EPA

Moderator: Jonathan Stein
June 20, 2017
5:58 p.m. ET

Operator: This is conference Ex. 6 Conference Code

(Adam Wilson): Hi, this is (Adam Wilson) from OGC.

(Britney Martinez): Hi, this is (Britney Martinez) in External Civil Rights Compliance Office. I just want to let you know this conversation, this interview is being recorded. Can I ask who is on the line? I got you, (Adam).

Ex. 6 Personal Privacy (PP) Aloha, this is Ex. 6 Personal Privacy (PP)

(Britney Martinez): Hi, Ex. 6 Personal Privacy (PP) how are you? This is (Britney Martinez) from EPA's External Civil Rights Compliance Office.

Ex. 6 Personal Privacy (PP) Hi, (Britney). I'm fine. Thank you.

(Britney Martinez): Good. And I think we're all…

Ex. 6 Personal Privacy (PP) Can you hear me OK?

(Britney Martinez): Yes, I hear you just fine. And I think we're also going to be having Mr. (Paul Ashita) on the -- on the line from Earth Justice.

(Paul Ashita): Yes, I'm here and (Kylie Waeger) in my office is on the line as well.

(Britney Martinez): Great. And I said it before I think you guys get on the line, this is being recorded. Is there any objection to the recording of this interview?

Ex. 6 Personal Privacy (PP) No, as long as you make me sound good, no.

(Britney Martinez): We'll try our best. And can you please, and everyone on the line, can you please repeat your name?

Ex. 6 Personal Privacy (PP)

(Britney Martinez): OK, and…

(Paul Ashita): (Paul Ashita).

(Kylie Waeger): (Kylie Waeger).

(Adam Wilson): (Adam Wilson).

(Britney Martinez): OK. And in our room, once again my name is (Britney Martinez) and I'm the case manager for this Title VI investigation. We also have…

(Sheryl Covington): (Sheryl Covington). I'm also providing technical support. I'm with ECRCO.

(Britney Martinez): And I think I just heard another beep.

(Amy Miller): Hi, yes. It's (Amy Miller) from EPA in the Pacific Southwest region in San Francisco.

(Britney Martinez): And (Amy), just to let you know, I said it before you came on, this conversation is being recorded and do you have any objections to the recording? Do you have any objections for the recording?

(Amy Miller): No, I do not.

(Britney Martinez): OK and we also have Lilian Dorka who has just joined us, the Director of the External Civil Rights Compliance Office.

Lilian Dorka: Hi, everyone.

Ex. 6 Personal Privacy (PP) Hello.

(Britney Martinez): So thank you all for joining us today. I'm glad that we were able to find a time that worked well for everyone. I just want to do a brief introduction and then we'll go into the questions. Before I get started, were there any questions that you may have, Ex. 6 Personal Privacy (PP) or Paul or Kylie)?

(Kylie Waeger): Not yet, thank you.

(Britney Martinez): OK.

(Paul Ashita): Not yet.

(Britney Martinez): OK. So I'm going to go ahead and get started. Once again, my name is (Britney Martinez) and I'm the case manager in EPA's External Civil Rights Compliance Office in headquarters assigned to case number, which is 44RNO16R9 and 45RNO16R9. This interview is convened as part of ECRCO's investigation to discuss the details of this Title VI complaint.

This case originated from a complaint filed on September 14th, 2016 by Earth Justice on behalf of two committee groups. The complaint alleges that the Hawaiian Department of Agriculture and their Hawaii Agribusiness Development Corporation discriminated against farm workers and residents in West Hawaii and Molokai on the basis of race and/or national origin. The complaint was accepted by ECRCO on March 9th, 2016 and as a reminder, the two allegations that ECRCO agreed to investigate are whether in administering the pesticide program in the leasing and licensing of the state land program, the HCOA and/or ADC discriminated on the basis of race and or national origin against farm workers and residents of West Hawaii and Molokai in violation of Title VI of the Civil Rights Act and EPA's implementing regulations, and whether the HCOA and/or ADC is complying with the procedural safeguard provision in 40CFR part 7, sub-part D which requires recipients of EPA's financial assistance to have specific policies and procedures in place to comply with their non-discrimination obligation.

And so before we get started, I just wanted to let you know that we have read your declaration. So the purpose of asking you these following questions is to seek additional information and also to provide you with an opportunity to expound on some of the points you have already made. And so I just went

through those introductions. I just want to make sure before we move forward that there are no initial questions?

OK. And on this…

(Paul Ashita): Well this is (Paul). I just -- I guess my assumption is although I understand that your description of the nature of the complaint is just a summary, that it essentially includes all of the various other things that we outlined in the complaint itself in terms of the nature of the alleged violations.

