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SENT VIA ELECTRONIC MAIL

Ashley Werner
Deputy Attorney General
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Sacramento, CA 95820

October 17, 2024

Re: Follow-up: New evidence of civil rights violations in the State of California

Dear Deputy Attorney General Werner:

On February 29, 2024, we wrote to you with new evidence of civil rights violations in the State of California, on behalf of farmworkers, their families, and a coalition of over 200 community-based organizations.¹ Our evidence includes interviews with over 50 farmworkers as well as members of the scientific and regulatory community who focus on pesticide use in California, in addition to community testimony at a *People's Tribunal* held in Lindsay, California.² We presented our findings at a press conference in Watsonville, California on February 15, 2024.³ Through analysis of interviews, focus groups, and community testimony, we documented clear and consistent violations of California Government Code Section 11135.⁴

Time and again, farmworkers reported daily practices that impair or defeat state-administered and state-funded programs designed to protect public health and safety in areas of agricultural pesticide use. Our findings were since published in the peer-reviewed journal *Environment* (see attached).⁵ The article breaks new ground in terms of how public data can be gathered and shared as evidence of civil rights violations. In addition, we include a series of maps that show where the heaviest use of carcinogenic active ingredients and restricted use pesticides concentrates and overlaps with vulnerable populations according to race and ethnicity, language barriers, public health insurance rates, and disability. We assign vulnerability indicators down to the township section level. We show clear overlap between high use of carcinogenic pesticides and areas with a high percentage of

¹ Letter from Gregg Macey, Robert Chacanaca, Caroline Farrell, Angel Garcia, Ann López, Yanelly Martinez, Jane Sellen, and Mark Weller to Ashley Werner, Deputy Attorney General and Robert Bonta, Attorney General, California Department of Justice (Feb. 29, 2024).

² *People's Tribunal on Pesticide Use and Civil Rights in California*, Lindsay CA (Oct. 13, 2023), <https://www.youtube.com/watch?v=YUYeZVwFTq4> (last visited Oct. 7, 2024).

³ Robert Chacanaca, Caroline Farrell, Ann López, & Gregg Macey, *Advisory Opinion: People's Tribunal on Pesticide Use and Civil Rights in California* (Feb. 15, 2024), bit.ly/3OKDpGM (last visited Oct. 7, 2024).

⁴ CAL. GOV'T CODE § 11135(a) *et seq.*

⁵ Gregg Macey, Caroline Farrell, Kayla Anderson, Angel Garcia, Yanelly Martinez, Jane Sellen, Alexis Temkin, and Mark Weller, *Pesticide Use and Civil Rights in Central California: Slow Violence and the State*, 66 ENVIRONMENT: SCIENCE AND POLICY FOR SUSTAINABLE DEVELOPMENT 6-24 (2024).

Hispanic residents at the county and township level.⁶ Other indicators, including non-Hispanic Black residents, children and adolescents with public health insurance, people with disabilities, and households that speak limited English also frequently overlap with areas of high carcinogenic pesticide use at the county and township level.⁷ This lends greater specificity to the state's often crude acknowledgements of "disproportionate" pesticide burdens over a quarter century.⁸

One year prior to our February 2024 letter, the Civil Rights Council of the California Civil Rights Department (CRD) issued a Notice of Proposed Rulemaking to amend regulations under California Government Code Section 11135 *et seq.*⁹ The rulemaking was in response to the Governor's Executive Order N-16-22, which ordered state agencies and departments to "more effectively advance equity and to respond to identified disparities with changes [to their] mission, vision, goals, data tools, policies, programs, operations, community engagement, tribal consultation policies and practices, and other actions as necessary to serve all Californians."¹⁰ Through Executive Order N-16-22, CRD was ordered to "review existing regulations implementing non-discrimination protections in state programs and activities and initiate rulemaking as appropriate based on that review."¹¹ At the time, Kevin Kish, CRD's Director, noted that "our understanding of what it means to provide full and equal access to government services has evolved in the past four decades, and so too have the methods and technologies we use to ensure that access."¹² He stressed a bedrock principle that undergirds California Government Code Section 11135: "In 2023, just as in 1977, no public funds should be spent in a way that entrenches or results in unlawful discrimination."¹³

