FOIA 2020-00100



**EPA**

**Moderator: Brittany Martinez**
**July 5, 2017**
**2:28 p.m. ET**

Operator: This is conference Ex. 6 Conference Code

Operator: Your conference is being recorded.

Brittany Martinez: Hello?

Paul Achitoff: Hello.

Brittany Martinez: Hi, this is Brittany Martinez.

Paul Achitoff: Hey, Brittany. This is Paul and Kylie.

Brittany Martinez: Hi. And, just to let you know this conversation – well this call is being recorded.

Paul Achitoff: OK, well that's fine with us. I don't think we've taken it up with Ex. 6 Personal Privacy (PP)

Brittany Martinez: OK. So, we'll have to ask her in the introduction. That's fine.

Paul Achitoff: Right.

Brittany Martinez: And so we're waiting for Adam Wilson, who is one of our attorneys and Desean, who may be joining us right now. Desean Garnett?

Desean Garnett: Yes. Hi, Brittany. I'm here.

Brittany Martinez: Hi.

Desean Garnett: This is Desean.

Brittany Martinez: Hi, Desean. And, just to let you know …

Ex. 6 Personal Privacy (PP) I'm sorry I may be on the wrong conference call.

Brittany Martinez: This is the interview for the Hawaii case.

Ex. 6 Personal Privacy (PP) Yes. For Moloka'i?

Paul Achitoff: That's right.

Brittany Martinez: Yes. Is this …

Ex. 6 Personal Privacy (PP) OK.

Brittany Martinez: Hi, this is Brittany Martinez. I'm with EPA External Civil Rights Compliance Office and just to let you know we are recording this interview today. Is that OK with you?

Ex. 6 Personal Privacy (PP) That's fine. Perfect.

Brittany Martinez: OK. We were waiting for one person but for the interest of time I'm going to go ahead and get started. Once again, my name is Brittany Martinez and I'm a case manager on this investigation. We also have in the room Jeryl Covington.

Jeryl Covington: I'm with Office of General Council Civil Rights Complaints Office. And, I'm providing technical support.

Brittany Martinez: And, Desean.

Desean Garnett: This is Desean Garnett. I work at EPA Region 9 in San Francisco. I'm in the Office of Regional Council.

Brittany Martinez: OK. Thank you. And, just for introductions, this is – it is ECRCO's understanding that all parties have agreed to be interviewed for this call. This interview in convene and part of ECRCO's investigation to discuss the details of this complaint. This case originated from a complaint filed on September

14, 2016 by Earthjustice on behalf of the Moms on a Mission and Po'ai Wai Ola/West Kaua'i Watershed Alliance.

The complaint alleges that the Hawaii Department of Agriculture and the Hawaii Agribusiness Development Corporation discriminated against farm workers and residents in West Kaua'i and on Moloka'i on the basis of race and/or national origin. That complaint was accepted by ECRCO on March 9, 2016.

As a reminder the two allegation that the ECRCO agree to investigate are whether in administering the pesticides program in 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 Hawaiian against farmer workers and residents of West Kaua'i and Moloka'i in violation of Title VI of the Civil Rights Act and EPA implementing regulation.

And, whether the HDOA and/or ADC is compliant with the procedural safe guard provisions in 40 CFR part 7 subpart D which require recipients of EPA financial assistance to have specific policy and procedures in place to comply with their nondiscrimination obligation.

And, before we begin does anyone have any questions or would like to provide an opening statement before we get into the interview questions?

Paul Achitoff: This is Paul. I had no questions, but I just wanted Hoala to know that I'm on the line, as well.

Ex. 6 Personal Privacy (PP) OK. Perfect. Thank you.

Brittany Martinez: Thank you. And, for the record, Ex. 6 Personal Privacy (PP) please state your name – Ex. 6 Personal Privacy (PP) Ex. 6 Personal Privacy (PP) sorry. Please state your name, telephone number, preferred e-mail address and home address.

Ex. 6 Personal Privacy (PP)

Brittany Martinez: And, just for purposes of this recording can you spell your name for us?

Ex. 6 Personal Privacy (PP)

Brittany Martinez: OK. Thank you. And, are you with either group that's being represented in this complaint. Either Moms on a Mission.

Ex. 6 Personal Privacy (PP) Yes.

Brittany Martinez: OK.

Ex. 6 Personal Privacy (PP) I'm with Moms on a Mission.

Brittany Martinez: OK. And, can you tell us a little bit about your involvement with that group? How you came to be a part of that group and how long?

Ex. 6 Personal Privacy (PP) I've been with the group since about 2013 and it really started as (out) community group where we were – we all had young children or babies and we're just taking note of what was happening in our community. And, noticing what was, as our children got sick, and seeing as the AGRO companies started growing and expanding.

