



OFFICE OF CIVIL RIGHTS AND ADJUDICATION

WASHINGTON, D.C. 20460

June 12, 2026

Amanda Lefton, Commissioner
New York State Department of Environmental Conservation
625 Broadway
Albany, NY 12233-0001
via email: amanda.lefton@dec.ny.gov

RE: Rejection of EPA Complaint No. 29-26-R2

Dear Commissioner Lefton:

As you are aware, the U.S. Environmental Protection Agency (EPA), Office of Civil Rights and Adjudication (OCRA), External Civil Rights Division (ECRD) received the above-referenced complaint against the New York State Department of Environmental Conservation (NY DEC). The complaint raises allegations of intimidation and retaliation by NY DEC through the issuance of a cease-and-desist letter in violation of 40 C.F.R. § 7.100.

This letter serves to notify you that ECRD is rejecting the complaint.

Pursuant to EPA's nondiscrimination regulation, ECRD must conduct a preliminary jurisdictional review of administrative complaints to determine whether to accept, reject, or refer it to an 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 complainant must submit a complaint in writing. *See* 40 C.F.R. § 7.120(b)(1). Second, the entity that the complainant identifies as allegedly engaging in discrimination must be an applicant for, or recipient of, EPA financial assistance. *See* 40 C.F.R. § 7.15.

Third, the complainant must describe an alleged discriminatory act that, if true, may violate EPA's nondiscrimination regulation. *See* 40 C.F.R. §§ 7.120(b)(1) and 7.100. An alleged discriminatory act is one based on race, color, national origin, sex, age, disability, or engaging in protected activity. Fourth, a complainant must file the complaint within 180 days of the alleged discriminatory act. *See* 7.120(b)(2).

After careful consideration, ECRD must reject this complaint because it does not allege a discriminatory act that would violate 40 C.F.R. Parts 5 and 7. EPA's nondiscrimination regulation at 40 C.F.R. § 7.100 provides: "no applicant, recipient, nor other person shall intimidate, threaten, coerce, or discriminate against any individual or group, either: (a) For the purpose of interfering with any right or privilege guaranteed by the Acts or this part, or (b) Because the individual has filed a complaint or has testified, assisted or participated in any way in an investigation, proceeding or hearing under this part, or has opposed any practice made unlawful by this regulation."

Here, the complaint alleges that NY DEC retaliated against the complainant by issuing him a cease-and-desist letter in response to him raising concerns about the conduct of NY DEC employees. The complaint does not allege that the complainant engaged in activity involving a right or privilege guaranteed under 40 C.F.R. Part 7, i.e., a protected activity related to discrimination based on race, color, national origin, sex, age, or disability. Therefore, ECRD must reject this complaint due to lack of jurisdiction.

Finally, EPA's nondiscrimination regulation prohibits applicants, recipients, and other persons from intimidating, threatening, coercing, or engaging in other discriminatory conduct against anyone because they have acted or participated in an action to secure rights protected by the civil rights requirements EPA enforces. *See* 40 C.F.R. § 7.100. Any individual that believes a recipient has engaged in such misconduct can file a complaint with EPA.

If you have any questions, please contact Case Manager Charity Johnson by phone at (202) 564-4325 or by email at charity.johnson@epa.gov.

Sincerely,



JuanCarlos M. Hunt, Director
U.S. EPA, Office of Civil Rights and Adjudication

cc: Alyssa Arcaya, Deputy Regional Administrator/Deputy Civil Rights Official
Patricia Hick, Regional Counsel
U.S. EPA, Region 2