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

EXTERNAL CIVIL RIGHTS COMPLIANCE OFFICE
OFFICE OF GENERAL COUNSEL

June 17, 2019

Return Receipt Requested
Certified Mail#: 7015 3010 0001 1267 1371

In Reply Refer to:
EPA Complaint No: 04R-19-R4

(b) (6) Privacy
Railroad Safety Inspector
Federal Railroad Administration, Region 3
61 Forsythe Street SW
Suite 16T20
Atlanta, GA 30303

Re: Referral of Administrative Complaint

Dear (b) (6) Privacy

This letter is to notify you that the Environmental Protection Agency's (EPA), External Civil Rights Compliance Office (ECRCO) is referring your complaint filed against the Georgia Department of Natural Resources (hereinafter "GA DNR") to the Department of Homeland Security's (DHS) Office for Civil Rights and Civil Liberties (CRCL) and to the Department of Interior's (DOI) Public Civil Rights Division (PCRD). You allege that employees of the GA DNR's Law Enforcement Division discriminated against you on the basis of your race(black) as you were working in proximity to the security zone associated with the 2019 Super Bowl (Super Bowl LIII), in violation of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000d to 2000d-7 (Title VI) and EPA's nondiscrimination regulation found at 40 C.F.R. Part 7.

ECRCO is responsible for processing complaints alleging that applicants for or recipients of EPA financial assistance have discriminated against persons, including on the basis of race, color or national origin, in violation of Title VI and other federal nondiscrimination laws and EPA's nondiscrimination regulation found at 40 C.F.R. Parts 5 and 7. 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).

This complaint involves the actions of officers of the GA DNR Law Enforcement Division during the period of heightened security prior to Super Bowl LIII. Super Bowl LIII had been

designated a National Special Security Event (NSSE) by the DHS Secretary[1]. By Presidential directive, the U.S. Secret Service, an agency located within DHS, is the lead agency for design and implementation of operational security plans for NSSEs[2]. DHS provides federal financial assistance to GA DNR. In light of this, and due to the subject matter of your allegations, ECRCO is referring your complaint to DHS's CRCL for appropriate handling.

In addition, ECRCO is referring your complaint, for appropriate handling, to the U.S. Department of Interior's (DOI) Public Civil Rights Division (PCRD). DOI also provides funding to GA DNR and DOI sub-agencies include, within the Fish and Wildlife Service, the Office of Law Enforcement, which handles law enforcement functions similar to those handled by GA DNR's Law Enforcement Division.

Accordingly, after careful consideration ECRCO is closing your EPA complaint as of the date of this letter. If you have questions about this letter, please contact ECRCO Team Lead Debra McGhee, by phone at (202) 564-4646, by email at mcghee.debra@epa.gov or by mail at 1200 Pennsylvania Avenue, NW, Mail Code 2310A, Room 2524, 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

Beverly Banister
Acting Deputy Regional Administrator
Acting Deputy Civil Rights Official
EPA Region 4

[1] Conversation with Federal Bureau of Investigation Attorney Advisor Kelly Gray, June 14, 2019.
[2] *See* National Special Security Events: Fact Sheet, Congressional Research Service, January 25, 2017, available at: https://www.hsdl.org/?abstract&did=798471

Leif Palmer
Regional Counsel
EPA Region 4

Daria Neal
Deputy Chief
Federal Coordination and Compliance Section
Civil Rights Division
U.S. Department of Justice