And we've noticed the direct correlation between what was happening either in the environment, what was happening in the industry, what was happening in our homes. And in order to get more information and awareness out a small group of us mothers started just providing information.

Well first we started speaking information from the companies here to try to get a better understanding of what was happening and we were unsuccessful so we started doing our own research and just advocating for our communities. Bringing in awareness to other moms, other people who had children and similar concerns.

And, it progressed to more advocating when we had tried to pass a moratorium here in Maui County to limit the genetic production – or actually just the growing and use of pesticides here in our community.

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The Maui County moratorium passed but we find ourselves here and we're still trying to advocate just to get some protection for our children, our community, our families because we are now at a point where we – we're at the same place where we were five years ago where we're still – we don't have any information.

We don't know what's happening next door. We don't know why people are still getting so sick. We don't know what's being sprayed. We don't know what's being tested or experimented on and we're still – we're just advocating so that our children have a safe place to grow up.

And that's really where the group started because we don't have anyone doing that for us. We should. There are agencies in place and we – we're stepping up to the plate because we don't see any of those protections in place now for our children.

Brittany Martinez: OK. I'm going to circle back to your involvement in the group. I have a few questions just for background. And then we'll get more into the specifics.

Ex. 6 Personal Privacy (PP) OK.

Brittany Martinez: Can you tell us – can you tell us if you are a native of Native Hawaiian descent?

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

Brittany Martinez: OK. And, are you – do you live on – are you living on homestead land on Moloka'i?

Ex. 6 Personal Privacy (PP) I do not. My father has homestead land. I work on homestead land. And, I work for a nonprofit – I work for the Humane Society and our property is on Hawaiian homeland. And, we are about 200 feet from the nearest cornfield.

Brittany Martinez: OK. And so, where you live, is there any – are you near any of ADC's or the Agribusiness Development Corporation leased land used by any companies or do you just work near them?

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Ex. 6 Personal Privacy (PP)

No, I just work near them. I'm one of the fortunate few that about two years ago I was able to purchase a property on the opposite side of the island. So, I'm fortunate that I don't have to be there everyday but we do have moms within our group that still live within that one mile radius around the field.

Brittany Martinez: OK. When you're at work, do you notice any impact from the companies that are near you?

Ex. 6 Personal Privacy (PP)

We do. So we've – over the years we've reached out and asked for (springs) to help so that we – not only are we within about 200 feet of the cornfields, we – I'm not sure if you're familiar with the geography on Moloka'i but it's – they're planting on desilting hillsides and we're known for the winds that blow across our island.

It's one of the big reasons we've had wind farms try to set up here and plan windmill projects because the wind blows continuously and we, along with most of the Native Hawaiian community in the homestead land (stand) is below the hillside where they're planting. When we come into work, we've kind of adjusted our work schedule, because if we come in too early in the morning, you can smell the chemicals. They sit in the air.

We've had issues with nose bleeds, acute headaches that set on. We'll tell people – our staff members if they come in and they can smell the chemicals to just leave, and we'll start later in the day. So we've shifted our work schedule to kind of condense and stay within the hours that we've noticed are – we noticed that we don't notice as much of that smell.

And we know enough to know if you can smell it, you're already exposed. That exposure is there. They tend to spray very early in the morning or at night. So we try to stay away during those time frames.

The issue – well (A) one of the issues is that we're trying to adjust and accommodate based on information that we don't know, we're just observing and really at that point it's too late because we're already – there already is exposure.

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And (B) we don't know what they're using, so we don't know what kind of residual effects – if they're spraying in the morning, we have no idea if there's residue, if anything's sitting, if it's stuck in the soil that's (going) down into our facility where I have staff and employees that I'm responsible for during the course of the day.

So, it's there and there is very little that we can do. We've – as an employer, we've looked for other locations to try to relocate an entire business, because we have neighbors that we – we've had to shut down, we have to send employees home, and we also have – we can tell when they're spraying as well, because we'll have the swarms of bees and wasps come down off the hill.

So we can smell the chemicals and then for the next day following all of the bees come down, and they swarm around our facility. Because we're in an open field, there's nothing between us and them.

There's not even – there's a wire fence and that's it. There's no hedge or shrubs to block anything, and so when the wasps come down, they congregate right at our facility. And they're disoriented, they don't – it's not a matter of us worried about getting stung, we just observe that they're disoriented and looking for a place to hide.

And then they disappear, they go away; they're usually gone the next day. I don't know where the wasps go. But as far as we can tell that we're getting exposed, we can tell that they're spraying.

