



OFFICE OF EXTERNAL CIVIL RIGHTS COMPLIANCE

WASHINGTON, D.C. 20460

May 6, 2025

In Reply Refer to:

EPA File No. 12Dr-24-R4

(b)(6) Privacy, (b)(7)(C) Enf. Privacy on behalf of The Fort McClellan Veterans Stakeholders Group
(b)(6) Privacy, (b)(7)(C) Enf. Privacy

Re: Administrative Closure of Reconsideration Request

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

This letter is to notify you that the U.S. Environmental Protection Agency (EPA), Office of External Civil Rights Compliance (OECRC), received your most recent correspondence sent on behalf of the Fort McClellan Veterans Stakeholders Group (FMV) on July 5, 2024. This reconsideration request of OECRC's decision to reject your prior complaint (EPA File No. 10Dr-24-R4) was issued on July 3, 2024. This reconsideration request was issued file number 12Dr-24-R4 by OECRC but transferred to and evaluated by the Office of Civil Rights (OCR) under the original file number (10Dr-24-R4). Your reconsideration request has been definitively responded to by OCR and is being administratively closed by OECRC for the reasons indicated below.

Your reconsideration request indicated that your 10Dr-24-R4 Complaint had accurately alleged discrimination by several EPA Region 4 employees based on sex, disability and retaliation under 18 U.S.C. § 246 and 40 C.F.R. §§ 12.130 (a), (b), (d), rather than under Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794 and 40 C.F.R. § 7.100, as the 10Dr-24-R4 rejection letter had stated. 40 C.F.R. § 12.130 prohibits discrimination on the basis of disability in programs or activities conducted by EPA. OECRC had rejected your complaint for lack of jurisdiction relying on 40 C.F.R. § 7.120, because under 40 C.F.R. Part 7, EPA Region 4 is a federal agency component and therefore is not subject to jurisdiction as it is not an applicant for or a recipient of EPA financial assistance.¹

On April 7, 2025, OCR issued you a letter indicating that it had concluded its evaluation of your reconsideration request filed on behalf of FMV under 40 C.F.R. Part 12. In short, OCR found that FMV

¹ 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 meet the jurisdictional requirements described in 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 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.)

Complainants had failed to state a proper claim under 40 C.F.R. § 12.130 or § 12.130(a) – neither of these provide a basis for a disability discrimination claim based on sex or retaliation. OCR also found that the Complaint was untimely filed under § 12.170(d) for being filed more than 180 days after the alleged discrimination (April 3, 2024, is more than 180 days after June 2021).²

Based on the above, the reconsideration request does not warrant further action on the part of OECRC. As a result of EPA OCR's decisional letter, OECRC is administratively closing this reconsideration request and will take no further action on this matter. If you have any questions, please feel free to contact Kurt Temple, Senior Advisor, by email at temple.kurt@epa.gov.

Sincerely,

SUSAN PARK Digitally signed by SUSAN PARK
Date: 2025.05.06 09:49:53 -04'00'

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

² The original Complaint, 02AD-21-R4 was filed by (b)(6) Privacy, (b)(7)(C) Enl. Pri on behalf of the Ft. McClellan Veterans Stakeholders Group (FMV) with EPA's External Civil Rights Compliance Office on March 26, 2021. That Complaint alleged four EPA employees discriminated against the FMV Complainants on the basis of age and disability when they repeatedly failed to answer their requests for the contact information of the EPA's Center for Public Health and Environmental Assessment and therefore, hindered an attempt by the Complainants to commence a Cumulative Risk Health Assessment project. That Complaint was rejected for lack of jurisdiction on April 30, 2021. However, in that letter, EPA provided FMV Complainants with contact information for the EPA Region 4 Manager of the Environmental Justice and Children's Health Section, Strategic Programs Office (EJCHS, SPO) to assist FMV Complainants with identifying paths to obtain a requested health study review. The second complaint (EPA File No. 10Dr-24-R4) indicates that after EPA provided the Complainant with the contact information, in April 2021, for the Manager of Region 4, EJCHS, SPO, the Complainant communicated with the Manager and expected EPA to provide a health study review. The Complaint adds that the Complainant provided documents to the Agency for Toxic Substances and Disease Registry (ATSDR) in June 2021, and EPA should have conducted a health study review at that time. Since that expectation, more than 180 days have elapsed prior to your filing of the April 2024 Complaint (10Dr-24-R4).

cc: Angelia Talbert-Duarte
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