
From: (b)(6) Privacy, (b)(7)(C) Enf. Privacy

Sent: Friday, August 22, 2025 11:29 AM

To: Title VI Complaints <Title_VI_Complaints@epa.gov>

Subject: Title VI Civil Rights Complaint – Johnson County, KDHE, City of Olathe, KS, City of Overland Park, KS and EPA Region 7

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Title VI Administrative Complaint

Submitted to: U.S. Environmental Protection Agency
Office of Civil Rights (OCR)

Complainant:

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Olathe, Kansas

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Title VI Civil Rights Complaint

Respondents:

- Johnson County, Kansas (Board of County Commissioners and Department of Health and Environment) for failing to act on known lead hazards in flight path communities and for using federal EPA funds in a manner that permits discriminatory health impacts. Johnson County is a recipient of EPA financial assistance, including a \$281 million WIFIA loan in 2022, which subjects its programs to Title VI.
- Kansas Department of Health and Environment (KDHE) for disclaiming jurisdiction over airborne lead despite actual notice and for denying affected families equal access to health protection provided in other contexts. KDHE receives multiple federal EPA

grants, including a \$1 million Environmental Justice Government-to-Government grant (2023), a \$750,000 Farmer to Farmer grant (2021), a \$9 million watershed improvement formula grant, and funding under the E-RAMP program.

- City of Olathe, Kansas for permitting residential development, schools, and playgrounds directly beneath active airport flight paths despite known risks. Olathe receives substantial EPA pass-through environmental funds, which subject its programs and activities to Title VI.
- City of Overland Park, Kansas for permitting residential development and schools in impacted areas and for failing to notify or protect residents despite federal findings of lead hazards. Overland Park receives EPA pass-through environmental funds, which subject its programs to Title VI.
- U.S. Environmental Protection Agency, Region 7 for failing to enforce Title VI compliance by its grantees despite actual notice, allowing discriminatory effects to persist under federal oversight.

Facts

1. In October 2023, the EPA issued an official Endangerment Finding concluding that lead emissions from piston-engine aircraft may reasonably be anticipated to endanger public health and welfare.
2. Residential neighborhoods, schools, and playgrounds beneath the flight paths of Johnson County Executive Airport and New Century AirCenter are subjected daily to toxic emissions from piston-engine aircraft.
3. Children in these communities face heightened risks of harm. My 12-year-old daughter is one example: blood testing in my family confirms lead exposure, and soil testing on my property shows contamination consistent with aviation emissions.
4. Johnson County and its Department of Health and Environment had actual notice of these harms through my correspondence, supporting medical and environmental data, and the EPA's Endangerment Finding. Johnson County dismissed the complaints and failed to notify or protect residents, despite receiving significant EPA funding through the 2022 WIFIA loan.
5. KDHE received actual notice of the harms through correspondence and testing data but disclaimed jurisdiction in letters dated May 9 and June 16, 2025. Despite accepting multiple EPA grants, KDHE failed to act on airborne lead exposure, leaving families without equal access to the protections it provides in other lead contexts, such as water-based enforcement programs.
6. The City of Olathe permitted and encouraged residential development, schools, and playgrounds directly beneath active airport flight paths. Olathe receives EPA pass-through funds for environmental programs, which invoke Title VI obligations. Despite this, Olathe has failed to provide notice, monitoring, or protection for impacted residents.
7. The City of Overland Park likewise permitted residential development and schools in flight path areas. Overland Park receives EPA pass-through funds but has taken no steps to mitigate or warn residents of the risks from aviation lead emissions.
8. EPA Region 7, which oversees EPA grants in Kansas, had actual notice of these harms through direct correspondence and formal complaints. Despite its regulatory authority under 40 C.F.R. Part 7 to ensure Title VI compliance by grantees, Region 7 has failed to take action against Johnson County, KDHE, Olathe, or Overland Park.
9. These combined failures by county, city, state, and federal actors have imposed disproportionate health risks on flight path communities. The burdens fall especially on

children and, in certain census tracts, minority residents. Families in these communities are being forced to bear toxic exposures that are not shared equally by other residents of Johnson County or Kansas.

Civil Rights Violations

1. By permitting and tolerating persistent lead emissions from piston-engine aircraft, the respondents have imposed disproportionate health risks on specific communities, in violation of Title VI and EPA's implementing regulations at 40 C.F.R. § 7.35(b).
2. By refusing to monitor exposures, warn residents, or provide mitigation, the respondents have denied families in affected communities equal access to health protections that are provided in other contexts, such as water-based lead enforcement and abatement programs.
3. Johnson County, KDHE, Olathe, and Overland Park are all recipients of EPA funds. By using this assistance in a manner that allows discriminatory effects to persist, these entities are in violation of Title VI obligations tied to their funding.
4. EPA Region 7 has failed to enforce Title VI compliance by its grantees despite actual notice of discriminatory effects. Under 40 C.F.R. § 7.115, Region 7 has a duty to investigate and ensure corrective action but has not acted, allowing discrimination to continue under federal oversight.

Relief Requested

1. Conduct a full Title VI investigation into Johnson County, KDHE, Olathe, Overland Park, and EPA Region 7 for their role in permitting and perpetuating disproportionate exposures to aviation lead emissions.
2. Require respondents to implement mitigation measures to reduce aviation lead emissions, establish air and soil monitoring in affected neighborhoods, and make monitoring data publicly available.
3. Require respondents to notify families, schools, and childcare facilities within affected flight paths of known lead risks, provide access to free blood testing and soil testing, and offer health interventions as appropriate.
4. Condition future receipt of EPA funding on compliance with Title VI obligations, including corrective action plans to address discriminatory effects.
5. Require respondents to develop and submit a remedial plan, subject to EPA OCR approval, to eliminate discriminatory health impacts caused by piston-engine aircraft emissions and to ensure equal access to environmental health protections.
6. Direct EPA Region 7 to fulfill its responsibility under 40 C.F.R. Part 7 to enforce Title VI compliance by its grantees and ensure ongoing oversight to prevent future violations.
7. Grant any further relief EPA OCR deems necessary to restore compliance with Title VI and protect the rights of impacted residents, particularly children.

Supporting Materials (available upon request):

- EPA Endangerment Finding (October 2023)
- Correspondence from KDHE (May 9 and June 16, 2025)
- Soil and blood test results confirming exposure
- Flight tracking records
- Public notification materials

I certify that the information provided is true and correct to the best of my knowledge.

Signed,

(b)(6) Privacy, (b)(7)(C) Ent. Privacy

Olathe, Kansas

August 22nd, 2025