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

EXTERNAL CIVIL RIGHTS COMPLIANCE OFFICE
OFFICE OF GENERAL COUNSEL

November 3, 2017

**Return Receipt Requested**
Certified Mail No. (b) (6) - Privacy

**In Reply Refer to:**
EPA File No: 32D-16-R9

Mr. Roger Severino
Director, Office of Civil Rights
U.S. Department of Health and Human Services
200 Independence Avenue, SW
Room 509F, HHH Building
Washington, D.C. 20201

**Re: Referral of Administrative Complaint**

Dear Mr. Severino:

On June 6, 2016, the U.S. Environmental Protection Agency (EPA) External Civil Rights Compliance Office (ECRCO) received a complaint originally submitted to the Department of Justice (DOJ) on August 9, 2015. The Complainant alleged that Santa Clara County Vector Control Department refused to provide a reasonable accommodation which was necessary due to her mother's disability in violation of the Americans with Disabilities Act (ADA). The complaint was forwarded by DOJ to EPA for processing under Section 504 of the Rehabilitation Act of 1973.

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.

After careful consideration ECRCO has determined that it does not have jurisdiction over this matter because the SCCVCD is neither a recipient of or an applicant for EPA funding. It is our understanding, however, that SCCVCD may be a recipient of federal funding from the Department of Health and Human Services (a grant awarded to the State of California to prevent the spread of Zika). Accordingly, we are referring this matter to your office for appropriate action. A copy of ECRCO's closure letter to [redacted] and a copy of her original complaint filing with the DOJ are enclosed. We have notified [redacted] that her complaint has been forwarded to HHS for appropriate action and have provided her your contact information.

If you have any questions regarding this letter, please contact Debra McGhee at (202) 564-4646 or by mail at the U.S. EPA Office of Civil Rights (Mail Code 1201A), 1200 Pennsylvania Avenue, N.W., Washington D.C. 20460-1000.

Sincerely,

Dale Rhines
Deputy Director
External Civil Rights Compliance Office
Office of General Counsel

Enclosure

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

Deborah Jordan
Acting Deputy Regional Administrator
Acting Deputy Civil Rights Official
US EPA, Region 9