# 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#: (b) (6) - Privacy [redacted]

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

(b) (6) - Privacy, (b) (7)(C) - Enforcement Privacy [redacted]
Santa Fe, New Mexico 87508

**Re: Rejection and Referral of Administrative Complaint**

Dear (b) (6) - Privacy, (b) (7)(C) - Enforcement Privacy [redacted]

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

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, as we discussed by telephone on September 18, 2017, ECRCO has concluded that we cannot accept your complaint for investigation. ECRCO has determined that SCVCD is neither an applicant for or a recipient of EPA financial assistance. As such, ECRCO lacks the jurisdiction to accept your complaint for investigation.

However, it is ECRCO's understanding that the U.S. Department of Health and Human Services (HHS) may have jurisdiction over the issues identified in your complaint. Accordingly, this matter is being referred to HHS for appropriate action. A copy of the letter of referral to HHS is enclosed. You may contact the HHS about this matter by writing to Roger Severino, Director, Office for Civil Rights, U.S. Department of Health and Human Services, 200 Independence Avenue, SW, Room 509F, HHH Building, Washington, D.C. 20201; by calling 1-800-368-1019; or by writing to ocrmail@hhs.gov, or by calling (800) 368-1019.

Accordingly, this case is closed as of the date of this letter. If you have questions about this letter, please feel free to contact Debra McGhee, Team Lead, at (202) 564-4646.

Sincerely,

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

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

Deborah Jordan
Acting Deputy Regional Administrator
Acting Deputy Civil Rights Official
U.S. EPA, Region 9