriculture (SCDA). Easy mistake to make, but accordingly we do not have any sort of records on that particular dog or the incident. Veterinary Services is definitely outside the wheelhouse of what we do here at SCDA. Let me know if you have any questions or need more information.

Sincerely,

Alden

Alden G. Terry
General Counsel

South Carolina Department of Agriculture
1200 Senate Street | Wade Hampton Building, 5th Floor
Columbia, South Carolina 29201
Office: 803-734-2225 | Cell: 803-413-8894

aterry@scda.sc.gov | agriculture.sc.gov | Facebook

<image001.jpg>

On Aug 12, 2020, at 2:39 PM, Emily Brill <emily@thecaninereview.com> wrote:

Dear Eva,
Terrific. Thanks very much for the quick reply.

Best,
Emily

Emily J. Brill
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The Canine Review
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From: Moore, Eva <emoore@scda.sc.gov>
Sent: Wednesday, August 12, 2020 2:38 PM
To: Emily Brill <emily@thecaninereview.com>
Cc: Terry, Alden <aterry@scda.sc.gov>
Subject: RE: [External] The Canine Review - public records request

Hello, Emily. I'm copying Alden Terry, general counsel for our agency, who handles FOIA requests.

Thanks,
Eva

Eva Moore
Communications Director
South Carolina Department of Agriculture
Office: 803-734-2196

From: Emily Brill <emily@thecaninereview.com>
Sent: Wednesday, August 12, 2020 2:21 PM
To: Moore, Eva <emoore@scda.sc.gov>
Subject: [External] The Canine Review - public records request
Importance: High

Dear Ms. Moore,

Under South Carolina's Freedom of Information Act, §30-4-10 et seq., I am requesting an opportunity to inspect or obtain copies of public records that refer to the dog – an '8 or 9 year-old shepherd mix' – in a July 16, 2020 press release issued by South Carolina's Department of Agriculture in conjunction with state veterinarian Dr. Boyd Parr and Clemson Livestock Poultry Health (LPH): "S.C. dog confirmed with SARS-CoV-2 virus that causes COVID-19" [<https://newsstand.clemson.edu/mediarelations/s-c-dog-confirmed-with-sars-cov-2-virus-that-causes-covid-19/>].

Specifically, I am requesting copies of any and all notes, reports, photographs, and email communications that refer to this case between South Carolina Department of Agriculture officials, including any officials or representatives of Clemson Livestock Poultry Health (LPH), S.C.'s Department of Health and Environmental Control (DHEC), and/or state veterinarian Dr. Boyd Parr and/or the Public Service and Agriculture Unit and any communications between the aforementioned parties and any representatives of the Centers for Disease Control and Prevention and/or any individuals with the U.S. Department of Agriculture Animal and Plant Health Inspection Service, as well as communications between any of these government officials and entities and non-government individuals such as private veterinarians.

I am seeking records, notes, or additional information in any format that refers to pathology, necropsy, physical symptoms/state of health at the time the dog was diagnosed as positive for COVID-19, the dog's underlying health condition(s), and other relevant health information about the dog that is now deceased.

I am the editor and founder of The Canine Review; as a member of the news media, this request is for urgent news gathering purposes. If there are any fees for searching or copying these records, please inform me if the cost will exceed \$200. However, I would also like to request a waiver of all fees in that the disclosure of the requested information is in the public interest and will contribute significantly to the public's understanding of how COVID-19 affects domestic pets.

The law requires that you respond to and fulfill this request "as promptly as possible." If you expect a significant delay of more than a week in responding to and fulfilling this request, please contact me with information about when I might expect copies or the ability to inspect the requested records.

If you believe a portion but not all the records that I have requested are not disclosable under the law, please supply those that are required to be disclosed under the South Carolina's Freedom of Information Act. If you deny any or all of this request, please cite each specific exemption you have determined justifies the refusal to release the information and notify me of the appeal procedures available to me under the law.

Thank you for considering my request.

Sincerely,
Emily Brill

Emily J. Brill
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From: [Emily Brill](#)
To: USDAFOIA@usda.gov; FOIA.Officer@aphis.usda.gov
Cc: [Cole, Lyndsay M - APHIS](#); [Hayden, Joelle R - APHIS](#)
Subject: The Canine Review - USDA-APHIS Records Request
Date: Wednesday, August 12, 2020 4:13:47 PM
Attachments: [Nat Geo article referred to in FOIA.pdf](#)
Importance: High

Dear Public Records Officer,

Under the U.S. Freedom of Information Act, I am requesting an opportunity to inspect or obtain copies of public records in the custody of USDA – APHIS, including the National Veterinary Services Laboratories, that relate to or refer to any of the following four cases which I will describe in detail below.

I am requesting copies of any and all notes, reports, veterinary records, laboratory test results, test analyses, photographs, and email communications that refer to any of the four cases involving the dogs listed here and described in more detail below:

https://www.aphis.usda.gov/aphis/ourfocus/animalhealth/sa_one_health/sars-cov-2-animals-us.