Beyond the headaches and I've had nose bleeds – my children actually don't come up the clinic anymore, and that was one of the main reasons we stepped in with the MOM Hui is I work in a place that I can't even bring my children, because they were getting nose bleeds.

And this – so we've been actively trying to accommodate and adjust our lifestyles and what we do because of what's surrounding us. But it's at a point now that we're seeing our entire community's impacted, and they don't know why.

They're not – and they shouldn't have to worry about how come they're getting sick, why do other kids have asthma, why is the dust storms blowing through their houses all the time. They shouldn't have to worry about that.

And I know across where the school is, on the other side of the hill, they are also three schools within that one mile radius of where the fields are, and they have had calls where they've called in because of the chemical smell when they're spraying. Kualapuu Elementary School and they're right across, and they're right in that target zone as well.

Brittany Martinez Ex. 6 Personal Privacy (PP) could you repeat the name of the elementary school?

Ex. 6 Personal Privacy (PP) Kualapuu, K-U-A-L-A-P-U-U.

Brittany Martinez: And how often do you notice the pesticides being sprayed?

Ex. 6 Personal Privacy (PP) Initially we had noticed maybe once a week, and since – this was maybe four to six months ago. And we've since adjusted our timeframe so that we don't have anyone coming in before eight in the morning.

Brittany Martinez: And…

Ex. 6 Personal Privacy (PP) So since that timeframe I wouldn't know if they're still spraying on that time schedule, we just stopped coming in early in the morning. We used to come in at seven.

Brittany Martinez: OK and so you started coming in later to work because you wanted to wait until the spraying was over?

Ex. 6 Personal Privacy (PP) Yes.

Brittany Martinez: OK, you mentioned that you requested for notification when the pesticides were going to be sprayed?

Ex. 6 Personal Privacy (PP) Yes.

Brittany Martinez: And who did you request that from?

Ex. 6 Personal Privacy (PP)

Brittany Martinez: And who is he with?

Ex. 6 Personal Privacy (PP) It's a she…

Brittany Martinez: OK.

Ex. 6 Personal Privacy (PP) …and she works with Monsanto.

Brittany Martinez: I'm sorry can you repeat that?

Ex. 6 Personal Privacy (PP) It's a she and she works with Monsanto.

Brittany Martinez: Monsanto? OK. And did they begin providing you with that information?

Ex. 6 Personal Privacy (PP) No.

Brittany Martinez: After?

Ex. 6 Personal Privacy (PP) They told us that they would call and give us advanced warning, when they did spray, but we never received a phone call.

Brittany Martinez: And just to let you know that (Adam Wilson), our OGC Attorney has joined us on this call.

Adam Wilson: And I just have a quick follow up question, you said that they – Monsanto said they would call you, were you referring to where you work or …

Ex. 6 Personal Privacy (PP) (Oh yes), no I'm sorry where we worked.

Adam Wilson: OK, do you know if they spoke with anyone else saying they would give similar notification?

Ex. 6 Personal Privacy (PP) No I do not.

Adam Wilson: So when was this that they said that they would give you the notice?

Ex. 6 Personal Privacy (PP)

I don't recall the exact date, we've had ongoing conversations that – I know this was over six months ago because we've sent – the relations are no longer amicable, only because we were basically on two – for two different teams. So…

Adam Wilson: (Did you)…

Ex. 6 Personal Privacy (PP)

…at this point we don't ask for information any more.

Adam Wilson: Sorry, so that sounds pretty significant, could you unpack that a bit? Could you tell me more about sort of the beginning of your communications and how things sort of soured and what you meant by the two issues you're dealing with?

Ex. 6 Personal Privacy (PP)

OK, so it's mainly during the GMO Moratorium and the vote, which was about two years ago, that's when really a division was created within the community. And because it's such a small island, we only have about 8,000 people – residents here.

And it was really difficult because we have one – on one side of the (claim) we have people who are employed with the agencies and rely on them for 100 percent of their income, they advocate for their employers and it's – and our community is a Native Hawaiian Community, it's an impoverished community, and employment is one thing that gets people really scared about how they're going to make ends meet and provide for their families.

And on the other side of that spectrum, we had our organization and other small grass root individuals and organizational groups that were advocating to put this Moratorium in place, because we needed more information.

We wanted a stop to planting the seed corn, a stop to planting the soy, a stop to spraying the pesticides, a stop to the experimental fields that is with the – probably the biggest concern for us, because nobody knows what they are and what the impacts are.

And when the vote came – was on the table, it divided our community because we had people – we had family members that are working for the

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seed companies, we have friends that were working for the seed companies where we were openly advocating to vote in favor of the Moratorium.

