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## LANGUAGE ACCESS PLAN

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## Abbreviations

- ASL – American Sign Language
- GIS – Geographic Information System
- IEPA or the Agency – Illinois Environmental Protection Agency
- LEP – Limited English Proficiency
- OCR – Office of Community Relations
- OEJ – Office of Environmental Justice
- TIS – Telephonic Interpreter Services
- Title VI – Title VI of the Civil Rights Act of 1964 42 U.S.C. § 2000D
- TTY – Teletype Device
- TDD – Telecommunication Device for Deaf
- U.S. DOJ – U.S. Department of Justice
- U.S. EPA – U.S. Environmental Protection Agency
- VIM – Vehicle Inspection and Maintenance

## Background

Pursuant to Title VI of the Civil Rights Act of 1964, and the Agency’s Environmental Justice Policy, the Illinois Environmental Protection Agency (IEPA or Agency) is committed to ensuring meaningful access to its programs and activities for all persons, including Limited English Proficiency (LEP) individuals. The U.S. Environmental Protection Agency (U.S. EPA) defines individuals with LEP as “Individuals who do not speak English as their primary language and who have a limited ability to read, write, speak, or understand English. Individuals with LEP may be competent in English for certain types of communication (e.g., speaking or understanding), but be limited in their English proficiency for other types of communication (e.g., reading or writing).”<sup>1</sup>

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<sup>1</sup> [U.S. EPA Order 1000.32](#) Compliance with Executive Order 13166: Improving Access to Services for Persons with Limited English Proficiency

This document provides IEPA employees with resources and a protocol for interacting with identified LEP individuals, including the availability of interpretation and translation services at no cost to the requestor. In addition, this document reflects the Agency's policy that when individuals need language assistance to meaningfully participate in IEPA's programs or events, opportunities for such assistance will be identified and pursued when circumstances meet the guidelines of this Plan.

## Legal Authority

The Agency receives federal financial assistance and, as a contractual recipient of federal funding, IEPA is obliged to comply with applicable provisions of federal civil rights laws and policies prohibiting discrimination, including Title VI of the Civil Rights Act of 1964 (Title VI) 42 U.S.C. § 2000d. Title VI specifically prohibits recipients from discriminating on the basis of race, color, or national origin. The U.S. Supreme Court held in *Lau v. Nichols*, 414 U.S. 563 (1974), that actions by a federally funded program that have a disproportionate negative effect on LEP persons, including denying the LEP individuals a meaningful opportunity to participate in the relevant program, are barred by the Title VI prohibition against national origin discrimination. Thus, recipients of federal financial assistance have an obligation to reduce language barriers that can preclude meaningful access by LEP persons to government services.

Additionally, Executive Order 13166 (August 11, 2000), *Improving Access to Services for Persons with Limited English Proficiency*, requires each federal agency that provides financial assistance to recipients to develop guidance regarding their obligations under Title VI to provide meaningful access to LEP persons. The U.S. Department of Justice (U.S. DOJ) simultaneously issued general guidance (U.S. DOJ Guidance) to federal agencies on implementation of the Executive Order (65 FR 50123, August 16, 2000). Subsequently, U.S. EPA issued its own guidance (U.S. EPA Guidance) to federal funding recipients on the Title VI prohibition against national origin discrimination affecting LEP persons (69 FR 35602, June 25, 2004).

Similarly, the Illinois Civil Rights Act of 2003, which is modeled after Title VI, prohibits units of State, county, and local government from utilizing criteria or methods of administration that have a disparate impact on the basis of race or national origin, regardless of intent. See 740 ILCS 23/5.

