

CIVIL RIGHTS AND LANGUAGE ACCESS IMPLEMENTATION PLAN

Department of Toxic Substances Control
California Environmental Protection Agency

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I. INTRODUCTION

The California Department of Toxic Substances Control (DTSC) is committed to promoting fairness, equity, and the principles of environmental justice, as well as ensuring that DTSC does not discriminate in its decisions, actions, or delivery of services. DTSC will not tolerate unlawful discrimination and will vigorously seek to meet the requirements and intent of state and federal civil rights protections.¹

II. APPLICABLE LAWS, REGULATIONS, AND GUIDANCE

The following is a non-exhaustive list of state and federal laws, regulations, and guidance that provides the foundation for this Implementation Plan and DTSC's Title VI and California Civil Rights policy and Language Access policy.

1. Title VI of the Civil Rights Act of 1964
2. The Age Discrimination Act of 1975
3. Section 504 of the Rehabilitation Act of 1973
4. Civil Rights Restoration Act of 1987
5. Americans with Disabilities Act of 1990
6. U.S. Environmental Protection Agency (EPA) Title 40 Code of Federal Regulations (CFR) Parts 5 and 7
7. Executive Order No. 13166, 65 FR 50121 (August 11, 2000)
8. Dymally-Alatorre Bilingual Services Act, California Government Code, § 7290, et seq.
9. Fair Employment and Housing Act, California Government Code, §§ 12900 -12996
10. California Government Code, § 11135
11. California Government Code, § 11136
12. California Health and Safety Code, § 39711
13. Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations (Presidential Exec. Order No. 12898, 59 Fed. Reg. 7629 (February 16, 1994))
14. Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition against National Origin Discrimination Affecting Limited English Proficient Persons (Presidential Exec. Order No. 13166, 69 Fed. Reg. 35602 (June 25, 2004))
15. U.S. Department of Justice, Title VI Legal Manual (January 26, 2017)
16. U.S. EPA, External Civil Rights Compliance Toolkit (January 18, 2017)
17. U.S. EPA, Compliance with Executive Order 13166: Improving Access to Services for Persons with Limited English Proficiency, February 10, 2017 (Class. No. 1000.32)
18. U.S. EPA, Case Resolution Manual (January 2021)
19. DTSC, Kettleman Title VI Settlement Agreement (August 10, 2016)

¹ This document is solely intended as guidance and does not constitute rulemaking. The purpose of this Civil Rights and Language Access Implementation Plan (Implementation Plan) is to ensure that DTSC actively promotes civil rights protections and implements all its programs and activities in a non-discriminatory manner. It also ensures that DTSC contractors, grantees, and other recipients of DTSC funding comply with state and federal non-discrimination laws. This Implementation Plan aims to provide clear steps and guidance to staff on actions that will help ensure civil rights and language access compliance. Civil rights and language access compliance can be fact specific, and DTSC may deviate from this Implementation Plan on a case-by-case basis. In the event of a conflict between this Implementation Plan and a DTSC policy, the policy prevails.

III. GLOSSARY

- **Bilingual Person:** A person who is proficient at communicating in two languages.
- **Non-Discrimination Coordinator:** The person designated by DTSC to ensure compliance with Title 40 CFR Parts 5 and 7 and state and federal non-discrimination laws. The Non-Discrimination Coordinator shall serve in a manner consistent with the regulatory requirements of Title 40 CFR § 5.135, § 7.85(g), and § 7.95(a).
- **Complainant:** A member of the public filing a civil rights complaint. A complaint can be filed by someone who possesses, or is perceived to possess, a protected characteristic, and who believes that discrimination occurred based on that characteristic. A complaint may also be filed by someone who believes discrimination occurred based on their association with someone with an actual or perceived protected characteristic. Additionally, someone who witnesses or has knowledge of any discrimination in violation of state and federal non-discrimination laws may also file a complaint. A member of the public alleging discrimination by DTSC in violation of state and federal non-discrimination laws can also designate an authorized representative to assist with the individual's complaint, which the representative is included in this definition of "complainant."²
- **Discrimination:** The unlawful denial of fair and equal access to a program or activity offered, conducted, administered, or funded (in whole or in part) by DTSC based on an actual or perceived protected characteristic.
- **Effective Communication:** Communication sufficient to provide the limited English proficient (LEP) individual with substantially the same level of access to services and information received by individuals who are not LEP.
- **Eligible To Be Served, or Likely To Be Affected:** Persons eligible to be served, or likely to be affected, by a DTSC program, activity, or service are those who are served or encountered in the eligible population. The greater the number or proportion of these LEP persons, the more likely language services are needed.
- **Interpretation:** The act of listening to a communication in one language (source language) and orally converting it to another language (target language) while retaining the same meaning.
- **Interpreter:** An individual who conveys meaning orally from one language (the source language) into another (the target language).
- **Limited English Proficient Individuals:** Individuals who do not speak English as their primary language and who have a limited ability to read, write, speak, or understand English. LEP individuals may be competent in English for certain types of communication (e.g., speaking or understanding) but still be LEP for other types of communication (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 who are blind or have visual impairments.
- **Meaningful Access:** Language assistance (oral interpretation and written translation) 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's programs, activities, and services.
- **Primary Language:** An individual's primary language is the language in which an individual most effectively communicates.
- **Program or Activity:** The term "program or activity" and the term "program" mean all the operations of DTSC.

