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## **EPA Order**

### **Compliance with Executive Order 13166: Improving Access to Services for Persons with Limited English Proficiency**

#### **I. PURPOSE AND AUTHORITY**

The purpose of this updated EPA Limited English Proficiency (LEP) Order is to ensure that the Agency takes reasonable steps to provide LEP individuals with meaningful access to all of its programs, activities and services. This LEP Order will replace the existing EPA LEP Order 1000.32 updated in July 2014. This LEP Order outlines the guidelines, consistent with Title VI of the Civil Rights Act of 1964, its implementing regulations and guidance documents, and Executive Order 13166 (EO 13166)<sup>1</sup>. Title VI prohibits intentional discrimination and discriminatory effects on the basis of race, color, and national origin, including limited English proficiency, by recipients of federal financial assistance. EO 13166 requires federal agencies to develop and implement a plan to provide services to LEP individuals and to ensure meaningful access to programs and activities conducted by federal agencies. EPA's LEP Order sets forth EPA's expectations and requirements to ensure the Agency's compliance with EO 13166.

This LEP Order was created consistent with EPA's policy that it is the responsibility of EPA to take reasonable steps to ensure that communications between the EPA and the LEP individual are not impaired as a result of the individual's limited English proficiency. Failure to provide timely language assistance services may result in a denial of meaningful access to EPA's programs, activities, and services that are accessible to non-LEP individuals.

This LEP Order describes how EPA's headquarters (HQ) and regional program offices will implement EO 13166. The LEP Order also highlights different approaches to improve outreach in LEP communities, and identifies the responsible individuals for the development and implementation of LEP related policy, guidance, and procedures.

This LEP Order is intended only to improve the internal management of EPA's language access program, and does not create any right or benefit, substantive or procedural,

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<sup>1</sup> See <https://www.gpo.gov/fdsys/pkg/FR-2000-08-16/pdf/00-20938.pdf>.

enforceable at law or equity by a party against the United States, its agencies, its officers or employees, or any person. Because this document is intended for the internal management of EPA's language access program, it is not intended to be cited in any judicial or administrative proceeding. Administration of the programs discussed herein is within the sole discretion of EPA and its components.

## **II. POLICY STATEMENT**

### **A. Commitment to Meaningful Access**

EPA is committed to providing LEP individuals with meaningful access to EPA's programs and activities.

### **B. Language Assistance Measures**

The EPA's HQ and regional program offices as appropriate, have developed methods for identifying LEP individuals who contact the EPA through correspondence (via U.S. mail, fax, e-mail, or Website inquiry), telephonically or in person, and who may need language assistance. Upon determining the need for language assistance services, the EPA will take reasonable steps to ensure that all communication is conducted with the use of a qualified contract interpreter or translator, through telephonic or video interpretation with qualified interpreters, or with the use of a bilingual staff member. The EPA will take reasonable steps to ensure that vital documents related to the EPA's services, programs, and activities are translated into the most frequently encountered languages of those LEP individuals affected by the services, programs, and activities or are interpreted for the LEP individual(s). EPA staff who interact with the public will be trained on language access policies and procedures, including how to access policies and procedures, how to access language assistance services and how to identify and work with LEP individuals, interpreters, and translators. EPA staff who encounter and identify LEP individuals should maintain a record of their contact with them and the primary languages spoken.

## **III. APPLICABILITY**

The policies, procedures, and responsibilities of this LEP Order apply to all EPA staff, including those working on their behalf, such as contractors and grantees.

## **IV. EXECUTIVE ORDER 13166**

On August 11, 2000, the President signed Executive Order 13166, *Improving Access to Services for Persons with Limited English Proficiency* (EO 13166). Exec. Order No. 13,166, 65 Fed. Reg. 50,121 (Aug. 16, 2000). EO 13166 requires federal agencies to develop and implement a plan to provide services to LEP individuals to ensure meaningful access to programs and activities conducted by federal agencies. There are two major categories of federally conducted programs or activities covered by EO 13166: (1) activities involving general public contact as part of ongoing agency operations and (2) programs directly administered by an agency for program beneficiaries and participants.

