

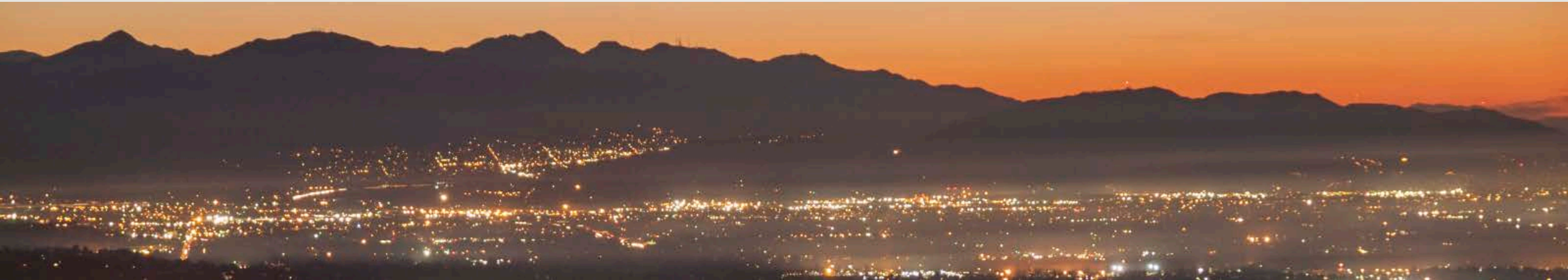


Department of  
Toxic Substances  
Control

# Policy Development: Civil Rights, Language Access, and Draft Tribal Consultation

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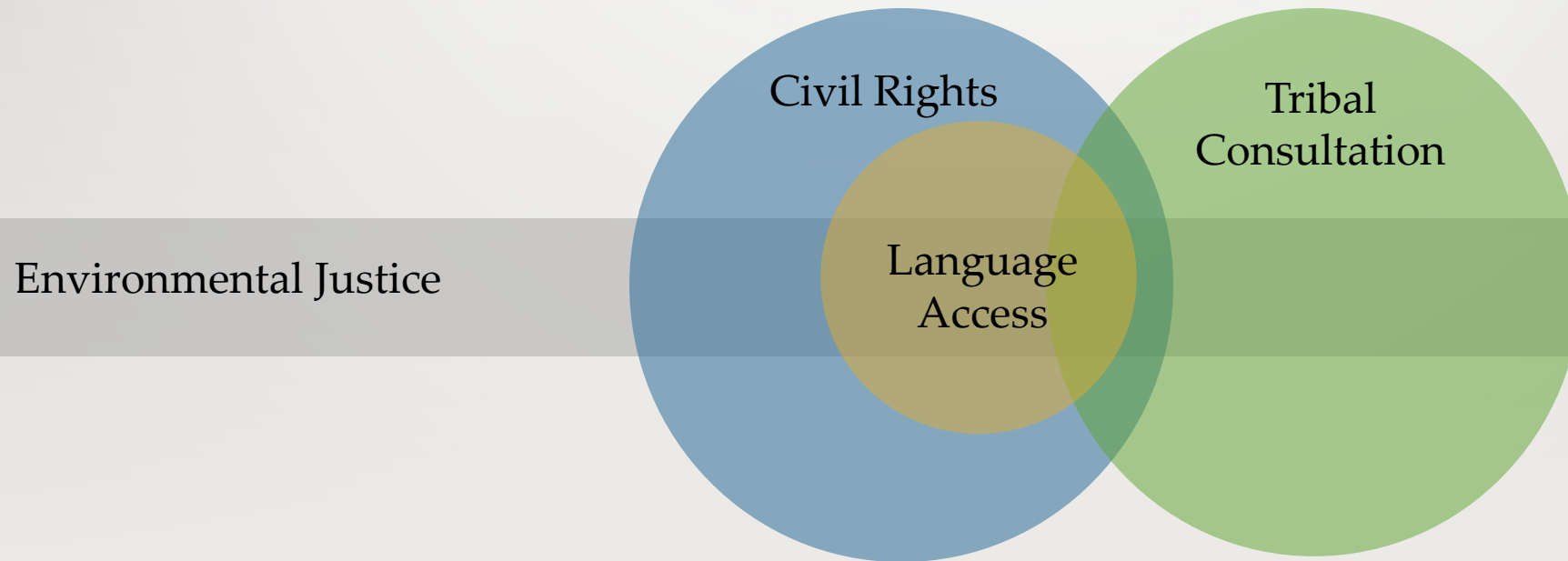
# Overview

1. Background
2. Civil Rights Policy
3. Language Access Policy
4. Draft Tribal Consultation Policy



# Addressing Environmental Justice Concerns

- Through development of transparent and accessible Department policies and procedures





