



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

AUG 21 2015

OFFICE OF
CIVIL RIGHTS

Return Receipt Requested

Certified Mail #: 7009 2820 0002 1759 1209

In Reply Refer to:

EPA File No 15U-15-R4

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

Re: Referral of Administrative Complaint

Dear Mr. White:

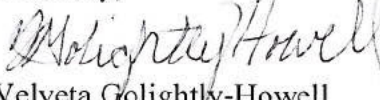
This letter is to notify you that the U.S. Environmental Protection Agency (EPA), Office of Civil Rights (OCR), is referring the subject complaint received on June 30, 2015 concerning Eastern Correctional Facility (ECF) to your agency due to its lack of jurisdiction. The ECF is operated by the North Carolina Department of Corrections (NCDOC) within the North Carolina Department of Public Safety (NCDPS). The complaint contains allegations that the facility has failed to remediate friable asbestos in its insulation and has exposed inmates working on its domiciliary systems.

After careful review, the OCR is rejecting the subject complaint for investigation because it does not meet all of the jurisdictional requirements of EPA's nondiscrimination regulations. First, ECF, NCDOC or the NCDPS is an applicant for, or recipient of, EPA financial assistance. Second, the complaint does not allege a discriminatory act that, if true, may violate EPA's nondiscrimination regulations. However, due to the circumstances underlying the allegations, the OCR is referring this complaint for potential further action to the U.S. Department of Justice, the North Carolina Health Hazards Control Unit in the Department of Health and Human Services Division of Public Health, and your office. We have notified the Complainant that his complaint has been forwarded to your office and provided your contact information. With this referral, the complaint is enclosed.

If you have any questions about EPA's decision to refer the matter to DOJ, 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 Golightly-Howell
Director

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)

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

Pamlico Correctional Institute

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

Bayboro, North Carolina 28515