



## **LANGUAGE ACCESS PLAN**

### **Policies and Implementation Strategies to Reach Individuals with Limited English Proficiency**

#### **I. INTRODUCTION**

The state of Georgia is home to people of different cultures, ethnicities, races, and backgrounds. For Georgia residents who have only a limited ability to read, write, speak, or understand English, language barriers may prohibit them from fully participating in Environmental Protection Division (“EPD”) programs, benefits, or services or from understanding EPD policies and regulations. This Language Access Plan (“LAP”) represents EPD’s commitment to provide essential and meaningful communication and language access to individuals with Limited English Proficiency (“LEP”) and outlines EPD’s framework for engagement.

Programs within EPD receive federal financial assistance, therefore EPD is subject to the mandates of Title VI of the Civil Rights Act of 1964. 42 U.S.C. § 2000d *et seq.* Title VI mandates that no person shall “on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any Program or Activity receiving Federal financial assistance.” 42 U.S.C. § 2000d-1.

As further described in the August 2000 federal Executive Order 13166 regarding LEP access, Title VI obligations include taking reasonable steps to provide LEP individuals with meaningful access to programs and activities. 65 Fed. Reg. 50121. As required by that Executive Order, in 2004 US EPA prepared a guidance document for recipients of US EPA funding. 69 Fed. Reg. 35602. The majority of EPD’s federal financial assistance comes from US EPA.

To meet its obligations under Title VI to take reasonable steps to ensure that EPD does not discriminate toward LEP individuals, EPD prepared this LAP. This LAP specifies strategies for identifying where language assistance may be needed, procedures for providing this assistance, methods for notifying LEP individuals of the availability of this assistance, and information regarding LAP updates.

In developing this LAP, EPD considered the four factors described in US EPA’s guidance:

- (1) The number or proportion of LEP individuals eligible to be served or likely to be encountered by EPD;
- (2) The frequency with which LEP individuals encounter EPD programs, services, and activities;
- (3) The nature and importance of these programs, services, and activities to those LEP individuals who are impacted; and
- (4) The resources EPD can reasonably make available and the costs of implementation.

- II. ABOUT EPD.** EPD protects and restores Georgia’s environment. We take the lead in ensuring clean air, water, and land. With our partners, we pursue a sustainable environment that provides a foundation for a vibrant economy and healthy communities. EPD has several branches, programs, and offices.
- A. Air Protection Branch.** The Air Protection Branch regulates emissions from stationary and mobile sources, monitors the levels of air pollutants in the ambient air throughout the State, and ensures air quality rules are up to date. The Branch’s monitoring and planning programs gather and evaluate data and other information necessary to identify air pollutants of concern. The permitting and compliance programs ensure that air pollution controls are effectively implemented.
  - B. Land Protection Branch.** The Land Protection Branch manages a variety of land-related programs. These include permitting and oversight of solid waste landfills, hazardous waste generators and sites, recovered materials sites, lead-based paint and asbestos removal contractors, and surface mines. The Branch manages underground storage tank registration and remediation, scrape tire cleanups, and remediation of abandoned solid waste disposal sites and sites with hazardous constituent contamination. In cooperation with local governments, the Branch also assists with clean up, recycling, education, and other related efforts.
  - C. Watershed Protection Branch.** The Watershed Protection Branch includes regulatory and enforcement programs, community outreach and grant programs, and watershed monitoring, assessment, and planning. The Branch issues permits or other authorizations to local governments, individuals, and industry for wastewater, stormwater, surface water and groundwater withdrawals, state stream buffers, regulated dams, and public drinking water systems. Community outreach and grant programs include technical and operational assistance to local governments and to other permit recipients as well as educational programs. EPD also assesses the health of the state’s water bodies and engages in long range planning and rulemaking to protect those waters.
  - D. Radiation Protection Programs.** The radiation protection programs handle licensing, inspection, enforcement, monitoring, and remediation related to the use or presence of ionizing radiation in the State of Georgia. These programs’ activities also include investigation of and response to incidents involving radioactive materials and emergency readiness planning and training.
  - E. Emergency Response Program.** The Emergency Response Program operates 24 hours a day, every day and stands ready to assess and triage environmental incidents statewide. The Emergency Response Program conducts high priority investigations and provides regulatory, technical, and compliance guidance to industries and residents. As needed, the program coordinates with the Georgia Emergency Response Agency, the U.S. Environmental Protection Agency, and other related federal and local government agencies.
  - F. District Offices.** EPD has six District Offices throughout the state to provide local, on the ground access for citizens and to assist in oversight of the regulatory, permitting, and licensing programs described above. In cooperation with the EPD Branches, the District Offices engage in local outreach, technical assistance,

engineering review, inspection, monitoring, complaint investigation, and enforcement. The District Offices are:

