



Talking Points: TCEQ Language Access Plan and Public Participation Plan

The Texas Commission on Environmental Quality (TCEQ) has requested for public comment and feedback regarding the agency's drafted Language Access Plan and Public Participation Plan. The TCEQ has historically provided limited accommodations for Texas residents with language differences, especially in diverse locations like Houston. These plans can put in place more language provisions and hopefully allow more residents to take part in important decision-making.

General

- Though the TCEQ is an agency that supposedly works for the benefit of the environment and human health, it often makes decisions without giving residents who would be affected by the outcomes a chance to give input.
- The TCEQ prevents residents from full participation by not offering enough language accommodations.
 - This negligence goes against Title VI and President Biden's Executive Order 13985, which mandates agencies to recognize and tackle barriers that bar community members' access to resources.
- The issue of the TCEQ's insufficient language provisions have been brought up time and again to no avail until now.
- People of Color, Indigenous Peoples, Limited English Proficiency (LEP), and low-income communities have historically been subjected to many environmental hazards.

Why the Language Access Plan and the Public Participation Plan is needed

- There is little trust and few meaningful engagements between the TCEQ and residents due to lack of transparent communication. The drafted plans can help with building a good relationship between communities and the agency.
- Engagement with the community goes beyond asking for residents' input during a certain period of time. It should also include making resources available to residents at all times.
 - Many times, the TCEQ involves community members much later in the decision-making process and does not act on the feedback received.
 - Feedback from the community should be incorporated into decision-making and make a tangible impact on permits, regulations, and policies.
- The agency should actively recognize environmental justice and train staff for appropriate engagement with EJ and LEP communities.

The Definition Of “Vital Documents” must be clarified and expanded

- Documents classified as “vital” would be translated.
 - The TCEQ gives a relatively vague definition as to which documents would fall under the category.
- The TCEQ should make it so that this category encompasses all documents that give context for the agency’s programming and activities
 - Example of “vital” documents: notices, agendas of public meetings and hearings, notices of violations or enforcement or disciplinary action, permit summaries, proposed and final rules, and documents relevant to natural disasters or other emergencies

LEP Individuals must be identified with a more robust plan

- Currently the TCEQ’s Language Access Plan states that the agency will use surveys, public meetings, and demographic information to identify LEP individuals.
- In addition to identifying LEP individuals in general, the TCEQ should proactively identify the populations relevant to specific programs and events before they happen and timely distribute appropriate resources and information regarding interpretation and translation services.
 - Translation services should not be restricted to Spanish-language as diverse regions have populations that use many different languages.
 - If interpretation/translation services are not automatic, then the TCEQ must be transparent on how to inquire and obtain the services.

Interpretation and translation staff should undergo more comprehensive training

- Even when there may be interpretation and translation services available, many LEP individuals still do not get a comprehensive understanding of the circumstances at hand because of insufficiently-trained staff.
 - It is important to recognize that these language services are geared towards very specific and technical environmental health topics.
 - Therefore, staff must undergo training to seamlessly translate and interpret so that language is not a barrier between LEP individuals and environmental protection.
- To make sure that staff is appropriately trained, the TCEQ must develop clear protocols to achieve quality control.
- Part of increasing the ability for staff members to translate and interpret is to make sure that they undergo training regarding topics that affect the lives of the people they will offer their services to.
 - Topics include environmental justice, community-based organizing and its importance, trauma-informed approaches, and health impacts.
 - A well-informed staff can in turn help LEP individuals become well-informed.

Public Participation must be proactive and offer multiple options

- Notification for the public regarding TCEQ actions has been insufficient, leaving community members unaware of the decisions that may go down and preventing them from giving input.
 - It is especially important that community members who will be impacted by TCEQ actions comprehend their situation and have a voice in proceedings.
- To achieve meaningful public participation, community members must know about the programs and events that are happening.
 - The TCEQ should put notices through foreign-language newspapers, social media, and hyperlocal media.
 - They should also utilize phone and email lists.
- LEP individuals and individuals with disabilities have not been given the same opportunity to fully participate in decision-making processes.
 - Time limits for public comments should be expanded, and community members should be allowed to make comments in the language of their choosing. Their choice to do so should not diminish what they are sharing.
 - Virtual, telephone, and in-person access should be made available.
 - Translation and interpretation services should occur in real time.
- The TCEQ should offer after traditional work hours opportunities.
- The TCEQ should keep in mind that communities, especially EJ communities, may have limited access to digital resources and information.