We followed the rulemaking closely. It included an outpouring of public support for the amendments, which took effect on July 1, 2024. In particular, we appreciated your comments about "the importance of recognizing environmental disparities in entities covered by Article 9.5," which prohibits discrimination through state-funded and state-administered programs and activities.¹⁴ Other comments were provided by a forty-year veteran of civil rights practice at U.S. Environmental

⁶ *Id.* at Figure 6C.

⁷ *Id.* at Figures 5B, 5C, 6B, 6D, and 6E.

⁸ In 2015, the California Environmental Protection Agency (CalEPA) identified areas of the state "that disproportionately experience pollution burden," including pesticide exposure. CAL. ENVTL. PROT. AGENCY, *Environmental Justice Compliance & Enforcement Working Group Fresno Initiative Report* (2015). In 2008, the California Department of Pesticide Regulation (CDPR) made ensuring "Californians, regardless of race, age, culture, income, or geographic location, are protected from adverse environmental and health effects of pesticides" one of its goals, at least on paper. CAL. ENVTL. PROT. AGENCY DEPT. OF PESTICIDE REG., *Strategic Plan 2008* (2008). In 2001, CDPR pledged to "regulate the use of pesticides so that no socio-economic group of Californians is disproportionately impacted." CAL. ENVTL. PROT. AGENCY DEPT. OF PESTICIDE REG., *Strategic Plan 2001* (2001). In 1999, CDPR said that it had to resolve ambiguity over its roles vis-à-vis County Agricultural Commissioners to prevent disproportionate exposure. Victoria Clark, *Enforcement of Pesticide Regulation in California: A Case Study of the Experience with Methyl Bromide*, 31 GOLDEN GATE U. L. REV. 465, 482-483 (2001).

⁹ CAL. CIVIL RIGHTS DEPT. CIVIL RIGHTS COUNCIL, *Notice of Proposed Rulemaking, Title 2. Civil Rights Department, Government Code Section 11135 et seq. Regulations* (Feb. 10, 2023), <https://civildrights.ca.gov/wp-content/uploads/sites/32/2023/02/Notice-of-Proposed-Rulemaking-Government-Code-Section-11135-et-seq.-Regulations.pdf> (last visited Oct. 7, 2024).

¹⁰ STATE OF CAL. EXECUTIVE DEPT., *Executive Order N-16-22 3* (Sept. 13, 2022), <https://www.gov.ca.gov/wp-content/uploads/2022/09/9.13.22-EO-N-16-22-Equity.pdf?emrc=c11513> (last visited Oct. 7, 2024).

¹¹ *Id.* at 4.

¹² CAL. CIVIL RIGHTS DEPT., *CRD Announces Civil Rights Rulemaking for State Agencies and State-Funded Programs* (Mar. 8, 2023), https://civildrights.ca.gov/wp-content/uploads/sites/32/2023/03/2023.03.8_Gov.Code-11135_RegulationsPR.pdf (last visited Oct. 7, 2024).

¹³ *Id.*

¹⁴ CAL. CIVIL RIGHTS DEPT. CIVIL RIGHTS COUNCIL, *Government Code Section 11135 et seq. Regulations Final Statement of Reasons* 153, 156 (Mar. 20, 2024), <https://civildrights.ca.gov/wp-content/uploads/sites/32/2024/03/GC11135-Final-Statement-of-Reasons.pdf> (last visited Oct. 7, 2024).

