



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D C. 20460

Office of Environmental Justice and External Civil Rights
Office of External Civil Rights Compliance

October 3, 2022

In Reply Refer to:

EPA Complaint No. 02Rr-22-R9

Mark O. Rabauliman
STEP Project Director
CNMI Small Business Administration STEP Program
CNMI Department of Commerce
Post Office Box 5799 CHRB
Saipan, MP 96950
Cnmi.step@commerce.gov.mp

Re: Rejection of Correspondence

Dear Mr. Rabauliman:

I write to respond to a letter regarding the Office of Planning and Development (OPD) and the Office of the Governor (OG) of the Commonwealth of the Northern Mariana Islands (CNMI) that was received by the Environmental Protection Agency (EPA), External Civil Rights Compliance Office (OECRC) on July 20, 2022. The correspondence claims that OPD and the OG discriminated on the basis of race (African American), color, sex and political view in violation of Title VI of the Civil Rights Act of 1964 during a meeting on July 20, 2022, when representatives of the CNMI Agencies allegedly asked complainant to asked you to disconnect from an online webinar conducted by the CNMI's Small Business Administration's State Trade Expansion Program (STEP) Program. The complaint also alleged retaliation because the STEP Administrator's request was made in response to complainant's raising concerns about corruption in the implementation of the STEP program.

OECRC's function, in part, is to process discrimination complaints involving recipients of EPA financial assistance, so we have assumed the correspondence should be treated as a complaint. For the reasons identified below, OECRC is rejecting this correspondence as of the date of this letter and will take no further action regarding this matter.

Pursuant to EPA's nondiscrimination regulation, OECRC conducts a preliminary review of correspondence 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. *See* OECRC's Case Resolution for a more detailed explanation, available at https://www.epa.gov/sites/production/files/2021-01/documents/2021.1.5_final_case_resolution_manual_.pdf.

After careful consideration OECRC is not accepting your complaint for investigation because it does not satisfy the jurisdictional requirements for a complaint. Neither OPD nor OG is currently a recipient of EPA financial assistance. As such, OECRC rejects this complaint as of the date of this letter. Because the CNMI Agencies are recipients of the Small Business Administration (SBA), this complaint may be more appropriately addressed by the SBA. OECRC notes that the complaint was concurrently filed with SBA.

If you have any questions, please contact Anhthu Hoang, Acting Director at hoang.anhthu@epa.gov.

Sincerely,

Anhthu Hoang, Acting Director
Office of External Civil Rights Compliance
Office of Environmental Justice and
External Civil Rights

cc: Ariadne Goerke
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Civil Rights & Finance Law Office

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