² DTSC employees have a separate discrimination complaint process.

- Protected characteristics: Pursuant to state and federal non-discrimination laws, protected characteristics include sex, race, color, religion, ancestry, national origin (including LEP), ethnic group identification, age, mental disability, physical disability, medical condition, genetic information, marital status, sexual orientation, or other protected characteristics covered under state and federal non-discrimination laws. This definition also includes a person who possesses any of these characteristics, a perception that a person has any of these characteristics, or that the person is associated with a person who has, or is perceived to have, any of these characteristics.
- Translation: The replacement of written text from one language (source language) into an equivalent written text in another language (target language).
- Translator: An individual who conveys written text from one language (source language) into the equivalent in written text in another language (target language).
- Vital Document: Paper, electronic material or information (written or verbal) that is critical for access to DTSC's programs, activities, and services or that contains information about procedures or processes required by law. The entirety of a document, or portions of a document, can be considered vital.

IV. PROCEDURAL SAFEGUARDS

As a recipient of federal financial assistance, DTSC must implement procedural safeguards required under Title 40 CFR Parts 5 and 7 that all recipients of federal assistance must have in place to comply with federal non-discrimination laws. As a recipient of state financial assistance, DTSC is required to comply with California Government Code Section 11135, California Dymally-Alatorre Bilingual Services Act, and other applicable state non-discrimination laws. For this Implementation Plan and DTSC's obligations, the procedural safeguards will also include state non-discrimination requirements.

A. Notice of Non-Discrimination

1. DTSC has developed a notice of non-discrimination (Notice) stating that DTSC does not discriminate on the basis of sex, race, color, religion, ancestry, national origin, ethnic group identification, age, mental disability, physical disability, medical condition, genetic information, marital status, sexual orientation, or other protected characteristics covered under state and federal non-discrimination laws in the administration of its programs or activities; and DTSC does not intimidate or retaliate against any individual or group because they have exercised their rights to participate in actions protected, or oppose actions prohibited, by Title 40 Code Federal Regulations (CFR) Parts 5 and 7 and state and federal non-discrimination laws, or for the purpose of interfering with such rights. The Notice will state that DTSC's Non-Discrimination Coordinator is responsible for coordination of compliance efforts and receipt of inquiries concerning federal requirements implemented by Title 40 CFR Parts 5 and 7 (Non-Discrimination in Programs or Activities Receiving Federal Assistance from the Environmental Protection Agency), including Title VI of the Civil Rights Act of 1964, as amended; Section 504 of the Rehabilitation Act of 1973; the Age Discrimination Act of 1975; Title IX of the Education Amendments of 1972; and Section 13 of the Federal Water Pollution Control Act Amendments of 1972 (hereinafter referred to collectively as the federal non-discrimination laws). DTSC's Non-Discrimination Coordinator is also responsible for ensuring compliance with California Government Code Section 11135, California Dymally-Alatorre Bilingual Services Act of 1973, and other applicable state non-discrimination laws.
2. The Notice will be posted in a prominent place, including in DTSC's offices and facilities, on DTSC's website homepage, and in general publications distributed to the public. The Notice will also be accessible to individuals with LEP and individuals with disabilities.

