

## 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 required civil rights procedural safeguard elements implemented by state permitting agencies that are recipients of EPA financial assistance.

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

**NPM Lead:** Office of Environmental Justice and External Civil Rights (OEJECR)

### 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 civil rights procedural safeguard elements as required by EPA's nondiscrimination regulation.

These long-standing requirements are the foundation for recipients to establish and implement their own civil rights 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 civil rights procedural safeguards elements as required by federal civil rights laws and regulation.

### 1b. Performance Measure Term Definitions:

State permitting agencies that are recipients of EPA financial assistance: Any state permitting agency to which EPA financial assistance is extended directly or through another recipient. In FYs 2022 - 2024, the performance measure will focus on state permitting agencies, but in fiscal years 2025 and beyond, EPA will look to assess other state agency recipients (e.g., state departments of transportation, commerce, agriculture) beyond the permitting agencies for their implementation of civil rights procedural safeguards elements.

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, that includes implementing procedural safeguards containing important baseline elements required by EPA's nondiscrimination regulation at [40 CFR Part 5](#) and [40 CFR Part 7](#), 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 procedural safeguard elements: 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 civil rights procedural safeguards elements implemented.

**2a. Data Source:**

The Office of External Civil Rights Compliance (OECRC) primarily obtains data from EPA financial assistance recipients relative to 8 required civil rights procedural safeguards elements identified in [OECRC's Checklist for Nondiscrimination Program guidance/technical assistance document](#) and requested of applicants of EPA financial assistance on EPA Form 4700-4. Data is available on state agency websites, from data provided pursuant to requests from EPA, such as Form 4700-4 and EPA follow-up to form submissions, and through data requests in complaint investigations. EPA staff tracks the civil rights procedural safeguards elements on a tracker that has been developed specifically for this purpose.

**2b. Data needed for interpretation of (calculated) Performance Result:**

The data needed for FYs 2022 - 2024 focuses on 51 state permitting agencies (with one state having 2 such agencies). In addition, for FYs 2022 - 2024, EPA reviewed eight civil rights procedural safeguards elements that are required by EPA's nondiscrimination regulation and federal civil rights laws, including requirements relating to notice of nondiscrimination, grievance procedures, nondiscrimination coordinator, language access, and disability nondiscrimination. The data is gathered by reviewing each of the state agency websites for evidence of implementing each of the procedural safeguard elements. As noted in 1b above, in FYs 2022 - 2024, the performance measure focuses on state permitting agencies, but in future fiscal years, EPA intends through annual performance measures under this LTPG to assess other state agency recipients beyond the permitting agencies for their implementation of the elements. In addition, EPA intends to assess other civil rights procedural safeguard elements, including the data collection requirement, which is a subject of upcoming EPA guidance for recipients.

**3. Calculation Methodology:**

For FYs 2022 - 2024, EPA calculates the percentage of required civil rights procedural safeguards elements implemented by state permitting agencies that are recipients of EPA financial assistance by using a denominator of 408 (51 x 8). We intend to add annual performance goals in future years based on additional state agency recipients examined beyond the permitting agencies, as well as the number of civil rights procedural safeguards reviewed.

**4. Quality Assurance/Quality Controls:**

Tracking for this project involves internal oversight and review in OECRC and EPA regions, with voluntary cooperation and reporting from state agencies to validate data compiled. EPA also implemented audits of EPA Form 4700-4 submissions in FY 2023, which ensures additional quality control with respect to implementation of civil rights procedural safeguards elements by EPA recipients, including state agencies.

**5. Data Limitations/Qualifications:**

Potential sources of error could be based on inaccuracy in the information reported from or obtained by OECRC 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 (OECRC), 202-564-7299

**7. Certification Statement/Signature:**

I certify the information in this DQR is complete and accurate.

PDAA Signature Original signed by Theresa Segovia Date 5/6/2024