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

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

Perris, CA 92570

Re: Acknowledgement and Rejection of Administrative Complaint

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

On November 4, 2019, the U.S. Environmental Agency (EPA), External Civil Rights Office (ECRCO) received your 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] You allege that your employer, Collins Aerospace, discriminated against you and other 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 of, EPA financial assistance that allegedly committed the discriminatory act. *See* 40 C.F.R. § 7.15.

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[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 your concern about workers' exposure to chromium paint fumes, you stated that you intended to allege discrimination based on national origin by Collins Aerospace management.

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 would like to suggest some California State agencies that may be able to assist you in this matter. The California Air Resources Board (CARB) is the primary state agency responsible for actions to protect public health from the harmful effects of air pollution. Their helpline can be reached by email at helpline@arb.ca.gov; by calling (800)242-4450, or by writing to P.O. Box 2815, Sacramento, CA 95812.

The California Office of Environmental Health Hazard Assessment (OEHHA) accepts complaints from individuals who have "observed an activity, physical evidence of an activity or have knowledge of what you think may be a possible illegal act that caused harm or damage to California's public health or environment."[2] OEHHA provides an Environmental Complaint Form on their website which is found at oehha.ca.gov. They can be reached by calling (916) 324-7572; by emailing answers@oehha.ca.gov, or by writing to OEHHA, P.O. Box 4010, Sacramento, CA 95812-4010.

Also, you may wish to contact the Division of Occupational Safety and Health (DOSH), better known as Cal/OSHA with your workplace concerns. They can be reached by calling (714) 558-4300; or by emailing DIRDOSHRegionIII@dir.ca.gov, or by writing to Peter Riley, Regional Manager, 2 MacArthur Place, Suite 720, Santa Ana, CA 92707.

Locally, you can also contact the County of Riverside, Department of Environmental Health's Health Hazardous Materials Branch. This local agency is responsible for inspecting facilities that handle hazardous materials, generate hazardous waste, and treat hazardous waste. They can be reached by calling (951) 358-5055, or by filing a complaint at http://www.rivcoeh.org/Complaint, or by writing to County of Riverside, Department of Environmental Health- Riverside Health Bldg., Hazardous Materials, 4065 County Circle Dr Riverside, CA 92503.

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

[2] The OEHHA website, at https://oehha.ca.gov/about/contact-us

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

[redacted]

Counsel, Mail Code 2310A, Room 2524, 1200 Pennsylvania Avenue, NW, Washington, DC, 20460-1000.

Sincerely,

Lilian S. Dorka
Director
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Office of General Counsel

cc: Angelia Talbert-Duarte
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