To facilitate understanding of EO 13166, the Department of Justice in coordination with other federal agencies developed [www.lep.gov](http://www.lep.gov), which is a resource designed to help federal agencies and recipients of federal financial assistance to provide meaningful access to LEP individuals.

## V. EPA'S EXTERNAL AND INTERNAL LEP GUIDANCES

In an effort to ensure recipients of EPA financial assistance comply with EO 13166, on June 25, 2004, the EPA published the *Guidance to Environmental Protection Agency Financial Assistance Recipients Regarding Title VI Prohibition against National Origin Discrimination Affecting Limited English Proficient Individuals*<sup>2</sup>. The Guidance provided a general framework that EPA recipients may use to provide meaningful access to LEP individuals. Some of the topics covered in the Guidance included an overview of how to conduct an individualized assessment to determine the extent of its obligation to provide LEP services and the importance of the development of recipients' own LEP implementation plans to address the identified needs of the LEP populations they serve.

The LEP Order issued in July 2011 set forth the EPA's expectations and requirements to ensure compliance with EO 13166. The LEP Order provides an explanation of how the EPA and its HQ and regional program offices can assess the need to provide oral and written services in languages other than English through a balancing of four-factors (1) the number or proportion of LEP individuals in the eligible service population, (2) the frequency with which LEP individuals come in contact with the program, (3) the importance of the service provided by the program, and (4) the resources available to the EPA. EPA must provide meaningful access to any LEP individual, however, the balancing of these factors will assist programs to determine the appropriate means or method by which to achieve that result. This updated LEP Order provides further details and guidance on how EPA's HQ and regional program offices can ensure meaningful access to its LEP service population.

## VI. DEFINITIONS

*Bilingual Staff Member*- An agency staff member who has demonstrated proficiency in both English and at least one other language. A bilingual staff member may speak or write directly to an LEP individual in a language other than English.

*Contractor*- Any entity that performs work or provides services on behalf of an agency or division under a contractual agreement with reimbursement. ("Contract" means a mutually binding legal relationship obligating the seller to furnish the supplies or services (including construction) and the buyer to pay for them.).

*Deputy Civil Rights Officials*- The Deputy Civil Rights Officials are senior leaders from each of EPA's HQ and regional program offices who have civil rights responsibilities for local implementation of the civil rights program, including the External Compliance program in their respective offices. The Deputy Civil Rights Officials are charged with

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<sup>2</sup> See <http://www.gpo.gov/fdsys/pkg/FR-2004-06-25/pdf/04-14464.pdf>.

working with the External Civil Rights Compliance Office on national policy and strategy development.

*Effective Communication*- Communication sufficient to provide the LEP individual with substantially the same level of access to services and information received by individuals who are not LEP. For example, if EPA creates a frequently asked questions document in English to help the general public understand its actions, then such information should be translated into the relevant languages to allow LEP individuals access to the same information.

*Interpretation*- The act of listening to a communication in one language (source language) and orally converting it to another language (target language) while retaining the same meaning.

*Interpreter*- An individual who conveys meaning orally from one language (the source language) into another (the target language).

*Limited English Proficient (LEP) Individuals*- Individuals who do not speak English as their primary language and who have a limited ability to read, write, speak, or understand English. LEP individuals may be competent in English for certain types of communication (e.g., speaking or understanding), but still be LEP for other types of communication (e.g., reading or writing).

*Meaningful Access*- Language assistance that results in accurate, timely, and effective communication to the LEP individual. For LEP individuals, meaningful access denotes reasonable efforts to provide language assistance services to ensure that LEP individuals have substantially equal access to EPA programs and activities.

*Primary Language*- An individual's primary language is the language in which an individual most effectively communicates.

*Program or Activity*- The term "program or activity" and the term "program" mean all of the operations of the Agency.

*Translation*- The replacement of written text from one language (source language) into an equivalent written text in another language (target language).

*Translator*- An individual who conveys written text from one language (source language) into the equivalent in written text in another language (target language).