# Department-Wide Policies

- Applicable to all DTSC divisions, branches, offices, units and programs
- Does not alter the authority or requirement of any statute or regulation



Civil Rights Policy – Finalized March 2018



Language Access Policy – Finalized March 2018



Tribal Consultation Policy – Draft

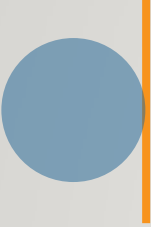


# Process Overview

| Policy                    | Supersedes                                  | Development and Incorporation of Feedback                    | Status                          | Implementation  |
|---------------------------|---|--|---------------------------------|---|
| Civil Rights              | DTSC-OP-0025                                | 2016 Kettleman Settlement Agreement                          | Finalized<br>March 2018         | Draft Civil Rights and Language Access Implementation Plan<br><br><i>Public comment open through May 14, 2018</i> |
| Language Access           | DTSC-14-003                                 | 2017 Scoping Meetings and Drafts Provided for Public Comment |                                 |   |
| Draft Tribal Consultation | None.<br>Guidance from CalEPA Policy (2015) | 2016-2018 DTSC and CalEPA Tribal Advisory Committee          | Anticipated<br>Summer/Fall 2018 | Department Procedural Memoranda and Protocols<br><br><i>To be developed 2018-2020</i>                             |







# Civil Rights Policy

- The purpose of this policy is to ensure that DTSC actively promotes civil rights protections and implements all of its programs and activities in a non-discriminatory manner, and that DTSC contractors, grantees, and other recipients of DTSC funding also comply with federal and state civil rights laws.
- Title VI and CA Section 11135
- Language Access
- Environmental Justice
- How to File a Complaint

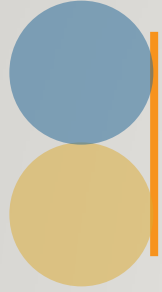




# Language Access Policy

- The purpose of this policy is to eliminate or reduce Limited English Proficiency (LEP) as a barrier to accessing DTSC programs, services, activities, and information and ensure DTSC's compliance with federal and state civil rights laws.
- Vital Documents and Information
- HR and Staff Training
- Access to Translated Documents and Interpretation Services
- Communication Assistance Resolution





# Civil Rights and Language Access Policies: Key Revisions & Incorporation of Feedback

- Clarifies the definition of unlawful discrimination to be fully inclusive of Title VI and CA Government Code Section 11135
- Defines both intentional and disparate impact discrimination
- Provides clearer incorporation of language related to the Kettleman Settlement Agreement
- Makes clear that recipients of DTSC funding, such as grantees and contractors, are included within the scope of the policies



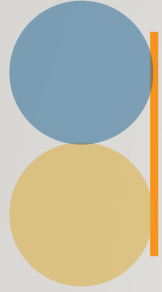




# Civil Rights and Language Access Policies: Key Revisions & Incorporation of Feedback

- Highlights that individuals who can file a civil rights complaint with DTSC include those who witnessed or have knowledge of alleged discrimination based on someone's actual, or perceived, protected characteristic
- Prohibits intimidation and hostile environments that prevent meaningful public participation, as well as practices which, in effect, inhibit full and equal access to DTSC's programs and services for LEP individuals
- Emphasizes the department-wide applicability of the policies





# Civil Rights and Language Access Draft Implementation Plan

- A document required by these policies that provides clear and concrete actions DTSC will take to ensure civil rights protections and equal language access in DTSC's programs and services.
- October 2017 Draft Available for Public Comment until May 14, 2018.
- NOTE: The draft currently available for comment does not yet incorporate revised elements from the final policies.

[www.dtsc.ca.gov/CivilRights-LanguageAccess](http://www.dtsc.ca.gov/CivilRights-LanguageAccess)

[DTSCPolicies@dtsc.ca.gov](mailto:DTSCPolicies@dtsc.ca.gov)





# Draft Tribal Consultation Policy

- The purpose of this policy is to foster effective consultation and collaboration between DTSC and California Indian Tribes, and to providing meaningful input into the development of policies, rules, regulations, programs, projects, plans and activities that may affect Tribal communities.
- Guiding Principles
- Tribal Sovereignty
- Consultation Process
- Timely Notice





# Draft Tribal Consultation Policy: Upcoming Workshops

- DTSC will participate in three workshops with CalEPA and the California Air Resources Board (April – May 2018)
- Locations will include Northern, Southern, and Central California
- Finalization of the Policy anticipated Summer/Fall 2018

[www.dtsc.ca.gov/EJ-Tribal](http://www.dtsc.ca.gov/EJ-Tribal)  
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Thank you!

Questions & Answers