We had people who were being threatened with a loss of jobs, that were worried about what their future would bring if they didn't have that income for their families. And at that point is when our entire community split. We had friendships lost, family members were not – no longer talking with each other.

People were getting threats at their homes; my husband was getting threats on Facebook and we screenshot all of them because people were threatening to come over and beat him up, kill him, burn our house down.

I mean it got really heated because it's – it hit so close to home that after that is when we really started – we realized we have to – we can't be on the forefront, because what we were doing was (flying) out and handing out that information and it was – became such a negative thing in our community that that's one of the reasons we have (inaudible) had put in – filed the recent complaint.

And at this point it's hard for people to put their name on the line, because they're afraid of the repercussions here in the community. And it's everything from not being able to go into certain grocery stores, not being able to go to certain gas stations because they were advocating on one side and the others were advocating differently.

I mean it's very different when you're on the (ground) and you have to see the people everyday. One of those people was Dawn Bicoy, who I had conversations with and after that point, it became hostile on a personal level.

And because for us there is a lot of – we were concerned about why are we – why are they advocating for something that's hurting the community, but for them it was a lot of – they were doing their jobs. They were being paid and employed to go out and advocate for their employer.

It's become a battle here that hasn't stopped. But the undercurrent in our community has really made us cautious and hesitant about what we say, who

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we talk to, how we get information. But the need is still there. We (did) anything and just on the surface it's gotten worse.

We can see how much more land is being cultivated and planted. They've expanded, they've encroached all the way up to the roadways and businesses without any care for any kind of repercussion because nobody is holding them accountable. And nobody is checking -- except themselves.

They keep saying, we are making sure that everything's OK. But I mean, that's like giving a two year old a cookie jar and telling them to let us know if you take a cookie but you shouldn't take any. It's -- we can see how much more they're pushing the boundaries and their limits because they are -- there's no concern for what impact their having here.

All right, that was a really long tangent, sorry.

Jeryl Covington: No, that's fine. Ex. 6 Personal Privacy (PP) this is Jeryl Covington. I want to get some clarity about the moratorium. Who's -- could you tell us which entity's action that you were talking about the meetings and who was putting that moratorium in place?

Ex. 6 Personal Privacy (PP) So, the moratorium was filed by a group called -- they were the Shaka group, which is actually a group on Maui that had -- wait, did they put that down? Yes, they had -- so, they actually created -- they had their own legal counsel. It was something that had been discussed with (many) grassroots organizations.

But they actually took the initiative and got it put on the ballot. It was actually put on the ballot by the people. So, they had done a petition to have the moratorium placed on the ballot. It was, I believe, the first in Hawaii that was a people's initiative. But the Shaka group was the one that composed the verbiage and put it together.

And from that point, it was completely grassroots people making donations, smaller organizations banding together -- individuals as well as organizations banding to spread the -- spread the word, get the vote, push through. And it was kind of -- it was an amazing turnout.

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There were like almost $10 million spent by the ad companies in order to turn down the moratorium and it still went through. I mean, the people -- it was a closed vote and closed ballot, but number wise we won. It was turned down in federal court and that's kind of where we are now because at least from that we gained information on who is -- who's supposed to be providing regulations.

And if it's not the county, then who is it? And we know that that now on the state level the Department of Ag is doing it and nobody's holding them accountable.

Jeryl Covington: OK, could you -- could you clarify; who did you file the petition with? Which organization?

Ex. 6 Personal Privacy (PP) We didn't file the petition. Paul do you know if -- who the Shaka …

Paul Achitoff: Well, I don't know the details, but the -- if we're talking about the petition to have the moratorium on the ballot -- is that what we're talking about?

Jeryl Covington: Yes.

Paul Achitoff: Yes, I don't know the details, but whichever county official it is that receives such petitions according to the county charter.

Jeryl Covington: So, this was a county initiative?

Ex. 6 Personal Privacy (PP) Yes.

Paul Achitoff: Yes.

Brittany Martinez: OK, this is Brittany. Going back to the earlier conversation about how the community is split. Do you know if there's any statement by the individuals who are in support of these agriculture establishments?

Ex. 6 Personal Privacy (PP) What do you mean by statements?

Brittany Martinez: Or descriptions or on the record. Have they provided any like statements about the reason why that they are in support?

Ex. 6 Personal Privacy (PP)

If you wanted to do some digging back to the moratorium, like I mentioned there were millions of dollars expended into why the community should vote no. There were commercials, there were articles written, there was a lot of social media and they used people in our community to advocate for them.

So there -- yes, there is a ton of recorded statements and footage. Most of it was A -- so two parts -- what they were trying to push was that the moratorium was banning farmers. So they're mostly statements of individuals in the community saying that they are small town farmers like all the other farmers.