Protection Agency (EPA) Region 9. He took the California State Legislature’s “intent to ensure that Section 11135 is at least as protective as its federal counterparts,” including Title VI of the Civil Rights Act of 1964, as his point of departure.¹⁵ A widening gulf between federal and California civil rights practice is evident in these comments. They point to EPA’s efforts between 2020 and the present to “facilitate and enhance environmental justice and civil rights compliance”¹⁶ including under Title VI. They argue for CRD and covered entities to develop new complaint and investigatory procedures, clarify roles and responsibilities, leverage interagency structures, make compliance with Section 11135 a precondition for receipt of state funds, and use existing analytical tools for enforcement and compliance assurance.¹⁷

The California Department of Justice, CRD (which, under S.B. 1442, was granted enforcement and regulatory authority under Article 9.5), the California Department of Pesticide Regulation (CDPR), and County Agricultural Commissioners (CACs) have, under the rules, an opportunity to secure their status – required under state law – as leaders in furthering “fair treatment and meaningful involvement,”¹⁸ civil rights, and environmental, occupational, and community protection. In our February 2024 letter, we summarized initial evidence of civil rights violations under California Government Code Section 11135. Specifically, CDPR and six CACs:

¹⁵ *Id.* at 10-12.

¹⁶ *Id.* at 11. Most recently, EPA’s Office of External Civil Rights Compliance issued guidance “to assist recipients in proactively addressing any areas for developing and improving civil rights compliance” in order to, in part, “reduc[e] the need for communities to turn to the federal administrative complaint process for relief.” U.S. ENVTL. PROT. AGENCY OFFICE OF EXTERNAL CIVIL RIGHTS COMPLIANCE, *Civil Rights Guidance on Procedural Safeguards: Requirements and Best Practices* 1 (Aug. 22, 2024), <https://www.epa.gov/system/files/documents/2024-08/civil-rights-guidance-on-procedural-safeguards-august-2024.pdf> (last visited Oct. 7, 2024). *See also* WHITE HOUSE COUNCIL ON ENVTL. QUALITY, *Strategic Planning to Advance Environmental Justice Under Executive Order 14096* 7-10 (Oct. 2023) (noting that E.O. 14096 requires federal agencies to create internal mechanisms, including performance measures, that are an essential element of a “culture of performance improvement and evaluation”); Exec. Order 14096, 88 Fed. Reg. 25251 (Apr. 21, 2023) (“Revitalizing Our Nation’s Commitment to Environmental Justice for All”); U.S. ENVTL. PROT. AGENCY, *Interim Environmental Justice and Civil Rights Permitting Frequently Asked Questions* 4 (Aug. 2022), <https://www.epa.gov/external-civil-rights/ej-and-civil-rights-permitting-frequently-asked-questions> (last visited Oct. 7, 2024) (“When accepting assistance, recipients of EPA funding acknowledge that they have an affirmative obligation ‘to implement effective Title VI compliance programs’ . . .”); U.S. ENVTL. PROT. AGENCY OFFICE OF GEN. COUNSEL, *Office of General Counsel Responses to Office of Inspector General Recommendations* 3 (Sept. 20, 2021), https://www.epa.gov/system/files/documents/2021-10/_epaoig_20-e-0333_agency_response2.pdf (last visited Oct. 7, 2024) (“[The external civil rights compliance office] accepts [OIG’s recommendation to “develop and implement a plan to complete systematic compliance reviews to determine full compliance with Title VI program”]”); WHITE HOUSE ENVTL. JUSTICE ADVISORY COUNCIL, *Final Recommendations: Justice40, Climate and Economic Justice Screening Tool, and Executive Order 12898 Revisions* 38 (May 21, 2021), <https://www.epa.gov/sites/default/files/2021-05/documents/whiteh2.pdf> (last visited Oct. 7, 2024) (“Conduct civil rights compliance reviews under Title VI of the Civil Rights Act of states with delegated environmental authorities.”); U.S. ENVTL. PROT. AGENCY OFFICE OF EXTERNAL CIVIL RIGHTS COMPLIANCE, *Case Resolution Manual* 1 (Jan. 2021), https://www.epa.gov/sites/default/files/2021-01/documents/2021.1.5_final_case_resolution_manual_.pdf (last visited Oct. 7, 2024) (“as part of its holistic approach to strengthening external civil rights compliance, EPA implemented strategic planning . . . which promotes mission-critical program accountability through measurable goals to . . . enhance [the external civil rights compliance office’s] external compliance program through proactive compliance reviews”); U.S. ENVTL. PROT. AGENCY OFFICE OF INSPECTOR GENERAL, *Improved EPA Oversight of Funding Recipients’ Title VI Programs Could Prevent Discrimination* 10 (Sept. 28, 2020), https://www.epaoig.gov/sites/default/files/2020-09/documents/_epaoig_20200928-20-e-0333.pdf (last visited Oct. 7, 2024) (“We found that [EPA’s external civil rights compliance office] does not proactively conduct compliance reviews and does not collect information from funding recipients to target programs with weaknesses for review outside of the investigation process.”).