B. Complaint Procedures

1. DTSC has developed complaint procedures to promptly and fairly process and resolve discrimination complaints filed under state and federal non-discrimination laws and the U.S. EPA's implementing regulations under Title 40 CFR Parts 5 and 7.
2. The complaint procedures will:
 - a. Identify the Non-Discrimination Coordinator.
 - b. Explain the role of the Non-Discrimination Coordinator relative to the coordination and oversight of the complaint procedures.
 - c. State who may file a complaint under the complaint procedures and describe the appropriate bases for filing a complaint.
 - d. Describe which processes are available and the options for complainants in pursuing them.
 - e. Describe elements of DTSC's investigation process and provide timelines for: the submission of a discrimination complaint; the investigation's review, conclusion, or resolution process; and making an appeal of any final decision.
 - f. State that the preponderance of the evidence standard will be applied during the analysis of the complaint.
 - g. Contain assurances that intimidation and retaliation are prohibited and that claims of intimidation and retaliation will be handled promptly and fairly pursuant to DTSC's complaint procedures in the same manner as other claims of discrimination.
 - h. Assure the prompt and fair resolution of complaints that allege violation of state and federal non-discrimination laws.
 - i. State that written notice will be promptly provided when the case has been closed regarding the outcome of the investigation, including whether there was a violation of DTSC's Title VI and California Civil Rights policy.
3. DTSC will post its complaint procedures on DTSC's website homepage, in all DTSC offices and facilities, and in general publications distributed to the public. DTSC will also ensure that its complaint procedures are accessible to individuals with LEP in the appropriate language(s) and to individuals with disabilities.
4. DTSC will review and revise as necessary its complaint procedures on an annual basis to ensure prompt and fair resolution of discrimination complaints.

C. Designation of Non-Discrimination Coordinator

1. DTSC designates the Chief of the Office of Civil Rights (OCR), or the Chief's designee, to be DTSC's Non-Discrimination Coordinator. To ensure compliance with Title 40 CFR Parts 5 and 7 and state and federal non-discrimination laws, the Coordinator will, among other things:
 - a. Provide information to individuals both internally and externally that DTSC is committed to ensuring civil rights protections and implementing all its programs and activities in a non-discriminatory manner and that DTSC contractors, grantees, and other recipients of DTSC funding also comply with state and federal non-discrimination laws.
 - b. Provide notice of DTSC's Civil Rights Complaint Procedures and the ability to file a discrimination complaint.
 - c. Establish a mechanism for implementing DTSC's Civil Rights Complaint Procedures to ensure that all discrimination complaints filed with DTSC under state and federal non-discrimination laws and U.S. EPA's implementing regulations under Title 40 CFR Parts 5

and 7 are processed promptly and fairly. One element of any policy and procedure or mechanism must include providing meaningful access for individuals with LEP and individuals with disabilities to DTSC's services, programs, and activities.

- d. Track all complaints filed with DTSC under state and federal non-discrimination laws.
 - e. Conduct semiannual review/analysis of all complaints filed with DTSC under state and federal non-discrimination laws, and/or any other discrimination complaint independently investigated by DTSC covering these laws, to identify and address any patterns, problems, or any trends identified.
 - f. Ensure that appropriate training is provided for DTSC OCR staff in the processes available to resolve complaints filed with DTSC under state and federal non-discrimination laws.
 - g. Ensure that appropriate training is provided for DTSC employees on DTSC's non-discrimination policies and procedures, as well as the nature of DTSC's obligation to comply with state and federal non-discrimination laws.
 - h. Ensure that complainants are updated on the progress of their complaints filed with DTSC under state and federal non-discrimination laws and are promptly informed as to any determinations DTSC has made.
 - i. Undertake periodic evaluations of the efficacy of DTSC's efforts to provide services, aids, benefits, and participation in any of DTSC's programs or activities without regard to sex, race, color, religion, ancestry, national origin, ethnic group identification, age, mental disability, physical disability, medical condition, genetic information, marital status, sexual orientation, or other protected characteristics covered under state and federal non-discrimination laws or prior exercise of rights or opposition to actions protected under state and federal non-discrimination laws.
2. The Non-Discrimination Coordinator will not have other responsibilities that create a conflict of interest (e.g., also serving as DTSC's legal advisor).

D. Meaningful Access for Persons with Limited English Proficiency

1. DTSC will conduct an appropriate analysis as described in U.S. EPA's LEP Guidance found at 69 FR 35602 (June 25, 2004) to identify the appropriate language groups and determine what language services or mix of language services DTSC must provide (e.g., interpreters and translators), to ensure that LEP individuals can meaningfully participate in DTSC's services, programs, and activities.
2. DTSC has developed and implemented written procedures to ensure meaningful access to all DTSC's services, programs, and activities for individuals with LEP, at no cost to those individuals.