(Britney Martinez): Yes.

(Paul Ashita): OK.

(Britney Martinez): OK. And for the record. Ex. 6 Personal Privacy (PP) if you could just state your name again and spell it?

Ex. 6 Personal Privacy (PP) My name is Ex. 6 Personal Privacy (PP)

(Britney Martinez): And can you provide your telephone number and preferred email address?

Ex. 6 Personal Privacy (PP)

(Britney Martinez): OK, and if you can provide your home address?

Ex. 6 Personal Privacy (PP)

(Britney Martinez): OK. And this is not mentioned in your declaration, but can you tell us if you are of native Hawaiian descent?

Ex. 6 Personal Privacy (PP) Yes, I am.

(Britney Martinez): All right, thank you. And can you describe if there is any special application process and/or any special deeds or documents showing Hawaii's responsibility towards you as a homestead occupant?

Ex. 6 Personal Privacy (PP) I have the lease to this land which is part of the Hawaiian Homestead Act based on my ancestry.

(Britney Martinez): OK. And can you describe your community and whether you live near any ADC-leased land being used by agricultural companies?

Ex. 6 Personal Privacy (PP) Yes. I live on Hawaiian Homestead Land which is occupied by native Hawaiians, of 50 percent or more blood quantum, probably one of the largest data point populations on this island, and yes, our neighborhood is surrounded by ADC land which is leased to Syngenta. I believe the one -- the farm lands adjacent right outside of our neighborhood and community is leased by Syngenta if I'm not mistaken.

(Britney Martinez): OK, and is that the only company that's in close proximity to your home?

Ex. 6 Personal Privacy (PP) There's Pioneer as well. I don't know exactly which lots they occupy or that they're leasing, but the last I checked, the farm lots that were being leased closest in proximity to my home were being leased by Syngenta.

(Britney Martinez): OK. And do you or have you ever experienced any residue or overspray from those companies that may have drifted onto your property, cars, homes, outside vegetation?

Ex. 6 Personal Privacy (PP) Yes, I have.

(Britney Martinez): And how often does that occur and can you describe it?

Ex. 6 Personal Privacy (PP) It's hard to say how often. It's been off and on for the last I would say, probably for the last five years. Right now, the lots in front of my house went fallow for about a year and it looks like they're starting -- they're starting to plant again in front of my house. So as far as the spraying goes, I mean I'm out working most of the day, but -- so I don't see how often spraying happens. I know people in the community who are, probably have a better idea on that.

But as far as some of the things that we've experienced, I know that they spray at night on occasion, and when they do, my daughters and I have woken up

with stinging eyes, sore throats, respiratory infections. I now have adult asthma, never had it in my life until I moved into this neighborhood. So yes, I mean, trade winds in Hawaii are a fact of life and they happen all the time, so overspray is not uncommon for any of us that live in this community.

(Britney Martinez): OK. And have you ever been impacted by dust from the agricultural companies? I believe you mentioned that in your declaration.

Ex. 6 Personal Privacy (PP) Well yes, I mean as I said, trade winds are a fact of life in Hawaii, and the lot that are leased, the farm lots, ADC farm lots that are leased in front of my home, there are no cover crops. There is nothing -- there is no screen between -- I live about a football field away from some of these agricultural lands and there is no protection. There is no screen and soil is left exposed and there's really nothing holding down topsoil here. So with every trade wind that comes by, it carries particles of dust and who knows what else is sprayed and is in that soil. And yes, it's -- I mean, it's a fact of life. It's all over our house, it's everywhere.

(Britney Martinez): OK.

Ex. 6 Personal Privacy (PP) On our window sills.

(Britney Martinez): And when you say the trade winds with the dust, is it a constant issue, so that's daily or I know…

Ex. 6 Personal Privacy (PP) Yes, I mean trade winds don't really -- I mean we're grateful in Hawaii to have trade winds. I think we'd suffer greatly without them. And they happen all the time, constantly. I mean, yes, like I said it's a fact of life in Hawaii.

(Britney Martinez): OK. What is your source of drinking water? Do you use a public system or do you have private wells?

Ex. 6 Personal Privacy (PP) We have a public system and yes, our water comes from the tap.

(Britney Martinez): OK. In your declaration you also state there's an astounding number on the west side of Hawaii who have physical ailments. Can you please elaborate on that point?

Ex. 6 Personal Privacy (PP)

Yes. It's not uncommon to come across children, adults and elders with asthma. We have a pretty high percentage of birth defects on this side of the island, congenital heart problems, learning disabilities. It's pretty high on this side of the island.