*Vital Document*- Paper or electronic material that is critical for access to the Agency's programs, activities, and services, or contains information about procedures or processes required by law. Classification of a document as "vital" depends upon the importance of the program, information, encounter, or service involved, and the consequence to the LEP individual if the information in question is not provided accurately or in a timely manner.

## **VII. RESPONSIBILITIES**

The EPA's mission is to protect human health and the environment and to ensure that all Americans are protected from significant risks to human health and the environment where they live, learn, and work. Consistent with Title VI of the Civil Rights Act of 1964, the Title VI implementing regulations and guidance documents, and EO 13166, this LEP Order is intended to provide agency-wide guidance on the reasonable steps the EPA is taking to provide LEP individuals with meaningful access to EPA programs and activities that otherwise are available to the public, in a timely and effective manner.

### **Language Access Working Group**

The EPA will establish and maintain a Language Access Working Group (Working Group) that reflects the EPA's organizational structure and whose membership is representative of each of the EPA's HQ and regional program offices. The Working Group will be responsible for devising and ensuring that the EPA adheres to this LEP Order and LEP directives and procedures to ensure meaningful access to LEP individuals. The Working Group will be responsible for the development and implementation of individualized Language Assistance Plans and Procedures (LEP Plans) respective to their HQ or regional program office if they encounter or have reason to believe that they may encounter LEP individuals in the course of fulfilling their program's mission. Once the HQ and regional program offices' LEP plans have been implemented, the Working Group will create a schedule to monitor effectiveness of those plans. The Working Group will make recommendations to the EPA's LEP Coordinator for appropriate revisions. The EPA's LEP Coordinator will be seated in the External Civil Rights Compliance Office (ECRCO). The Working Group will establish a schedule to periodically evaluate and update EPA LEP services, policies, plans, and protocols. The Working Group representative's responsibilities will include active participation in ongoing Working Group meetings. Lastly, the Working Group representatives will also serve as the LEP Contract Liaison between their respective HQ and regional program office and ECRCO for all language service requests. The Working Group representatives were identified by senior leadership and will need continuous support from their management while they assist with this effort.

## **LIMITED ENGLISH PROFICIENCY ORDER AND PROCEDURES**

### **1. EPA's Interaction with LEP Individuals:**

The EPA's mission is carried out by its approximately 23 offices,<sup>3</sup> which are dedicated, among other things, to:

- Leading national efforts to reduce environmental risk based on the best available scientific information;
- Ensuring that federal laws protecting human health and the environment are enforced;

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<sup>3</sup> See EPA's Organizational Chart at <http://www2.epa.gov/aboutepa/epa-organization-chart>.

- Ensuring that environmental protection is an integral consideration in U.S. policies concerning natural resources, human health, economic growth, energy, transportation, agriculture, industry and international trade, and these factors are similarly considered in establish environmental policy;
- Providing accurate information to all parts of society in order for individuals to effectively participate in managing human health and environmental risks; and
- Providing access to communications in response to environmental emergencies or disasters.

Given the varied activities and the specific missions, programs, and services of the EPA's many offices, the type and frequency of contact and interaction with the public and LEP individuals may vary across offices. In response to this, each of EPA's HQ and regional offices will take the reasonable steps discussed below to ensure that LEP individuals have meaningful access to all programs and activities.<sup>4</sup>

- A. Each HQ and regional program office will examine its mission and the programs or activities it offers.
- B. To the extent that the EPA makes programs, activities, and services available to the public, the EPA will take reasonable steps to ensure meaningful access is available to the LEP public as well. Accordingly, each HQ or regional program office will examine the types and methods of their public interactions. For example, telephone numbers regularly used by the public, public outreach activities, publications and letters, and program information available through EPA.gov should be accessible to LEP individuals.
- C. As the frequency, type, and extent of these contacts and interactions with LEP individuals will vary across the EPA's offices, each HQ and regional program office will develop a systematic method for tracking such interactions to ensure they are handled appropriately and effectively.

## **2. Identification and Assessment of LEP Communities: A Profile of the EPA's Interactions with LEP Individuals**

### **A. Profile of LEP Individuals:**

The LEP individuals that the EPA encounters include communities, individuals, businesses, and tribal governments. The majority of these LEP individuals speak Spanish. However, different EPA HQ and regional program offices sometimes have interactions with individuals who speak other languages.

