

# **EXECUTIVE OFFICE OF ENERGY & ENVIRONMENTAL AFFAIRS**

## **LANGUAGE ACCESS PLAN**

**January 2013**

*Language access “is not just a legal requirement: but good common sense.” John B. Catoe, Jr.*

### **I. INTRODUCTION**

The Executive Office of Energy & Environmental Affairs (EOEEA) will take reasonable steps to ensure that people who are not proficient in English receive, free of charge, the language assistance necessary to give them meaningful access to effectively participate in and benefit from all EOEEA services, programs, information and opportunities. The EOEEA Secretariat, and all agencies within it, will review and update, on a biannual basis, our comprehensive Language Access Plans (LAP) to ensure continued responsiveness to community, constituents and employee needs are in compliance with the Executive Office for Administration and Finance (ANF) Administrative Bulletin #16.

### **II. PURPOSE**

ANF Bulletin #16, promulgated pursuant to the objectives of Executive Order 478 and Executive Order 519, identifies specific guidance our plan should address with regard to Limited English Proficient persons. A Limited English Proficient (“LEP”) person is someone who is not able to speak, read, write or understand the English language at a level that allows her/him to interact effectively with staff in the Executive Office or any of our agencies.

Through self-identification and our outreach collateral to support it, where possible, we will designate internal resources to deliver translation and interpretation services. As funding becomes available, we will contract with external resources to expand such services, including revamping our application, forms, printed materials and electronic information sources to be language friendly aligned with the citizens we serve. Our Plans throughout the Secretariat, when implemented, will remove inherent barriers to access and opportunity for our the public, who interact with agencies throughout EOEEA limited in their English language proficiency.

### **III. AGENCY DESCRIPTION**

EOEEA is the cabinet-level office that oversees the Commonwealth’s environmental and energy policy and regulation. Through its agencies and programs, EOEEA preserves open space for parks, wildlife habitat, forestry, watershed protection, and agriculture; safeguards the state’s marine and freshwater resources; enforces environmental laws; encourages responsible outdoor recreation; reviews the environmental impact of major real estate and infrastructure development projects; and promotes the development of affordable clean energy and energy efficiency.

A brief description of all of all agencies within EOEEA can be found below. Due to the broad array of programs, services, activities and levels of engagement with citizens who have limited

English proficiency across the Commonwealth, each agency within our Secretariat has prepared a LAP that is attached. The following is a brief description of agencies that are within the EOEEA Secretariat.

**DCR:**

The Massachusetts Department of Conservation and Recreation (DCR), oversees 450,000 acres of parks and forests, beaches, bike trails, watersheds, dams, and parkways. The agency's mission is to protect, promote, and enhance our common wealth of natural, cultural, and recreational resources.

**DEP:**

MassDEP is responsible for ensuring clean air and water, safe management and recycling of solid and hazardous wastes, timely cleanup of hazardous waste sites and spills, and the preservation of wetlands and coastal resources.

**DAR:**

DAR's mission is to ensure the long-term viability of local agriculture in Massachusetts. Through its four divisions – Agricultural Development, Animal Health, Crop and Pest Services, and Technical Assistance – the DAR strives to support, regulate, and enhance the Commonwealth's agricultural community, working to promote economically and environmentally sound food safety and animal health measures, and fulfill agriculture's role in energy conservation and production.

**DPU:**

The Department of Public Utilities (DPU) ensures that Massachusetts utility ratepayers receive the most reliable service at the lowest possible cost. The DPU protects the rights of residential utility customers; oversees the siting of power-generating facilities; controls utility company prices and profits while monitoring service quality; and regulates the safety of natural gas pipelines and rail and bus transportation.

**DFG:**

The Department of Fish and Game (DFG) is responsible for promoting the enjoyment and conservation of the Commonwealth's natural resources. DFG carries out this mission through land preservation and wildlife habitat management, management of inland and marine fish and game species, and enforcement of the Massachusetts Endangered Species Act. DFG promotes enjoyment of the Massachusetts environment through outdoor skills workshops, fishing festivals and other educational programs, and by enhancing access to the Commonwealth's lakes and ponds.

