

**EPA LIMITED ENGLISH PROFICIENCY COMPLIANCE REVIEW:
FINDINGS OF MATERIAL FACT
EPA OCR FILE NO. 04R-08-R6**

The U.S. Environmental Protection Agency, Office of Civil Rights (OCR) conducted a compliance review to determine whether the Pesticides and Environmental Programs Division (PEPD) within the Louisiana Department of Agriculture and Forestry (LDAF) provides limited English proficient (LEP) persons meaningful access to its Worker Protection Standard (WPS) Program. Based on the information gathered during the LEP compliance review, OCR makes the following findings of material fact:

1. The PEPD has primary responsibility for enforcing WPS. The PEPD conducts WPS routine inspections to ensure compliance with the WPS and conducts For-Cause inspections in response to WPS complaints.¹
2. The PEPD conducted one complaint-based inspection and twenty-nine routine inspections in 2008; no complaint-based inspections and thirty-nine routine inspections in 2009; and no complaint-based inspections and thirty-five routine inspections in 2010.²
3. The PEPD indicated that it does not have any written policies or procedures for interpretive/translation services.³
4. The PEPD indicated that it has received only one WPS complaint from an LEP individual, which was the subject of the Title VI complaint filed against LDAF.⁴
5. The PEPD indicated that it has not been asked to provide an interpreter or translation of written materials.⁵
6. The PEPD indicated that there has only been one instance in which a PEPD inspector had to communicate with an LEP person.⁶ There has been some inconsistency in statements regarding how the inspector was able to communicate with the LEP individual. The inspector, Ms. Davis, stated she was able to communicate with the LEP individual with the aid of the language flip chart and because the person spoke some English. However, during the February 2011 LEP conference call with LDAF representatives, David Fields, Assistant

¹Interview transcript for LEP conference call with U.S. EPA representatives and LDAF representatives. (February 23, 2011) [hereinafter LEP Conference Call]

²Letter from Todd Parker, Assistant Commissioner, Office of Agricultural and Environmental Sciences to Helena Wooden-Aguilar, Assistant Director, External Compliance and Complaints Program, U.S. EPA, Office of Civil Rights. (March 29, 2011). [hereinafter Parker]

³LEP Conference Call, *supra* note 1.

⁴*Id.*

⁵*Id.*

⁶*Id.*

Director, stated that he recalled that the inspector was able to communicate with the help of a third party who happened to be on the farm, but he was unsure.⁷

7. The PEPD does not have a LEP coordinator or a designated individual who is charged with coordinating the provision of necessary interpretation and translation services for LEP persons served by the WPS Program.⁸
8. The PEPD does not have a contract for providing necessary interpretation or translation services to LEP persons served by the WPS Program, nor does the PEPD have trained staff who could provide these services.⁹
9. The PEPD does not provide outreach to the LEP community regarding the WPS complaint process.¹⁰
10. The WPS brochure that describes the WPS complaint process is available only in English.¹¹
11. The “complaint consent form” used for WPS complaints is available only in English and is not available on the LDAF website.¹²
12. The PEPD has not conducted a demographic assessment of the number of LEP persons who encounter the WPS Program or of their language needs.¹³
13. The PEPD has instructed its inspectors to contact the office when they may encounter a need for an interpreter.¹⁴ Otherwise, PEPD does not provide training to employees/inspectors on providing interpretation/translation services to LEP persons.
14. The PEPD has a contract that provides an after-hours emergency answering service for pesticide related issues. The answering service is available only in English and is not used for submitting WPS complaints.¹⁵

⁷ *Id.*; Transcript of Interview with Dana Davis, LDAF Inspector. (May 13, 2009).

⁸ *See* LEP Conference Call, *supra* note 1.

⁹ *Id.*

¹⁰ *Id.*

¹¹ *Id.*

¹² *Id.*

¹³ *Id.*

¹⁴ *Id.*

¹⁵ *See* Parker, *supra* note 2.

15. Neither LDAF nor PEPD currently have budgets for language assistance services.¹⁶

16. The PEPD had 17 employees in 2008, 13 employees in 2009, and 13 employees in 2010, all of whom are involved in WPS work.¹⁷

¹⁶ See LEP Conference Call, *supra* note 1.

¹⁷ *Id.*