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<sup>4</sup> In an effort to provide centralized language services to all of EPA's offices, the External Civil Rights Compliance Office has established a contract vehicle for document translation, in-person interpretation, and telephonic interpretation services that is available for all EPA HQ and regional program offices. See Standard Operating Procedure for Obtaining Translation and Interpretation Services for LEP Persons under the EPA Agency wide Contract at <http://intranet.epa.gov/civilrights/lepaccess.htm>.

## **B. Types of interactions:**

Such a method or process will enable each HQ and regional program office to track all instances where the respective office has provided translation and/or interpretation services and in what languages. The ECRCO will track the language contract costs for the years in which they will fund the agency-wide contract.<sup>5</sup> On an annual basis ECRCO will provide this information to each respective office which uses this contract.

## **C. Nationally prominent languages:**

On a national level, the EPA considers the languages most commonly spoken by LEP individuals as those identified by the American Community Survey (ACS). According to the (2011-2015) ACS survey 5 year estimates, the top six languages other than English spoken at home by LEP individuals age five years or older are Spanish, Chinese, Vietnamese, Korean, Tagalog, and Russian.<sup>6</sup> To ensure that the list remains current, ECRCO will review the list every two years, and update as necessary. The update will reflect current demographic information based on multi-year ACS data. In addition, each HQ and regional program office that conducts its business through more regional or specific geographic areas, should ensure that they refer to the U.S. Census Bureau data or use EPA GIS tools to identify region specific or geographic area demographic data. Each HQ and regional program office will use this data to develop information about the language groups. Where translated material is targeted at an audience that includes LEP language groups other than Spanish, Chinese, Vietnamese, Korean, Tagalog, and Russian, each HQ and regional office should consider into what additional language(s) that material should be translated. Translated material directed to particular audiences need not be translated to other audiences. For example, if a translation is made for a targeted area that is dealing with an environmental hazard and the demographic analysis has shown that the affected language group only speak Vietnamese, there is no need to translate the same material into Spanish, Chinese, and Russian, etc.

## **D. Point of First Contact—Identification of LEP Individuals:**

At the first point of contact with an LEP individual, EPA staff will make an initial assessment of the need for language assistance services, and contact the appropriate office, if different from the first point of contact, to arrange for such services if they are needed to effectively communicate with the individual. Each office will determine the most effective way to identify and document an individual's primary language and country of origin.

In most instances the first contact is likely to be by telephone or via e-mail. To identify the individual's primary language by telephone, staff may rely on self-identification by the LEP individual. As of July 2015, the EPA has a telephonic interpretation contract in

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<sup>5</sup> The language contract was awarded in July 2015 and will be funded through July 2018, as the budget permits.

<sup>6</sup> See

[https://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=ACS\\_15\\_5YR\\_B16001&prodTy=table](https://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=ACS_15_5YR_B16001&prodTy=table)

place and every office will have access to these telephonic interpretation services. If there is confusion about the LEP individual's primary language, staff can use bilingual staff members or the EPA's telephonic interpretation service to attempt to identify the individual's language.<sup>7</sup> To identify the individual's primary language by e-mail, staff may rely on self-identification by the LEP individual if that was provided by the individual. Otherwise, staff can use bilingual staff members or the telephonic interpretation service.

During telephone or in-person individual contact, if relatives, friends, acquaintances, neighbors, or children are present with the individual, staff may rely on these individuals to conduct a first inquiry as to the primary language of the LEP individual. However, staff generally should not rely on these individuals to provide interpretation services because this could result in a breach of confidentiality, a conflict of interest, or an inadequate interpretation.