And any restrictions on them would shut down farming period across Maui County. That was the first messaging. And the second was that they were safe and they were being regulated. And if it wasn't safe, then the government would shut them down. And those were in commercial -- if you -- I mean, I could probably find some.

But it's -- none of it's hidden. I mean, if you just do the Maui GMO moratorium, you'll either get information from one side of the spectrum or from the other as either for or against.

Brittany Martinez: Right.

Ex. 6 Personal Privacy (PP)

But they had employees, they had family members of employees, they had other farmers in the community that they supported. And on both sides, they had farmers speaking for or against. I mean, it was a heated debate and a hot topic issue and a lot of people were swayed by that. You know, thinking because there is – that makes – right. If it's not safe, they wouldn't be able to do what they're doing.

But they're the ones – you know, as far as we can tell, they're the ones determining (what space). Like we can't – you know, they throw out the EPA a lot. They throw out Depart of Ag. a lot – the name. Because they say, if it's not safe, they would have shut you – or you would have shut them down.

And that's kind of what we're – what we're here for. Because – is anybody doing the regulation? Is anybody even verifying what they're doing? Is the information being collected? Do you even know what they're spraying, what they're using?

How those – you know, in the experimental fields, how can you guarantee that there's any kind of safety or what the (inaudible)? (Affecting people) that are literally hundreds of feet away. And you know, where we – where our clinic is, there are three houses around us. It's not just – you know, it's not like we're in the middle of nowhere and there's no one living in that area. There are people that are living there that are going through their lives with this assumption of safety because they have that mantra in their mind; if it's not safe they wouldn't be able to do it and they wouldn't be able to do it by us.

Brittany Martinez: Have you ever made any formal complaint to the Hawaii Department of Agriculture or the Hawaii Agribusiness Development Corporation?

Ex. 6 Personal Privacy (PP)

Before this? No.

Brittany Martinez: Got it …

Ex. 6 Personal Privacy (PP)

And part of that is because until the – you know, Federal Court made their determination that the County of Maui – or the County – on the County level. We're not able to make regulatory – you know, or whatever. They turned our moratorium down. And so then the County couldn't dictate how to regulate. When it comes to agriculture, it's the State's responsibility. We didn't know that that was empty to complain to.

Before that, we had been trying to find a solution on a County level. And that's where the GMO – the initiative came up; to put a ban, to get more information, and when that – you know. At least we found out that wasn't the right course of action. So there was no complaint to the Department of Ag. because we didn't know that that was the proper venue.

Brittany Martinez: OK. Are you aware of any public meetings that have taken place in the community regarding any of the agricultural companies?

Ex. 6 Personal Privacy (PP)

There have been – yes, there have been informational meetings, usually when there's documents that come out. We have provided some informational meetings as well, where we've brought in guest speakers through the (Mon Huli). Just had – let's see, we had one recently maybe two months ago. That was just a showing of – or it was a documentary film that someone had done.

And most of our events are similar, they're either (highlight) a book or a document that may be released. This was for – oh my gosh, I just forgot the name of the film. I'll look it up. But it was a documentary mostly done on the island of Kauai and I think it was called Island Life – or Island – or sorry. I'm going to look it up while I'm talking to you …

Brittany Martinez: Oh that's fine.

Ex. 6 Personal Privacy (PP)

But there is – you know, similarly we usually just show something and then have an open panel for discussion afterwards. This one was not attended by the (seed) companies but most of others are, depending on who the speakers are. We've had the Center for Food Safety come in and just have informational panel discussions. And we'll have – the seed companies bring their employees down in a van load. So usually – you know, so sometimes there are 100 plus employees in attendance.

Brittany Martinez: And when the seed companies representatives come to these meetings, do they share any information?

Ex. 6 Personal Privacy (PP)

They usually have speakers, it's always the same people that chime in or kind of try to drive the discussion. Most of the people sitting there are their field workers so they bring them in to have a presence and fill the space. You know because they'll wear their you know, their Monsanto or Mycogen Seed shirt and just sit in the audience.

Brittany Martinez: OK. Do you recall when the last one was held? Where representatives from the companies attended or how often do these meetings occur?

Ex. 6 Personal Privacy (PP)

They are – they're sporadic I mean like I said we just do them when there's a document or a film to be shown and shared with the community. That last

one, I can get the date for you, because it was actually a – it get more media following on because it was (sent for food poisoning) that had come (inaudible) were not prepared (inaudible) like that and we were you know.

And we made the mistake of not giving them a heads up that that's how used to always having a presence (with) these corporations because they – you know it's powerful in a small community to have 100 people that are there just being present whether it's you know and it works the same way if it was something that they do support. But for us it's – we're battling against ...

