



UNITED STATES ENVIRONMENTAL
PROTECTION AGENCY
WASHINGTON, D C. 20460

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

March 8, 2023

In Reply Refer to:

EPA Complaint No: O2X-23-R4

Sharon N. Rose
Northwest Correctional Complex
960 State Route 212
Tiptonville, TN 38070
Sharon.n.rose@tn.gov

Re: Acknowledgement, Rejection & Referral of Receipt of Administrative Complaint

Dear Warden Rose:

This letter is to notify you that the U.S. Environmental Protection Agency (EPA), Office of Environmental Justice & External Civil Rights Compliance, Office of External Civil Rights Compliance (OECRC),¹ received a complaint on February 22, 2023, involving the Northwest Correctional Complex regarding lack of clean air at the facility causing complainant difficulty breathing.

After careful review, OECRC has determined that OECRC is rejecting the complaint for investigation because it does not meet the jurisdictional requirements described in the EPA's nondiscrimination regulation. However, OECRC is referring the complaint to the U.S. Department of Justice (DOJ).

Pursuant to EPA's nondiscrimination regulation, OECRC 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.

¹ On September 24, 2022, EPA announced the establishment of the [Office of Environmental Justice and External Civil Rights](#) (OEJECR). The new Office includes the External Civil Rights Compliance Office, which was renamed the [Office of External Civil Rights Compliance](#) (OECRC). [OECRC](#) continues to enforce and ensure compliance with federal civil rights laws, which prohibit discrimination by applicants for and recipients of EPA financial assistance. OECRC accomplishes in accordance with the procedure described in the [Case Resolution Manual](#).

The correspondence does not meet the jurisdictional requirements of the EPA's nondiscrimination regulation at 40 CFR Part 7. Specifically, the Northwest Correctional Complex is not a recipient of EPA financial assistance, and the requests for funds and/or grants are beyond OECRC's jurisdictional authorities. As a result, the OECRC must reject the complaint and close this case as of the date of this letter.

Because the U.S. Department of Justice (DOJ), Civil Rights Division may have jurisdiction, OECRC will refer the complaint to DOJ for appropriate action. A copy of the letter to DOJ is enclosed with this correspondence. Please contact Steven Rosenbaum at DOJ for information regarding the referral of this complaint. Mr. Rosenbaum's contact information is:

U.S. Department of Justice
Special Litigation Section
Civil Rights Division
950 Pennsylvania, Avenue, NW
Washington, DC 20530
or steven.rosenbaum@usdoj.gov

We are also forwarding to DOJ a copy of the complaint.

If you have any questions about the status of this correspondence, please contact me by telephone at (202 809-3297 or by email at hoang.anhthu@epa.gov.

Sincerely,

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

cc: Ariadne Goerke
Deputy Associate General Counsel
Civil Rights & Finance Law Office

Jeaneanne Gettle
Deputy Regional Administrator
Deputy Civil Rights Official
US EPA Region 4

Leif Palmer
Regional Counsel