To identify an individual's primary language, staff may use one or more of the following:

- 1) Self-identification by the LEP individual or companion;
- 2) Verification by a bilingual staff member; and/or
- 3) Telephonic interpretation services.
  - a. **Staff Communication While in the Field:** Staff who work at on-site locations outside the EPA offices will make every effort to identify potential LEP individuals with whom they may come in contact, prior to the site visit, and prepare accordingly. If staff encounter LEP individuals who need interpretation services and who were not identified prior to the on-site visit, staff will ask the LEP individuals to identify their language using an "I Speak" card<sup>8</sup> or other effective resources and will arrange for interpretation services either while on site or as soon as possible thereafter, for example through the use of the telephonic interpretation line.
  - b. **Documentation and Reporting:** Staff should utilize the method or process discussed in Section 3-A, above, to document the contact. This information should be reported to the HQ or regional program offices' Language Access Working Group representative at least twice per year.

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<sup>7</sup> See <http://intranet.epa.gov/civilrights/docs/Telephone%20Intepretation%20Instructions%20-%20EPA%20OCR%20July%202015.pdf>.

<sup>8</sup> The "I Speak" identification flashcard is a tool used with LEP individuals in order to determine their native language.



### 3. Language Assistance Procedures

**ECRCO has obtained a language services contract vehicle that will provide document translation, in-person interpretation, and telephonic interpretation services to all HQ and regional program offices.<sup>9</sup>**

All EPA HQ and regional program offices will take reasonable steps to respond in a timely and effective manner to LEP individuals who need assistance or information. LEP individuals will be advised that they may choose to either: use the services of an interpreter provided by the EPA at no cost to them, or, at their own expense, secure the assistance of an interpreter of their own choosing. To ensure that the language assistance services are accurate, meaningful, and effective, each HQ and regional program office will, on a case-by-case basis, determine which services (interpretation and translation) should be provided. To accomplish this, each office will make reasonable efforts to ensure that:

- LEP individuals who call or visit a HQ or regional program office will receive prompt interpretation or translation from a staff member who has been identified as having the ability to provide language assistance in the language of the customer or through a telephonic interpretation service;
- If the HQ or regional program office staff member encounters LEP individuals during a site visit, staff will arrange for a contracted interpreter or an available bilingual staff member.
- LEP individuals who are unable to access documents written in English receive a translation or oral interpretation, depending on the EPA office's determination of the importance of the document and the needs of the LEP individual.

#### A. Oral Language Services (Interpreters)

1. The EPA's HQ and regional program offices will not require LEP individuals to provide their own language assistance services when communicating with the EPA. As of July 2015, oral interpretation services are now available free of charge to the LEP person, through an agency-wide language contract that is accessible to each HQ and regional program offices at no cost to the LEP individual. The HQ or regional program office will need to submit a language request form. LEP individuals who wish to select their own interpreters will bear the responsibility for costs.<sup>10</sup>

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<sup>9</sup> The Standard Operating Procedure for Obtaining Translation and Interpretation Services for LEP Persons under the EPA Agencywide Contract can be found at [http://intranet.epa.gov/civilrights/pdfs/2015\\_standard\\_operating\\_procedures.pdf](http://intranet.epa.gov/civilrights/pdfs/2015_standard_operating_procedures.pdf)

<sup>10</sup> The ECRCO has established a contract vehicle for document translation, in-person interpretation, and telephonic interpretation services that is available for all EPA HQ and regional program offices. This contract includes professionally trained and certified translators and interpreters. These translators and interpreters have been informed of the importance of confidentiality, impartiality, accuracy, avoidance of conflict of interest, and not adding to, editing, summarizing, or embellishing the LEP person's statement.

2. Depending on the type of the language assistance services needed, bilingual staff can be used. When the services of bilingual EPA staff are not available or appropriate and there is a need for an outside interpreter, the office may seek interpretation assistance from a contracted interpreter through the agency-wide contract.<sup>11</sup>
3. The EPA has a language services contract that will provide translation, in-person interpretation, and telephonic interpretation. These services can be requested by submitting a language service request form to the email inbox:  
Language\_Services\_Contracts\_Request@epa.gov.
4. Except in unusual circumstances, the EPA should not rely on untrained, volunteer family members, neighbors, friends, acquaintances, bystanders, and children of the LEP person to provide interpreter services.