E. Meaningful Access to Programs and Activities for Persons with Disabilities

1. DTSC has developed and implemented a written procedure to ensure meaningful access to all DTSC's programs, services, and activities for individuals with disabilities.
2. DTSC will provide, at no cost, auxiliary aids and services to individuals with disabilities (including, but not limited to, for example, qualified interpreters to individuals who are deaf or hard of hearing and to other individuals, as necessary) to ensure effective communication and an equal opportunity to participate fully in benefits, activities, programs, and services provided by DTSC in a timely manner in such a way as to protect the privacy and independence of the individual.

3. DTSC will ensure that its facilities and other facilities utilized by DTSC are physically accessible to individuals with disabilities.

V. INDIVIDUALS WITH DISABILITIES

DTSC is committed to providing individuals with disabilities the opportunity for full participation in its programs, services, and activities through its compliance with Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act (ADA) of 1990, as amended by the ADA Amendments Act of 2008. DTSC and its agents will not coerce, intimidate, retaliate against, or discriminate against any individual for exercising a right under the ADA or Section 504 or for assisting or supporting another to exercise a right under the ADA or Section 504.

DTSC recognizes that individuals with disabilities may need accommodations or modifications to have equal opportunities to participate in or benefit from DTSC's programs, services, and activities. It is DTSC's policy that no otherwise qualified individual with a disability will be denied access to or participation in any program, service, or activity offered by DTSC. DTSC will administer programs, services, and activities in the most integrated setting appropriate to the needs of qualified individuals with disabilities.

DTSC will provide, at no cost, appropriate auxiliary aids and services including, for example, qualified interpreters to individuals who are deaf or hard of hearing and to other individuals as necessary to ensure effective communication or an equal opportunity to participate fully in the programs, services, and activities provided by DTSC in a timely manner and in such a way as to protect the privacy and independence of the individual. Individuals with disabilities have a right to request accommodation. Individuals will receive accommodation appropriate to their needs to fully participate in or benefit from DTSC's services and activities in a non-discriminatory, integrated setting.

VI. LANGUAGE ACCESS

It is the responsibility of all DTSC employees to take reasonable steps to provide LEP individuals with meaningful access to all DTSC's programs, services, activities, benefits, and information. Given the varied activities and the specific missions, programs, and services of DTSC, the type and frequency of contact and interaction with the public and LEP individuals may vary across offices. To ensure meaningful access, language assistance services will be provided to LEP individuals through the translation of written materials and oral interpretation.

A. Who is a Limited English Proficient Individual?

Individuals who do not speak English as their primary language and who have a limited ability to read, write, speak, or understand English may be LEP and may be entitled to language assistance with respect to a particular type of service, benefit, or encounter. This definition includes individuals with sensory impairments, who are deaf and/or hard of hearing and communicate using sign language, have speech impairments, or who are blind or have visual impairments. For instance, an individual whose primary language is not English and who also has a hearing impairment and relies on sign language for

communication could be considered LEP because the individual's primary language is a language other than English. Examples of populations likely to include LEP persons who are encountered and/or served by DTSC and should be considered when planning language services include but are not limited to:

- Persons who live in communities in proximity to a plant or facility that is permitted or regulated by DTSC.
- Persons subject to, or affected by, environmental protection, clean-up, or enforcement actions of DTSC.
- Persons who seek to enforce or exercise rights under environmental statutes and regulations.

B. Meaningful Access: Using the Four-Factor Analysis

DTSC is required to take reasonable steps to ensure meaningful access to LEP persons. This "reasonableness" standard is intended to be flexible and fact dependent. It helps DTSC determine what services, programs, and activities should be considered for oral (interpretation) and written (translation) language services. As a starting point, DTSC will conduct an individualized assessment by examining the totality of the circumstances and balancing the following four factors:

1. The number or proportion of LEP persons to be served or likely to be encountered by DTSC.
2. The frequency with which LEP individuals encounter DTSC's programs, activities, and services.
3. The nature and importance of the program, activity, or service provided by DTSC.
4. The cost balancing assessment of DTSC's department-wide resources.

