UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

EXTERNAL CIVIL RIGHTS COMPLIANCE OFFICE
OFFICE OF GENERAL COUNSEL

August 11, 2017

Return Receipt Requested
Certified Mail #: 7015 3010 0001 1267 6130

In Reply Refer to:
EPA File No. 17X-17-R4

(b) (6) - Privacy
Franklin Correction Center
(b) (6) - Privacy
Bunn, NC (b) (6) - Privacy

Re: Rejection of Administrative Complaint

Dear (b) (6) - Privacy

On May 1, 2017, the U.S. Environmental Protection Agency's (EPA) External Civil Rights Compliance Office (ECRCO) received your correspondence regarding the possibility that you may have been exposed to asbestos between 1980 and 1982 while you were working during high school. You state that this occurred because your employer did not provide appropriate equipment or training. Please note that ECRCO is responsible for enforcing several civil rights laws which, together, prohibit discrimination on the basis of: race, color, or national origin (including on the basis of limited-English proficiency); sex; disability; and age, by applicants for and recipients of federal financial assistance from EPA. As explained below, ECRCO cannot accept your complaint for investigation as it does not meet the jurisdictional requirements of EPA's Regulation at 40 C.F.R. Part 7.

Pursuant to the EPA's nondiscrimination regulation, ECRCO conducts a preliminary review of each administrative complaint for acceptance, rejection, or referral. To be accepted for investigation, a complaint must meet the jurisdictional requirements described in EPA's nondiscrimination regulation. First, it must be in writing. See 40 C.F.R. § 7.120(b)(1). Second, the complaint must describe an alleged discriminatory act that, if true, would violate the EPA's nondiscrimination regulation (i.e., an alleged discriminatory act based on race, color, national origin, age, sex, or disability). Id. Third, it must be filed within 180 days of the alleged discriminatory act. See 40 C.F.R. § 7.120(b)(2). Finally, the complaint must be filed against an applicant for, or recipient of, EPA assistance that allegedly committed the discriminatory act. See 40 C.F.R. § 7.15.

You did submit your complaint in writing. However, you have not described an act of discrimination that, if true, would violate one of the laws enforced by our office. In addition, our office does not have jurisdiction to act upon actions which began and ended several years ago. You also did not include the name of the government agency that hired you for the work at the

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Alamance School District. The District does not receive funding from the EPA. For these reasons, ECRCO lacks the required jurisdiction to proceed and must close this matter as of the date of this letter.

You may find the following websites helpful regarding your concerns about possible asbestos contamination. The North Carolina Department of Environmental Quality has a link at https://deq.nc.gov/about/divisions/environmental-assistance-customer-service/deacs-permit-guidance/faq#asbestos. The EPA also has a link at https://www.epa.gov/asbestos which might be helpful.

If you have any further questions about this correspondence, please contact Debra McGhee, Team Lead, at 202-564-4646, or by email at mcghee.debra@epa.gov.

Sincerely,

Lilian S. Dorka
Director
External Civil Rights Compliance Office
Office of General Counsel

cc: Kenneth Redden
Acting Associate General Counsel
Civil Rights & Finance Law Office

Vickie Tellis
Acting Assistant Regional Administrator
Acting Deputy Civil Rights Official
U.S. EPA Region 4