(Britney Martinez): OK. And you have already mentioned in your declaration in this interview that you and your family have experienced health impacts dealing with asthma, coughing and other respiratory issues. Have you noticed if that has changed over time since you've lived there? Has it increased?

Ex. 6 Personal Privacy (PP)

Well, I did see a difference when agriculture and spraying was very active in front of my neighborhood and fronting my home, those symptoms increased. Like I said, about a year ago, the agricultural lots in front of my house went fallow for about a year and we actually -- our respiratory ailments actually improved. And we didn't get sick for almost that entire year. Now that things are kicking up again and I'm noticing that agriculture is starting to, crops are starting to pop again, we'll see you know.

Hopefully we won't experience what we experienced prior to that year of that property going fallow. But as of right now, we are OK. I'm not having any major asthma symptoms and neither are my daughters, but agriculture just started up again, so time will tell.

(Britney Martinez): And when you say, went fallow, so do you know why? Was it just seasonal or was there another reason that you may know of why they weren't operating at that time?

Ex. 6 Personal Privacy (PP)

I have no idea. I don't know. They just stopped growing in front of my home for about a year. I don't know. I can't speak on the reasons why, but I did see an improvement in our health when they did.

(Britney Martinez): OK. And do you currently hang any laundry outside to dry?

Ex. 6 Personal Privacy (PP)

I hang my laundry in my garage.

(Britney Martinez): OK. And why do you do that, is there a particular reason why in the garage?

Ex. 6 Personal Privacy (PP) Well yes, definitely. I don't want that dust to get on my clothing, all that topsoil that's being blown everywhere. I don't want that on my clothing. Yes, for that and for privacy reasons.

(Britney Martinez): OK. And we touched upon this a little bit earlier about the (overdraft) and the dust but have you noticed any discoloration, rusting on any outside metal materials at your house? For instance, a house awning, air conditioning foils, your car, furniture, outside furniture, et cetera?

Ex. 6 Personal Privacy (PP) Do you say like corrosion and rust?

(Britney Martinez): Yes, discoloration or rusting of any outside metal materials?

Ex. 6 Personal Privacy (PP) No. I haven't really seen too much of that. My house is still fairly new. It's only about seven years old so not -- I haven't noticed that yet.

(Britney Martinez): OK. Have you noticed any changes, deformities, increases or reduction in the insect or rodent population around the agricultural lands or fields?

Ex. 6 Personal Privacy (PP) Yes. Well I have -- I have a friend who has a farm that's located between my neighborhood and the agricultural lots and he actually -- he gets to observe, because he's a farmer, he gets to observe a lot more obviously than I have the time to. But he has actually filmed sick animals and he's definitely seen a difference. Obviously I can't speak on his behalf, but he actually has a video that he just took yesterday I believe of a bird, he has a lot of different footage of animals getting sick after spraying happens and spraying is applied to the fields, pesticides are applied.

And this latest video was of a native owl and it was -- it clearly was sick and in the background, they are spraying. But he's had animals get sick, horses, dogs. As far as the rodent population, yes, I don't see that too often, which is ironic because we live out in the country and normally those things would be pretty prevalent, but I don't come across them too often.

FOIA 2020-00100

(Britney Martinez): OK. And we would probably like to see those videos, especially if they're recent. But we can -- we can touch back on that after we go through our interview questions.

Ex. 6 Personal Privacy (PP) Yes, I will see if he's willing to share them, I hope he will be.

(Britney Martinez): And we'll work through you, (Paul) to see if we can possibly obtain that information of those videos.

(Paul Ashita): OK.

(Britney Martinez): And maybe even possibly interview your friend who owns the farm.

Ex. 6 Personal Privacy (PP) Yes. I'm not sure if that's going to happen. People have tried to have him speak before and it's caused problems for him as far as access to his farm. In order for him to get to his farm, he needs to go through these agricultural fields that are leased by these corporations and he's had difficulty in that. So I can try and speak to him, but in the past he was reluctant, too reluctant to share.

(Britney Martinez): OK.

Ex. 6 Personal Privacy (PP) But he might be willing to share those videos.

(Britney Martinez): And our technical advisor (Sheryl Covington) has a follow-up question on that.

(Sheryl Covington): Yes. You are stating that your friend may not be willing to speak. What kind of -- you said he has difficulties. Can you describe what kind of difficulties he's had in the past?

Ex. 6 Personal Privacy (PP) I'd rather not. You know, if he can -- if he chooses to speak up about that, then he can elaborate on that. I don't like to speak on anyone's behalf.

(Britney Martinez): OK, that's fine. Have you ever identified any runoff occurring from the agricultural lands or fields following applications?

