



OFFICE OF EXTERNAL CIVIL RIGHTS COMPLIANCE

WASHINGTON, D.C. 20460

November 12, 2024

In Reply Refer To:

EPA Complaint No. 04NO-23-R1

Rebecca Tepper
Secretary
Massachusetts Executive Office of Energy & Environmental Affairs
100 Cambridge Street
Suite 900
Boston, MA 02114
Rebecca.tepper@mass.gov

Re: Rejection of Administrative Complaint

Dear Secretary Tepper:

This letter is to notify you the U.S. Environmental Protection Agency (“EPA”) Office of External Civil Rights Compliance (“OECRC”) is rejecting for investigation EPA Complaint No. 04NO-23-R1, received on February 24, 2023, from the Conservation Law Foundation (CLF) and South Coast Neighbors United, Inc. (SCNU) (collectively, the “Complainants”), involving the Massachusetts Executive Office of Energy and Environmental Affairs (Mass EEA or EEA). The Complaint alleges discrimination on the basis of national origin against members of the New Bedford, MA community with limited English proficiency (LEP), 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. For the reasons stated below, OECRC is rejecting this case as of the date of this letter.

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

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that allegedly committed the discriminatory act. *See* 40 C.F.R. § 7.15. OECRC has determined that the complaint against Mass EEA has met all jurisdictional factors explained above.

In general, OECRC will accept, reject, or refer a complaint after considering the jurisdictional requirements described above. However, if OECRC obtains information leading OECRC to conclude that an investigation is unwarranted for prudential reasons, OECRC may reject the complaint.¹

OECRC is rejecting this Complaint because the allegations raised are currently being addressed through an Informal Resolution Agreement (“Agreement”) between EPA and Mass EEA (No. 01CR-20-R1),² and through OECRC’s continued Compliance Review monitoring of provisions and deliverables described in the Agreement. Under the IRA, EEA is developing a Language Access Plan to ensure meaningful access to all EEA programs and activities for individuals with LEP, developing a Public Participation Plan for meaningful public involvement which consists of informing, consulting, and working with any community member or group that could be impacted by EEA at various stages of its decision-making processes to address the community member or larger community’s needs, and establishing an Environmental Justice stakeholder outreach processes in order to meet with all interested stakeholders, engage with community members to build relationships, create an avenue for information sharing, provide nondiscrimination program information and opportunities for community feedback and public comment. These EEA actions address the allegations in this complaint. Therefore, OECRC determines that there are no current allegations appropriate for further resolution.

Please be advised that a copy of the complaint is being provided to EEA, consistent with 40 C.F.R. § 7.120(e). OECRC is releasing the complaint with appropriate redactions consistent with the Freedom of Information Act (FOIA) and the Privacy Act and will only release identifying information to the extent necessary to comply with 40 C.F.R. Parts 5 and 7.³

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 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 any questions, please contact me at (202) 564-8796, or by email at hoang.anhthu@epa.gov.

¹ See OECRC Case Resolution Manual, Section 1.8, pp. 10-12, available at: https://www.epa.gov/sites/default/files/2021-01/documents/2021.1.5_final_case_resolution_manual_.pdf

² See https://www.epa.gov/system/files/documents/2024-01/2024.01.03-01cr-20-r1-mass-eea-dpu-efsb-ira-srt-dot-epasigned.jvn_.pdf

³ Freedom of Information Act, 5 U.S.C. § 552(b)(6) and (7)(c) and the Privacy Act of 1974, 5 U.S.C. § 552a.

Secretary Rebecca Tepper

Sincerely,



Anhthu Hoang
Acting Director
Office of External Civil Rights Compliance
Office of Environmental Justice and External
Civil Rights

cc: Ariadne Goerke
Deputy Associate General Counsel
Civil Rights & Finance Law Office
Office of General Counsel

Karen McGuire
Deputy Regional Administrator
Deputy Civil Rights Official
U.S. EPA Region 1

Carl Dierker
Regional Counsel
U.S. EPA Region 1