¹⁷ *Id.* at 10-12.

¹⁸ CAL. GOV. CODE § 65040.12(e)(1).

(1) Do not receive the vast majority of reports or complaints that they would otherwise receive from the Latino and transnational Indigenous communities they serve; (2) Miss multiple opportunities to find that health hazards appear generally throughout those communities, triggering a field inspection and potentially canceling permits or specifying that no additional permits be issued; (3) Do not ensure that warnings, trainings, and other essential protections for Latino and transnational Indigenous farmworkers are equally available; (4) Do not give adequate attention to local conditions including the effects that pesticides will have on Latino and transnational Indigenous communities when granting permit approvals; and (5) Fail to reevaluate pesticides and whether pesticide use practices must change when it has reason to believe that they may cause unreasonable adverse effects to people or environment.

Community testimony points to adverse and disproportionate impacts to members of protected classes by state programs as well as state-funded programs. This begins with CDPR's Restricted Materials Permitting, Pesticide Illness Surveillance, Pesticide Notification, Worker Health and Communication, and Registration and Reevaluation programs, as well as six CACs responsible for enforcing state pesticide programs in the San Joaquin Valley and Central Coast: Kern, Tulare, Fresno, Ventura, Santa Cruz, and Monterey Counties.

In these counties, the breakdown of notification, reporting, and complaint processing, due to language and other barriers, including fear, isolation, misinformation, intimidation, and retaliation, mean that CDPR fails to investigate all reports of potentially significant adverse effects, fails to adequately assess the effectiveness of existing controls, fails to ensure that CACs conduct inspections to prevent misapplication or drift and possible contamination of workers or the public, and fails to ensure that CACs adequately investigate pesticide illnesses and injuries, revise their understanding of local conditions, or condition approval of restricted materials permits on appropriate mitigation measures.¹⁹

We argued that “the persistence of civil rights violations poses a grave threat, not only to farmworker and community health and wellbeing, but also to California’s leadership in civil rights and environmental protection.”²⁰

The CRD Civil Rights Council’s amended Section 11135 regulations, effective July 1, 2024, raise the stakes further. They cast California’s inaction in the face of clear evidence of civil rights violations in even starker relief. Among the “clear definitions about who is protected by the law and who must comply with it,” clarified “standards for determining whether a practice is discriminatory,” and more precise “state-law standards for providing equal access to government programs to people with disabilities or with limited English proficiency,”²¹ we note that the amended regulations address an underlying concern among the public during the rulemaking. For example, disability rights advocates argued that *systemic discrimination* includes “a number of events being reported, each factually important and frequently not related to the same policy or procedure” and potentially accompanied by “retaliatory, coercive, intimidating” and other acts.²²

The amended rules spell out how, under California Government Code Section 11135, the state has the means to mount a robust response to systemic discrimination – including by state-administered and -funded programs and activities against Latino and Mexican Indigenous farmworkers, their families, and communities. Moreover, the state is required to do so. Under the revised rules:

¹⁹ *Supra* note 1, at 2-3.

²⁰ *Id.* at 5.