- i. Costal District (Brunswick)
- ii. East Central District (Augusta)
- iii. Mountain District (Atlanta and Cartersville)
- iv. Northeast District (Athens)
- v. Southwest District (Albany)
- vi. West Central District (Macon)

**G. EPD Laboratories.** EPD's lab in Norcross, Georgia conducts chemical and microbiological tests to ensure compliance with state and federal environmental laws and rules. EPD's Air Branch also operates a laboratory to conduct sampling as part of its air monitoring program.

### **III. DEFINITIONS.** The following terms are used throughout this LAP.

- A. Interpretation** – The verbal conveyance of meaning from one language (source language) into an equivalent verbal meaning in another language (target language).
- B. Interpreter** – An individual who conveys meaning orally from one language (the source language) into another (the target language).
- C. Language Access** – Efforts to make programs and services accessible to individuals who are not proficient in English.
- D. Limited English Proficient (LEP) Individuals** – Individuals who do not speak English as their primary language and have a limited ability to read, speak, write, or understand English.
- E. Translation** – The replacement of written text from one language (source language) into an equivalent written text in another language (target language).
- F. Translator** – An individual who conveys written text from one language (source language) into the equivalent in written text in another language (target language).

### **IV. ASSESSMENT OF LANGUAGE NEEDS**

The United States Department of Justice formulated LEP Guidance for conducting an individualized assessment to determine the appropriate language assistance services needed. The four-factor analysis created by the Department of Justice is a flexible and fact-dependent standard that serves as a guide for determining which language assistance measures need to be taken to guarantee access to LEP individuals. 67 Fed. Reg. 41455. US EPA has incorporated these four factors into its LEP guidance. 69 Fed. Reg. 35602.

- A. Factor 1:** Number or proportion of LEP individuals in Georgia eligible to be served or likely to encounter EPD services or programs. The greater the number or proportion of LEP individuals, the more likely language services will be needed. EPD has taken the following steps to assess this information, and to determine if there are minority populations that are eligible for EPD programs or

services who may be underserved because of existing language barriers. EPD investigated language and population information available from the U.S. Census Bureau and the federal government’s LEP website: <https://www.lep.gov>.

As of the development of this LAP, the up-to-date language information from the American Community Survey of the U.S. Census Bureau for Georgia is:

Languages <sup>1</sup>	Total households	Limited English-speaking household	Not a limited English-speaking household
English Only	3,283,828	n/a	n/a
Spanish	289,602	60,619	228,983
French, Haitian, or Cajun	30,763	3,621	27,142
German or other West Germanic languages	20,741	825	19,916
Russian, Polish, or other Slavic languages	14,501	2,214	12,287
Other Indo-European languages <sup>2</sup>	63,299	7,114	56,185
Korean	19,850	5,605	14,245
Chinese (incl. Mandarin, Cantonese):	23,256	6,269	16,987
Vietnamese	19,599	5,479	14,120
Tagalog (incl. Filipino):	7,969	416	7,553
Other Asian and Pacific Island languages <sup>3</sup>	33,214	4,464	28,750
Arabic	6,853	826	6,027
Other and unspecified languages	39,239	4,262	34,977

**B. Factor 2:** The frequency with which LEP individuals encounter an EPD program, or service. Given the varied activities and services of EPD’s programs and offices, the type and frequency of contact and interaction with the public and LEP individuals varies. EPD will take reasonable steps to ensure LEP individuals have meaningful access to all programs and activities.

<sup>1</sup> U.S. Census Bureau, 2019 American Community Survey 1-Year Estimates, Table B16002, available at <https://data.census.gov/cedsci/>.

<sup>2</sup> These languages include, for example, Hindi, Romanian, Welsh, and Persian.

