UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

EXTERNAL CIVIL RIGHTS COMPLIANCE OFFICE
OFFICE OF GENERAL COUNSEL

November 8, 2019

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

In Reply Refer to:
EPA Complaint No.: 01NO-20-R9

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

Re: Acknowledgement and Rejection of Administrative Complaint

Dear Mr. Ortberg:

On November 4, 2019, the U.S. Environmental Agency (EPA), External Civil Rights Office (ECRCO) received a complaint filed against UTC Collins Aerospace (Collins Aerospace), specifically, the Riverside plant, alleging discrimination based on national origin (Hispanic) in violation of Title VI of the Civil Rights Act of 1964.[1] The complaint alleges that Collins Aerospace discriminated against employees and the surrounding community on the basis of national origin by failing to test employees for exposure to chromium paint and failing to address toxic air issues. 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 the communication most recently received by ECRCO did not explicitly allege discrimination, during an interview with ECRCO, conducted in response to earlier correspondence related to concerns about workers' exposure to chromium paint fumes, the Complainant stated they 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. As a result, ECRCO does not have jurisdiction to investigate the claims raised in the complaint. Accordingly, ECRCO is closing this case as of the date of this letter. ECRCO has provided contact information to the Complainant about other California State agencies that may be able to assist in this matter.

If you have questions about this letter, please contact Dale Rhines, Deputy Director, ECRCO at (202) 564-4174, via email at rhines.dale@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
Deputy Civil Rights Official
EPA Region 9

Sylvia Quast
Regional Counsel
EPA Region 9

Richard Corey
Executive Officer
California Air Resources Board
P.O. Box 2815
Sacramento, CA 95812

Lauren Zeise, Ph.D.
California Environmental Protection Agency
Office of Environmental Health Hazard Assessment
P.O. Box 2815
Sacramento, CA 95812-2815

Peter Riley, Regional Manager
California Occupational Safety and Health Act
Region 3 - Santa Ana Regional Office
2 MacArthur Place, Suite 720
Santa Ana, CA 92707

Mike Shalhub
County of Riverside
Department of Environmental Health- Riverside Health Bldg.
Hazardous Materials
4065 County Circle Dr
Riverside, CA 92503