



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

JAN 09 2008

OFFICE OF
CIVIL RIGHTS

Return Receipt Requested

Certified Mail #7004-2510-0004-2241-8118

In Reply Refer to:

EPA File No. 02R-07-R10



Re: Rejection of Administrative Complaint

Dear [REDACTED]

This letter is in response to your administrative complaint filed with the U.S. Environmental Protection Agency (EPA) Office of Civil Rights (OCR). You allege that the Oregon Department of State Lands (DSL) 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. Your complaint was received by EPA on March 23, 2007. The complaint alleged that DSL retaliated against you when you were discharged from your employment for opposing discrimination when DSL refused to address a Title VI violation and an environmental violation in Blue River, Oregon.

OCR is responsible for processing and investigating complaints of discrimination filed against programs or activities that receive financial assistance from EPA. Pursuant to EPA's nondiscrimination regulations, OCR conducts a preliminary review of discrimination complaints to determine acceptance, rejection, or referral. 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 regulations. First, it must be in writing. Second, it must describe an alleged discriminatory act that, if true, may violate EPA's nondiscrimination regulations (*i.e.*, an alleged discriminatory act based on race, color, national origin, sex, or disability). Third, it must be filed within 180 calendar days of the alleged discriminatory act. Finally, it must be filed against an applicant for, or a recipient of, EPA financial assistance that committed the alleged discriminatory act. (A copy of EPA's nondiscrimination regulations is enclosed for your convenience.)

After careful review, OCR has concluded that it cannot accept your complaint for investigation because it does not meet the jurisdictional requirements described in EPA's regulations implementing Title VI. Therefore, OCR must reject your complaint.

Your complaint alleges that DSL discriminated against you and terminated your employment due to your race, color, national origin, and age. Title VI statutorily restricts claims of employment discrimination to instances where the "primary objective" of the financial assistance is to provide employment. 42 U.S.C. § 2000d-3. EPA's primary objective in providing financial assistance to DSL is not to provide employment. If the funds had been for providing employment, then the Oregon Department of State Lands' employment practices may have been subject to EPA review under Title VI. Because this allegation does not meet the jurisdictional requirements in EPA's nondiscrimination regulations, EPA cannot accept it for investigation.

In addition, your complaint states that DSL "refused to address an environmental violation in Blue River, Oregon." Noncompliance with environmental laws or regulations, without more, does not constitute noncompliance with EPA's nondiscrimination regulations. Since this allegation did not describe an alleged discriminatory act that would violate EPA's nondiscrimination regulations, EPA cannot accept it for investigation.

If you have any questions, please contact Anthony Napoli of my staff via Federal Relay Service 800-877-8337, and provide the relay operator his telephone number 202-233-0652. He may also be reached via electronic mail at Napoli.Anthony@epa.gov, or by mail at: U.S. EPA, Office of Civil Rights (Mail Code 1201A), 1200 Pennsylvania Ave., N.W., Washington, D.C. 20460-1000.

Sincerely,



Karen D. Higginbotham
Director

Enclosure

cc: Stephen G. Pressman, Associate General Counsel
Civil Rights and Finance Law Office
Office of General Counsel (2399A)

Robert Hartman, Title VI Coordinator
EPA Region 10