Brittany Martinez: And just for conformation. So these meetings are meetings that the (mom's) organization puts on, not the company – company.

Ex. 6 Personal Privacy (PP) Yes, so they – as far as I know they haven't had any specific you know like a town – a group meeting to explain what they're doing or what their standpoint is. They've more reactionary was us and they do, once a year have an open house that you can go and tour their facility. I'm not – but that's not, that's more just to show the community what they're doing.

Brittany Martinez: OK. And I know that you've mentioned that you haven't submitted a complaint to Department of Agriculture or Agribusiness Development Corporation, but do you know if they've ever had a meeting in the community? Or …

Ex. 6 Personal Privacy (PP) Not that I know of.

Brittany Martinez: OK.

Ex. 6 Personal Privacy (PP) And if they have, I probably would have gone.

Brittany Martinez: OK. And have you ever felt or experienced retaliation from either Department of Agriculture or the Agribusiness Development Corporation or the local companies?

Ex. 6 Personal Privacy (PP) No, we have from their employees and I you know, like I said it has been heated because it's such a small community and there was a lot – there are a lot of lines blurred where people were taking things personally and it's you

know, I don't think that that was something that their employer advocated for. But at the same time it's nothing that their employers deterred their employees from doing.

Brittany Martinez: And I – you mention Ex. 6 Personal Privacy (PP) is like a liaison who you've spoken to for – from Monsanto. Is there any other community liaison from any other company that your group or you have spoken directly to?

Ex. 6 Personal Privacy (PP)

I have, but in an unofficial capacity so we've -- I've talked with some of the scientists that worked for (Dow, Mycogen) and there usually side conversations that we had you know at public hearings or when giving testimony for like I said for the moratorium.

And you know it's – those are the only ones, like we've called into Mycogen because they've – they kind of stay on the back burner. We know them, but Ex. 6 Personal Privacy (PP) is actually their – she works in a PR capacity.

If Mycogen has one, I don't know who it is because they tend to just come out and stay on the back burner, even though they're doing the same thing out in the field, but publically and as far as a presence in the community, they kind of stay in the background and it tends to be Monsanto that's more on the forefront and actually having people advocating a presence whenever we're out or when there's community events.

Brittany Martinez: OK.

Ex. 6 Personal Privacy (PP)

So Ex. 6 Personal Privacy (PP) the only one who in an official capacity we've had run ins with.

Brittany Martinez: OK. And understanding that you do not live near the facility, but you work near the facility. Have you ever noticed any run off from the facility?

Ex. 6 Personal Privacy (PP)

Yes. So we're not near the facility, we're near the fields, their facility is actually far out. So I don't know if you're saying facility – but I can look because I do have videos. We record whenever there's – whenever the big dust storms come through and also when the water runoff comes down because it floods all the way across the highway.

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So people have to drive through it, and it floods our parking lot so that anyone that we have coming in, whether it's workers or customers, have to walk through the water runoff.

And it's pretty heavy, it's been substantial, so it's not like trickling, it's like river flow that comes from the hill through the fields and down to where we are, then continues all the way down to the homes below us as well.

Brittany Martinez: Have you noticed whether that runoff is discolored or has a strong smell, or a distinct smell?

Ex. 6 Personal Privacy (PP) I haven't noticed the smell, because it usually happens when there's rain. But the – and the color is – I mean it's always brown, everything's red dirt, like that whole – the whole area we're in is just red soil.

Brittany Martinez: OK, and you mentioned that you experienced nose bleeds, is there any other health impact that you feel like you've experienced?

Ex. 6 Personal Privacy (PP) No just that and headaches when – right after they spray.

Brittany Martinez: And within your organization, you said some of those individuals live near the fields or the facility, can you describe some of the impacts that they've described?

Ex. 6 Personal Privacy (PP) For them it's the same. One of our employees, her concern is the – they're actually one block over, they're very close and her family farms. So they've been keeping an eye on – because they're papaya farmers, kind of keeping an eye on what's happening because they don't – they farm organically, but they can't get a certification because they're too close to the fields.

But they've had similar with the headaches if we spray, which is why we changed the timeframes for working, and I think I was the only one who got nose bleeds. For them, it's mostly just the headaches.

Brittany Martinez: OK, and do you know anyone who works at any of these companies or out in the field?

Ex. 6 Personal Privacy (PP) Yes.

Brittany Martinez: Are you aware of any complaints that they may have had regarding pesticide exposure?

Ex. 6 Personal Privacy (PP) We have, and they've – that's the tricky part. So we've – and I don't know what they can and can't do, because we've had people – so there's been some big layoffs happening, as they're bought out Monsanto, so there's been a lot of transition here on island.