Ex. 6 Personal Privacy (PP) Runoff happens all the time. The (inaudible) in Kekaha is made up of a very intricate water system from plantation days, irrigation system I should say, and this entire area is filled with ditch lines. And I mean it's exposed these ditch lines are exposed, the water is exposed to constant drift and to constant topsoil also.

So yes, I mean it happens every day and whenever the wind blows it happens. So yes, most definitely, especially when there are rains on this side of the island, it's -- everything is exposed.

(Britney Martinez): The storm water that you've noticed, is it a discolored or does it have a strong or strange smell to it?

Ex. 6 Personal Privacy (PP) Yes, it does.

(Britney Martinez): Can you describe what that is?

Ex. 6 Personal Privacy (PP) Yes, it does have a very, very bad color to it. The other thing that I've noticed is when you get closer to the post and these irrigation lines feed directly into our beaches, our water, our ocean waves right here, it's -- you can see dead marine life that's flushed out by these irrigation systems when there are big rains and exposure occurs.

So yes, that's not uncommon, you know. On top of that, you have tons and tons of plastics and drip tape that come along with these runoffs that are all -- I mean this is -- this is all from these agricultural companies. So they all end up in the ocean. They all end up in our beaches. And yes, it's not uncommon to see dead ocean life in its wake, marine life.

(Britney Martinez): Go ahead.

(Sheryl Covington): Yes. Can you tell -- how do you know that it comes from those sources, that it comes from the agricultural companies?

Ex. 6 Personal Privacy (PP) Because I mean it really doesn't take a genius, I mean the irrigation lines run through these agricultural lands and they end up on the sea. They end up streaming to our ocean. I mean how do I know? It's because I've been back,

FOIA 2020-00100

I've been there. I've been through those agricultural fields. I've been through those ditch lines. I've actually tracked the water from the mountains down to the ocean, so I know where these ditch lines end up.

And the ocean, as far as providing us for our sustenance, on this side of the island in, on this island in general it's -- like I said it's a fact of life, we rely on our natural resources and the health and wellness of our marine life for sustenance, so we know exactly where that water is coming from. And we know that when there are big rains, things are flushed out with that. And we know where those waters come from and what they've been through, because we live here. I don't know how else to put it. We observe it. We live it every day.

(Sheryl Covington): OK. And that's the source of the plastics that you also said--?

Ex. 6 Personal Privacy (PP) Oh yes. I mean there's no other source. I mean you're not going to find -- there are very few, I mean not even a handful of local farmers. And these local farmers don't have drip tape that are tons and tons of drip tapes and plastics in their farms. They're small time farmers. There are very few private farmers that are here. So of course all of this runoff and plastic comes from big corporations. People who are farming large plots of land I mean it's pretty common sense. It's not -- you know, some of these plastics, well a lot of the plastics that were left on plantations still remain, but there is a whole -- I mean that land was never cleaned or remediated and these corporations came in, just started farming this land right away. And with them, they brought a whole another set of waste. So yes, yes, there are no other culprits because there's nothing else here but them.

(Sheryl Covington): OK. So let me see that I am getting a clear understanding. So you are saying that these fields had some residue waste on them, but they were not used, and then when the larger companies came in, they begin to use these lands and added more pollution, drip tapes and plastic that they left on the land and all of that's being washed through the ditch lines into the ocean.

Ex. 6 Personal Privacy (PP) When there are big rains, correct, when there are…

(Sheryl Covington): When there are big rains.

Ex. 6 Personal Privacy (PP) Yes, when it rains on this side of the island, it is very common to see large amounts of plastics and drip tape that comes through the irrigation lines that goes through all of these agricultural fields, correct.

(Sheryl Covington): Now, do you happen to have any pictures of this or would your friend that has been doing the videoing, does he have any pictures?

Ex. 6 Personal Privacy (PP) Yes. There are many people on the west side who have documented spraying. I'm definitely not the only one. I'm one of the few people who are willing to speak up, but yes, there are many, many videos. I'm sure you can go on YouTube and find these videos. And I'm pretty sure I could probably find some footage or photos of drip tape, you know. When the next big rain comes, I can probably go out there and take a bunch of photos too, if it rains this summer, if we do have a big rain, yes.

(Sheryl Covington): That would be great. Have you noticed any changes in vegetation growth or decline near the ditch lines?

Ex. 6 Personal Privacy (PP) Near the ditch lines, there -- it's – the only thing that grows out there is the fields that they grow, the cornfields. No, it looks like a desert. Yes. And that's what I mean is everything is exposed here. You don't see large trees. It's pretty barren except for the fields that grow and that they plant.

