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

EXTERNAL CIVIL RIGHTS COMPLIANCE OFFICE
OFFICE OF GENERAL COUNSEL

June 18, 2018

Return Receipt Requested
Certified Mail (b) (6) - Privacy

In Reply Refer to:
EPA File No. 08R-16-R6

Adam Smith
Director of Environmental Services
222 Saint Louis Street
City Hall Eighth floor
Baton Rouge, LA 70802

Re: Rejection of Administrative Complaint

Dear Mr. Smith:

The U.S. Environmental Protection Agency (EPA), External Civil Rights Compliance Office (ECRCO) received a complaint on December 22, 2015, later amended on August 9, 2016, alleging that the City of Baton Rouge (the City) has violated Title VI of the Civil Rights Act of 1964, as amended (Title VI), 42 U.S.C. §§ 2000d *et seq.*, and EPA's nondiscrimination regulations found at 40 C.F.R Part 7. Specifically, the Complainant alleged that there are discrepancies in the amount of money being spent in minority communities and poor communities throughout the City, the City is not matching the services in the community "dollar for dollar" and there are "odors and health problems still permeating the whole community." After careful review, ECRCO has determined that it cannot accept the complaint for investigation as it does not meet the jurisdictional requirements set forth in EPA's nondiscrimination regulation.

Pursuant to EPA's nondiscrimination regulation, ECRCO conducts a preliminary review of each administrative complaint for acceptance, rejection, or referral. *See* 40 C.F.R. § 7.120(d)(1). 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 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.

ECRCO wrote to the Complainant on June 8, 2016, asking for clarification of the allegations raised in order to determine our legal authority to investigate the complaint, including whether the complaint was timely filed within 180 days of any alleged discriminatory act by an EPA recipient. In response to ECRCO, the Complainant sent an email dated August 9, 2016, containing a news story about the work of the EPA and a paragraph adding additional claims of alleged discrimination. None of the information submitted, however, responded to our request for clarification of the original claims. Thus, ECRCO could not establish from the information provided that the complained of actions occurred no more than 180 days prior to the filing of the complaint with our agency and that they were carried out by a recipient of EPA financial assistance.

With respect to the new claims raised in the Complainant's August 9, 2016 email, ECRCO cannot investigate many of the claims because they relate to actions by entities that are not recipients of EPA financial assistance and the subject matter is not within our jurisdiction. We do not have jurisdiction to investigate the proposed moving of a zoo or the lack of hospitals in the city. ECRCO also does not have jurisdiction to review law enforcement performance, passenger rail service or the economic development of one part of the city compared to another. For those claims that do allege acts that might fall under EPA's subject matter jurisdiction, the Complainant did not provide any details that would allow ECRCO to identify a specific act by or policy of an EPA recipient that caused the alleged harm described. In addition, the Complainant did not provide any dates regarding when any harmful acts were taken by an EPA recipient.

After careful consideration, ECRCO has concluded that it cannot accept the complaint for investigation because it does not meet the jurisdictional requirements described in EPA's nondiscrimination regulation. Therefore, ECRCO is rejecting and closing the complaint as of the date of this letter.

If you have questions about this letter, please contact Case Manager Ericka Farrell, at (202) 564-0717, via e-mail at farrell.ericka@epa.gov, or by mail at U.S. EPA, External Civil Rights Complaints Office, 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 Complaints Office
Office of General Counsel

cc: Elise Packard
Associate General Counsel
Civil Rights & Finance Law Office

David Gray
Acting Deputy Regional Administrator
Acting Deputy Civil Rights Official
US. EPA Region 6