## IEPA Program Assessment

In developing this Language Access Plan (LAP), IEPA has generally followed the recommendations provided in the [U.S. EPA Guidance](#). The U.S. EPA Guidance addresses and incorporates the principal elements in the U.S. DOJ Guidance. The LAP focuses on activities that are targeted to the general population or to specific individuals, rather than regulatory communications directed

to regulated entities or municipalities. Affected activities include permitting activities, remedial/cleanup activities, health advisories, educational activities, rulemaking, grantmaking, and responding to inquiries from Illinois residents. The U.S. EPA Guidance states that recipients like IEPA “have considerable flexibility in determining how to comply with their Title VI legal obligation in the LEP setting.” (69 FR 35613). Agencies are encouraged to determine the extent of their LEP obligations by performing an individualized assessment in accordance with a four-factor analysis described in the U.S. EPA Guidance. The four factors are (1) the number or proportion of LEP persons eligible to be served or likely to be encountered; (2) the frequency of contact with LEP individuals; (3) the nature and importance of the program; and (4) the resources available. The ultimate purpose of the assessment is to achieve an appropriate balance of the four factors. As set forth below, IEPA has performed an assessment of the four factors presented in the U.S. EPA Guidance.

### **Factor 1: The number or proportion of LEP persons eligible to be served or likely to be encountered**

Determining reasonable steps for providing meaningful access depends on the number or proportion of people who would be affected by language barriers. The greater the number or proportion of LEP persons in an area, the more likely language services are needed. IEPA’s service area is statewide. Illinois has a significant LEP population with Spanish, Russian, Polish, Tagalog, Chinese and Arabic the most prevalent languages spoken. IEPA can thus anticipate that some portion of the population or households of LEP persons may be encountered by IEPA programs.

Information related to site-specific LEP needs may be available from the following sources: IEPA employees with experience in the community, local governments, public libraries, schools, religious and community organizations, legal aid entities, census data, and U.S. EPA and IEPA mapping tools. These sources may assist in identifying populations for whom additional language services are needed and which translation services would be most beneficial.

### **Factor 2: The frequency of contact with LEP individuals**

The LEP obligations of a federal funding recipient such as IEPA are greater if there is more frequent contact with LEP individuals when compared to unpredictable or infrequent contact. The frequency of LEP contact and the resulting need for Agency assistance can be assessed on a language-specific basis. In other words, the more frequent contact that the Agency has with a particular language group, the more likely that enhanced language services in that language are needed.

The frequency of contact with LEP individuals varies significantly across IEPA programs and the specific locations impacted by Agency activities. For most of the Agency’s programs and regulatory requirements, contact with any particular LEP community is specific to individual sites and programmatic contexts, for example, related to a permitting transaction for a particular facility. The main exception to this is with the Vehicle Inspection and Maintenance program,

which operates in the Chicago and Metro East St. Louis areas and interacts directly with the public.

### Factor 3: The nature and importance of the program

The more important the activity, information, service, or program, or the greater the possible consequences of the contact to the LEP individuals, the more likely language services are needed. For example, U.S. EPA states that the obligation to communicate information to a person who may be adversely impacted by an immediate water source contamination or to a sudden release of airborne toxic chemicals differs from the obligation to provide information on recycling. With this guidance in mind, the need for LEP services could vary significantly, as actions by IEPA programs cover a broad spectrum in terms of urgency and potential consequences. The Agency will prioritize its LEP assistance for 1) critical and health protective services, e.g. translating press releases or advisories in situations where there is the imminent threat of contaminant exposure, 2) information produced for and targeted to the general population, such as factsheets, public notices, and webpage content, and 3) those programs that are required for the general public to obtain licensing, such as the Vehicle Inspection and Maintenance program.

### Factor 4: The resources available

The U.S. EPA Guidance discusses how agency resources determine what would constitute reasonable steps to address LEP needs. The guidance states that agencies with larger budgets would be expected to provide more language services than those with smaller budgets. In addition, the U.S. EPA Guidance states that “reasonable steps” may cease to be reasonable where the costs substantially exceed the benefits. IEPA provides information to LEP persons in two main ways: 1) translation of vital documents and 2) oral interpretation. IEPA uses a mix of techniques, including in-house staff, technology (e.g., translation software), and outside contractors to efficiently provide LEP services consistent with the guidelines of this plan.