(Sheryl Covington): OK. And...

Ex. 6 Personal Privacy (PP) And I should also tell you that they plant right up against the ocean as well. So, yes, as far as it's not just the ditch lines that are being exposed; it's the coastline as well.

(Sheryl Covington): How do they accommodate from erosion of their field into the beach line area if they're planting straight up, is there some type of barrier that they built or artificial barrier wall to protect it or...

Ex. 6 Personal Privacy (PP) No, they don't.

(Sheryl Covington): So, they just allow any type of washing of any farm application to wash out with the tide as it comes in?

Ex. 6 Personal Privacy (PP)

I'm not a field worker so I can't comment on that practice. I'm sure a field worker would know. You know, I can't say how they dispose of their toxic waste, but this is for the last eight years, this is what this community and longer, for the last decade, this is what this community has been fighting for is this protection, which we have no protection.

The EPA has really failed this community as far as I'm concerned, because on a county and state level it's been, I mean, I would compare it to being an abused foster child that has to constantly go back to their abuser. I don't know what else to say, I mean, the best thing you can do is come out here to this community and see for yourself if there is adequate protection. And I guarantee you, you will see with your own eyes that there is not.

Again, I'll say that this is a rural community that relies heavily on its natural resources for sustenance, I mean, heck, we all do, we're all human but especially in this rural community you have hunters and fishermen and a few farmers, small farmers that are planting food for consumption and we're all exposed to all of this and it's been like that for a really long time now.

(Sheryl Covington): With the issues that you've raised, have you ever contacted the Hawaii Department of Agriculture or the Hawaii Development Corporation to voice some of your...

Ex. 6 Personal Privacy (PP)

Yes, I have and it's been like a merry-go-round, I mean, after a while I just stopped because I got nowhere. I know many people, I know a lot of people on this side of the island who have gone that route and have called the Department of Agriculture, have called the Department of Health and it's all fallen on deaf ears.

And excuse the frustration in my voice; it's just we've taken it to that level. We've taken it to our community leaders. We've taken it to, heck, we've taken it all the way up to the governor. I don't know how much further we can go.

I've spent many hours; I'm a single mom, I've taken time off work to spend the entire day at the capital trying to talk to our leaders who are elected to protect

our community and it's all fallen on deaf ears. So, I apologize for my frustration but that's just where I'm coming from.

(Britney Martinez): Right. No need to apologize. We just want to make sure that we're getting as much information from you as we can.

Ex. 6 Personal Privacy (PP) Yes. And I understand.

(Britney Martinez): When you have reached out to the Hawaii Department of Agriculture and the Hawaii Development Corporation, I know you said you reached out to them a number of times; do you have any documentation of how you reached out? Was it a formal complaint? Was it a call?

Ex. 6 Personal Privacy (PP) I called. I called, and in the beginning I called. Not so much to ADC, as you say to the Department of Agriculture and the Department of Health. And this is several years ago when I first started kind of making my own observations, when my daughter started getting more and more respiratory infections and I started to really pay attention to what was happening in the agricultural fields outside of my neighborhood.

That was when I made those phone calls. So, that was like a good four, five years ago. But there was nothing and, yes, so I could get to a different level and I shared what was happening to our legislators and, yes, and again for the most part, it fell on deaf ears so...

(Britney Martinez): Yes. So, let me ask you one question about the health implication of your daughters, as I understand you have two daughters and I think what are they, 13 and 10?

Ex. 6 Personal Privacy (PP) Correct, 14 and 10; 14 and 11 now, actually.

(Britney Martinez): OK. OK, 14 and 11 now. OK. Are both of them experiencing similar respiratory and health impacts? I know in your declaration you talked about one having nosebleeds but I didn't know if it was both of your daughters having...

Ex. 6 Personal Privacy (PP)

No, the younger one experienced nosebleeds and, yes, as far as the burning throats, burning eyes and respiratory infections, those were the same, but it was just my younger one that would experience nosebleeds. She hasn't for a while.

(Britney Martinez): OK. And you believe that's because no agricultural activity has been ongoing in about a year, agriculture...

Ex. 6 Personal Privacy (PP)

Possibly. Like I said before when that field went fallow for a year, it could have been even a little bit more than a year, yes, those symptoms stopped. My daughter hadn't had a nosebleed for a while, and when we woke up at night our eyes weren't burning or our throats weren't burning, definitely less respiratory infections, so there was a difference.

(Britney Martinez): Let me ask one other question. When you see that the farmland is applying whether some chemical, fertilizer or whatever, can you hear the application in your house? Can you hear the machinery so you're aware that it's occurring?

