



## OFFICE OF EXTERNAL CIVIL RIGHTS COMPLIANCE

WASHINGTON, D.C. 20460

February 13, 2025

**In Reply Refer to:**

EPA Complaint No. 02RNO-24-R8

Jill Hunsaker Ryan  
Executive Director  
Colorado Department of Public Health and Environment  
4300 Cherry Creek Drive  
South Denver, CO 80246  
(303) 692-2000  
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**Re: Rejection of Administrative Complaint**

Dear Executive Director Ryan:

This letter is to notify you that the U.S. Environmental Protection Agency (EPA), Office of Environmental Justice and External Civil Rights Compliance (OEJECR), Office of External Civil Rights Compliance (OECRC), is rejecting for investigation EPA Complaint No. 02RNO-24-R8 (Complaint), received on September 4, 2024, involving the Colorado Department of Public Health and Environment (CDPHE), raising allegations of discrimination by CDPHE on the basis of race and national origin, in violation of Title VI of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000d et seq., 40 C.F.R. Part 7. Specifically, the Complaint alleges that CDPHE is unequally enforcing CDPHE Regulation 8, by applying the rules governing asbestos abatement to Black and Latino certified contractors, but not to white certified contractors. After careful review, OECRC has determined that we cannot accept this complaint for investigation because it does not meet the jurisdictional requirements described in the EPA's nondiscrimination regulation at 40 C.F.R. Parts 5 and 7. As such, OECRC is closing this matter as of the date of this letter.

OECRC is responsible for processing complaints alleging that applicants for or recipients of EPA financial assistance have discriminated against persons, including on the basis of race, color or national origin, in violation of Title VI and other federal nondiscrimination laws and EPA's

nondiscrimination regulation found at 40 C.F.R. Parts 5 and 7.<sup>1</sup>

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 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 the four jurisdictional factors described above. After careful consideration, OECRC is rejecting EPA Complaint No. 02RNO-24-R8 because it does not meet EPA's four jurisdictional criteria to allow OECRC to move forward with an investigation. Although the Complaint is in writing and the entity complained of, CDPHE, is a recipient of federal financial assistance from EPA, the Complaint is not timely because the alleged discriminatory actions CDPHE allegedly took occurred more than 180 days before the Complaint was filed.<sup>2</sup> Therefore, OECRC cannot accept this complaint for investigation and is closing the matter as of the date of this letter.

This letter is not a formal statement of OECRC policy and should not be relied upon, cited, or construed as such. This letter and any findings herein do not affect CDPHE's continuing responsibility to comply with Title VI or other federal non-discrimination laws and EPA's regulations at 40 C.F.R. Parts 5 and 7, nor do they affect EPA's investigation of any Title VI or other federal civil rights complaints or address any other matter not addressed in this letter.

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 questions about this letter, please feel free to contact me by telephone at (202) 809-3297, or by email at [Hoang.Anhthu@epa.gov](mailto:Hoang.Anhthu@epa.gov).

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<sup>1</sup> See e.g., OECRC Case Resolution Manual Section 1.5, [https://www.epa.gov/system/files/documents/2025-01/case-resolution-manual-update\\_final\\_jan-2025.pdf](https://www.epa.gov/system/files/documents/2025-01/case-resolution-manual-update_final_jan-2025.pdf).

<sup>2</sup> *Id.*

Sincerely,



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

cc: Ariadne Goerke  
Deputy Associate General Counsel  
Civil Rights & Finance Law Office  
U.S. EPA

Mark Smith  
Deputy Regional Administrator  
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