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

(b) (6) Privacy, (b) (7)(C) Enforcement Privacy

Baton Rouge, Louisiana 70807

Re: Rejection of Administrative Complaint

Dear (b) (6) Privacy, (b) (7)(C) Enforcement Privac

The U.S. Environmental Protection Agency (EPA), External Civil Rights Compliance Office (ECRCO) received your correspondence via email on December 22, 2015, later amended on August 9, 2016, alleging that the City of Baton Rouge (the City) 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 regulation found at 40 C.F.R Part 7. Specifically, you 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 your community "dollar for dollar" and there are "odors and health problems still permeating our whole community." After careful review, ECRCO has determined that it cannot accept your 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 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.

ECRCO wrote to you on June 8, 2016, asking for clarification of the allegations you raised in order to determine our legal authority to investigate your complaint, including whether your complaint was timely filed within 180 days of any alleged discriminatory act by an EPA recipient. In response to ECRCO, you 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 you submitted, however, responded to our request for clarification of your original claims. Thus, ECRCO cannot establish from the information you provided that the complained of actions occurred no more than 180 days prior to the filing of your complaint with our agency and that they were carried out by a recipient of EPA financial assistance.

With respect to the new claims you raised in your August 9, 2016 email, ECRCO cannot investigate many of your 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, you have not provided 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, you have not provided any dates regarding when any harmful acts were taken by an EPA recipient.

After careful consideration, ECRCO has concluded that it cannot accept your complaint for investigation because it does not meet the jurisdictional requirements described in EPA's nondiscrimination regulation. Therefore, ECRCO is rejecting and closing your 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, Office of Civil Rights (Mail Code 1201A), 1200 Pennsylvania Avenue, NW, Washington, DC, 20460-1000.

Sincerely,

Lilian S. Dorka
Director
External Civil Rights Compliance 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