Ex. 6 Personal Privacy (PP)

Yes, sometimes we can. Sometimes the tractors are, like I said we're about a football to a football and a half field away from the agricultural field so, yes, you can see, you can hear the tractors. And it was much more prevalent before. I think there was a lot more activity prior to that field going fallow.

And then we'll see how it is now because they're starting to gear up again. So, yes, we'll see what happens, but, again, I'm not home for most of the day; I work at the college, so I'm not like a retired person and I have time to sit here and see exactly when. I just know that at the peak of the symptoms we were experiencing, I would wake up at night and see tractors spraying at night pretty much when everybody, the neighborhood are sleeping.

(Britney Martinez): Right. Could you describe if you had gone outside to see how this application was being done, could you describe what you saw?

Ex. 6 Personal Privacy (PP)

I saw long arm tractors with stuff coming out of them. They're like, yes, I mean, you could see from my house you could see that, the spray tractors, and, yes, they are spraying things on the field. So, it wasn't like it was

ploughing up land or anything like that; it was very -- what can I say, I'm not familiar with the different types of tractors there are, but I know these had long arms and there were like little spigots along the side of the arms that go out.

(Britney Martinez): OK.

Ex. 6 Personal Privacy (PP)

And spray between the rows of corn. Like I said before, and I think this is really important is that there's very little regard for the wind factor here. So, I don't know, (Paul), do you know what the law is as far as them not being able to spray under certain miles per hour or whatever, the wind factor, do you what that is?

(Paul Ashita): As far as I know Ex. 6 Personal Privacy (PP), it depends on the pesticide.

Ex. 6 Personal Privacy (PP)

OK. Well...

(Paul Ashita): Different labels have different requirements for different pesticides and wind speed and the types of spraying nozzles that you can use and so forth.

Ex. 6 Personal Privacy (PP)

I see. Well, yes, I'm not familiar with all of those technicalities, but I know that very little regard is taken as far as wind factor. And the truth is that I don't know what, besides not spraying pesticides, highly restricted use pesticides, I don't know what would protect us besides them not stopping, there is no shield, there is nothing that would protect us because as I said before, trade winds are a factor in that, a constant factor in Hawaii. Anyway, that's all I can say on that.

(Sheryl Covington): Right. I'm curious about the wind direction, the impact that a spray could be drifting on to your property and I know you said you're not there during the day, so I'm only going by what you've seen, what you've heard, what you may have heard some of the other neighbors tell you about it but when the applications, when they're applying the pesticides or the fertilizers to the fields, is the application coming out of the, you said the long arm directly on to the ground or is it being sprayed in the air. What is the direction of the flow? And have you seen how that is being applied to the fields?

Ex. 6 Personal Privacy (PP)

Mostly I see it being sprayed onto the ground. I don't see things like or, tractor that spray out into the air. I haven't seen anything like that, I mean, I think that they're built to be applied directly on to the crop, but none of that matters when wind is a constant on our island in Hawaii. The wind, I mean, wind happens all the time here. So, it's part of being on a tropical island.

So, yes, regardless of how accurate that spray is, particles still end up in the air. And I doubt if you have to have a degree in science to know that, I mean, it's pretty, those things are carried in the air constantly. So, actually, my daughters are kind of trained to the point where whenever, I mean, it's kind of sad whenever you leave the house, you seal everything on, close everything up and every week, like a couple times a week we're dusting things.

I know that there were in the community of (Laymea) their dust exposure was really bad because Pioneer's fields were on a bluff and that wind blew all of that topsoil directly into their community. In my community, it's not quite that bad, but who knows, right, these things are pretty much invisible to the human eye, so, we don't know. We don't know what we're breathing.

(Britney Martinez): So, I asked whether you had ever submitted any concerns or complaints to the Hawaii Department of Agriculture and Hawaii Development Corporation, have you ever reached out to the actual companies like Syngenta or any other company to voice your concerns?

Ex. 6 Personal Privacy (PP)

As far as reaching out, do you mean like actually going to their headquarters and confronting them? Is that what you mean?

(Britney Martinez): Yes. Or they have contact information, calling them to submit a complaint. It could be headquarters or the actual facility.

Ex. 6 Personal Privacy (PP)

No, I haven't done that, mostly because there's no trust there. I don't, I mean, I really don't like to waste my time. So, I've seen how they operate and, no, I just felt that I know people who have been in lawsuits with them including myself for years, that's pretty much a formal complaint I think, you know what I mean.

So, no, I mean, these are corporations, billion-dollar corporations that sue our community, our community that are in debt. So, as a single mom, why would I trust that these corporations would listen to me. If I took the time and I went to their facilities or I constantly wrote to their administration, I mean, I just never saw the point in that, because obviously they care very little about the health and wellness of our community if they're willing to sue us for basic human rights.