## **B. Written Language Services (Translation)**

1. Vital Documents: Classification of a document as “vital” depends upon the importance of the program, information, encounter, or service involved, and the consequence to the LEP individual if the information in question is not provided accurately or in a timely manner. The determination of what documents are considered “vital” is left to the discretion of the HQ and regional program office, which are in the best position to evaluate and articulate their unique circumstances and services. Documents that could be classified as “vital” generally fall into two broad categories: specific written communication regarding a matter between an individual and an HQ or regional program office; and, documents primarily geared towards the general public or a broad audience.

The more important the activity, information, service, or program, or the greater the possible consequences of the contact to the LEP individuals, the more likely language services are needed. For example, the obligations to communicate information to a person who may be adversely impacted by an immediate water source contamination or to sudden release of airborne toxic chemicals differ from those to provide information on efforts to increase recycling. A program needs to determine whether denial or delay of access to services or information could have serious or even life-threatening implications for the LEP individual. Decisions by a program to make an activity, warning or notice compulsory, such as particular educational programs on lead-based paint and children, can serve as strong evidence of the program’s importance.

It may sometimes be difficult to draw a distinction between vital and non-vital documents, particularly when considering outreach or other documents designed to raise awareness of rights or services. Though meaningful access to a program requires an awareness of the program's existence, we recognize that it would be nearly impossible, from a practical and cost-based perspective, to translate every piece of outreach material into every language. Title VI does not require this of recipients of federal financial assistance, and Executive Order 13166 does not require it of federal agencies.

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<sup>11</sup> See Standard Operating Procedure for Obtaining Translation and Interpretation Services for LEP Persons under the EPA Agency wide contract at <http://intranet.epa.gov/civilrights/lepaccess.htm>.

Nevertheless, because in some circumstances lack of awareness of the existence of a particular program may effectively deny LEP individuals meaningful access, it is important for federal agencies to regularly assess the needs of eligible service populations in order to determine whether certain critical outreach materials should be translated into other languages.

- a. With respect to specific written communication regarding a matter between an individual and specific office, the purpose of translating such written communication is to provide the LEP individual with meaningful access to communication that is critical to understanding the matter at hand. As an example, LEP persons may submit a discrimination complaint to ECRCO in a non-English language and in this circumstance ECRCO must respond to the LEP persons in their primary language.

Written communications with an individual that are considered “vital” documents include, but not are limited to the following:

- Written notices of rights, denial, loss or decreases in benefits or services;
  - Notice of disciplinary action, environmental hazards or cease and desist orders;
  - Notice advising LEP individuals of free language assistance;
  - Settlement of environmental complaints;
  - Notices of permit;
  - Notices, letters, or forms pertaining to administrative complaints (including online electronic complaints);
  - Final EPA decisions or letters of determination on specific matters in which LEP individuals or communities are involved; and
  - Consent forms for the disclosure of personally identifiable information.
- b. With respect to documents intended for public outreach or a broad audience, each HQ and regional program office should ensure that the documents it considers “vital” are translated where a significant percentage of the population is eligible to be served, or likely to be directly affected, by the offices’ services, programs, or activities are LEP. The HQ and regional program offices should consider the nationally prominent languages spoken by LEP individuals as a guide for prioritizing languages for translation of vital documents. Each office may want to consider translation into other languages, as necessary, based on regional demographics or subject matter targeted to specific audiences.

Some examples of documents intended for public outreach or a broad audience may include, but are not limited to the following:

- Brochures;
  - Fact Sheets;
  - Question & Answer Documents;
  - Press Releases;
  - Environmental Reports;
  - Fish Consumption Advisories;
  - Settlement Agreements (in specific instances in which an LEP community are involved or may be affected);
  - Final Agency Decisions (in specific instances in which an LEP community are involved or may be affected);
  - Information pertaining to natural disasters and emergency response efforts; and,
  - Other Vital Documents.
2. For “vital” documents published in the Federal Register, the HQ and regional program office will determine whether to include, as an appendix to the document, a statement in the nationally prominent languages or other languages, as necessary, based on regional demographics or subject matter targeted to specific audiences that language assistance services are available. (See “Notice to Limited English Proficient Individuals” statement under the “Notification” section of this document.)
  3. For “vital” documents accepting public comment that are not published in the Federal Register (e.g., significant guidance documents), the HQ and regional program office will determine whether to include a statement in the nationally prominent languages or other languages, as necessary, based on regional demographics or subject matter targeted to specific audiences that language assistance services are available. (See “Notice to Limited English Proficient Individuals” statement under the “Notification” section of this document.)
  4. The HQ and regional program office will determine whether a complete translation is necessary, or whether translation of vital information contained within the document provides adequate notice of the document’s contents. Under some circumstances, the documents may not need to be translated in their entirety. At a minimum, the office will

