



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

July 7, 2016

OFFICE OF
CIVIL RIGHTS

Return Receipt Requested

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

In Reply Refer to:

EPA File No. 09U-16-R6

Frank Inmon
Director of Facilities
Texas Department of Criminal Justice
2 Financial Plaza, Suite 400
Huntsville, Texas 77340

Re: Rejection and Referral of Administrative Complaint

Dear Mr. Inmon:

The U.S. Environmental Protection Agency (EPA) Office of Civil Rights (OCR) received a complaint on January 11, 2016, alleging that the Texas Prison System at the Estelle Unit (b)(6) Privacy, (b)(7)(C) Enf. Priv run by the Texas Department of Criminal Justice has violated Title VI of the Civil Rights Act of 1964, as amended (Title VI), 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. Specifically, the complaint alleges that you are forcing prisoners to work under hazardous conditions at the Estelle Unit Textile Plant that has caused visible signs of skin rash, bronchial illness and ailments caused by poor air quality where lint and dust are in abundance. After careful review, the complaint is rejected and referred as of the date of this letter.

Pursuant to EPA's nondiscrimination regulations, OCR conducts a preliminary review of administrative complaints for 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 nondiscrimination regulations. First, it 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 EPA's nondiscrimination regulations (*i.e.*, an alleged discriminatory act based on race, color, national origin, sex, age, or disability). *Id.* Third, it must be filed within 180 calendar days of the alleged discriminatory act. *See* 40 C.F.R. § 7.120(b)(2). Finally, it must be filed against an applicant for, or a recipient of, EPA financial assistance that allegedly committed the discriminatory act. *See* 40 C.F.R. § 7.15.

OCR has concluded that it cannot accept this complaint for investigation because it does not meet the jurisdictional requirements described in the EPA's nondiscrimination regulations. The Texas Department of Criminal Justice, Estelle Unit is not a recipient of EPA financial

assistance. Therefore, the OCR is rejecting and referring the complaint and closing this matter as of the date of this letter.

There may be other agencies, which may have jurisdiction to receive the complaint: the U.S. Department of Justice (DOJ); the U.S. Department of Interior (DOI); and the U.S. Department of Agriculture (USDA). Therefore, OCR has referred this complaint to DOJ, DOI, and USDA for their review and action, if appropriate. The contact person for each agency is listed below.

Mr. Michael Alston
U.S. Department of Justice
810 Seventh Street, NW
Washington, DC 20531

Mr. John W. Bierden
Director
Office of Civil Rights
U.S. Department of Interior
1849 C Street, NW
Washington, DC 20240
202-260-1026

Ms. Violet Hall
Director
Office of Civil Rights
U.S. Department of Agriculture
1400 Independence Avenue, S.W.
Washington, DC 20250
202-208-3455

If you have any questions about this letter, please contact Case Manager Ericka Farrell, (202) 564-0717, via e-mail at farrell.ericka@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,



Lilian S. Dorka
Acting Director
Office of Civil Rights

cc: Elise Packard
Associate General Counsel
Civil Rights & Finance Law Office

Samuel Coleman
Deputy Regional Administrator
Deputy Civil Rights Official
U.S. EPA Region 6