²¹ CAL. CIVIL RIGHTS DEPT., *Civil Rights Council Secures Final Approval for Updates to Regulations Protecting Against Discrimination in State-Funded Programs* (Mar. 20, 2024), <https://calcivilrights.ca.gov/wp-content/uploads/sites/32/2024/03/2024.03.20-11135-Regs-Release.pdf> (last visited Oct. 7, 2024).

²² *Supra* note 14, at 14.

1. A **covered entity** may not unlawfully deny “full and equal access to the benefits of a program or activity” or unlawfully subject a person or persons to discrimination, under any program or activity that it conducts, operates, or administers.²³
2. A “**covered entity**” includes “the state or a state agency[,]” “any entity or individual involved in carrying out any program or activity that is conducted, operated, or administered by the state or by any state agency[,]” “local agencies, recipients, contractors, and grantees” funded directly by the state or that receive any state support, and local agencies “involved in carrying out any program or activity of a local agency if any part of the local agency receives state support.”²⁴ “State agencies” include, among others, agencies, departments, offices, officers, commissions, councils, boards, and divisions.²⁵ “Local agencies” include, among others, agencies, boards, commissions, counties, cities, and cities and counties.²⁶
3. A “**program or activity**” includes, among others, “all of the operations and facilities of, or services, benefits, or aid provided by, a covered entity, directly or indirectly through others by grants, contracts, arrangements, or agreements.”²⁷ A “program or activity” includes the provision of services. It includes permitting and site and facility selection decisions.²⁸ A program or activity need not receive direct support from the state – all operations of a covered entity are subject to the requirements, even if only a part of the entity receives state support.²⁹
4. A “**practice**” may include, among others, “any action or failure to act” as well as any “decision, standard, project, policy, process, or procedure, whether written or unwritten or singular or multiple.”³⁰
5. **Discrimination** can take different forms, “includ[ing] intersectional discrimination, discrimination on more than one basis, harassment, coercion, intimidation, and retaliation for exercising a protected right . . .”³¹ “Intersectional discrimination” includes “discrimination on the basis of a combination of protected classes, i.e., where two or more bases for discrimination are alleged.”³²
6. **Prohibited practices** include, among others, disparate impact discrimination as well as unlawful denial of full and equal access to the benefits of a program or activity on the basis of a protected class – by action or inaction.³³
7. **Prohibited practices** include, among others, “denying a person the opportunity or right to apply for, or receive the benefits of, or participate in a program or activity” or “providing a program or activity to a person that is not as effective in affording a full and equal opportunity to obtain the same result, to gain the same benefit, or to reach the same level of achievement as that provided to others.”³⁴
8. **Prohibited practices** include, among others, “utilizing criteria or methods of administration that” “defeat or substantially impair the accomplishment of the

²³ CAL. CODE REGS. tit. 2, § 14025.

²⁴ CAL. CODE REGS. tit. 2, §§ 14020(m)(1)-(4).

²⁵ CAL. CODE REGS. tit. 2, § 14020(vv).

²⁶ CAL. CODE REGS. tit. 2, § 14020(z).

²⁷ CAL. CODE REGS. tit. 2, § 14020(ii).

²⁸ *Id.*

²⁹ CAL. CODE REGS. tit. 2, § 14020(ii)(1).

³⁰ CAL. CODE REGS. tit. 2, § 14020(hh).

³¹ CAL. CODE REGS. tit. 2, § 14000(e).

³² CAL. CODE REGS. tit. 2, § 14020(y).

³³ CAL. CODE REGS. tit. 2, §§ 14027(b), 14025.