And as people have been laid off, they've been coming and asking what kind of help they can get, but they've all signed disclosure agreements – or nondisclosure agreements, sorry, and there are several. But I do know one who doesn't work there anymore and got out, and he may be willing to talk to you guys. I'm not – I'd have to ask him.

But he was where – he was one of the field workers, and he actually was having upper – or respiratory problems, sinus problems, and had ended up going in and having surgery because it was out breathing in the fields, the dust and the – after they would spray.

And he ended up leaving because they wouldn't cover any workman's comp claims that he was filing. And he had to find a different job, because he couldn't work there anymore. And this was about two years ago, so he might be willing to talk. I would have to ask him.

Brittany Martinez: (OK I understand).

Ex. 6 Personal Privacy (PP) But there's all kind (if) people – the problem is they're encouraged to not say anything. They're worried about losing their jobs. They are people that have been sprayed directly, they've gotten in the line where they have – and they've told us about (like) they have to strip down and they get completely sprayed down, like out in the field.

For them it's more embarrassment, but (there I was like) well what about afterwards, like, they don't know, they just have to sign papers to make sure that they can get medical treatment, half of them don't know what they're

signing. But they try to keep hush-hush about it, because there's a greater fear of losing their jobs and not being able to feed their families.

And that is for their own personal wellbeing. Especially in that moment, because a lot of what our concerns are the long-term residual effects and all the (acute) exposure or, like, all this long-term (small) exposure is having on them reverses something they can key right there in front of them.

And it's hard – that's a hard battle for us to try to explain to people, (it's like,) yes, you can still get sick slowly over time. You can – but they're more concerned about putting food on the table and paying their rent or paying their mortgages.

So there could be a lot more (shopping in the field). Do we hear a lot of stories from people and people asking us what can they do and we don't have answers for them. We're, like, there's not a lot you can do. Find a different job. Move somewhere else. That's our options right now.

Brittany Martinez: Ex. 6 Personal Privacy (PP) could you – I want to ask a couple of questions about the employee exposure that you spoke of. So, you're saying that when they come to work or before they leave, they have to disrobe and get sprayed down.

Ex. 6 Personal Privacy (PP) No, that was one instance where they – there were employees in the field that had been sprayed.

Brittany Martinez: OK.

Ex. 6 Personal Privacy (PP) And they have to – in the field, because they had been sprayed with the chemicals. They had them spray down in the field, but they had to, like, drop every – take all their clothes off.

I don't know what they were sprayed with. (And I heard) this from a wife of her husband had – that had happened to him in the field.

Brittany Martinez: OK. Let me ask you this, when the workers are in the – and I don't know that you can give a proper account to this, but when the workers are in the field, are they provided with any safety equipment such as safety glasses or

particular gloves or even a coverall that they actually have to – that the company provides to them and they have to leave it at the company when they – when they leave work. Do you have any type of personal protection equipment that they might be provided?

Ex. 6 Personal Privacy (PP) That I wouldn't know. I would assume some of them do and it – I'm guessing it depends on the instance because sometimes we see people that have the white hazmat suits on out in the fields and sometimes we see the field workers and they just have – they give them a florescent t-shirt to wear.

Brittany Martinez: OK.

Ex. 6 Personal Privacy (PP) And they're also out in the field.

Brittany Martinez: OK, do you see the – do you see the employees wearing in glove protections for their hands? You just see the bright, yellow florescent t-shirts that they're wearing?

Ex. 6 Personal Privacy (PP) Yes. They're too – I wouldn't notice because we're either driving by or their too far away for us to see.

Brittany Martinez: OK. Do you …

Ex. 6 Personal Privacy (PP) I would hope that they have protection equipment.

Brittany Martinez: OK, do you notice any type of footwear. Is there any coloring of the footwear that you would recognize? Were there any florescent markings on their footwear?

Ex. 6 Personal Privacy (PP) No, not on their footwear. They usually use just regular boots.

Brittany Martinez: Just regular boots, OK. And this is kind of a large question, so I know it may take some time to think about it. What changes would you like to see made in the community (that are experience youth impact)?

Ex. 6 Personal Privacy (PP) We need – well, I guess several changes. We're looking for (first), more information. Especially on spray schedules. Even – and – well, so,

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information for us (is first,) spray schedules, but we want more information about what they're spraying.

And especially in the fields where they're doing – because they're doing experimental fields where they're testing crops, they're testing chemicals. Those shouldn't be anywhere near any of us.

I don't even see how that's allowable, especially if there's open ear – air testing where they're trying to figure out how they work, how well they work, what they're going to do when they're mixing together, but they're doing it in a community near – there are people surrounding them.

