

## NON-DISCRIMINATION GRIEVANCE PROCEDURES- PESTICIDES

Any person who believes they or others have been subjected to discrimination by the West Virginia Department of Agriculture's ("the WVDA") Pesticides program may file a grievance under this procedure. It is against the law for the WVDA Pesticides program to retaliate against anyone who opposes discrimination, files grievance, or participates in the investigation of a grievance.

### Procedure for Filing a Grievance:

1. Any person who believes that they or others have been discriminated against on the basis of race, color, national origin (including limited-English proficiency), sex, disability, or age, or that they or others have been retaliated against for standing up for those rights, may file a grievance with the WVDA's Pesticide Coordinator. The grievance must:
  - A. Be in writing and clearly identify who the Grievant is (e.g., anonymous grievances cannot be accepted), including his/her signature and contact information such as a phone number and/or an email address to be reached.
  - B. Identify WVDA Pesticides program or a WVDA Pesticide employee who allegedly committed discriminatory action.
  - C. Allege at least one protected base (e.g., race, color, national origin (including limited-English proficiency), sex, disability, or age) that is prohibited by any of the nondiscrimination laws that the WVDA Pesticides program enforces. The grievance should include as much detail as possible as to how the WVDA Pesticides program discriminated against the person(s) on the basis of race, color, national origin (including limited-English proficiency), sex, disability, and/or age, or has otherwise engaged in intimidation or retaliation prohibited by the WVDA and EPA's nondiscrimination regulations. The grievance should also describe the affected community or group(s), and the remedy or relief being sought; and
  - D. Shall be filed within 180 calendar days of the date of the alleged discriminatory action. The WVDA Pesticides program may consider extending this 180-day timeframe for filing, for good cause shown, under certain circumstances.
2. Grievances may be submitted to the WVDA Pesticides Non-Discrimination Coordinator at the contact information below.

Chad Carpenter

## WVDA Non-Discrimination Grievance Procedures- Pesticides

Acting Non-Discrimination Coordinator  
Assistant Director of Pesticides  
West Virginia Department of Agriculture  
1900 Kanawha Blvd E  
Charleston, WV 25305  
Telephone: 304-558-2209  
Email: [ccarpenter@wvda.us](mailto:ccarpenter@wvda.us)

3. Upon receipt of the grievance, the WVDA Pesticides Non-Discrimination Coordinator (or her/his designee) shall determine whether the grievance meets the four jurisdictional factors for investigation. Should the WVDA Pesticides Non-Discrimination Coordinator determine that the WVDA cannot accept jurisdiction of the grievance for investigation, a notice informing the Grievant(s) of this decision shall be provided in writing within 30 days of the grievance filing. Alternatively, should the WVDA Pesticides Non-Discrimination Coordinator decide to accept the grievance for investigation, a notice informing the Complainant(s) of this decision should be provided in writing within 30 days of the grievance filing.
4. When a grievance is accepted for investigation, the investigation shall be prompt and fair (in accordance with 40 C.F.R. 7.90(a)), affording all interested persons an opportunity to submit evidence relevant to the allegations at issue. The WVDA Pesticides Non-Discrimination Coordinator shall maintain the WVDA's files and records with respect to the grievance for a period of no less than five years. To the extent possible, and in accordance with applicable law, the WVDA Pesticides Non-Discrimination Coordinator shall take appropriate steps to preserve the confidentiality of the files and records relating to grievances and shall only share them with those on a need-to-know basis.
5. The availability and use of this WVDA grievance procedure shall not preclude a Grievant from pursuing other legal or administrative remedies, including, but not limited to, filing a complaint of discrimination on the basis of race, color, national origin, sex, age, and/or disability with another state or federal entity, in court, or with the EPA at:

U.S. EPA External Civil Rights  
Compliance Office (2310A)  
1200 Pennsylvania Ave., NW  
Washington, DC 20460

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Email: [Title\\_VI\\_Complaints@epa.gov](mailto:Title_VI_Complaints@epa.gov)

Please note that the WVDA Pesticides grievance procedure does not stay or suspend any timeliness requirements of other federal or state complaint processes and/or the remedies being sought. For example, complaints to the EPA must be filed within 180 days of the date of the alleged discrimination.

6. The WVDA Pesticides Non-Discrimination Coordinator shall make appropriate arrangements to ensure that individuals with disabilities and/or with limited English proficiency are provided auxiliary aids and services or language assistance services, respectively, at no cost to the individual(s), if needed to participate in the grievance process. Such arrangements may include, but are not limited to, providing qualified interpreters, or assuring a barrier-free location for interviews conducted pursuant to the investigation of the grievance. Any person who needs such arrangements may contact the WVDA Pesticides Non-Discrimination Coordinator directly. The WVDA Pesticides Non-Discrimination Coordinator shall ensure that the WVDA provides such arrangements free of charge to the individual(s), and in accordance with applicable policies and regulations.
7. No Grievant shall be intimidated, harassed, threatened, retaliated against, or coerced by the WVDA Pesticides program or its staff because the person has filed a grievance or otherwise participated in any manner in the grievance process.
8. At the conclusion of the investigation, the WVDA Pesticides Non-Discrimination Coordinator shall issue a written decision on the outcome of the WVDA's investigation of the grievance allegations, no later than 30 days after the filing of the grievance, including whether any discrimination was found, a description of the steps the WVDA took during its investigation, and a notice to the Grievant(s) of their right to pursue further administrative appeal or legal remedies.
9. Should findings of discrimination or noncompliance with the WVDA Pesticides nondiscrimination obligations be identified during the investigation:
  - A. The Deputy Director, Assistant Director, or Division Management of the WVDA Pesticides Program shall:
    - i. Submit a written response to the findings of discrimination and/or noncompliance, to include a plan of action to address any recommendations for corrective action.

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### B. The WVDA Pesticides Non-Discrimination Coordinator shall:

- i. Monitor progress of the action items being implemented to address the recommendations for corrective action as identified in the written decision.
- ii. Maintain confidentiality of the identity of the Grievant(s), when possible or practicable.
- iii. After all corrective action measures have been successfully implemented, the WVDA Pesticides Non-Discrimination Coordinator shall issue a written notice to the WVDA Program, acknowledging completion of the identified plan of action and subsequently, closing out the investigation.

10. The WVDA Pesticides Non-Discrimination Coordinator shall ensure the periodic (or annual) review of these Grievance Procedures (for both in-print and online materials), and revise as necessary, to ensure prompt and fair resolution of the discrimination grievances. These Grievance Procedures are only associated with Pesticides Program, and not the WVDA as a whole entity.