



**RHODE ISLAND**  
**DEPARTMENT OF ENVIRONMENTAL MANAGEMENT**  
**OFFICE OF THE DIRECTOR**  
235 Promenade Street, Room 425  
Providence, Rhode Island 02908

March 31, 2026

The Honorable Evan P. Shanley  
Chairman  
House Committee on State Government and Elections  
82 Smith Street  
Providence, Rhode Island 02903

**Re: H 7305 An Act Relating to Public Records – Access to Public Records**

Dear Chairman Shanley,

Thank you for providing the Department of Environmental Management (DEM) the opportunity to comment on H 7305, which proposes several amendments to the Access to Public Records Act (APRA). DEM has several concerns with this legislation.

DEM is one of the top recipients of APRA requests among state agencies, receiving between 100 to 150 requests per month. Many of our APRA requests are related to due diligence that is typically required as part of property transfers and transactions which are often time-sensitive for the requestor. However, DEM also receives many large requests that include requests for all communications on a particular issue (some requests requiring more than 100 hours of staff time to complete). While we welcome the opportunity to provide more transparency in our work, it is an extremely resource-intensive process to comply even under existing law. We are concerned that the changes proposed in this legislation will have negative impacts as described below.

Our specific concerns with this legislation include requiring that state agencies maintain a “privilege log” which lists all documents, or portions of documents, withheld from disclosure along with the statutory exemption claimed and an explanation of how disclosure would damage the interests protected by the exemption (see page 6, lines 29-34 of the bill). Given the significant number of public records requests made to DEM each month and the volume of the records requested DEM does not have the resources available to create or maintain such a privilege log for the many APRA requests we receive and provide the requested documents within the timeframes required by the law.

A second concern is language on page 5, lines 16-17 of the bill which would amend a current exemption from disclosure afforded to investigatory records to allow disclosure upon a showing

of good cause. Producing investigatory records prematurely may jeopardize investigative activity and the bill does not clearly define what constitutes “good cause” for releasing these documents. The lack of a clear standard for what constitutes good cause has the potential to cause confusion within agencies and differing standards across agencies.

A third concern is that the legislation proposes to modify the existing exemption covering preliminary documents such as drafts, notes, and working papers by making claims of this exemption subject to challenge. The primary purpose of this exemption is to ensure that candid deliberations regarding policy can occur without the potential chilling effect of public disclosure. The watering down of this exemption could stifle policy deliberations within agencies.

A final concern with the bill is that it would inhibit the ability of state agencies to charge for the search, retrieval, and redaction of documents (see page 10, lines 3 and 9-10 of the bill). We are concerned that this change will incentivize the submission of broad APRA requests rather than specific, narrowly tailored requests. The result of such a change would be to create a less efficient, more time-consuming process for fulfilling APRA requests.

We appreciate the opportunity to offer comments on this legislation and would be pleased to make ourselves available as needed. For further information, please contact Ryan Mulcahey, DEM Director of Legislative Affairs, at [ryan.mulcahey@dem.ri.gov](mailto:ryan.mulcahey@dem.ri.gov) should you have any additional questions or wish to discuss this matter further.

Sincerely,

A handwritten signature in black ink that reads "Terrence Gray". The signature is written in a cursive style with a large, sweeping initial "T".

Terrence Gray, P.E.  
Director

cc: Members of the House Committee on State Government and Elections  
The Honorable Jason Knight  
Nicole McCarty, Esq., Chief Legal Counsel to the Speaker of the House  
Lynne Urbani, House Policy Director