Message

From: Keener, Bill [Keener.Bill@epa.gov]
Sent: 3/9/2017 10:34:24 PM
To: regionalpress [regionalpress@epa.gov]
CC: Zito, Kelly [ZITO.KELLY@EPA.GOV]; Miller, Amy [Miller.Amy@epa.gov]
Subject: Region 9 media query - Honolulu Civil Beat re: EPA pesticides investigations in Hawaii
Attachments: 2017.03.09-Admin-Complaint-Acceptance-Ltr-HI-Dept-AG-ADE-44RNO16R9.pdf

Nancy, I saw that you received a heads up from OCR's Lilian Dorka today because she agreed to pursue a Title VI complaint against Hawaii for pesticides use. We just received our first press query about it, prompted by EarthJustice's press release today that also puts up Lilian's letter on their website. See: http://earthjustice.org/news/press/2017/epa-opens-civil-rights-investigation-over-pesticide-use-in-hawai-i . Ex. 5 Deliberative Process (DP)

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Please let us know if you need anything else. I have not responded to the reporter, since this just came in, but I can if you need me to.

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San Francisco, CA
Phone: (415) 972-3940

From: Anita Hofschneider [mailto:ahofschneider@civilbeat.org]
Sent: Thursday, March 09, 2017 2:11 PM
To: Keener, Bill <Keener.Bill@epa.gov>
Cc: Higuchi, Dean <Higuchi.Dean@epa.gov>
Subject: EPA investigations in Hawaii

Aloha Bill,

I'm working on this story on EPA's investigation into pesticide use in Hawaii and the possibility of civil rights violations: http://www.civilbeat.org/2017/03/epa-to-probe-whether-pesticide-use-harms-native-hawaiians/. How common are these investigations and how long is it expected to take?

I've heard previously that the EPA has been investigating Monsanto's use of pesticides on Maui since May 2016 and Syngenta's use of pesticides on Kauai since January 2017. Is it accurate to say these investigations are still ongoing?

Mahalo,
Anita

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OCR Desk Statement:

U.S. EPA
External Civil Rights Compliance Office
Desk Statement
EPA File Nos.: 44RNO-16-R9 and 45RNO-16-R9

STATEMENT

On March 9, 2017, the U.S. Environmental Protection Agency's (EPA) External Civil Rights Compliance Office (ECRCO) issued letters accepting for investigation a complaint filed against the Hawaii Department of Agriculture (HDOA) and the Hawaii Agribusiness Development Corporation (ADC) alleging discrimination on the basis of race and/or national origin.

ECRCO will investigate the following:

Whether in administering the pesticides program and the leasing and licensing of the state land program the HDOA and/or ADC discriminated on the basis of race and/or national origin (Native Hawaiians) against farm workers and residents of West Kaua'i and Moloka'i, in violation of Title VI of the Civil Rights Act, and EPA's implementing regulation; and

Whether the HDOA and/or ADC is complying with the procedural safeguard provisions in 40 C.F.R. Part 7 Subpart D which require recipients of EPA financial assistance to have specific policies and procedures in place to comply with their non-discrimination obligations.

The investigation will be conducted in accordance with EPA ECRCO's *Case Resolution Manual,* at: https://www.epa.gov/ocr/case-resolution-manual. ECRCO will engage with recipients and complainants promptly to discuss informal resolution.

NOTE: This complaint was also filed with the U.S. Department of Agriculture (USDA), Office of the Assistant Secretary for Civil Rights (OASCR). As the EPA and USDA share jurisdiction over Title VI protections in this matter, EPA has agreed to share the results of any resolution, determinations, or findings with the Director, Office of Adjudication, OASCR, USDA.

CASE BACKGROUND

The complaint alleges that HDOA and ADC discriminated against farm workers and residents in West Kaua'i and on Moloka'i, on the basis of race and/or national origin, with respect to the administration of the pesticides program and the leasing and licensing of the state land program, in violation of Title VI of the Civil Rights Act of 1964. In addition, the complaint alleges that HDOA and ADC lack a Title VI compliance program as required by EPA's nondiscrimination regulation.

Acceptance of a complaint for investigation in no way amounts to a decision on the merits. Rather, it means the complaint has met the jurisdictional criteria. It does not constitute an assessment as to the veracity of the allegations or represent a conclusion as to whether any Title VI violation has occurred.

EPA EXTERNAL CIVIL RIGHTS COMPLIANCE OFFICE BACKGROUND

The U.S. Environmental Protection Agency's External Civil Rights Compliance Office is responsible for enforcing several federal civil rights laws that prohibit discrimination on the bases of race, color, national origin (including limited-English proficiency), disability, sex, and age in programs or activities that receive federal financial assistance from the EPA.

External Civil Rights Compliance Office Contact: Lilian Dorka, Director

OPA Contact: Nancy Grantham