³⁴ CAL. CODE REGS. tit. 2, §§ 14026(a)(1), (3).

objectives of the covered entity's program or activity with respect to membership in a protected class."³⁵

9. **Prohibited practices** include, among others, "utilizing criteria or methods of administration that" "create, increase, reinforce, or perpetuate discrimination or segregation based on membership in a protected class."³⁶
10. **Prohibited practices** include, among others, "making, issuing, or denying permits for programs, services, activities, or facilities that" "defeat or substantially impair the accomplishment of the objectives of the program or activity with respect to membership in a protected class."³⁷
11. **Prohibited practices** include, among others, "fail[ing] to take reasonable steps to ensure meaningful access to [a covered entity's] programs and activities by limited English proficiency persons, including through the use of alternative communication services."³⁸
12. **Prohibited practices** apply to entities that engage in permitting activity or site or facility selection, "notwithstanding that other covered entities have issued, allowed, or made permits or selections relating to the same program, activity, site, or facility."³⁹
13. **Disparate impact** may occur, regardless of intent, when a facially neutral action or practice "has an adverse or disproportionate impact" or "predictably results in an adverse or disproportionate impact" or "creates, increases, reinforces, or perpetuates discrimination or segregation" with respect to members of a protected class, or "has the effect of violating any of the other prohibitions in Article 9.5 . . ."⁴⁰
14. **Evidence of disparate impact** may include evidence that the benefits of a program or activity are "more burdensome to obtain for members of a protected class" or that the program or activity "creates, increases, reinforces, or perpetuates segregation on the basis of membership in a protected class" or that "a particular condition to receiving benefits of the program disproportionately excludes individuals on the basis of membership in a protected class" or that "the objectives of the program or activity were defeated or substantially impaired for members of a protected class."⁴¹ The practice may be shown to have "caused or predictably will cause a disparate impact."⁴²
15. **Mandatory remedial action** includes – when a state agency "has reasonable cause to believe that a covered entity or entities have violated [Government Code Section 12900 *et seq.* and implementing regulations]" – notifying the covered entity of such violation and submitting "a complaint detailing the alleged violations to the Department for investigation and determination according to Government Code Section 11136."⁴³
16. **Mandatory remedial action** includes – when a covered entity is found to have violated Government Code section 12900 *et seq.* and implementing regulations – a requirement that the state or responsible state agency "terminat[e] all or part of the recipient's state support[.]" "suspens[d] all or part of the recipient's state support[.]"

³⁵ CAL. CODE REGS. tit. 2, § 14026(a)(9)(B).

³⁶ CAL. CODE REGS. tit. 2, § 14026(a)(9)(D).

³⁷ CAL. CODE REGS. tit. 2, § 14026(a)(10)(B).

³⁸ CAL. CODE REGS. tit. 2, § 14101(a)(4).

³⁹ CAL. CODE REGS. tit. 2, § 14026(b).

⁴⁰ CAL. CODE REGS. tit. 2, § 14027(b)(3).

⁴¹ CAL. CODE REGS. tit. 2, §§ 14029(a)(1), (3), (4), (5).

⁴² CAL. CODE REGS. tit. 2, § 14029(b)(1).

⁴³ CAL. CODE REGS. tit. 2, § 14052(a).

debar the recipient from “or otherwise mak[e] the recipient ineligible for, future state support[,]” condition future state support, and/or “plac[e] conditions upon the continuation of present state support.”⁴⁴

17. **Mandatory remedial action** includes – “[w]hen a recipient of state funds is found to have violated” the law and “where another recipient exercises control over such recipient” – requiring “either or both recipients” to take remedial action, “as deemed appropriate by the state or responsible state agency or a court.”⁴⁵
18. **Remedial action** may also include “such remedial actions as the state or responsible state agency deems appropriate to address such violation and the effect of such violation, including requiring provision of benefits, prohibiting discriminatory conduct, or referral of the case to the Attorney General’s Office or other appropriate law enforcement entities for any judicial relief at law or equity . . .”⁴⁶
19. **Remedial action** may be taken during an investigation or complaint process “as the state or responsible state agency deems appropriate to address an alleged violation and the effect of any such alleged violation.”⁴⁷
20. **Compliance with other laws** “does not in itself constitute compliance with or discharge the protections, prohibitions, rights, duties, sanctions, and remedies imposed” by the statute or its implementing regulations.⁴⁸