<sup>3</sup> These languages include, for example, Hmong, Japanese, and Thai.

- i. EPD will assess, as accurately as possible, information regarding the frequency with which EPD has contact with LEP individuals seeking help.
  - ii. EPD will survey staff members who interact with community members at least every five years to gather the following information:
    - 1. The frequency of staff in contact with a language group.
    - 2. How often people with limited English proficiency seek services from a program.
    - 3. The type of language services needed.
  - iii. During the onboarding process for new employees, EPD will inform them of this LAP.
- C. Factor 3:** The nature and importance of EPD program, activity, or service to the LEP population. EPD will consider the importance and/or urgency of the activity undertaken. The more important or urgent the service, the greater the need to provide enhanced language services.
- i. EPD will identify all documents that are deemed vital to communicate information to LEP individuals. These are documents that are critical to ensuring access to from EPD’s core programs or benefits. Classification of a document as “vital” depends upon the importance of the program, information, encounter, or service involved. The determination of what documents are considered “vital” will be made by individual programs at EPD, in consultation with the Director of Legal Services and Community Engagement Coordinator and Policy Analyst as needed.
  - ii. EPD will identify the programs, services, and activities that could have a serious consequence if language barriers prevent LEP persons from accessing those programs, services, or activities. For example, communicating with LEP individuals who may be adversely impacted by an immediate water source contamination differs from the need to provide information on efforts to increase recycling.
- D. Factor 4:** The resources available to EPD and the cost to EPD to provide language assistance.
- i. EPD has taken steps to swiftly implement low- and no-cost options to provide greater access for LEP individuals:
    - 1. EPD has coordinated with the Georgia Technology Authority to provide for a wider variety of language translation options for EPD’s website.
    - 2. EPD has surveyed employees to determine the number of bilingual/multilingual employees who are able and willing to perform ad hoc interpretation and translation and the LEP coordinator has developed and maintained a list of those employees.

3. EPD has updated its website by adding a centralized page of all Community Engagement resources, including Title VI compliance and LEP grievance procedure information.
- ii. EPD will consider the level of resources and the costs to provide language assistance services. When cost concerns limit the ability to provide services, EPD will explore other options including coordination with other government agencies and nongovernmental organizations, exploring new resources and emerging technology, and other mechanisms for ensuring meaningful access for individuals who are LEP. Funds available for LEP services will be derived entirely from existing EPD operating funds and will vary depending on appropriations from the General Assembly and on the program and services provided.

**V. IDENTIFICATION OF LEP INDIVIDUALS REQUIRING LANGUAGE ASSISTANCE.**

- A.** EPD has designated its Director of Communications and Community Engagement to serve as a contact point for LEP individuals and for EPD staff to work with to monitor and address language needs:

Sara Lips  
Director of Communications and Community Engagement  
Environmental Protection Division  
2 Martin Luther King Jr. Dr., Suite 1456 East Tower  
Atlanta, GA 30334  
Phone: (470) 524-0732  
Email: [sara.lips@dnr.ga.gov](mailto:sara.lips@dnr.ga.gov)

- B.** EPD has created a Community Involvement landing page on its website, which includes information on Title VI compliance and the Limited English Proficiency outreach: <https://epd.georgia.gov/outreach/community-involvement>. The LEP portion of the website includes contact information for EPD’s Community Engagement Coordinator and Policy Analyst: <https://epd.georgia.gov/community-involvement/limited-english-proficiency>.
- C.** For complaints, EPD coordinates through the Department of Natural Resources. The complaint form may be found here: <https://gadnr.org/limited-english-proficiency-complainant-form>
- D.** EPD will conduct surveys of its program staff at least every five years regarding frequency of contact with LEP individuals, the languages spoken by those individuals, and the type of language services requested. EPD conducted its first survey of program staff in March 2022. The first survey identified the following information.
- i. The most spoken languages by LEP individuals who contact EPD include, in descending order of commonality:
    1. Spanish
    2. Chinese (including Mandarin)