The ocean is below them. The wind's blowing directly – straight down to the ocean, straight through these houses. (But) the experimental – the open air field tests, I don't see how that can safely be done, period.

Like, they should be allowed. If they are growing their (seed) corn or growing out their crops, that at the very least, we, the community, should know what they're using, how much they're using, when it's safe for us because, like I said, we don't know.

Just because they're spraying (and we) can't smell it anymore if it's on the soil that's blowing through our houses, we don't know because we don't know what they're spraying.

We don't know when they're doing it or how often. I can tell you for sure, they're doing it because the weather changes here so quickly – we're on an island, it – there's no guarantee that they're not spraying and it's not raining right after and washing down through people's yards or down below. Whatever they're spraying.

But, at the very least, the (open air trusting), if there's a way that you guys can guarantee that it's safe and it's not impacting the community, that's great. But I don't see how that's possible at all when they're trying to figure out what they're spraying and how it works.

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And that, like, if anything, if there is (better) regulation on that (or a complete stop), it shouldn't be – I don't think it should be allowed because it's not safe. There is absolutely no way anyone can guarantee that, that is safe. And – but at the very least, we're just trying to keep our communities safe.

We need – we've tried through the years trying to advocate for buffer zones. Advocate to share information, disclosure, even if (it's) – we haven't been successful with those routes and now we're at the point where, OK, whoever's responsible for making sure that they're safe, that they're properly using safe products, it's time for you guys to step in and just actually help our community.

It's sad to see. We're surrounded by people that our sick and I don't know – we don't know the whys. We don't know exactly who to blame, but seeing the changes in our community and the increases of what's surrounding us, its – it doesn't bode well for the (hoins) in our community.

They're sitting, right, we're surrounded. There's a band of constant chemicals that surround these people and who's going to advocate for them? And who's going to keep them safe? And who's going to make sure that they can go home and not have to worry about the air that they breathe?

Brittany Martinez: Thank you for providing that information. We have one more question, I think you already touched upon it earlier. We just want to know if there was any other individuals who you may know who would have information to share with us.

And you mentioned that the individual who used to work at (on the field), so if you could check in with him and I'll work through (Paul), if that works out.

Ex. 6 Personal Privacy (PP) OK. And I'll…

Brittany Martinez: (So.)

Ex. 6 Personal Privacy (PP) Pick your brain, (Paul), because there – the biggest concern for the employees are the legal repercussions if they do talk.

Paul Achitoff: Right. (Brittany), is there anything that you can tell us about confidentiality and what representations can be made to people about how confidential discussions with EPA might be because, as Ex. 6 Personal Privacy (PP) points out, obviously – particularly, if they are present employees, but even if they are not anymore, they still live in the community and it's pretty clear there's a lot of concern.

Brittany Martinez: Yes, we definitely understand that. Let me check in and I'll get an answer on that because I understand how fragile a conversation could be. So, I'm going to get back with you on that.

Paul Achitoff: Thank you.

Ex. 6 Personal Privacy (PP) OK.

Brittany Martinez: OK, was there anything else, Ex. 6 Personal Privacy (PP), that you wanted to share with us before we end this call?

Ex. 6 Personal Privacy (PP) No, I just – I really hope that there's going to be some kind of – at least checking in – I think (even if) someone came up and were to see the landscape and environment that we're working in and the proximity of the people to the fields it would be helpful. It's really hard to describe what we're dealing with without actually seeing it. So …

Brittany Martinez: Understood.

Ex. 6 Personal Privacy (PP) Just food for thought. It would be – it would be a nice trip for one of you.

Brittany Martinez: And, Desean, did you have anything before we end the call?

Desean Garnett: No, I didn't have anything. (I think it's) my question I was going to ask, which we just talked about was like, this visual image of what it looks like, but like you said, it takes someone actually going out there and seeing what's going on. But, I think, everything that I had to ask was covered.

Brittany Martinez: OK, thank you. And Ex. 6 Personal Privacy (PP) one more thing, you mentioned that you have a video that you took of the storm water run off. If that could just be shared with Paul and …

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Ex. 6 Personal Privacy (PP) OK. (I'll turn that).

Brittany Martinez: That video.

Ex. 6 Personal Privacy (PP) Yes.

Brittany Martinez: So, thank you for taking the time to participate in this interview today and, Paul, I'll be checking back in with you.

Paul Achitoff: Thanks very much.

Brittany Martinez: OK, thank you.

Ex. 6 Personal Privacy (PP) All right, thank you.

Brittany Martinez: Bye.

Paul Achitoff: Bye.

END