After applying the above four-factor analysis, DTSC may conclude that different language assistance measures are sufficient for certain programs or activities. The flexibility DTSC has in addressing the needs of the LEP populations it serves does not diminish, and should not be used to minimize, the importance of addressing those needs. DTSC should apply the four factors listed above to the various kinds of contacts it has with the public to assess language needs and decide what reasonable steps it should take to ensure meaningful access for all LEP persons.

C. Selection of Language Assistance Services

After completing the four-factor analysis, DTSC will determine the appropriate mix of language assistance services. DTSC has two main ways to provide language services: oral (interpretation) and written (translation) services. The appropriate mix should be based on the outcome of the four-factor analysis. Language assistance services that DTSC might provide to LEP individuals include but are not limited to:

- Hiring bilingual staff who are competent to communicate directly with LEP persons in their languages.
- Hiring staff interpreters when there is a frequent need for interpreting services in one or more languages.
- Contracting for interpreters when there is an infrequent need for a particular language skill.
- Using telephonic interpretation services to offer speedy interpreting assistance in many different languages.
- Using community volunteers or liaisons to provide a cost-effective supplemental language assistance strategy under appropriate circumstances.
- Providing translated vital documents into the language of each frequently encountered LEP group to be served or likely to be affected by DTSC's program, service, or activity.

Regardless of the type of language service provided, quality and accuracy of those services are critical to ensuring LEP persons have full access to DTSC's programs, services, and activities.

D. Safe Harbor Provisions

DTSC strives to ensure with increasing certainty that it complies with its obligations to provide written translations in languages other than English. However, the following "safe harbor" provisions apply when certain conditions are met. The following actions will generally be required:

- a) DTSC provides written translations of vital documents for each eligible LEP language group that constitutes 5 percent or includes 1,000 members, whichever is less, of the population of persons eligible to be served or likely to be affected or encountered. Translation of other documents, if needed, can be provided orally; or

- b) If there are fewer than 50 persons in a language group that reaches the 5 percent trigger in (a), DTSC does not translate vital written materials but provides written notice in the primary language of the LEP language group of the right to receive competent oral interpretation of those written materials, free of cost.

These requirements do not affect the requirement to provide meaningful access to LEP individuals through competent oral interpreters where oral language services are needed and are reasonable. If providing written translation of a certain document(s) would be so burdensome as to defeat the legitimate objectives of DTSC's program or activity, it is not necessary. Under such circumstances, other ways of providing meaningful access might be acceptable, such as effective oral interpretation of certain vital documents. Failure to provide written translations under such circumstances does not mean DTSC is noncompliant. Rather, the safe harbor provisions provide a starting point for DTSC to consider:

- Whether, and at what point, the importance of the service, benefit, or activity warrants written translation of commonly used forms into frequently encountered languages other than English.
- Whether the nature of the information sought warrants written translation of commonly used forms into frequently encountered languages other than English.
- Whether the number or proportion of LEP persons served warrants written translation of commonly used forms into frequently encountered languages other than English.
- Whether the demographics of the eligible population are specific to the situations for which the need for language services is being evaluated. In many cases, safe harbor provisions would allow DTSC to only provide written translated materials when marketing to eligible LEP populations within a service area but would not require providing written translations to the service area's entire population.

E. Language Assistance Procedures

All DTSC employees will take reasonable steps to respond in a timely and effective manner to LEP individuals who need assistance or information. 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/or written translation) should be provided. Consistent with guidance from both the U.S. Department of Justice and U.S. EPA, DTSC prioritizes the written translation and oral interpretation of its vital documents and information. DTSC retains its discretion to determine what vital documents and information necessitate written translation or oral interpretation, consistent with state and federal non-discrimination laws and regulations. The following steps provide DTSC with the means to assess its LEP needs, identify available resources, and develop language assistance measures.

i. Assessment of Language Need

At the first point of contact, DTSC employees will make an initial assessment of the need for language assistance services and will obtain such services if the individual is LEP. The assessment can be made in one of the following ways:

- Inquiring as to the primary language of the individual;
- Using an "I Speak" language identification card or other effective resources;
- Self-identification by the individual or their companion (if any); or
- Asking an approved bilingual employee or qualified interpreter (including TTY/TDD/Speech-to-Speech users) to verify the individual's primary language.

To identify an LEP individual's primary language by email, DTSC employees may rely on self-identification by the LEP individual if that was provided by the individual. Otherwise, DTSC employees may use an approved bilingual employee to attempt to identify a person's primary language.

