UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

EXTERNAL CIVIL RIGHTS COMPLIANCE OFFICE
OFFICE OF GENERAL COUNSEL

April 9, 2019

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

In Reply Refer to:
EPA Complaint No. 01NO-19-R9

Kelly Ortberg
Chief Executive Officer
Collins Aerospace
8200 Arlington Ave
Riverside, CA 92503

Re Rejection and Closure of Administrative Complaint

Dear Mr. Ortberg:

This letter is to notify you that the U.S. Environmental Protection Agency (EPA), External Civil Rights Compliance Office (ECRCO), received correspondence on March 26, 2019, alleging discrimination by Collins Aerospace (specifically, the Riverside Plant) based on national origin (Hispanic) in violation of Title VI of the Civil Rights Act of 1964.[1] The complaint alleges that Collins Aerospace management discriminated against the Complainant and other workers by ignoring complaints of leaking chromium paint, and by refusing to address hazardous working conditions. In addition, the complaint alleges that Collins Aerospace management retaliated against the Complainant because he complained about working conditions and because he filed a complaint with the Equal Employment Opportunity Commission (EEOC). After careful consideration ECRCO cannot accept the complaint for investigation.

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

[1] Although Complainant's initial communication with ECRCO did not explicitly allege discrimination, during an interview with ECRCO Complainant stated that he intended to allege discrimination based on national origin by Collins Aerospace management.

of, EPA financial assistance that allegedly committed the discriminatory act. *See* 40 C.F.R. § 7.15.

ECRCO has concluded that it cannot accept this complaint for investigation because it does not meet the jurisdictional requirements described in EPA's nondiscrimination regulation. Specifically, Collins Aerospace is not an applicant for, or recipient of, EPA financial assistance. ECRCO informed the Complainant that Collins Aerospace is not a recipient of EPA financial assistance, and as a result ECRCO does not have jurisdiction to investigate the claims raised in the complaint. Accordingly, ECRCO is closing case number (01NO-19-R9) as of the date of this letter.

If you have questions about this letter, please contact ECRCO Team Lead Debra McGhee, at (202) 564-4646, via email at mcghee.debra@epa.gov or by mail at U.S. EPA, Office of General Counsel, Mail Code 2310A, Room 2524, 1200 Pennsylvania Avenue, NW, Washington, DC, 20460-1000.

Sincerely,

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

cc: Angelia Talbert-Duarte
Acting Associate General Counsel
Civil Rights & Finance Law Office

Deborah Jordan
Deputy Regional Administrator
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