need to provide an accurate oral interpretation by a qualified interpreter of the important information in the English version until a written translation can be provided.

5. For those languages that are less prevalent, or for LEP individuals who are not proficient in their own language, the HQ or regional program office will advise LEP individuals, in a language they understand, and orally, as appropriate, how they can get assistance in receiving access to “vital” documents.
6. EPA staff should consider careful coordination and communication with their counterparts in the HQ and regional program offices. This includes but is not limited to sharing of translated documents, engaging subject matter experts, responding to the public, and/or identifying critical materials, circumstances, and events that may require LEP support.

### **EPA’s Product Review Process**

EPA HQ and regional program offices will determine on an ongoing basis whether new documents need to be translated and made accessible for LEP individuals, and will also consider whether other pre-existing vital documents should be translated into prominent languages other than English. EPA HQ and regional program offices will consult with their respective public affairs and communications directors, product review coordinators and web editors-in-chief when evaluating documents and outreach materials that need to be translated and made accessible for LEP individuals. Additionally, each document that is requested for translation and will be widely distributed or posted on EPA's website is required to be reviewed and approved by each HQ or regional office's respective product review officer or web editor-in-chief.<sup>12</sup>

### **C. Notification of Availability of Language Assistance Services**

The EPA will include the notice below in each of the nationally prominent languages with respect to the following:

1. The EPA’s main Web page and each HQ and regional program office’s Web page;
2. The English version of the HQ and regional program offices’ “vital” documents intended for public outreach or a broad audience (e.g. brochures, factsheets.)

Over the last year, the EPA has engaged in enhanced outreach to increase awareness by LEP persons of its services, programs, and activities. Several HQ and regional program offices have formed partnerships with community, advocacy, and other organizations in order to disseminate important information about access to EPA’s services and for LEP individuals. To ensure that LEP individuals have access to important EPA information and available language assistance services,

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<sup>12</sup> EPA’s Product Review Process was finalized by the Office of Public Affairs on March 25, 2016.

### *Notice to Limited English Proficient Individuals*

If you have difficulty understanding English, you may request language assistance services for EPA information that is available to the public. These language assistance services are available free of charge. If you need more information about interpretation or translation services, please call EPA's Main HQ Number at 202-272-0165 or visit EPA's contact web page at: <https://www.epa.gov/aboutepa/mailing-addresses-and-phone-numbers#HQ>.

Or write to:

Environmental Protection Agency  
1200 Pennsylvania Avenue, N.W.  
Washington, DC 20460

Each HQ and regional program office's plan should include their specific telephone, mailing, and e-mail address information in the above statements.

#### **D. Staff Training**

ECRCO in coordination with the Office of Public Affairs (OPA) will take the lead on developing and providing training to the EPA's personnel. The training materials will address the main components of the EPA's LEP Order, policies and protocols. This training will be provided through in-person "classroom" instruction, webinars and other online tools. In addition, ECRCO will provide ongoing training using a "train the trainer" model with the EPA's Language Access Working Group (Working Group). This method will help ensure that the Working Group Representative assist with reaching a wider array of EPA personnel within their respective offices. ECRCO with the assistance of the Working Group will develop guidance, standard operating procedures, and other vital LEP related materials that will be accessible to all EPA employees and be made available through ECRCO's LEP intranet page.<sup>13</sup> The Working Group will have the opportunity to provide feedback and make recommendations on training needs and review and update LEP resources as necessary.