## LAP Implementation

Based on the four-factor assessment above, IEPA has developed a plan to provide meaningful access to LEP individuals. This plan aligns with IEPA’s Environmental Justice (EJ) Policy and Enhanced Public Participation Plan to assure that Agency decision-making takes into consideration equity and accessibility in the administration of its programs and activities.

The LAP will continue to evolve through the normal course of the IEPA’s regulatory and programmatic duties. This approach is consistent with the requirements of Title VI and U.S. EPA Guidance, which states: “While all recipients should work toward building systems that will ensure access for LEP individuals, U.S. EPA acknowledges that the implementation of a comprehensive system to serve LEP individuals is a process and that a system will evolve over time as it is implemented and periodically reevaluated.” 69 FR 35612.

## Identifying LEP Individuals Who Need Language Assistance

The analysis under the first and second factors above provides a starting point for determining those LEP individuals who may be entitled to language assistance with respect to Agency programs. Because IEPA's actions and public outreach are often community-based, the identification of LEP individuals will depend upon the population in the specific community. IEPA collaborates with community leaders and members to enhance its awareness of the LEP individuals within the potentially impacted communities. Additional resources utilized by IEPA staff to identify if a community has potential LEP populations or individuals who need language assistance include: IEPA's EJ Start mapping tool, Census data, U.S. EPA's EJScreen mapping tool, and historic and current interactions with community members and community organizations.

## Vital Documents

The IEPA translates vital documents into languages spoken by potentially impacted communities to ensure LEP individuals have access to information that could directly impact their day-to-day lives. Classification of a document as "vital" depends upon the importance of the program, information, encounter, or service involved, and the consequence to the individual with LEP if the information in question is not provided accurately or in a timely manner. The determination of what documents are considered "vital" depends on the unique circumstances and services of individual IEPA programs. Documents that could be classified as "vital" generally fall into two broad categories: (1) specific written communication regarding a matter between an individual and a program or activity and (2) documents primarily geared towards the general public or a broad audience.

The more important the activity, information, service, or program, or the greater the possible consequences of the contact to the individuals with LEP, the more likely language services are needed. If denial or delay of access to services or information could have serious or even life-threatening implications for the individual with LEP, the document is more likely to be considered vital.

Key factors considered when deciding if information is important to provide language access are:

- Impact on access - Does the information directly affect someone's ability to participate in a program, receive services, or understand their rights and obligations?
- Time-sensitivity - Is the information time-sensitive, requiring immediate action or response from the recipient?
- Potential consequences of not understanding - Could a lack of understanding lead to negative outcomes, such as lost benefits, missed appointments, or legal issues?

It may sometimes be difficult to draw a distinction between vital and non-vital documents, particularly when considering outreach or other documents designed to raise awareness of rights or services. Though meaningful access to a program requires an awareness of the program's existence, it would be nearly impossible, from a practical and cost-based perspective,

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to translate every piece of outreach material into every language. The IEPA regularly assesses the needs of eligible service populations to determine whether certain critical outreach materials should be translated into other languages because in some circumstances lack of awareness of the existence of a particular program may effectively deny LEP individuals meaningful access to those programs.

Written communications with an individual that are considered “vital” documents include, but are not limited to, the following:

- Right-to-Know Notices
- Notices, letters, or forms necessary to return to compliance with environmental laws and regulations
- Notices advising individuals with LEP of free language assistance
- Vehicle Emissions Testing Program information

With respect to documents intended for public outreach or a broad audience, each program will ensure that the documents it considers “vital” are translated where a significant percentage of the population that is eligible to be served, or likely to be directly affected, by the office’s services, programs, or activities, have LEP. The program will consider the most common languages spoken by individuals with LEP in Illinois as a guide for prioritizing languages for translation of vital documents. Each program may want to consider translation into other languages, as necessary, based on regional demographics or subject matter targeted to specific communities and audiences.

