

EXHIBIT B

FREEDOM OF INFORMATION COMMISSION  
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by  
Senator William Curry, Jr.,

FINAL DECISION

Complainant

Docket #FIC81-2

against

May /7, 1982

Department of Environmental  
Protection of the State of  
Connecticut,

Respondent

The above captioned matter was heard as a contested case on February 5, 1981, March 9, 1981, April 10, 1981 and November 13, 1981, at which times the complainant, the respondent and the intervenors identified below appeared, stipulated to certain facts, and presented testimony, exhibits and argument on the complaint.

After consideration of the entire record, the following facts are found:

1. The respondent is a public agency as defined by § 1-18a(a), G.S.

2. Stanchem, Inc., Citizens for the Environment and the Connecticut Citizen Action Group having requested permission to intervene in these proceedings pursuant to § 1-21j-28 of the Regulations of Connecticut State Agencies, permission to intervene is hereby granted to the extent that they may participate fully in this contested case within the limits specified in § 1-21j-28.

3. On December 10, 1980, the complainant requested from the respondent any lists of chemicals in its possession, which chemicals are used at the East Berlin plant of the intervenor Stanchem, Inc., and specifically including those chemicals denominated as "hazardous" under the Federal Water Pollution Control Act.

4. On December 12, 1980, the respondent denied the request described in paragraph 3, above.

5. By letter filed with the Commission on January 6, 1981, the complainant appealed from the denial of the respondent.

6. The intervenor Stanchem, Inc., moved to dismiss the complaint, alleging that this case is moot because the complainant already has, or has access to, a list of chemicals used by the intervenor Stanchem, Inc.

7. It is found that even if the complainant has, or has access to, a list of chemicals used by the intervenor Stanchem, Inc., the Commission still has jurisdiction to determine this complaint under § 1-21i(b), G.S., by virtue of the findings contained in paragraphs 1, 3, 4 and 5, above.

8. Therefore, the motion to dismiss by the intervenor Stanchem, Inc., is hereby denied.

9. It is found that the list requested by the complainant is a public record, as that term is defined in §§ 1-18a(d) and 1-19(a), G.S.

10. The respondent and the intervenor Stanchem, Inc. contend that the list of chemicals in question is exempt from disclosure under § 1-19(b)(5), G.S., as a "trade secret."

11. It is found that the respondent and the intervenor Stanchem, Inc., failed to prove that the requested list of chemicals constitutes a "trade secret" as that term is defined in § 1-19(b)(5), G.S.

12. It is therefore concluded that the requested list of chemicals is not exempt from disclosure under § 1-19(b)(5), G.S.

13. At the Commission's meeting of May 11, 1982, the respondent moved to dismiss this case, claiming that the requested information is exempt from disclosure under § 22a-6(5), G.S., and that therefore the Commission lacks jurisdiction over this matter.

14. It is concluded that § 22a-6(5), G.S., does not exempt the subject records from disclosure and that the Commission has jurisdiction to determine this matter.

The following order by the Commission is hereby recommended on the basis of the record concerning the above captioned complaint:

1. The respondent shall forthwith provide the complainant with a copy of the requested list of chemicals more fully described in paragraph 3 of the findings, above.

Approved by order of the Freedom of Information Commission at its special meeting of May 11, 1982.

  
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Mary Jo Jolicœur  
Clerk of the Commission