The focus of the LEP training will include ensuring that all EPA employees have access to the LEP Order, vital LEP guidance, and procedures. Training may include, but is not limited to:

1. Providing and explaining the EPA's requirements under the Executive Order 13166;
2. Identifying the language need for an LEP individual;
3. Providing instruction on how to properly access language resources, including translation, in-person interpretation, and telephonic interpretation services;

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<sup>13</sup> ECRCO's LEP intranet page can be found at <http://intranet.epa.gov/civilrights/lepaccess.htm>.

4. How to track and maintain information about contact with an LEP individual;
5. Tips on providing effective meaningful access to LEP individuals;
6. Providing examples of best practices with interactions with LEP individuals;  
and
7. How to proactively Order on providing meaningful access to the LEP public.

## **6. Human Resources**

- A. Each HQ and regional program office will periodically (at least every two years) conduct an assessment of the composition of existing staff by languages spoken, level of oral and written proficiency, job title, and office.
- B. When considering hiring criteria, each HQ and regional program offices will assess the extent to which non-English language proficiency is necessary to fulfill the HQ and regional program office's mission. In the event that such proficiency is an essential element of the specific position or function to be filled by the hiring, the HQ and regional program office may need to contact the Language Testing and Assessment Unit, Federal Bureau of Investigation (FBI), through the agency's Human Resources office.<sup>14</sup>
- C. Each HQ and regional program office will also determine whether the hiring of employees with certain language proficiency, although not necessary in order to carry out the essential functions or elements of the job, would benefit the HQ and regional program office's mission. If other language proficiency would benefit the HQ and regional program office's mission, when authorized to hire, the HQ and regional program office may give attention to, or factor in, the hiring of bilingual staff.

## **7. Performance Measurement and LEP Order Evaluation**

### LEP Order Effectiveness

The EPA's Language Access Coordinator will coordinate implementation of the EPA's LEP Order. In addition, each Working Group Representative will annually assess the operations and effectiveness of their offices' language assistance services by:

- identifying the primary channels of contact with LEP community members (whether telephonic, in person, written correspondence, Web-based, etc.);
- reviewing the information reported by their offices' staff about the non-English languages encountered;

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<sup>14</sup> The FBI's Testing Unit will conduct up to 10 assessments per year, per federal agency, free of charge. The FBI will provide the agency with a Report of Results, which will provide scores of the applicants' language proficiency based on the Interagency Language Roundtable (ILR) skill-level descriptions ([www.govtilr.org](http://www.govtilr.org)).

- reviewing the offices' programs, activities, and services for language accessibility;
- determining whether documents are translated as set forth in this Order (and the HQ or regional offices' individually developed LEP plans);
- reviewing their respective individual LEP plan and its procedures;
- reviewing the use and annual cost of translation and interpretation services, including a review of 1) all of the "vital" documents that the offices' translated and the language(s) into which language those documents were translated; and 2) all of the "vital" documents that included a statement in the nationally prominent languages that language assistance services are available; and
- consulting with outside stakeholders, as appropriate, and feedback from the LEP communities.

Each Working Group Representative will report to the EPA's Language Access Coordinator on its annual assessment, as noted above. Each Working Group Representative will annually brief the Deputy Civil Rights Official on his/her assessment, and the Working Group's recommendations, if any, of the offices' efforts to provide meaningful access to its programs and services to its LEP customers.

## **8. Budget**

The base period of the agency-wide contract (July 2015 through July 2016) will be funded by ECRCO for up to \$300K. In addition, ECRCO will fund the performance period of July 2016 through July 2017. The contract offers a subsequent option period from July 2017 through July 2018, with a \$150K ceiling for each year. If ECRCO does not receive the same level of funding after the first performance period, ECRCO may ask other HQ and regional program offices to buy in to the contract. In order for each HQ and regional program office to properly prepare, it is recommended that each office ensure that its budget planning process considers language assistance services discussed in its respective LEP plan, and that adequate funds are available to carry out that plan. In addition, each Language Access Working Group representative will need to brief their senior management on information about prior year expenses for translation and interpretation services. The ECRCO will provide an annual spending report to each HQ and regional program office which accessed language services through the agency-wide contract.