At a Glance

Improved EPA Oversight of Funding Recipients' Title VI Programs Could Prevent Discrimination

What We Found

ECRCO has not fully implemented an oversight system to provide reasonable assurance that organizations receiving EPA funding are properly implementing Title VI. As an initial matter, ECRCO does not conduct proactive compliance reviews to determine funding recipients' compliance with Title VI. Instead, only once an investigation has been lodged will ECRCO review the foundational

> **Despite elimination of the case backlog, additional improvements in the EPA's oversight of Title VI funding recipients could prevent discrimination.**

elements of the recipient's nondiscrimination program using a checklist. This checklist documents the existence of a nondiscrimination program but does not necessarily document the successful implementation of Title VI. We used the checklist to conduct a limited review of the nondiscrimination programs in all 50 states and three territories. We found that 81 percent lacked some of the required foundational elements on their websites. Meanwhile, ECRCO does not systematically collect program data from EPA funding recipients, and state personnel told us they need training and guidance to help them address discrimination complaints related to permits and cumulative impacts. Three of the seven states we interviewed indicated that they had not received training from ECRCO.

Since ECRCO assumed management of the EPA's Title VI program in December 2016, it has focused its efforts on reducing a significant backlog of discrimination complaints while simultaneously developing policy and guidance documents. It resolved a backlog of 61 cases from fiscal years 2017 through 2019. Improved oversight could prevent future case backlogs at the EPA and help assure funding recipients comply with Title VI.

Recommendations and Planned Agency Corrective Actions

To improve oversight of the Title VI program, we recommend that the Office of the Administrator develop a plan to coordinate across Agency program offices to develop guidance on permitting and cumulative impacts. We also recommend that ECRCO use systematic compliance reviews, develop performance measures to assess its ongoing pilot program working with the states on foundational elements of nondiscrimination, address potential noncompliance with funding applicants, develop guidance on the use of data collection, and outline a plan to ensure that the staff take Title VI training. The Agency did not provide a formal response to our draft report but did provide informal written technical comments. We considered the comments and revised the report, as appropriate. The EPA intends to issue a formal response to this report, which we will post on our website upon receipt. The six recommendations are unresolved.