But that's just my thought. That's my opinion. The other thing that you should know is that it's a big deal to speak up in the face of these corporations. It's a big deal. There are a lot of people in this community who actually support these corporations because they're big farmers in this rural community where very little opportunity, job opportunity exists.

So, there are a lot of people in the community who are connected to these corporations and who are employees as well and it's a big deal for a single mom to stand up and make noise. So, no, I never felt like I trusted that my voice would fall on ears that were listening if I went there, into these corporations. That's my reason.

(Britney Martinez): Can you expand, you said the corporation has sued your community, can you expand on that?

Ex. 6 Personal Privacy (PP)

Well, there's 2491, that's a pretty well-known bill that our community had tried to pass a couple of years ago. And that's basically what happened, every time our community tries to pass bills of protection, they want to turn around and sue us.

I'm sure that (Paul) could give you a very clear idea of what that whole process has been like, because he's pretty much dedicated his life to that in the last decade, so he can speak on that. But I guess that's their way of protecting trade secrets or whatnot, but for us we're just trying to protect kids. We're just trying to protect our environment from the unknown.

(Britney Martinez): And we will follow-up with (Paul) on that point. In regards to Hawaii Department of Agriculture and the Hawaii Development Corporation, have they held any public meetings for the community to discuss the

agricultural companies that are located near your community or in your communities?

Ex. 6 Personal Privacy (PP)

As far as the ADC goes, I'm not too sure. I know that there were informal meetings that were mostly community-driven, so community members have asked the Department of Agriculture, the Department of Health, these corporations to meet the community at the request of like community members to discuss some of these concerns. So, yes, I've been to a couple of those meetings.

And it's in those venues that I've voiced my concerns, never me directly going to the headquarters and addressing it. But, yes, there have been many efforts made by individual community members to (gain clarity) and voice their concern. Yes. As far as the ADC or the Department of Ag taking that initiative, none that I know of; no meetings that I've been to.

(Britney Martinez): So, it's because the community groups or the community as a whole contacted these agencies to have these informal meetings -- excuse me -- where questions were asked, and then did they provide any kind of response or was there any action after those meetings took place?

Ex. 6 Personal Privacy (PP)

No. No. No. I don't think we'd be having this conversation if there was actually some meaningful action, but no. It's been like a sounding board pretty much, but as far as seeing any direct action, I think one of their efforts were to do the...

(Paul), what did they call that when they're supposed to notify the community when they spray, the neighbor...

(Paul Ashita): Oh, the Good Neighbor program?

Ex. 6 Personal Privacy (PP)

The Good Neighbor, yes, but it's been very inconsistent from what I understand and information is not always accurate or up-to-date. I think that was one of the only things that we really got out of the lawsuits and some of these community meetings. That's the only thing that I know of.

(Britney Martinez): Could you describe the Good Neighbor process? How it was described and by whom?

Ex. 6 Personal Privacy (PP) I believe Syngenta and Pioneer, was it those two, (Paul), that do you know that offered the community?

(Paul Ashita): Ex. 6 Personal Privacy (PP) I'm not sure which were the companies that came up with that proposal, but I recall that it came up at the time that the county council was trying to pass the ordinance, I believe, that they came up with that as a way to sort of deflect away, to say well, we'll do this, so you don't need that.

Ex. 6 Personal Privacy (PP) I want to say it was Syngenta and what you have to do is you actually have to sign up online, I believe, and then you're supposed to be able to log in and, yes, get updated information. That's all I can tell you about that.

(Britney Martinez): Yes. Let me ask you how did the, OK, just so have an understanding of the Good Neighbor policy so you're required to log in online in order to get this information. How did the owner of this information proposed to communicate with people who did not access to electronic communication? Did they have any postings? Did they mail anything to the nearby adjacent property owners? Did they post anything in the newspaper?

Ex. 6 Personal Privacy (PP) Not that I know of and I've never ever received anything like that. No.

(Britney Martinez): Could you repeat that again? Could you repeat that again?

Ex. 6 Personal Privacy (PP) Not that I know of and I've never received any type of notification. No, not that I know of.

(Britney Martinez): I know that you've already said you have a friend that owns a small farm. Do you know of anyone else who may work at some of these agricultural companies that we've been discussing?

Ex. 6 Personal Privacy (PP) Do I know people who work for these corporations, is that your question?

(Britney Martinez): Yes, that's my question.

Ex. 6 Personal Privacy (PP) Yes, I know some people.