3. Hindi and other Indian languages
  4. Arabic
  5. Korean
- ii. There are no programs that frequently encounter LEP individuals who all speak the same language, however:
1. The Cartersville District Office/Emergency Response Team frequently encounters LEP individuals who speak Spanish.
  2. EPD's Law Enforcement officers frequently encounter LEP individuals who speak a wide variety of languages.
  3. The Underground Storage Tank program in the Land Protection Branch frequently encounters LEP individuals who speak Chinese (including Mandarin), Arabic, or Hindi/other Indian languages.
  4. The Mobile and Area Source Program in the Air Protection Branch frequently encounters LEP individuals who speak Chinese (including Mandarin) or Arabic.
  5. The Construction Stormwater Program in the Watershed Protection Branch occasionally encounters LEP individuals who speak Spanish.
  6. The Solid Waste Program in the Land Protection Branch occasionally encounters LEP individuals who speak Spanish.
  7. The Planning and Support Program in the Air Protection Branch occasionally encounters LEP individuals who speak Korean.
- iii. Survey respondents did not indicate that they had received any formal requests for translation or interpretation services.
- E. EPD staff will use the United States Census Bureau's "I-Speak" cards and/or other similar Language Identification Cards to identify the needs of LEP persons.

**VI. LANGUAGE ASSISTANCE MEASURES.** In implementing measures, quality and accuracy of the language service is critical. To facilitate effective and meaningful communication, EPD has identified methods and resources to provide meaningful access to all individuals.

**A. Notice to LEP Individuals.**

- i. EPD's website has been updated to include the LAP, a one-page document in English summarizing language access services offered by EPD, a Spanish translation of the one page document, the LEP complaint form, and a copy of an "I-Speak" card: <https://epd.georgia.gov/community-involvement/limited-english-proficiency>. The website will also include information for individuals to request translation or interpretation services.

- ii.** United States Census Bureau’s “I-Speak” cards and/or other similar Language Identification Cards will be placed at reception desks at EPD offices.
- iii.** EPD’s website includes seven translation options and EPD is coordinating with the Georgia Technology Authority to update it to include the full scope of Google translate options.

**B.** Establishing internal and external language resources.

- i.** EPD will establish contracts/scopes of work with statewide contractors for professional interpretation and translation services to guarantee the provision of qualified Interpreters and Translators.
- ii.** EPD will determine the language capabilities of all staff members. Any staff member who EPD ensures is competent in a language other than English may be used by EPD to help in communications with LEP individuals.
- iii.** EPD will use, as needed, local and community services that offer qualified Translators or Interpreters for local public hearings or meetings.

**C.** Procedure for requests for language services.

- i.** If a staff member receives a request for interpretation or translation services, they will report that request to their supervisor, who will inform the Branch Chief or Director of District Operations. In coordination with the Director of Legal Services and Deputy Director, the Community Engagement Coordinator and Policy Analyst will use the four-factor analysis described above and the procedures outlined below to determine whether to grant the request and the best method for doing so. EPD’s ability to provide translation and interpretation services upon request is limited by available resources and the scheduling availability of those services.

**1.** For verbal interpretation requests:

- a.** First, if the LEP individuals prefers or requests to use a family member or friend as an interpreter they may do so, but they must be made aware that EPD provides options for an interpreter at no charge to the LEP person before making that decision. The Community Engagement Coordinator and Policy Analyst will document that request in EPD’s files.

- i.** If the LEP person chooses to use a family member or friend as an interpreter, issues of competency of interpretation, confidentiality, privacy, and conflict of interest will be considered.
- ii.** If the family member or friend is not competent or appropriate for any of these reasons, competent





2. Federal Title VI nondiscrimination requirements.
3. EPD responsibilities to LEP individuals.
4. Language assistance services offered by EPD.
5. Documentation of requests for language assistance and services provided.
6. Procedures for handling complaints regarding language assistance.

**VII. EVALUATING AND UPDATING THE LAP.**

- A. EPD will evaluate the effectiveness of the LAP at least every five years and will make any updates to the LAP and to related training, accordingly.
- B. This evaluation may encompass the following:
  - i. Assessment of updated Census information on language in Georgia.
  - ii. Surveys of EPD program staff conducted at least every five years regarding frequency of contact with LEP individuals, the languages spoken by those individuals, and the type of language services requested.
  - iii. Solicitation of feedback from community-based organizations about the effectiveness and performance of the LAP.
  - iv. Review and evaluation of the translation and interpretation services provided by statewide contractors.
  - v. Records created and maintained pursuant to Sections V.C and VI.C.