



OFFICE OF EXTERNAL CIVIL RIGHTS COMPLIANCE

WASHINGTON, D.C. 20460

April 24, 2025

In Reply Refer To:

EPA Complaint No. 10R-24-R9

Scott Anderson
Project Lead, Pedal Ahead
3288 Adams Avenue
San Diego, CA 92116
mainoffice@pedalahead.com

Re: Rejection of Administrative Complaint

Dear Mr. Scott Anderson:

This letter is to notify you that the U.S. Environmental Protection Agency (EPA), Office of External Civil Rights Compliance (OECRC), is rejecting for investigation EPA Complaint No. 10R-24-R9 (Complaint)¹, received on September 25, 2024, involving Pedal Ahead,² and raising allegations of discrimination on the basis of race against Black residents in California related to the administration and implementation of the California Electric Bike Incentive Project (EBIP), in violation of Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000(d) *et seq.* (Title VI), and EPA's regulation, at 40 C.F.R. Part 7. After careful review, OECRC has determined that we cannot accept this complaint for investigation because it does not meet the jurisdictional requirements described in EPA's regulation at 40 C.F.R. Part 7.³

OECRC is responsible for processing complaints alleging that applicants for and recipients of EPA financial assistance have discriminated against persons, including on the basis of race, color or national origin, in violation of Title VI and other federal laws and EPA's regulation found at 40 C.F.R. Parts 5 and 7.

Pursuant to EPA's 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. §

¹ See EPA Complaint No. 10R-24-R9, Pedal Ahead. The Complaint also includes allegations involving the California Air Resources Board (CARB) – See EPA Complaint No. 09R-24-R9, California Air Resources Board (CARB). The allegations as to CARB are being addressed separately and are not subject to this rejection of EPA Complaint No. 10R-24-R9.

² Pedal Ahead is a San Diego-based 501(c)(3) non-profit organization selected by the California Air Resources Board ("CARB") to administer and implement the California Electric Bike Incentive Project (EBIP), a CARB-sponsored, statewide, voucher-based e-bike incentive program for low-income individuals.

³ See *e.g.*, OECRC Case Resolution Manual Section 1.5, https://www.epa.gov/system/files/documents/2025-01/case-resolution-manual-update_final_jan-2025.pdf

7.120(d)(1). To be accepted for investigation, a complaint must meet the jurisdictional requirements described in the EPA's 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). 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.

In general, OECRC will accept, reject, or refer a complaint after considering the four jurisdictional factors described above. After careful consideration, OECRC is rejecting the Complaint because Pedal Ahead is not a recipient of EPA financial assistance. Accordingly, OECRC is closing this Complaint as of the date of this letter.

This letter is not a formal statement of OECRC policy and should not be relied upon, cited, or construed as such. This letter and any findings herein do not affect Pedal Ahead's responsibility to comply with federal laws and regulations, as appropriate; nor do they affect EPA's investigation of any Title VI or other federal civil rights complaints or address any other matter not specifically addressed in this letter.

EPA's regulation prohibits applicants, recipients, and other persons from intimidating, threatening, coercing, or engaging in other discriminatory conduct against anyone because they have either taken action or participated in an action to secure rights protected by the laws that we enforce. *See* 40 C.F.R. § 7.100. Any individual alleging such harassment or intimidation may file a complaint with OECRC. If you have questions about this letter, please feel free to contact Kurt Temple, Senior Advisor, by email at Temple.Kurt@epa.gov.

Sincerely,

Susan Park
Deputy Assistant Administrator
Office of Environmental Justice and External Civil Rights

cc: Angelia Talbert-Duarte
Associate General Counsel
Civil Rights and Finance Law Office

Cheree Peterson
Deputy Regional Administrator
Deputy Civil Rights Official
U.S. EPA Region 9

Suzanne Andrews
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