FOIA 2020-00100

(Britney Martinez): OK. Do you know information about what they do at work, as far as like do they apply pesticides or have they ever had any issues or any complaints?

Ex. 6 Personal Privacy (PP) I know of, the people who have shared with me are former employees. The people who have openly shared with me are former employees and, yes, a couple of them, their job was to apply pesticides. And I also know people who were contracted, so they actually had other businesses, for instance, fence line construction companies that are contracted by these corporations, and they've made their own observations from being outside and building fence lines for these guys.

I know people who have observed the way that they dispose of their waste. Yes, and as far as being affected by it, I mean, that's pretty well-documented, I mean, there are workers that were rushed on a couple of occasions to the local hospital because of exposure. I know of a guy who he actually would mix, his job was to mix some of these pesticides and he has a nerve disorder now. He can't work. He is disabled.

There are a lot of stories out there but I'm just a second hand person, so these are stories that you probably want to hear from the source itself. What else? Yes.

(Britney Martinez): Do you have any family members that have worked for any of these corporations that they told you direct stories that you can account for, any...

Ex. 6 Personal Privacy (PP) Family members, no, because my family opposes the practices of these corporations, so, no, my immediate family are not employed by these corporations.

(Britney Martinez): And the folks that you do know who are past employees, can you describe what their ethnicity is or were they also native Hawaiian?

Ex. 6 Personal Privacy (PP) Hawaiian and Filipino.

FOIA 2020-00100

(Britney Martinez): OK. And in your declaration you talked a little bit about this, and this is a large question so what changes would you like to see made and I think you're working towards that with the legislation that you've been a part of, but in regards to this Title VI investigation, what would you like to see changed?

Ex. 6 Personal Privacy (PP)

I'd like to see our rural communities better protected. And what I mean by better protection is we need to have, I mean, there are so many unknowns on how long-term exposure to these chemicals have on children and old people, I mean, we don't know. We don't have clear answers, but we know that it can't be good for you, I mean, it's pretty black and white.

So, I think that we need adequate protection. Buffer zones are great, but I think that we need to hold these corporations accountable for their irresponsible business practices, somebody has to. I'd like to see, the thing about my community is that as I stated before, I live in a predominantly native Hawaiian, native-speaking community, and that's very rare in Hawaii.

People would consider us to be endangered species. We're minorities in our own homeland. And yet, we're surrounded by chemical corporations, I mean, when I say surrounded, like I said before, from as far as your eyes can see, we are being inundated. And the frustrating part about it is that you don't see this happening in more affluent communities in Hawaii. You don't see this happening in front of gated communities.

And to be very blunt, you don't see this happening amongst large populations, I mean, I hate to make it a race thing, but you don't see this happening in communities where the people are predominantly wealthy or Caucasian. This is happening throughout Hawaii and throughout the world to indigenous people and people who come from rural communities where job opportunities are scarce and who suffer from many socioeconomic conditions of poverty.

So, is it a coincidence? No, I think not. No. So, yes, I'd like to see these businesses be accountable for their practices. And we've never ever said, "We want you guys out of here. We want you out of Hawaii. We want you to stop growing things," of course, not.

FOIA 2020-00100

My ancestors were incredible botanists, incredible farmers. We know what this land can produce. And it is excellent for growing food. But right now, we're not growing food for consumption; we're growing pest crops.

If these are truly agricultural companies, then grow food for sustenance. Grow food that feeds the local community and the local economy here. And be more responsible. Be responsible stewards of our environment and of our natural resources. That's being a good neighbor.

(Britney Martinez): OK. Thank you.

(Amy), from our Region 9 office, did you have any other questions that I may have missed?

(Amy Miller): No. No. Thank you very much.

(Britney Martinez): OK. Thank you. And so thank you, all, for participating in the interview today. We are taking this and it's going to become part of our administrative record. We're also planning to talk to additional clients. (Paul) and I will check in with you tomorrow on that.

But if you don't have any further questions for us, that's the culmination of our interview today.

Ex. 6 Personal Privacy (PP)

OK. I hope that some of the information I shared was helpful. And I will work on trying to get some of that film documentation for you guys. I guess I'll get an email or a contact from (Paul) as to who I should email this film to. And, yes, that's what I have to say. Thank you, guys, for your time. I appreciate it.

(Britney Martinez): Thank you for your time.

And so, (Paul), I'll give you a call tomorrow just to check in on potential follow-up or additional interviews.

(Paul Ashita): OK. OK.

(Britney Martinez): OK. Thank you so much.

FOIA 2020-00100

(Paul Ashita): Sounds good. Thank you.

Female: Thank you.

Female: Thank you.

Female: Bye.

Male: Aloha.

END