



OFFICE OF EXTERNAL CIVIL RIGHTS COMPLIANCE

WASHINGTON, D.C. 20460

May 19, 2025

In Reply Refer To:

EPA Complaint No. 09R-24-R9

Hon. Steven S. Cliff, Ph.D.
Executive Officer
California Air Resources Board
P.O. Box 2815
Sacramento, CA 95812

Payam Ahmadi
Equal Employment Opportunity Officer
California Air Resources Board
payam.ahmadi@arb.ca.gov

Re: Rejection of Administrative Complaint

Dear Executive Officer Cliff and Ms. Ahmadi:

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. 09R-24-R9 (Complaint)¹, received on September 25, 2024, involving the California Air Resources Board (CARB), and alleging that CARB and its California Electric Bike Incentive Project (EBIP) program, administered and implemented by Pedal Ahead,² discriminates against Black California residents on the basis of race, in violation of Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000(d) *et seq.*, and EPA's nondiscrimination regulation at 40 C.F.R. Part 7. After careful consideration, OECRC has determined that we cannot accept this Complaint for investigation.

Pursuant to EPA's nondiscrimination 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. § 7.120(d)(1). To be accepted for investigation, a complaint must

¹ See EPA Complaint No. 09R-24-R9, California Air Resources Board (CARB). The Complaint also includes allegations involving Pedal Ahead – See EPA Complaint No. 10R-24-R9, Pedal Ahead, which have been addressed separately.

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

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). 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 jurisdictional factors discussed above. OECRC may also reject a complaint if it obtains information leading OECRC to conclude that an investigation is unjustified for prudential reasons.³

Although the Complaint meets OECRC's four jurisdictional criteria described above, OECRC has concluded that an investigation is unwarranted for prudential reasons and is rejecting the complaint. In this case, the same allegations of discrimination have been filed by the Complainant with CARB's Office of Civil Rights (CARB-CRO) and are still under investigation.⁴ The outcome of CARB-CRO's investigation could resolve the underlying allegations in this complaint that Complainants allege are discriminatory. As such, OECRC is rejecting EPA Complaint No. 09R-24-R9 without prejudice as of the date of this letter. A complaint may be refiled with OECRC within 60 calendar days following termination of the CARB-CRO proceeding if there has been no decision on the merits or settlement of the civil rights allegations.

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 acted or participated in an action to secure rights protected by the civil rights requirements 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 by email at Temple.Kurt@epa.gov.

Sincerely,

A handwritten signature in blue ink that reads "Theresa Segovia". The signature is fluid and cursive, with the first name "Theresa" and last name "Segovia" clearly distinguishable.

Theresa Segovia
Principal Deputy Assistant Administrator
Office of Environmental Justice and External Civil
Rights

³ *See* Case Resolution Manual, Section 1.9, pp. 14-15 at https://www.epa.gov/system/files/documents/2025-01/case-resolution-manual-update_final_jan-2025.pdf.

⁴ *See* U.S. EPA, OECRC CRM, Section 1.9 "Other Factors That May Be Considered," p. 15-16, available at https://www.epa.gov/system/files/documents/2025-01/case-resolution-manual-update_final_jan-2025.pdf

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

Suzanne Andrews
Regional Counsel
U.S. EPA Region 9