For communication received by telephone, DTSC employees may rely on self-identification by the LEP individual. DTSC employees who receive a telephone call and do not know how to identify the language spoken by the caller can call an approved DTSC bilingual employee to attempt to identify the individual's primary language. When an LEP individual appearing in-person is not able to convey their primary language, DTSC employees will use language identification cards to identify the individual's language need.

During telephone or in-person individual contact, if relatives, friends, acquaintances, neighbors, or children are present with the individual, DTSC employees may rely on these individuals to conduct an initial inquiry as to the primary language of the LEP individual. However, DTSC employees must **not** rely on these individuals to provide interpretation services because this could result in inadequate interpretation.

ii. Oral Language Services (Interpretation)

Oral language assistance may be necessitated by encounters with LEP individuals either by telephone, email, in person, or at public meetings. DTSC employees will make reasonable efforts to ensure that:

- LEP individuals who call or visit a DTSC office will receive prompt interpretation from a DTSC employee who has been identified as having the ability to provide language assistance in the LEP individual's language or through a telephonic interpretation service (including TTY/TDD/Speech-to-Speech users).
- If a DTSC employee expects to encounter LEP individuals during a site visit or a public meeting, the employee will make every effort to identify potential LEP individuals they may encounter in advance and prepare accordingly. Alternatively, to the extent possible, an appointment may be made for the LEP individuals to come into a DTSC office so oral interpretation services can be arranged.
- LEP individuals who are unable to access documents written in English will receive an oral interpretation, depending on a determination by DTSC of the importance of the document and the needs of the LEP individual.

iii. Written Language Services (Translation)

The determination of what documents are considered vital is left to the discretion of each program, division, and office within DTSC, as they are in the best position to evaluate and articulate their unique circumstances and services. The guidelines below were created to direct DTSC employees on what documents require translation.

Determining Vital Documents

To determine whether a document is vital, DTSC will consider the following three factors:

1. Whether the document creates legally enforceable rights or responsibilities.
2. Whether the document solicits important information required to establish or maintain eligibility to participate in a DTSC program, activity, or service.
3. Whether the document itself is a core benefit or service provided by DTSC.

Identifying Vital Documents

Documents that could be identified as vital generally fall into two broad categories: specific written communication regarding a matter between an individual and a specific office, and documents intended for public outreach.

For specific written communication regarding a matter between an individual and a specific office, the purpose of translating such written communication is to provide the individual with meaningful access to

communication that is critical to understanding the matter at hand. Written communications with an individual that are considered vital documents include, but not are limited to, the following:

- Written notices of rights, denial, loss or decreases in benefits or services.
- Notice of disciplinary action, environmental hazards, or cease and desist orders.
- Notice advising LEP individuals of free language assistance.
- Notices, letters, or forms pertaining to administrative complaints (including online electronic complaints).

For documents intended for public outreach, DTSC should ensure the documents it deems vital are translated when a significant percentage of the population is LEP, eligible to be served, or likely to be directly affected by DTSC's programs, activities, and services. Documents intended for public outreach that are considered vital may include, but are not limited to, the following:

- Brochures
- Fact Sheets
- Press Releases
- Critical information pertaining to natural disasters and emergency response efforts.

Deciding What Languages Should Vital Documents Be Translated

U.S. EPA's LEP Guidance provides that the languages spoken by the LEP individuals who are eligible to be served or likely to be affected by DTSC's programs or activities determine the languages into which vital documents should be translated. DTSC should analyze data on the potential LEP populations that match the geographic areas where the programs, activities, services, and projects are located.

Translating Vital Documents

After completing the four-factor analysis, DTSC will determine whether it is reasonable to provide written translation of vital documents and will evaluate by what method the language services will be provided. If written translation of the document is needed, DTSC will: (1) provide written translation of the vital document for a LEP language group that constitutes 5 percent or includes 1000 persons, whichever is less, of the population of persons eligible to be served or likely to be affected or encountered, and (2) determine whether to provide written translation of the entire document, written translation of the important parts of the document, or written translation of a summary of the document. If written translation of the document will not be provided, DTSC will determine whether it is reasonable to provide oral interpretation of the document.

After applying the four-factor analysis and determining that there are fewer than 50 persons in a LEP language group that reaches the 5 percent threshold, DTSC is **not** required to provide written translations of those documents. Instead, DTSC will provide a translated written notice, in the primary language of the LEP group(s), of the right to receive free oral interpretation of those written materials.

