**Data Quality Record for Long-Term Performance Goals**

**Long-Term Performance Goal Text:** By September 30, 2026, all state recipients of EPA financial assistance will have foundational civil rights programs in place.

**Corresponding Annual Performance Goal:** Percentage of elements completed by state recipients of EPA financial assistance toward having foundational civil rights programs in place.

**Goal Number/Objective:** Goal 2/Objective 2.1

**NPM Lead:** Office of General Counsel (OGC), External Civil Rights Compliance Office (ECRCO)

**1a. Purpose of Long-Term Performance Goal:**
This long-term performance goal (LTPG) will increase the percentage of EPA financial assistance recipients at the state agency level that have implemented foundational nondiscrimination programs as required by federal law and EPA’s nondiscrimination regulation to ensure civil rights compliance.

These long-standing requirements are the foundation for recipients to establish and implement their own nondiscrimination programs and procedures to which they can refer individuals and/or communities who raise discrimination issues. A positive trend will show the effectiveness of EPA’s efforts to ensure that, through the provision of guidance, tools, training, and enhanced civil rights enforcement, recipients are implementing foundational federal civil rights requirements as required by federal civil rights laws and regulation.

**1b. Performance Measure Term Definitions:**
- **State recipients of EPA financial assistance:** Any state or its political subdivision, any instrumentality of a state or its political subdivision to which EPA financial assistance is extended directly or through another recipient.
- **Foundational civil rights programs in place:** A program developed and implemented by an applicant for or recipient of EPA financial assistance with the responsibility to ensure nondiscrimination in its programs and activities, including developing and implementing procedural safeguards that contains important baseline elements (i.e., “procedural safeguards” or “administrative requirements”) that are required by EPA’s nondiscrimination regulation at [40 CFR Part 5](https://www.govinfo.gov/content/pkg/CFR-2022-title40-part5/pdf/CFR-2022-title40-part5.pdf) and [40 CFR Part 7](https://www.govinfo.gov/content/pkg/CFR-2022-title40-part7/pdf/CFR-2022-title40-part7.pdf), or that otherwise emanate from federal civil rights laws (e.g., Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973).
- **Civil rights program requirements:** EPA’s nondiscrimination regulation at 40 CFR Parts 5 and 7 contains important baseline elements that are legally required of applicants for and recipients (including sub-recipients) of EPA financial assistance, including having a notice of nondiscrimination, nondiscrimination coordinator, grievance procedures, a process for collecting and maintaining nondiscrimination compliance information, and pursuant to Title VI of the Civil Rights Act of 1964 and the Rehabilitation Act of 1973. This also includes developing policies and procedures for ensuring meaningful access to programs and activities for individuals with limited-English proficiency and individuals with disabilities.

**1c. Unit of Measure:**
The percentage of elements completed by state recipients of EPA financial assistance that have foundational civil rights programs in place.

2a. Data Source:
ECRCO primarily obtains data from information relative to the 12 “Critical Nondiscrimination Process Points” identified in the ECRCO’s Checklist for Nondiscrimination Program guidance/technical assistance document, and the percentage of the “Critical Nondiscrimination Process Points” met. Data are available on state agency websites, requested and provided through requests from EPA, such as Form 4700-4 and EPA follow-up to form submissions, or through data requests in complaint investigations. EPA staff tracks the Process Points on a tracker that it has developed specifically for this purpose.

2b. Data needed for interpretation of (calculated) Performance Result:
The data needed will be similar to that used for the proactive initiative. In the proactive initiative, a total of 14 state agencies (which did not include ECRCO’s work with recipients in light of complaints) were reviewed by ECRCO. By reviewing each of the state agency websites, EPA did an initial 2020 “baseline” assessment, evaluating 12 “Critical Nondiscrimination Process Points” that had been met so far. ECRCO reviewed the websites of the 14 state agencies to determine the number of critical criteria met. If all 12 critical criteria were met, we determined that all elements of a foundational civil rights program had been met. At the time of the review, none of the 14 state agencies met all 12 criteria.

3. Calculation Methodology:
The aggregate total number of 12 “Critical Nondiscrimination Process Points” that have been met by state recipients of EPA financial assistance, with all 12 establishing that a foundational civil rights program is in place. The methodology for calculating this LTPG is similar to that of the proactive initiative, except that it will include all state recipient agencies, including those that implemented foundational civil rights programs through the resolution of complaints.

4. Quality Assurance/Quality Controls:
Tracking for this project involves internal oversight and review in ECRCO and EPA regions, with voluntary cooperation and reporting from state agencies to validate data compiled.

5. Data Limitations/Qualifications:
Potential sources of error could be based on inaccuracy in the information reported from or obtained by ECRCO from state agency websites or other providing sources, as well as ensuring that EPA can identify all state recipient agencies (i.e., those other than readily identifiable state environmental agencies).

6. Technical Contact:
Kurt Temple (ECRCO), 202-564-7299

7. Certification Statement/Signature:
I certify the information in this DQR is complete and accurate.

DAA Signature  Original signed by Elise Packard  Date 5/24/2022