The combined effect of these and other amendments is to make clear that California civil rights law anticipates, prohibits, and triggers mandatory remedial action to address systemic discrimination, including by multiple state and local agencies such as CDPR and CACs that administer programs to ensure farmworker health and safety and community protection. California state law prohibits disparate impact as well as the denial of full and equal access to the benefits of programs and activities, including permitting, by state and local agencies, including discrimination on the basis of more than one protected class. The prohibitions apply regardless of whether a program or activity receives direct state support, as long as part of a covered entity receives state support. Discrimination as well as denial of full and equal access to benefits of a program occur through action or inaction. They occur through the defeat or substantial impairment of the objectives of a program or activity. They occur through denial of the opportunity to receive the benefits of a program or activity. They occur through practices that reinforce or perpetuate discrimination or segregation. They occur through practices that fail to ensure meaningful access to a program or activity by persons with limited English proficiency. They occur when practices cause or predictably will cause an adverse or disproportionate impact. Mandatory remedial actions result from such violations and may begin during a pending investigation. The amended regulations rebut decades of improper civil rights practice; they state that compliance with existing laws – including health and safety provisions – does not constitute per se compliance with California Government Code Section 11135.

But if the amended rules are unable to redress systemic denial of the benefits of programs such as CDPR’s Restricted Materials Permitting, Pesticide Illness Surveillance, Pesticide Notification, Worker Health and Communication, and Registration and Reevaluation programs, as well as CAC programs for monitoring, enforcement, and permitting, on the basis of race, national origin, ancestry, ethnic group identification, and disability, then California Government Code Section 11135

⁴⁴ CAL. CODE REGS. tit. 2, §§ 14052(c)(1)-(5).

⁴⁵ CAL. CODE REGS. tit. 2, § 14052(d).

⁴⁶ CAL. CODE REGS. tit. 2, § 14053(b).

⁴⁷ CAL. CODE REGS. tit. 2, § 14053(c).

⁴⁸ CAL. CODE REGS. tit. 2, § 14003(a).

will fail to provide the “broadest protections for civil rights”⁴⁹ as intended. Pesticide use within Latino and Mexican Indigenous farmworker communities is among the most longstanding, carefully documented, and egregious denials of civil rights in our state. The powers contained in Section 11135 and its revised regulations must be stood up immediately to address our evidence. Otherwise, they remain little more than denatured rights “without a remedy.”⁵⁰

We respectfully request a meeting to further discuss our evidence. We await your reply.

Sincerely yours,



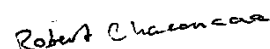
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Robert Chacanaca

President, Monterey Bay Central Labor Council (retired)



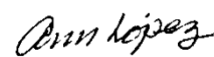
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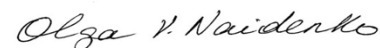
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⁴⁹ CAL. CODE REGS. tit. 2, § 14027(a).

⁵⁰ CENTER ON RACE, POVERTY & THE ENVIRONMENT, *A Right Without a Remedy: How the EPA Failed to Protect the Civil Rights of Latino Schoolchildren* (2016), <https://www.crpe-cj.org/wp-content/uploads/2016/12/Right-without-a-Remedy-FINAL.pdf> (last visited Oct. 7, 2024).



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cc.: Robert Bonta, Attorney General of California
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Julie Henderson, Director, California Department of Pesticide Regulation
Kevin Kish, Director, California Civil Rights Department

Encl.: Gregg Macey, Caroline Farrell, Kayla Anderson, Angel Garcia, Yanelly Martinez, Jane Sellen, Alexis Temkin, and Mark Weller, *Pesticide Use and Civil Rights in Central California: Slow Violence and the State*, 66 ENVIRONMENT: SCIENCE AND POLICY FOR SUSTAINABLE DEVELOPMENT 6-24 (2024).

Letter to Ashley Werner, Deputy Attorney General and Robert Bonta, Attorney General, California Department of Justice re: New Evidence of Civil Rights Violations in the State of California (Feb. 29, 2024).