



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

July 6, 2016

OFFICE OF
CIVIL RIGHTS

Return Receipt Requested

Certified Mail# (b)(6) Privacy, (b)(7)(C) Enf. Privacy

In Reply Refer to:

EPA File No.: 02NO-16-R4

Mr. Eric Olsen
Pesticide Program Manager
Georgia Department of Agriculture
19 Martin Luther King Jr. Drive SW, Room 410
Atlanta, Georgia 30334

Re: Acceptance of Administrative Complaint

Dear Mr. Olsen:

This letter is to notify you that the U.S. Environmental Protection Agency (EPA), Office of Civil Rights (OCR), is accepting for investigation an administrative complaint filed against the Georgia Department of Agriculture (GDA) by the (b)(6) Privacy, (b)(7)(C) Enf. Privacy Georgia Legal Services Program, received by OCR on October 1, 2015. The complaint generally alleges that GDA failed to provide language interpretation services to a national origin minority, limited-English proficient worker during certain important proceedings, in violation of Title VI of the Civil Rights Act of 1964, as amended, 42 United States Code 2000d *et seq.*, and the EPA's nondiscrimination regulations found at 40 Code of Federal Regulations (C.F.R.) Part 7.

Pursuant to the EPA's nondiscrimination regulations, OCR conducts a preliminary review of administrative complaints for acceptance, rejection or referral to the appropriate agency. (40 C.F.R. § 7.120(d)(1)). To be accepted for investigation, a complaint must meet the jurisdictional requirements described in the EPA's nondiscrimination regulations. First, the complaint must be in writing. (C.F.R. § 7.120(b)(1)) Second, the complaint must describe an alleged discriminatory act that, if true, may violate the EPA's nondiscrimination regulations (*e.g.*, an alleged discriminatory act based on race, color, national origin, sex, age, or disability). *Id.* Third, the complaint must be filed within 180 calendar days of the alleged discriminatory act. (40 C.F.R. § 7.120 (b)(2)) Finally, the complaint must be filed against an applicant for, or a recipient of, EPA financial assistance that allegedly committed the discriminatory act. (40 C.F.R. § 7.15)

After careful consideration, OCR has determined that the complaint meets the four jurisdictional requirements as stated above. First, the complaint is in writing. Second, the complaint describes allegedly discriminatory acts that may violate the EPA's nondiscrimination regulations. Third, the alleged discriminatory acts occurred within 180 days of the filing of the complaint. And

finally, the complaint was filed against ADEQ, a recipient of EPA financial assistance at the time of the alleged discriminatory acts.

Accordingly, OCR will investigate the following:

Whether GDA's operation of its Worker Protection Standards Program promulgated under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), 7 U.S.C. § 136w discriminated against limited English proficient workers including Latino workers, on the basis of national origin, in violation of Title VI of the Civil Rights Act of 1964 and EPA's implementing regulation.

The decision to investigate the issues above is not a decision on the merits. OCR is a neutral fact finder and will begin its process to gather the relevant information, discuss the matter further with you and the complainant, if appropriate, and determine next steps utilizing its internal procedures. In the intervening time, OCR will provide GDA with an opportunity to make a written submission responding to, rebutting, or denying the issues that have been accepted for investigation within thirty (30) calendar days of receiving their copy of the letter. *See* 40 C.F.R. 7.120(d)(1)(ii-iii).

The EPA's nondiscrimination regulation provides that OCR will attempt to resolve complaints informally whenever possible. *See* 40 C.F.R. § 7.120(d)(2). Accordingly, OCR is willing to discuss, at any point during the process, offers to informally resolve the complaint, and may, to the extent appropriate, offer alternative dispute resolution (ADR) as described at <http://www.epa.gov/ocr/frequently-asked-questions-about-use-alternative-dispute-resolution-resolving-title-vi>. We may be contacting both you and the complainant in the future to discuss your potential interest in pursuing ADR, as well GDA's interest in entering into informal resolution discussions. We invite you to review OCR's Interim Case Resolution Manual at http://www.epa.gov/sites/production/files/2015-12/documents/ocr_crm_final.pdf for a fuller explanation of the complaint resolution process. Please provide OCR with the name and contact information of your designated representative at your earliest convenience.

Finally, we would like to remind you that no one may intimidate, threaten, coerce, or engage in other discriminatory conduct against anyone because he or she has either taken action or participated in an action to secure rights protected by the civil rights requirements that we enforce. *See* 40 C.F.R. § 7.100. Any individual alleging such harassment or intimidation may file a complaint with OCR. OCR would investigate such a complaint if the situation warranted.

If you have questions regarding this letter, please contact Samuel Peterson, Case Manager, at 202-564-5393, via electronic mail at peterson.samuel@epa.gov, or by mail at U.S. EPA, Office of Civil Rights (Mail Code 1201A), 1200 Pennsylvania Avenue, NW, Washington, DC 20460-1000.

Sincerely,

A handwritten signature in black ink, appearing to read "L. S. Dorka", written over a horizontal line.

Lilian S. Dorka
Acting Director
Office of Civil Rights

cc: Elise Packard
Associate General Counsel,
Civil Rights & Finance Law Office

Ken Lapierre
Assistant Regional Administrator
Deputy Civil Rights Official
U.S. EPA Region 4

Oscar Morales
Associate Assistant Administrator
Deputy Civil Rights Official
U.S. EPA Office of Chemical Safety and Pollution Prevention