Message

From: Keener, Bill [Keener.Bill@epa.gov]
Sent: 3/10/2017 11:48:24 PM
To: Miller, Amy [Miller.Amy@epa.gov]
CC: Higuchi, Dean [Higuchi.Dean@epa.gov]; Karlson, Kristine [Karlson.Kristine@epa.gov]
Subject: FW: EPA investigations in Hawaii

Amy...what do you think about this follow on Q from the reporter re: Syngenta?

Bill Keener
Office of Public Affairs
U.S. EPA - Region 9
San Francisco, CA
Phone: (415) 972-3940

From: Anita Hofschneider [mailto:ahofschneider@civilbeat.org]
Sent: Friday, March 10, 2017 3:42 PM
To: Keener, Bill
Cc: Higuchi, Dean
Subject: Re: EPA investigations in Hawaii

Thanks Bill. I'm aware that the EPA filed a complaint against Syngenta for an incident that took place on January 20, 2016 and described in the press release you referenced: https://www.epa.gov/newsreleases/epa-files-complaint-against-syngenta-farmworker-safety-violations-kauai

But my understanding is that there is a second Syngenta Kauai incident that the EPA is investigating that took place two months ago January 2017. This article (http://thegardenisland.com/business/local/syngenta-pesticide-incident/article_f33dc93b-b091-5e5a-a862-40601618a09f.html) says an EPA investigation is ongoing, citing Dean Higuchi, and the DOA director confirmed that in an interview with me last month but I just wanted to double check with you that's still the case.

Mahalo,
Anita

On Fri, Mar 10, 2017 at 1:33 PM, Keener, Bill <Keener.Bill@epa.gov> wrote:

> Anita, sorry for the delay in responding, but Civil Rights cases are handled exclusively out of our Headquarters' offices in Washington DC, and I needed to reach out to our Office of Civil Rights, which responded with this statement for you, giving more background:
>
> On March 9, 2017, the U.S. Environmental Protection Agency's (EPA) External Civil Rights Compliance Office (ECRCO) issued letters accepting for investigation a complaint filed against the Hawaii Department of Agriculture (HDOA) and the Hawaii Agribusiness Development Corporation (ADC) alleging discrimination on the basis of race and/or national origin.
>
> ECRCO will investigate the following:

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

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

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

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

CASE BACKGROUND

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

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

EPA EXTERNAL CIVIL RIGHTS COMPLIANCE OFFICE BACKGROUND

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

And Anita, with respect to your other questions about pesticides, you wanted to know whether the EPA of investigation of Monsanto's use of pesticides on Maui since May 2016 is ongoing -- the answer is yes.

And you wanted to know whether Syngenta's use of pesticides on Kauai since January 2017 is ongoing – the answer is that EPA has investigated that issue and it resulted in our filing of a complaint against Syngenta. Here is the link to our December press release: https://www.epa.gov/newsreleases/epa-files-complaint-against-syngenta-farmworker-safety-violations-kauai .

The important point to remember is that these last two matters (Monsanto and Syngenta) are quite unrelated to the allegations being investigated by the Office of Civil Rights.

Thanks.

Bill Keener

Office of Public Affairs

U.S. EPA - Region 9

San Francisco, CA

Phone: (415) 972-3940

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

Aloha Bill,

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

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

Mahalo,

Anita