VII. PUBLIC PARTICIPATION

DTSC works to create a dialogue with all stakeholders to ensure that their concerns and priorities are incorporated into its decision-making. DTSC's approach is founded on its commitment to transparency, which promotes a proactive public participation program that encourages community involvement by providing for the free flow of information to and from communities and identifies and considers community concerns in its decision-making processes.

DTSC's Public Participation Program (Program) is part of the Office of Environmental Equity, which includes the Environmental Justice and Tribal Affairs programs. The Program works to incorporate public outreach and engagement throughout DTSC's project activities. By serving as public liaisons and directly engaging communities, the Program strives to involve stakeholders in DTSC's policies, programs, and

decisions that affect them. It promotes timely and transparent communication between DTSC and its stakeholders and seeks to develop trusted relationships in the communities it serves. The role of DTSC Public Participation Specialists is to initiate and maintain ongoing dialogue and to prepare and provide information for the public. A well-planned public participation program is fully integrated into DTSC's overall technical work and is a key factor in successful site remediation, corrective action, permitting, and other public outreach and engagement activities.

VIII. FILING A COMPLAINT

A. Complaints of Discrimination

DTSC is committed to ensuring civil rights protections and implementing all its programs and activities in a non-discriminatory manner, and ensuring that DTSC contractors, grantees, and other recipients of DTSC funding also comply with state and federal non-discrimination laws. If a member of the public believes they have been discriminated against with respect to a DTSC program or activity, the individual may file a complaint with DTSC.³ A complaint can be filed by a member of the public who possesses, or is perceived to possess, a protected characteristic and who believes that discrimination based on that characteristic occurred. A complaint may also be filed by a member of the public who believes discrimination occurred based on their association with someone with an actual or perceived protected characteristic. Additionally, a member of the public who witnesses or has knowledge of any discrimination in violation of state and federal non-discrimination laws may also file a complaint. A complaint can also be filed if a member of the public believes they have been retaliated against for filing a complaint, raising a concern, providing information, or otherwise assisting in an investigation about a violation of DTSC's Title VI and California Civil Rights policy.

If the alleged discriminatory act occurred in connection with a federally funded program, activity, service or project, a member of the public may file a complaint with the [U.S. EPA's External Civil Rights Compliance Office](#). As a recipient of state financial assistance, a member of the public may also submit a complaint directly to the [California Department of Fair Employment and Housing](#).

B. Language Access Complaints

LEP individuals shall not be denied or limited in their access to DTSC's programs, benefits, services, and information. If an LEP individual believes DTSC has not provided satisfactory language access services, the individual can file a language access complaint with DTSC. Additionally, the LEP individual may contact the [California Department of Human Resources](#) with any concerns regarding DTSC's language access services.

IX. STAFF TRAINING

DTSC is committed to providing training to its employees on civil rights and language access policies and procedures. DTSC's Civil Rights and Language Access Training is mandatory for all departmental staff. The training explains state and federal non-discrimination laws and language access requirements. Additional civil rights and language access resources are provided on DTSC's Intranet to enhance learning objectives.

X. MONITORING, EVALUATING, AND UPDATING

DTSC's Non-Discrimination Coordinator will monitor and evaluate the effectiveness of this Implementation Plan and make updates as needed. To do this, DTSC's Non-Discrimination Coordinator will make use of the following mechanisms, including but not limited to:

³ DTSC employees utilize a different process for filing discrimination complaints.

- Conduct an annual review of DTSC's non-discrimination program and language assistance services.
- Assess and investigate civil rights and language access complaints.
- Survey staff regarding how often language assistance services are used and how they could be improved.
- Conduct customer satisfaction surveys of LEP individuals.
- Conduct a biennial language survey to measure the frequency of contact with LEP individuals.
- Assess best practices to further enhance language assistance services.

XI. CONTACT US

For questions about DTSC's non-discrimination program, language access services, or Implementation Plan, contact DTSC's Non-Discrimination Coordinator.

Mail: DTSC Non-Discrimination Coordinator
Department of Toxic Substances Control
Office of Civil Rights
1001 I Street, P.O. Box 806
Sacramento, CA 95812

Email: OCR@dtsc.ca.gov

Phone: 1-916-926-9110, 1-800-735-2929 (TTY), 1-800-735-2922 (Voice)

Fax: 1-916-324-1111
(Attention: DTSC Non-Discrimination Coordinator)