Some examples of documents intended for public outreach, or a broad audience may include, but are not limited to, the following:

- Procedural Safeguards (Notice of Nondiscrimination, Grievance Procedure, Public Participation Plan, EJ Notification Letter, Language Access Plan, Disability Access Plan)
- Public Notices regarding proposed permitting or regulatory action
- Brochures
- Factsheets
- Press Releases
- Environmental Advisories
- Settlement Agreements (in specific instances in which a community with LEP is involved or may be affected)
- Complaint Forms and Access to Records

### LEP Assessment

For site-specific actions such as public notices and other notifications related to permitting and cleanup programs, the IEPA will:

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1. Use screening tools to assess the LEP population within a 1-mile radius of the site in question, unless the Agency has reason to believe based on quantifiable evidence that the assessed area should be larger or smaller.
2. Assess language assistance requests and consider previous interactions in the community for the site or other nearby sites.
3. After screening and assessment of previous requests, if the total LEP population is significant, the IEPA will use American Community Survey data and other available tools to determine the probable language(s) spoken by the community in the area of assessment. A LEP population is considered significant if equal to or greater than 15% of the entire population within a 1-mile radius of the site.

### Language Assistance Measures

The U.S. EPA Guidance states that the two principal methods of serving LEP individuals are providing oral and written language services. Oral language services consist of interpretation by listening to something in one language and orally translating it into another language. This may include providing on-site interpreters when a high volume of LEP individuals are expected to attend a public availability session, meeting, or hearing. Written language services consist of language translation by replacing written text from one language into equivalent written text in another language. It may range from translation of an entire document to translation of a short or descriptive summary of the document.

It should be noted that, for both oral and written, but particularly for written translations, not all idiom, metaphorical, technical jargon, or other linguistic devices inherent in a language are directly translatable and thus, a translation will never be a perfect or direct representation and nuance must be used to interpret the ideas that are being communicated.

### Training of IEPA Staff

The Office of Environmental Justice (OEJ) will train IEPA staff, with particular focus on employees who are likely to encounter LEP individuals. The training will include information about the LAP and the related resources, policies, and procedures. Staff who routinely encounter LEP persons will be offered refresher training and the opportunity to provide regular feedback on the Agency's LAP implementation.

Awareness and understanding of how to assist LEP individuals requesting language services is important to all Agency programs, services, and activities. As set forth below, relevant staff will receive annual training on policies, processes, and resources available for language services, particularly as language access methods evolve. IEPA will incorporate language access training into the OneNet suite of state employee training modules so that staff may easily access the training online.

Training will focus on:

- The importance of offering language assistance services



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- How to effectively and respectfully communicate and interact with LEP individuals
- IEPA's policies, procedures, and protocols related to providing language assistance services, including the availability of interpretation and translation services at no cost to the requestor;
- What type of translated information is available to LEP individuals and where it can be found; and
- Reporting utilization of language assistance services for improvement of future LEP services.

To ensure continued compliance with the LAP, all Agency managers will receive training on the content of the LAP and the decision-making process for interacting with LEP individuals. Staff that have a more direct community engagement focus to their programs and activities will receive training on how to identify potential LEP populations and implement LEP services.

### Providing Notice to LEP Persons

IEPA seeks to be proactive and inform LEP individuals that language services are available. IEPA will utilize the following methods as appropriate:

- Translated documents
- Working with community-based organizations and other stakeholders to inform LEP individuals of services that may be offered by IEPA, including the availability of language assistance services
- Translated public hearing and meeting notices
- Signs in multiple languages, such as directions to a meeting location within a building

### Monitoring and Updating the LAP

IEPA will review this LAP to determine if language assistance measures and staff training are effective. In evaluating the effectiveness of the Plan and the need for additional measures, IEPA will assess the feedback from Agency staff and the public, including LEP individuals. IEPA will consider methods for seeking input from community members on the success of the implementation of this LAP such as through a survey and/or through a public notice and comment period.

## Language Assistance Services & Protocols

### 1. IEPA Staff Language Capabilities

The Agency has staff who are bilingual (fluent in Spanish) and perform translation tasks and provide language assistance services to LEP individuals.

