



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

AUG 21 2015

OFFICE OF
CIVIL RIGHTS

Return Receipt Requested

Certified Mail #: (b)(6) Privacy, (b)(7)(C) Enf. Privacy

In Reply Refer to:

EPA File No 15U-15-R4

(b)(6) Privacy, (b)(7)(C) Enf. Privacy

Pamlico Correctional Institute

(b)(6) Privacy, (b)(7)(C) Enf. Privacy

Bayboro, North Carolina 28515

Re: Rejection and Referral of Administrative Complaint

Dear

(b)(6) Privacy, (b)(7)(C) Enf. Privacy

This letter is to notify you that the U.S. Environmental Protection Agency (EPA), Office of Civil Rights (OCR), received your complaint on June 30, 2015, alleging that the Eastern Correctional Facility (ECF), the North Carolina Department of Corrections (NCDOC), and the North Carolina Department of Public Safety (NCDPS) failed to remediate friable asbestos in their facilities' insulation. The OCR is rejecting and referring the subject complaint to the Department of Justice's (DOJ) Civil Rights Division, the Department of Labor's Occupational Safety and Health Administration (OSHA), and the North Carolina Health Hazards Control Unit in the Department of Health and Human Services' Division of Public Health (NCHHCU) due to lack of jurisdiction.

The OCR investigates complaints alleging violations of Title VI of the Civil Rights Act of 1964, 42 United States Code (U.S.C.) §§ 2000d *et. seq.*, and EPA's nondiscrimination regulations found at 40 Code of Federal Regulations (C.F.R.) Part 7. Title VI prohibits discrimination on the basis of race, color, or national origin in all programs or activities receiving, or applying for, Federal financial assistance.

Pursuant to EPA's nondiscrimination regulations, the OCR conducts a preliminary review of correspondence to determine acceptance, rejection, or referral. *See* 40 C.F.R. § 7.120(d)(1). To be accepted for investigation, a complaint must meet the jurisdictional requirements described in EPA's Part 7 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, age, or disability). Third, it must be filed within 180 calendar days of the alleged discriminatory act. Finally, the complaint must be filed against an

applicant for, or a recipient of, EPA assistance that allegedly committed the discriminatory act.

The OCR is not accepting your allegations for investigation because they do not meet all of the jurisdictional requirements of EPA's nondiscrimination regulations. First, the ECF, the NCDOC, and the NCDPS do not receive or have applied for, EPA financial assistance. Second, allegations must describe an alleged discriminatory act that may violate EPA's nondiscrimination regulations. Therefore, your complaint does not fall within OCR jurisdiction, and we must reject it for investigation. However, due to the circumstances underlying the allegations, the OCR is referring your complaint to the U.S. Department of Justice (DOJ), Office of Civil Rights, Office of Justice Programs, the Occupational Safety and Health Administration (OSHA), and the North Carolina Department of Health and Human Services' Occupational & Environmental Epidemiology, Health Hazards Control Unit (NCHHCU). A copy of the letters to these agencies are enclosed.

Contact information for the DOJ's representative is as follows:

Michael Alston,
U.S. Department of Justice
810 Seventh Street, N.W.
Washington D.C. 20531.
Tel: (202) 354-4380; Email: askOCR@ojp.usdoj

Contact information for the OSHA's representative is as follows:


Jeff White
U.S. Dept. of Labor, OSHA
200 Constitution Avenue, NW
Room N-3119
Washington, D.C. 20210.

Contact information for the NCHHCU's representative is as follows:

Grant Turinsky
OEE, Health Hazards Control Unit,
Division of Public Health, N.C. Dept of Health and
Human Services
1912 Mail Service Center, Raleigh NC. 27699-
1912.
Tel: (919) 707-5985

If you have any questions about EPA/OCR's decision to refer the matter to DOJ, OSHA or OEE, please contact William Yon at (202) 564-5617, at yon.william@epa.gov, or via mail at U.S. EPA, Office of Civil Rights (Mail Code 1201A), 1200 Pennsylvania Avenue, N.W., Washington, D.C., 20460.

Sincerely,



Velveta Goughly-Howell
Director
Office of Civil Rights

Enclosure

cc: Elise Packard
Associate General Counsel
Civil Rights & Finance Law Office, EPA
(MC 2399A)

Ken Lapierre
Assistant Regional Administrator
U.S. EPA Region IV
(MC 9T25)

Vickie Tellis
Deputy Assistant Regional Administrator
U.S. EPA Region IV
(MC 9T25)