Those four dogs are

1. **Dog #1 Buddy, German Shepherd (Staten Island, New York) tested positive for COVID on June 1, 2020; died on July 11**

I am seeking records, including email communications, that refer to “Buddy,” who was owned by Robert and Allison Mahoney. Buddy was the first dog to test positive for COVID. I am seeking USDA communications that refer to “Buddy.” I am particularly interested in communications with New York City Department of Health officials and/or any officials at the New York Department of Agriculture (including the NY state veterinarian), and/or any individuals at the CDC, and/or communications with Dr. Robert Cohen of Bay Street Animal Hospital. Note: According to the National Geographic report (attached), veterinarian Robert Cohen “says he had three or four conversations with the New York City Health Department and the USDA about Buddy and whether COVID-19 could be related to any of his health problems”; thus, this report says veterinary records and other information, presumably documents, have been provided to USDA officials which make the records public by virtue of the fact that the communications are public record. I am seeking records in any format that refer to pathology, necropsy, physical symptoms/state of health at the time the dog was diagnosed as positive for COVID-19, the dog’s underlying health condition(s), including the suspected lymphoma, and other relevant health information about the dog that is now deceased and confirmed by New York State and by the USDA as having contracted COVID-19.

2. **Dog #2 “Name Unknown” (Georgia) tested positive for COVID-19 on July 1, 2020**

I am requesting an opportunity to inspect or obtain copies of public records in the custody of USDA-APHIS that refer to the case involving the dog in the press release issued by Georgia’s DPH in conjunction with USDA and CDC on July 1, 2020 [<https://dph.georgia.gov/press-releases/2020-07-01/dog-georgia-tests-positive-virus-causes-covid-19>].

Specifically, I am requesting a copy of the necropsy, notes, photographs, and email communications in the custody of USDA APHIS. I am particularly interested in communications between USDA APHIS and Georgia state veterinarians Dr. Janemarie Hennebelle, Dr. Robert M. Cobb, Jr., and/or representatives of the Georgia State Board of Veterinary Medicine and/or representatives of Georgia's Department of Public Health and/or Department of Agriculture, the University of Georgia's College of Veterinary Medicine and/or its Veterinary Teaching Hospital.

I am seeking records in any format that refer to **pathology, necropsy, physical symptoms/state of health at or around the time the dog was diagnosed as positive for COVID-19, the dog's underlying health condition(s), including the neurological illness, and other relevant health information** about the dog that is now deceased and confirmed by your department and by the USDA as having contracted COVID-19.

3. **Dog #3, "Name Unknown" (South Carolina). Tested positive on July 9, 2020.**

I am seeking USDA-APHIS records that refer to the dog in South Carolina cited in this July 16, 2020 press release [<https://newsstand.clemson.edu/mediarelations/s-c-dog-confirmed-with-sars-cov-2-virus-that-causes-covid-19/>] issued in conjunction with USDA APHIS. I am particularly interested in communications about this case between USDA APHIS officials and **South Carolina's Department of Agriculture, state veterinarian Dr. Boyd Parr, Clemson Livestock Poultry Health (LPH) unit, S.C.'s Department of Health and Environmental Control (DHEC)**, or between USDA and other figures involved in this case such as veterinary academics.

Note: In response to our records request for the necropsy and other materials, we were referred to USDA APHIS by South Carolina Department of Agriculture General Counsel Alden Terry.

"The subject of your request is outside the scope of what we as an agency are charged with. We do not have custody of any records (tests, pathology, reports) that Dr. Parr could have used to base his conclusions/analysis on." Mr. Terry also said that the press release cited was written in conjunction with USDA APHIS.

Thus, I am seeking records, notes, or additional information in any format that refers to **pathology, necropsy, physical symptoms/state of health at the time the dog was diagnosed as positive for COVID-19, the dog's underlying health condition(s), and other relevant health information** about the dog that is now deceased.

4. **Dog #4 "Name Unknown (North Carolina) tested positive on July 22; died on August 3**

Communications between USDA representatives and North Carolina officials about this case

I am requesting an opportunity to inspect or obtain copies of public records in the custody of USDA APHIS that refer to the case involving the dog in the press release issued by NCDHHS in conjunction with USDA APHIS on August 11, 2020 [<https://www.ncdhhs.gov/news/press-releases/north-carolina-has-first-reported-sars-cov-2-positive-case-dog>]. Specifically, I am requesting **the necropsy, notes, photographs, and email communications between USDA representatives and/or CDC and state veterinarian Dr. Carl Williams and/or current members of the North Carolina Veterinary Medical Board and/or NCDHHS, any individuals at NC State Veterinary Hospital.**

I am seeking any documents in any format that refer to information about the **pathology, necropsy, physical symptoms/state of health at the time the dog was diagnosed as positive for COVID-19, age, gender, breed, underlying health conditions, and other relevant information** about the dog now deceased and confirmed as having contracted COVID-19.

I am the editor and founder of The Canine Review; as a member of the news media, this request is for urgent news gathering purposes. If there are any fees for searching or copying these records, please inform me if the cost will exceed \$200. However, I would also like to request a waiver of all fees in that the disclosure of the requested information is in the public interest and will contribute significantly to the public's understanding of how COVID-19 affects domestic pets.

The law requires that you respond to and fulfill this request "as promptly as possible." If you expect a significant delay of more than a week in responding to and fulfilling this request, please contact me with information about when I might expect copies or the ability to inspect the requested records.

If you believe a portion but not all the records that I have requested are not disclosable under the law, please supply those that are required to be disclosed under FOIA. If you deny any or all of this request, please cite each specific exemption you have determined justifies the refusal to release the information and notify me of the appeal procedures available to me under the law.

Thank you for considering my request.

Sincerely,
Emily Brill

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