The IEPA ensures competency of staff utilized for interpretation and translation of documents. When hiring and training Agency staff interpreters, the Agency ensures that they:

- Demonstrate proficiency in and ability to communicate information accurately in both English and in the other identified language and identify and employ the appropriate mode of interpreting (e.g., consecutive, simultaneous, summarization, or sight translation);
- Have knowledge in both languages of any specialized terms or concepts peculiar to the entity's program or activity and of any particularized vocabulary and phraseology used by the LEP person;
- Understand and follow confidentiality and impartiality rules to the same extent the recipient employee for whom they are interpreting and/or to the extent their position requires;
- Understand and adhere to their role as interpreters without deviating into a role as engineer, legal advisor, or other roles (particularly in administrative or public hearings)

## 2. Multilingual Media Contact List

The State of Illinois currently maintains a statewide media contact database. This list consists of more than 400 media outlets that provide coverage of Illinois events, which includes 161 media outlets that are based in Illinois. This database can be sorted by print and electronic media. Additionally, the State of Illinois maintains a multilingual media contact list featuring more than 50 stations in Illinois. All media outlets have the ability to help disseminate news releases, media advisories, or emergency bulletins to its viewing/listening area.

## 3. Advisory Notices

The notice of non-discrimination is posted in various languages on the Illinois EPA website. This notice outlines interpretation information and services available for LEP individuals.

The telephone numbers to call to file a complaint if an individual believes he or she has been discriminated against are also posted. The number to contact the IEPA Title VI Coordinator, Chris Pressnall, is 217-524-1284.

## 4. Language Assistance Services and Protocols

IEPA's language assistance services and protocols include:

- Bilingual staff
- Oral interpretation services
  - Interpreters/Bilingual Staff
  - American Sign Language interpretation
  - Teletype Device (TTY)/Telecommunication Device for Deaf (TDD)
- Written language translation of vital documents

### Bilingual Staff and Training

IEPA's bilingual staff have access to a resource document that includes examples of common Agency phrases that can be helpful when encountering Spanish-speaking LEP individuals. Bilingual staff refer to this resource to help ensure consistency and accuracy, but also use their discretion when communicating with Spanish-speaking LEP individuals. Documents including factsheets and public notices are published on the IEPA website in English, and where there is a significant Spanish-speaking LEP population, or need, the documents are available in Spanish as well.

### Interpretation

Agency programs and offices will provide for simultaneous oral interpretation, by qualified interpreters of live proceedings (e.g., community engagement meetings and public meetings or hearings), events, other programs, activities, or services, whether in person, virtually or in a hybrid setting, in all appropriate and other requested languages to allow individuals with LEP to meaningfully participate in those events, proceedings, programs, and activities, etc. (e.g., provide comments during public hearings, proceedings, programs, and activities hosted or provided by an IEPA program or office).

Interpretation services include telephonic and face-to-face interpretation as well as American Sign Language. A state contract for procuring interpretation services exists for all state agencies, including IEPA.

Depending on the type of the language assistance services needed, a qualified multilingual staff member can be used. When the services of a multilingual staff member are not appropriate, the program or regional office will seek interpretation assistance through the LEP contract.

Per the state contract, *Propio Language Services* provides three-way phone interpretation and Multilingual Connections provides interpretation services at public meetings/hearings, legal meetings/hearings, and other legal proceedings, conferences, workshops, training sessions, and other direct person-to-person interactions. Requests for interpretation services from Multilingual Connections can be made through the IEPA Office of Community Relations or the OEJ.

### Telephonic Interpretation

Telephonic Interpreter Services (TIS) are available for all in-person and telephone contact with the public. If a member of the public calls the IEPA and does not speak English or Spanish, IEPA will contact *Propio Language Services* for interpretation services.

### American Sign Language Interpretation

American Sign Language (ASL) interpretation services are provided by Multilingual Connections LLC. Requests for ASL interpretation services from Multilingual Connections can be made by coordinating with the IEPA OCR or the OEJ.

