Message

From: Covington, Jeryl [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=5744FF31964349539994E9EB4C3F90FC-COVINGTON,]
Sent: 5/1/2018 10:43:10 PM
To: Covington, Jeryl [Covington.Jeryl@epa.gov]
Subject: 2018.05.01 Conference Call: HI Complaint

5:17 Call with HI recipients

General introduction provided by L Dorka
General walk through of the outline document.5:34

Delanie: Initial reaction is ow you are taking these allegation as true. This is what bothers me.
5:35 LD provided explanation that there is no findings. There has been some instigation done but no findings. We look at the evidence that we have so far, we look at what would it take to resolve the case. This is our recommendation and we do not talk about fault. If there some aspect of the story to provide information. There is a section in the resolution that documents the actions that have taken place, actions that have been put in place t move the case forward. We have not made findings, this is the basis for the resolution.

Wonder if these complaints at the time that the complaints were made did, this is just a bunch of BS. When I started in 2015, I have implemented the rules and regulations that EPA has provided to us. This is no true. I am surprised that the HR applies was not reviewed as it applies to everyone. It included employees and the general public.

LD Do you have a statement on the front page of your webpage, and there are grievance procedures? Standard review by ECRCO. This is available on our website as part of our resolution. Want to empower the states. If you feel that you have this program, we can streamline this, we can review and provided TA and can assist to refine and can review together.

Andrew: It does seems that we are moving forward with a supposition of discrimination. This seems to formalize the program and it appears as though there is discrimination. We cannot make the GNP… this is a voluntary program. We are being sued under the CWA. We are cautious in settlement. People would read this as an admission of guilt.

LD the paper will read as no findings and no admission of guilt. People could read this and take it seriously and that you wanted to put this out in the public. This gives you a forum which would allow you to put your story out there and to tell your story. This benefits us because we do not have to complete an investigation and put our findings or information that there is insufficient evidence.

Andrew: At what point will we get findings? LD There are no findings in an informal resolution.

Andrew: What are you hearing? The concerns we have heard for years. The GNP came out of these concerns.

LD: This opportunity
Have concern that someone can bring a lawsuit against us about lawsuit and you have to address by entering into an agreement. There will be a newspaper article reporting the DOA discriminated and this is how they handled it. There is discrimination or there is not.
LD We have a regulation that says there must be informal resolution offered. We do not do this based upon public perceptions. We are not going to propose issues that were raised to us by the complainants that we would not propose.

Delanie: Are you aware that the seed company has been run off at Maliki?. There will no more seed company. There will be no more pesticides. The legislative bill is being decided today.

Andrew if the legislative bills passes and we settle the suit, will this go away.

Delanie: Our statutes we do not have the authority to change.

Andrew the leases are 65 years and we cannot go in and change these agreement. Is this really a resolution if you clearly document what we are doing.

Delanie: You have not asked us what we are doing or interviewed us. You have not run with the position of the anti-pesticide group.

LD We have not run anywhere.

Delanie: We would like to respond to you on the issues.

LD You can respond to each of these and identify which ones are non-starters. We can document. We cannot do this forever because we have obligations to complete this within a good timeframe. We need to know if you are interested in information resolution to meet a timeframe.

Delanie: I can get my response by the end of this week. I am almost done with this.

LD: Let us know if you are interested in informal resolution

Delanie: Must mimic Andrews concerns about the appearance of discrimination. You cannot make findings because we have not done anything. Should have taken care of this last year.

Andrew: We did submit answering brief to the complaint. We had a jurisdictional determination. You did read our answer?

LD We have jurisdiction over ADC. Andrew: Did you issue a written statement to that response? LD We are not required to provide a response. We got advise from counsel and looked at case law and decided that we had jurisdiction. Andrew: Would like to see the details on this determination. It oi hard to tell where you are on the investigation. We heard that you got the complaint and began interviewing folks and then want us enter into an agreement. LD: We were not prepared to discuss the jurisdiction. We are not going back to investigate jurisdiction. It was not part of the process. Andrew: We are discussing this without having complete information. LD I am not going to argue with you about legal points that are not part of the investigation. Delanie: The DOA does not have a concern with jurisdiction. Adam: Not prepared to speak about jurisdiction we can talk about this later.

Delanie: can we re-visit this in a couple of weeks. I will send my response in by the end of the week.

Look for meeting during the week of the 21st.

6:25 p.m.

6:28 p.m. Call with Region 9 Amy.

Potential the location of the lease land in relationship to the native Hawaiians. The leased land has a higher utilization and intensity of pesticides. They are following FIFRA. There are no requirement for notification to residents. Where this is happening, there is a disproportionate impact.

LD Is there an argument that you identified that there was evidence that something needed to be done therefore you developed the voluntary program. 6:41 p.m.