Message

From: Rep. Ed Case [ed.case@mail.house.gov]
Sent: 4/23/2019 10:27:13 PM
To: OCIRmail [OCIRmail@epa.gov]
Subject: Congressman Ed Case's Response to Your Letter

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April 23, 2019

Mr. Troy Lyons
Associate Administrator for Congressional and Intergovernmental Relations
Environmental Protection Agency
1200 Pennsylvania Ave N Rm 3426
Washington, DC 20460-0001

Dear Mr. Lyons:

I am writing for clarification of the Environmental Protection Agency's (EPA) jurisdiction over the State of Hawaii's Agribusiness Development Corporation (ADC).

The State of Hawai'i created the ADC in 1994 to help transition Hawaii's agriculture industry away from one dominated by sugar and pineapple to one based on a wide variety of crops. The ADC is a state agency overseen by an independent eleven member board of directors. Though it is administratively attached to the State of Hawai'i Department of Agriculture (HDOA), HDOA does not administer or fund the ADC. The ADC receives its own funding directly from the state, and it does not receive any federal funding.

The ADC recently received contradictory rulings regarding its status as an agency for purposes of laws and regulations administered by the EPA.

· The EPA believes it has jurisdiction over the ADC because of the ADC's administrative connection to the HDOA. In this event, the EPA maintains that the ADC needs a Title VI program.
· The HDOA does not believe the administrative connection makes the ADC part of the HDOA. The HDOA believes the ADC's independent oversight board makes it a separate entity that cannot access the HDOA's Title VI program funds.

These different rulings have left the ADC in limbo especially as to Title VI. To help resolve these contradictory rulings, can your agency please provide a written response to the following questions:

· Can the EPA have jurisdiction over the ADC if the organization does not receive any federal funds?
· Did the EPA consider the ADC's independent eleven member board of directors when maintaining its jurisdiction over the ADC?
· If the ADC is under the EPA's jurisdiction because of its administrative connection to the HDOA, should the ADC then

have access to the HDOA's Title VI program funds?

Thank you in advance for your assistance in clarifying the EPA's jurisdiction over the ADC. Should you need any additional information about this matter, please contact Mitch Heidenreich at (202) 225-2726 or Mitch.Heidenreich@mail.house.gov.

With aloha,

Ed Case

Congressman Ed Case
(Hawai'i-First District)

EC/MH