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

EXTERNAL CIVIL RIGHTS COMPLIANCE OFFICE
OFFICE OF GENERAL COUNSEL

September 29, 2017

Return Receipt Requested
Certified Mail #: 7(b) (6) - Privacy

In Reply Refer to:
EPA File No: 04R-16-R4

(b) (6) - Privacy
Winterville, GA 30683

Re: Rejection/Closure of Administrative Complaint

Dear (b) (6) - Privacy

On October 30, 2015, the U.S. Environmental Protection Agency (EPA), External Civil Rights Compliance Office (ECRCO) received your administrative complaint alleging that the African American) residents of (b) (6) - Privacy and (b) (6) - Privacy in Athens, Georgia are being subjected to discrimination on the basis of race by due to fluoridation of the municipal water supplies without being informed of the whole body fluoride dosing risks in violation of Title VI of the Civil Rights Act of 1964, as amended (Title VI), 42 U.S.C. §§ 2000d *et seq.*, and EPA's nondiscrimination regulation found at 40 C.F.R Part 7. After careful review, ECRCO has concluded that an investigation in this case is not justified in light of the facts presented. Accordingly, this matter is closed as of the date of this letter.

Pursuant to EPA's nondiscrimination regulation, ECRCO conducts a preliminary review of administrative complaints to determine acceptance, rejection, or referral to the appropriate Federal agency. *See* 40 C.F.R. § 7.120(d)(1). To be accepted for investigation, a complaint must meet the jurisdictional requirements described in the EPA's nondiscrimination regulation. First, the complaint must be in writing. *See* 40 C.F.R. § 7.120(b)(1). Second, it must describe an alleged discriminatory act that, if true, may violate the EPA's nondiscrimination regulation (i.e., an alleged discriminatory act based on race, color, national origin, sex, age, 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 financial assistance that allegedly committed the discriminatory act. *See* 40 C.F.R. § 7.15.

In addition to the above factors, ECRCO will also consider whether a complaint allegation (including any additional information provided by the Complainant) provides information sufficiently grounded in fact. Where a complaint allegation is not sufficiently grounded in fact, ECRCO may conclude that an investigation is unjustified, and may reject a complaint on this basis.

Your original correspondence did not contain sufficient information to establish EPA's jurisdiction. Accordingly, ECRCO contacted you on February 11, 2016, via certified mail to request additional clarification regarding your allegation of discrimination, specifically, we requested that you provide the identity of the entity that you believe is responsible for the alleged discrimination in violation of Title VI, and the specific date(s) that the alleged discriminatory act(s) occurred. In Addition, I personally wrote to you several times via email (three times on February 24, 2016 and again on February 29, 2016) to discuss information you submitted via email after receiving our February 11, 2016 letter, which did not respond to our request for clarification. On March 10, 2016, you wrote to me and Sam Peterson of my staff that, "[d]iscrimination has clearly occurred in GA by forced fluoridation and across the nation." On March 14, 2016, in an email addressed to former Office of Civil Rights Director, Velveta Howell you wrote, "[p]lease see the most recent update on GA EPD below that is relevant to my discrimination fluoridation complaint. GA EPD continues to intentionally contaminate municipal water supplies with chemical compounds to fluoridate, and promote expansion of these corrosive neurotoxic agents that stress already crumbling water infrastructures and remain persistent in the environment."

In evaluating your description of the alleged discriminatory act contained in your original complaint as well as subsequent correspondence, ECRCO has determined that it cannot accept your administrative complaint for investigation as the allegation is conclusory and not sufficiently grounded in fact. Specifically, the facts you have presented remain unclear regarding what exactly you are alleging is the discriminatory act resulting in discrimination on the basis of race, and who is allegedly responsible for that act. Accordingly, ECRCO is closing this case as of the date of this letter.

If you have any questions about this correspondence, please contact Samuel Peterson, Case Manager, at (202) 564-5393, by e-mail at peterson.samuel@epa.gov or by mail at U.S. EPA Office of Civil Rights, (Mail Code 1201A), 1200 Pennsylvania Avenue, NW, Washington, D.C. 20460.

Sincerely,

Lilian S. Dorka
Director
External Civil Rights Compliance Office

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

Kenneth Lapierre
Assistant Regional Administrator
Deputy Civil Rights Official,
U.S. EPA Region 4