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EPA Reaches Title VI Civil Rights Agreement with the California Department of Pesticide Regulation

SAN FRANCISCO – Today, the U.S. EPA took an important step in protecting civil rights and working for environmental justice by entering into an agreement with the California Department of Pesticide Regulation (CDPR) to resolve a civil rights complaint filed in 1999 under Title VI of the Civil Rights Act of 1964 (Title VI). Title VI prohibits intentional discrimination and discriminatory effects on the basis of race, color, and national origin by recipients of federal financial assistance. By entering into this Agreement, EPA is delivering on its steadfast commitment to protecting and advancing civil rights, reforming the Agency's Title VI program, addressing the backlog of complaints and providing effective enforcement of Title VI. EPA remains committed to demonstrating leadership on civil rights and ensuring this process better serves the American people.

"The EPA is committed to ensuring that all Americans receive equal environmental and health protections. That is why Administrator Jackson has made it a focus of this agency to clear the backlog of Title VI cases and get resolution in these issues that touch people's lives. Today's action is an important step towards this goal," said Rafael DeLeon, Director of EPA's Office of Civil Rights. "Environmental protection is public health protection and everyone, especially children, deserve the opportunity to live, play and learn in healthy communities."

The complaint alleged that CDPR's annual renewal of the registration of methyl bromide in 1999 discriminated against Latino school children based on the health impacts of this pesticide. The Office of Civil Rights' extensive analysis of pesticide use in California from 1995 to 2001, raised concerns that there was an unintentional adverse and disparate impact on Latino children resulting from the use of methyl bromide during that period. This concern was based on the high percentage of Latino children in schools near fields where methyl bromide was applied for the period from 1995-2001. EPA communicated its concerns to CDPR on April 22, 2011.

CDPR has agreed through this Agreement to expand on-going monitoring of methyl bromide air concentrations by adding a monitor at or near one of the schools named in the original complaint. The purpose of the additional monitor is to confirm that there will be no recurrence of earlier conditions. CDPR will share the monitoring results with EPA and the public and will also increase its community outreach and education efforts to schools that are in high methyl bromide usage areas.

California is one of the few states with a program to evaluate and register pesticides for state use beyond national requirements. Since 2001, EPA and the State of California have implemented stringent regulations that address methyl bromide exposure levels. For example, the State of California instituted a cap in 2004 that limited total usage within specified geographic areas in each calendar month, and further tightened that cap in 2010. In its 2009 Re-registration, EPA required additional mitigation measures for use of methyl bromide nationwide, including in California. In issuing the Amended Re-registration Eligibility Decision (RED) for MeBr in 2009, EPA determined under Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) and Food Quality Protection Act (FQPA) that there is a reasonable certainty of

no harm from dietary and all other non-occupational exposures from MeBr in the general public when it is used in accordance with its labeling directions. To confirm the effectiveness of these mitigation measures and that exposure levels in communities remain below the Agency's level of concern, the Agency has required the manufacturers of methyl bromide to conduct ambient air monitoring studies in major use areas including California and Florida.

More information: <http://www.epa.gov/ocr>