




Department of Toxic Substances Control Policy



<i>POLICY TITLE</i> Language Access	<i>SUPERCEDES</i> DTSC-19-003	<i>POLICY NUMBER</i> DTSC-OCR-22-002
<i>POLICY OWNER</i> Office of Civil Rights	<i>EFFECTIVE DATE</i> Immediately	<i>PAGE</i> 1 OF 5
<i>DISTRIBUTE TO</i> All DTSC Employees	<i>APPROVED BY</i>  (Signature) Francesca Negri, Chief Deputy Director	
<i>ISSUE DATE</i> April 2022		

POLICY STATEMENT

The Department of Toxic Substances Control (DTSC) is committed to ensuring meaningful access and an equal opportunity to DTSC programs, services, activities, and information to persons who are limited English proficiency (LEP), in compliance with state and federal non-discrimination laws.

APPLICABILITY

This policy applies to DTSC employees, volunteers, contractors, grantees, and recipients of DTSC funding.

AUTHORITY

- A. Title VI of the Civil Rights Act of 1964
- B. Title 40 Code of Federal Regulations (CFR) Parts 5 and 7 Non-discrimination in Programs or Activities Receiving Federal Assistance from the Environmental Protection Agency
- C. Civil Rights Restoration Act of 1987
- D. Presidential Executive Order No. 12898, 59 FR 7629 (February 16, 1994)
- E. Presidential Executive Order No. 13166, 65 FR 50121 (August 11, 2000)
- F. Dymally-Alatorre Bilingual Services Act of 1973 (California Government Code, § 7290 et seq.)
- G. California Health and Safety Code, § 39711
- H. DTSC, Kettleman Title VI Settlement Agreement, August 10, 2016

DEFINITIONS

Bilingual Person: A person who is fluent in two languages and proficient in both English and another language.

Interpret or Interpretation: The act of converting oral communication in one language to another while retaining the same meaning to ensure that LEP persons have meaningful access to the communication.

Meaningful Access: Language assistance (oral and written language services) that results in accurate, timely, and effective communication to LEP individuals and individuals with disabilities. It also denotes reasonable efforts to provide language assistance services to ensure LEP individuals and individuals with disabilities have equal access to DTSC programs, activities, and services.

Language Assistance Services: Oral and written language services needed to assist LEP individuals to communicate effectively with staff, and to provide LEP individuals with meaningful access to, and an equal opportunity to participate fully in, the services, activities, or other programs administered by DTSC.

Limited English Proficient Person: A person who does not speak English as their primary language and who has a limited ability to read, write, speak, or understand English. A LEP person may be competent in English for certain types of communication (e.g., speaking or understanding), but still be LEP for other purposes (e.g., reading or writing). This definition includes individuals with sensory impairments, who are deaf or hard of hearing and communicate using Sign Language, have speech impairments, or that are blind or have visual impairments.

Program or Activity: The term “program or activity” and the term “program” mean all the operations of DTSC.

Translate or Translation: The act of replacing or converting written text in one language with or to written text in another language to ensure that LEP persons have meaningful access to the text.

Vital Documents: Paper, electronic material or information (written or verbal) that is critical for access to DTSC’s programs, activities, and services, or contains information about procedures or processes required by law. The entirety

of a document, or only portions of a document, can be considered vital.

LANGUAGE ASSISTANCE SERVICES

There are two primary types of language assistance services: oral (interpretation) and written (translation). To ensure that the language assistance services are accurate, meaningful, and effective, DTSC will, on a case-by-case basis, determine which language services (oral interpretation and written translation) should be provided.

Oral Interpretation: Oral language assistance may be necessitated by encounters with LEP individuals either by telephone, email, in person, or at public meetings. DTSC 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 including TTY/TDD/Speech-to-Speech users, or with the use of a bilingual staff member.

Written Translation: DTSC will take reasonable steps to ensure that vital documents related to the DTSC'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). If written translation of the document will not be provided, DTSC will determine whether it is reasonable to provide oral interpretation of the document.

RESPONSIBILITIES

To ensure meaningful access to language assistance services, DTSC will take the following steps:

- Ensure members of the public are treated with dignity and respect at all times.
- Employ a sufficient number of qualified bilingual persons in public contact positions consistent with the requirements of the California Dymally-Alatorre Bilingual Services Act and other applicable state and federal non-discrimination laws.
- Explain how LEP individuals can access available language assistance services.
- Inform LEP individuals of free language assistance services in a language they understand, provide effective telephone, face-to-face, and electronic communications for LEP individuals by identifying the language needs of DTSC stakeholders and utilizing available bilingual resources to assist the public, when needed.

- Provide translated vital documents and information to LEP persons by mail, email, or other communication medium.
- Ensure non-vital and vital documents are accessible in alternate formats for individuals with disabilities.
- Evaluate access to language assistance services within DTSC.

**LANGUAGE
ACCESS
COMPLAINTS**

LEP individuals shall not be denied or limited in their access to DTSC programs, benefits, services, and information. If an individual believes DTSC has not been able to provide them with satisfactory language access services or with the requested information or services, the individual may file a language access complaint with DTSC's Office of Civil Rights (OCR). The individual may also contact the [California Department of Human Resources](#) with any concerns regarding DTSC's language access services.

For complaints of discrimination, refer to DTSC's Title VI and California Civil Rights policy.

**PROTECTION
AGAINST
RETALIATION**

Retaliation and/or reprisals against an individual who in good faith makes a complaint, raises a concern, provides information, or otherwise assists in an investigation or proceeding regarding any conduct that the individual reasonably believes to be in violation of this policy are prohibited and will not be tolerated by DTSC. An individual may file a complaint of retaliation with DTSC as provided in this policy. A complaint of retaliation should be based on a reasonable, good faith belief that retaliation has occurred. DTSC reserves the right to initiate an administrative inquiry into any suspected act of retaliation regardless of the complainant's preference.

STAFF TRAINING

The Civil Rights and Language Access Training is mandatory for all DTSC employees. This training explains state and federal non-discrimination and language access requirements, and all DTSC employees are required to complete this training as deemed appropriate by the Department.

VIOLATIONS

All individuals and entities subject to this policy will be held accountable for their conduct. DTSC employees who violate this policy may be subject to formal disciplinary action, up to and including dismissal. Contractors, grantees, and DTSC funding recipients who violate this policy may be subject to penalties, up to and including rescission of their contract with DTSC.

REVISIONS

This policy, and the determination to revise this policy, is the sole responsibility of OCR. Direct questions about this policy to OCR by email at OCR@dtsc.ca.gov.

RELATED DOCUMENTS

- U.S. Environmental Protection Agency, Guidance to Environmental Protection Agency Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons, 69 FR 35602 (June 25, 2004)
- U.S. Environmental Protection Agency, Compliance with Executive Order No. 13166: Improving Access to Services for Persons with Limited English Proficiency, Class. No. 1000.32 (February 10, 2017)
- DTSC's Title VI and California Civil Rights policy