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

JAN 14 2013

OFFICE OF
CIVIL RIGHTS

Return Receipt Requested
Certified Mail#: 7004-1160-0002-3622-6215

In Reply Refer to:
EPA File No.: 15R-12-R2

Michael Alston
Director, Office of Civil Rights
Office of Justice Programs
U.S. Department of Justice
810 Seventh Street, N.W.
Washington, DC 20531-3718

Re: Referral of Administrative Complaint

Dear Mr. Alston:

On August 27, 2012, the U.S. Environmental Protection Agency (EPA) Office of Civil Rights (OCR), received a complaint from an inmate at the Five Points Correctional Facility, which is managed by the New York State Department of Corrections and Community Supervision (NYS DOCCS). The complaint alleged that the Five Points Correctional Facility: 1) failed to provide cigarette butt cans in staff smoking facilities, posing a threat to human life and wildlife; 2) disposed of trash in large, cheap trash bags which were left outside overnight, posing a threat to crows and seagulls; and, 3) used mentally disabled inmates to pick up cigarette butts by hand. Neither Five Points Correctional Facility nor the NYS DOCCS are recipients of EPA financial assistance. Therefore, the complaint is not within EPA OCR jurisdiction to investigate, and OCR must reject the complaint for investigation.

However, because the U.S. Department of Justice (DOJ) may have subject matter expertise over the allegations in this complaint, the complaint is being referred to DOJ to review and investigate as you deem appropriate. We have notified the complainant that his complaint has been forwarded to DOJ and provided him with your contact information. If you have any questions about this matter, please contact Helena Wooden-Aguilar at (202) 564-0792, via email at wooden-aguilar.helena@epa.gov, or via mail at U.S. EPA, Office of Civil Rights, (Mail Code 1201A), 1200 Pennsylvania Avenue, N.W., Washington, DC, 20460.

Sincerely

Rafael DeLeon

Rafael DeLeon
Director

Enclosure(s)

cc: [redacted] Complainant

Brian Fischer, Commissioner
NYS Department of Corrections and Community Supervision
Building 2
1220 Washington Ave.
Albany, NY 12226-2050

Melva Hayden
U.S. EPA Region 2

Stephen G. Pressman, Associate General Counsel
Civil Rights and Finance Law Office (MC 2399A)