



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

EXTERNAL CIVIL RIGHTS COMPLIANCE OFFICE  
OFFICE OF GENERAL COUNSEL

November 13, 2017

**Return Receipt Requested**

Certified Mail #: 7015 3010 0001 1267 2569

**In Reply Refer to:**

EPA File No: 25R-17-R2

J. Richard Pooler, Jr.  
Assistant General Counsel  
Environmental Health & Safety  
Bristol-Myers Squibb  
6000 Thompson Road  
East Syracuse, NY 13057

Sheryl Ascenzi  
Human Resources Manager  
Bristol-Myers Squibb  
6000 Thompson Road  
East Syracuse, NY 13057

**Re: Rejection/Closure of Administrative Complaint**

Dear Mr. Pooler and Ms. Ascenzi:

On September 20, 2017, the U.S. Environmental Protection Agency (EPA), External Civil Rights Compliance Office (ECRCO), received correspondence alleging discrimination based on race with respect to the termination of his employment, and retaliation by Bristol-Myers Squibb (BMS). ECRCO has determined that it cannot accept this administrative complaint for investigation because it does not meet the jurisdictional requirements described in EPA's nondiscrimination regulation.

Pursuant to EPA's nondiscrimination regulation, ECRCO 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.

After careful consideration, ECRCO has concluded that it cannot accept this complaint for investigation because BMS is neither an applicant for, or a recipient of, EPA funding. The Complainant has been advised that he may file his complaint with the Equal Employment Opportunity Commission (EEOC), which enforces federal laws prohibiting discrimination based upon race which apply to most employers having 15 or more employees regardless of whether that employer receives federal funding.

If you have any questions about this letter, please contact Debra McGhee, Team Lead, at (202) 564-4646, by e-mail at [mcghee.debra@epa.gov](mailto:mcghee.debra@epa.gov) or by mail at U.S. EPA, Office of General Counsel, External Civil Rights Compliance Office, Mail Code 2310A, 1200 Pennsylvania Avenue, N.W., Washington, D.C. 20460.

Sincerely,



Lilian S. Dorka  
Director  
External Civil Rights Compliance Office  
Office of General Counsel

cc: Kenneth Redden  
Acting Associate General Counsel  
Civil Rights & Finance Law Office

Richard Manna  
Assistant Regional Administrator  
Deputy Civil Rights Official  
US EPA Region 2