

U.S. EPA Draft Title VI Guidance Documents

FACT SHEET

The U.S. Environmental Protection Agency (EPA) Office of Civil Rights (OCR) published two draft Title VI guidance documents in the *Federal Register* on June 27, 2000. EPA will accept public comments for 60 days, until August 28, 2000. The draft documents are entitled:

- C *Draft Title VI Guidance for EPA Assistance Recipients Administering Environmental Permitting Programs (“Draft Recipient Guidance”)*, and
- C *Draft Revised Guidance for Investigating Title VI Administrative Complaints Challenging Permits (“Draft Revised Investigation Guidance”)*.

Background Title VI of the Civil Rights Act of 1964 (Title VI) prohibits discrimination based on race, color, or national origin by any entity that receives Federal financial assistance. When entities (*e.g.*, state environmental agencies) receive EPA financial assistance, they accept the obligation to comply with Title VI and with EPA’s Title VI implementing regulations. Persons who believe EPA recipients are administering their programs in a discriminatory manner may file an administrative complaint with EPA.

In 1998, EPA issued its *Interim Guidance for Investigating Title VI Administrative Complaints Challenging Permits (“Interim Guidance”)* for public comment. The *Interim Guidance* provided an initial framework for EPA’s OCR to process complaints filed under Title VI that allege discriminatory environmental and health effects from environmental (pollution control) permits issued by EPA financial assistance recipients.

EPA has revised the *Interim Guidance* based upon a robust stakeholder input process, as well as the public comments received on the *Interim Guidance*. EPA convened an advisory group to provide recommendations and has conducted numerous meetings with a variety of stakeholders over the past two years.

What is the purpose of these documents? The *Draft Recipient Guidance* is intended to offer suggestions to assist state and local recipients of EPA financial assistance develop approaches and activities to address potential Title VI concerns. Examples include fostering effective public participation, conducting assessments of potential adverse impacts, developing geographic, area-wide pollution reduction programs, and using informal resolution techniques. Recipients are not required to adopt or implement any of the Title VI approaches or activities described in the *Draft Recipient Guidance*.

The *Draft Revised Investigation Guidance* describes procedures EPA staff may use to perform investigations of Title VI administrative complaints that allege adverse, disparate impacts caused by permitting decisions.

What's Different? In response to comments received by EPA, the *Draft Revised Investigation Guidance* differs from the *Interim Guidance* by providing more detail and clarity. The new guidance contains more detailed explanations of the various steps of an investigation and the actions that may be considered at each stage (e.g., how a finding of adverse impact is expected to be reached, or when an allegation will likely be dismissed). In addition, both guidance documents define terms through examples and a glossary.

How were these documents developed? More than 120 written comments on the *Interim Guidance* were received from a broad range of interested parties. Community groups, environmental justice organizations, state and local governments, industry, academia, and other interested stakeholders also contributed to the development of the draft guidance documents as part of the Title VI Implementation Advisory Committee established by EPA, as well as through many other meetings with stakeholders during the past two years.

Opportunities for Public Comment EPA will accept written comments on the *Draft Recipient Guidance* and the *Draft Revised Investigation Guidance* until August 28, 2000. Public comments on the draft guidance documents should be mailed to:

Title VI Guidance Comments
US Environmental Protection Agency
Office of Civil Rights (1201A)
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Comments may also be sent to the following e-mail address: civilrights@epa.gov. Please include your name and address, and optionally your affiliation.

EPA's Office of Civil Rights will also conduct seven public listening sessions to receive additional feedback on the draft guidance documents. Each of these listening sessions will be attended by the Director of the Office of Civil Rights and key regional personnel. The public listening sessions will be held on: June 26 in Washington, D.C., July 17 in Dallas, TX; July 18 in Chicago, IL; August 1 in New York City, NY; August 2 in Los Angeles, CA; August 3 in Oakland, CA; and August 9 in Philadelphia, PA.

Obtaining More Information More details about the listening sessions, copies of the guidance documents, and additional information are available on the Office of Civil Rights Web site at: <http://www.epa.gov/civilrights/>, or by calling OCR at (202) 564-7272.

Next Steps Once the public comment period has closed, OCR will review all comments received and prepare final versions of the two draft guidance documents. When the *Draft Revised Investigation Guidance* is finalized, it will replace the *Interim Guidance*.