

Data Quality Record for Long-Term Performance Goals

Long-Term Performance Goal Text: By September 30, 2026, complete 305 audits to ensure EPA financial assistance recipients are complying with nondiscrimination program procedural requirements.

Corresponding Annual Performance Goal: Number of audits completed to ensure EPA financial assistance recipients are complying with federal civil rights laws.

Goal Number/Objective: Goal 2/Objective 2.3

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 track the number of post-award audits completed based on a sampling of submitted EPA Form 4700-4 forms to ensure recipients have in place the required federal civil rights program requirements, known as procedural safeguards, which form the baseline 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 in number of audits completed will be indicative of the effectiveness of EPA's efforts to ensure that, through the provision of guidance, tools, training, and enhanced civil rights enforcement, EPA financial assistance recipients are complying with federal civil rights laws and EPA's nondiscrimination regulations.

1b. Performance Measure Term Definitions:

EPA financial assistance recipients: An entity to which EPA financial assistance is extended, directly or through another recipient or third party. Recipients can be public or private entities, but do not include the ultimate beneficiaries of a covered program or activity.

Complying with federal civil rights laws: EPA financial assistance recipient obligation to abide by several federal civil rights laws that, together, prohibit discrimination on the basis of race, color, national origin (including limited-English proficiency), disability, sex, age, and retaliation/intimidation in their programs or activities. As implemented by EPA's nondiscrimination regulations, 40 CFR Parts 5 and 7,¹ these laws create affirmative legal obligations and prohibit intentional discrimination as well as practices that have a discriminatory effect.

Civil rights program requirements: EPA's nondiscrimination regulation contains important civil rights procedural safeguard 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;² and developing policies and procedures under federal civil rights law for ensuring meaningful access to programs and activities for individuals with limited-English proficiency

¹ 40 CFR Parts 5 and 7, at <https://www.ecfr.gov/current/title-40/chapter-I/subchapter-A/part-5> and <https://www.ecfr.gov/current/title-40/chapter-I/subchapter-A/part-7>.

² See generally 40 CFR Parts 5 and 7.

and individuals with disabilities.³ In addition, federal civil rights law prohibits discrimination by excluding persons from participation.⁴ Accordingly, EPA guidance recommends public participation processes that ensure applicants for and recipients of EPA financial assistance provide meaningful public involvement that is consistent with federal civil rights laws.⁵

1c. Unit of Measure:

The number of post-award audits of EPA Form 4700-4 submissions completed.

2a. Data Source:

A sampling of EPA's records of Form 4700-4 forms submitted for competitive and noncompetitive funding by EPA program offices.

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

OECRC developed and initiated an audit protocol in FY 2023.

3. Calculation Methodology:

Results are calculated by adding up the total number of audits of Form 4700-4 submissions completed.

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 applicants for and recipients of EPA financial assistance to validate the data reported and compiled as part of the audit process.

5. Data Limitations/Qualifications:

This long-term performance goal is not measuring the results of any audits, only the number of audits completed. A sampling of EPA Form 4700-4 submissions for audit creates a limitation as opposed to auditing all forms.

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

³ See Title VI of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000d to 2000d-7; Section 504 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. § 794.

⁴ Title VI, 42 U.S.C. § 2000d.

⁵ 71 F.R. 14207, at <https://www.govinfo.gov/content/pkg/FR-2006-03-21/pdf/06-2691.pdf>.