



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

EXTERNAL CIVIL RIGHTS COMPLIANCE OFFICE
OFFICE OF GENERAL COUNSEL

January 7, 2020

Return Receipt Requested

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In Reply Refer to:

EPA Complaint No.: 02NO-16-R4

Gary Ward Black, Sr.
Commissioner
Georgia Department of Agriculture
19 Martin Luther King Jr. Drive SW, Room 410
Atlanta, GA 30334

Dear Commissioner Black:

This letter is to notify you that the Georgia Department of Agriculture (GDA) has fully complied with the Informal Resolution Agreement (Agreement), dated February 8, 2017, between GDA and the U.S. Environmental Protection Agency (EPA) External Civil Rights Compliance Office (ECRCO) reached in response to Complaint No. 02NO-16-R4. Accordingly, Complaint No. 02NO-16-R4 is closed as of the date of this letter.

On July 6, 2016, ECRCO accepted the following issue for investigation;

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 (LEP) 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.

On February 8, 2017, GDA entered into an Informal Resolution Agreement (IRA) with ECRCO to resolve the issue accepted for investigation as well as additional concerns identified by ECRCO regarding GDA's nondiscrimination program. Since the signing of the IRA, ECRCO provided significant technical assistance to GDA and worked collaboratively with GDA to support its development and implementation of the necessary policies, plans and procedures.

To address the primary issue accepted for investigation, the IRA required GDA to develop a Language Access Plan (LAP) to ensure meaningful access to all of GDA's programs, activities and services, including its Worker Protection Standards Program, for persons with limited English proficiency. GDA's current LAP includes an analysis of the language needs of the

population of persons most likely to encounter GDA, methods for providing assistance, methods for notifying individuals with limited English proficiency of the availability of this assistance, and information regarding future plan updates. Specific provisions of the plan include:

- The employment or maintenance of contracts with qualified translators for the translation of vital documents;
- The employment or maintenance of contracts with qualified interpreters for verbal communication in person and/or, via telephone;
- The inclusion of a toll-free direct response telephone number for Spanish-speaking callers; and
- The posting of a notice in Spanish in the GDA reception area and online detailing the availability of language assistance in Spanish.

The IRA also required GDA to develop and implement a nondiscrimination program that contains the required procedural safeguards as well as the policies and procedures to ensure that persons with disabilities have meaningful access to GDA programs, services and activities. These include, for example, “prominently” posted and accessible to the public (including to persons with limited English proficiency and persons with disabilities): a notice of nondiscrimination; a nondiscrimination coordinator; nondiscrimination grievance procedures; and a disability policy and process.

Based on a careful review of the most current documentation submitted by GDA and the information publicly available on GDA’s website, ECRCO has determined that GDA has complied with the terms of the IRA entered into on February 8, 2017. Accordingly, ECRCO is terminating the monitoring of the IRA and closing EPA Complaint No. 02NO-16-R4 as of the date of this letter.

Neither the conclusion of ECRCO’s monitoring of this IRA or the closing of this complaint affect GDA’s continuing responsibility to comply with Title VI or the other federal non-discrimination laws and EPA’s regulation at 40 C.F.R. Parts 5 and 7, nor does it affect EPA’s investigation of any other Title VI or other federal civil rights complaints or address any other matter not covered by this Agreement.

If you have any questions, please feel free to contact me at 202-564-9649, by e-mail at dorka.lilian@epa.gov, or Dale Rhines, ECRCO’s Deputy Director at 202-564-4174, by email at rhines.dale@epa.gov or U.S. mail at U.S. EPA, Office of General Counsel (Mail Code 2310A), 1200 Pennsylvania Avenue, N.W., Washington, D.C., 20460.

Sincerely,



Lilian S. Dorka
Director
External Civil Rights Compliance Office
Office of General Counsel

cc: Angelia Talbert-Duarte
 Acting Associate General Counsel
 Civil Rights and Finance Law Office
 U.S. EPA Office of General Counsel

 Beverly Banister
 Acting Deputy Regional Administrator
 Deputy Civil Rights Official
 U.S. EPA, Region 4

 Leif Palmer
 Regional Counsel
 U.S. EPA, Region 4