### ASL Interpreter Feedback Mechanisms

Questions, concerns, or feedback with regard to the telephonic interpreter session, including the quality of the telephonic interpretation, should be made directly to the IEPA Language Access Coordinator, Chris Pressnall (chris.pressnall@illinois.gov).

Complaints may also be made to:

Illinois Deaf and Hard of Hearing Commission (IDHHC)  
Attn: Interpreter Complaint Department  
528 South 5th Street, Suite 209  
Springfield, IL 62701  
Voice: 877-455-3323 or 217-557-4495\*  
Video Phone: 217-303-8010  
TTY: 888-261-2698  
Fax: 217-557-4492  
<https://idhhc.illinois.gov/community/interpretercomplaint.html>

\*For individuals calling the “voice” number, IDHHC calls are directed through the Federal Communications Commission’s video relay system to accommodate Deaf persons.  
Teletype Device (TTY)/Telecommunication Device for Deaf (TDD)

A TTY and TDD are auxiliary aids and services for individuals with hearing impairments. A relay system makes it possible for individuals who are deaf to use TTYs to call other people who may not have a TTY. Illinois has the Illinois Relay Center (IRC), also known as "Dual Party Relay." IRC is a 24-hour-a-day, seven-day-a-week service which provides a communications link between those who use a TTY and those who use a standard voice telephone. Those using a TTY can reach the IEPA by dialing 888-273-5488.

### Translation

Translation is the written or text-based rendering of one language into that of a secondary language. Certain IEPA documents are translated into foreign languages by vendors that the State has contracted with. Translation at the IEPA is coordinated through OCR and OEJ.

## In-House Translation Review and Feedback Mechanism

IEPA follows these guidelines as needed to ensure quality.

### 1. Preparing materials

- Evaluate the English text for readability, clarity, and cultural appropriateness.
- Ensure materials meet the following:
  - language is simple and clear,
  - messages and illustrations are culturally appropriate,
  - translatability of the English document, and
  - document is appropriately formatted for accessibility.
    - If materials will be distributed in hard copy (Word, PDF, etc.) they should be formatted so that they can be made available upon request in formats that are accessible to individuals who use assistive technology as required under the Americans with Disabilities Act and Section 504 of the Rehabilitation Act.
  - Document prints clearly in black and white if it will be posted on the internet for public download.
  - If contact information is listed, program must have capacity to interface with people who are LEP. In most cases, having Telephonic Interpreter Services available to program staff addresses this.

### 2. Translation

- Discuss the following with the translators:
  - purpose of the material
  - appropriate reading level of the target population
  - key health messages, and
  - terminology specific to the message
- Encourage the translator to ask questions, because the quality of the translation is dependent upon the translator's understanding of the English document.
- Use a conceptual translation, as opposed to a word-for-word, sentence-by-sentence translation. This method allows the translator to select from a variety of ways to express the message to the target audience. The use of a non-literal methodology conveys the intended message in a more culturally relevant way than the use of literal or a word-for-word translation.
- If Multilingual Connections is to be contracted for translation services, ensure that editing by a second translator is provided and that this cost is included in the price estimate.

### 3. Revision/Editing

- The initial translation is performed. The process includes the use of two translators – one for the initial translation and the second to review and edit the literacy level of

the translation, checking for accuracy, tone, style, grammar, comprehension of the messages, and appropriateness.

- “Back-to-English” translation is not recommended as an effective method to ensure effectiveness.

## Federal LEP Guidance Documents

- [Title VI Guidance for Recipients](#)
- [A Notice by the U.S. Environmental Protection Agency \(U.S. EPA\) – Guidance to U.S. EPA Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons](#)
- [A Notice by the U.S. Department of Justice \(U.S. DOJ\) – Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons](#)
- [A Notice by the U.S. Department of Energy \(U.S. DOE\) – Nondiscrimination in Federally Assisted Programs Enforcement of Title VI of the Civil Rights Act of 1964-Prohibition Against National Origin Discrimination Affecting Persons with Limited English Proficiency \(LEP\); Policy Guidance](#)