**DOER:**

The Massachusetts Department of Energy Resources (DOER) develops and implements policies and programs aimed at ensuring the adequacy, security, diversity, and cost-effectiveness of the Commonwealth's energy supply within the context of creating a greener energy future. To that end, DOER strives to:

- Ensure deployment of all cost-effective energy efficiency
- Maximize development of clean energy resources
- Create and implement energy strategies to assure reliable supplies and improve the cost of clean energy relative to fossil-fuel based generation, and
- Support Massachusetts clean energy companies and spur Massachusetts' clean energy employment

**MEP:**

The Massachusetts Environmental Police (MEP) – is responsible for enforcing the Commonwealth's fish and game and boating and recreational vehicle laws. MEP officers enforce laws and regulations related to the protection of natural resources and public parks and land; boat and recreational vehicle use; and hazardous waste disposal. MEP officers serve as stewards of the state's natural resources, patrolling forests, parks, inland waterways and coastal waters throughout the Commonwealth.

**CZM:**

The Office of Coastal Zone Management (CZM) is the agency within the Executive Office of Energy and Environmental Affairs charged with protecting Massachusetts' approximately 1,500-mile coast. Through educational and regulatory programs, CZM seeks to balance human uses of the coastal zone with the need to protect fragile marine resources. The agency's work includes helping coastal communities anticipate and plan for sea level rise and other effects of climate change, working with cities and towns and the federal government to develop boat sewage no-discharge areas, and partnering with communities and other organizations to restore coastal and aquatic habitats

**MEPA:**

The Massachusetts Environmental Policy Act (MEPA) requires that state agencies study the environmental consequences of their actions and to take all feasible measures to avoid, minimize, and mitigate damage to the environment. MEPA requires public study, disclosure, and development of feasible mitigation for a proposed project. MEPA review provides the mechanism through which this information collection and mitigation mandate is executed. The MEPA Office is the staff of the Secretary of Energy & Environmental Affairs responsible for day-to-day administration of the MEPA review process. Its job is to solicit comments from the general public and agencies; represent the Secretary at the public consultation sessions on projects; coordinate project review with the proponent, consultants, and interested agencies and citizens; and make a recommendation to the Secretary regarding the adequacy of environmental documentation submitted for a project.

MEPA applies to projects that exceed specified MEPA review thresholds and that require a state agency action (in the form of a Permit, Land Transfer or Financial Assistance).

#### **IV. LANGUAGE ACCESS PLAN (LAP)**

We have a comprehensive secretariat-wide language access plan that focuses on specific needs of limited English proficient (LEP) individuals. While each agency within the EOEEA Secretariat has customized their language services to meet their particular needs and clients, there are key elements embodied in all of the plans.

The EOEEA LAP will be fully implemented subject to the availability of resources, both fiscal and human, to implement the Plan. This Plan has been developed to adhere to the Language Access Guidelines of ANF Administrative Bulletin #16. This is our blueprint to provide meaningful access to EOEEA services, programs and activities for LEP individuals.

The Executive Office is the central information contact citizens and clients who call or visit us a “first stop” when they are not certain which of our umbrella agencies to contact for services or assistance. It also is the major conduit through which business, technology and human resource transactions, policies and governance flow into and from the Governor’s Administrative Offices.

#### **OUR PLAN:**

- Where and as needed, we will adopt a procedure for providing oral interpretation services to LEP customers and clients. Multilingual signage will be posted throughout the Executive Office encouraging LEP clients and customers to identify the language they need to ensure effective communication. Contract interpreters, community or professional services, and internal staff will be used as necessary for bilingual initial interpretation services, in-person engagement and over the telephone. We will identify bilingual staff willing to provide interpretation services and create a list of the most common languages we encounter. Should we have a critical mass, we will establish a Volunteer Language Pool of employees who will provide telephone, written, and face-to-face translation and interpretation services on an as-needed basis on a rotating cycle as an agency resource. Potential labor relations concerns will be discussed and resolved with relevant unions prior to inclusion of this added responsibility into bargaining unit employees’ Form 30.
- A written notice of the right to receive free oral interpretation of written materials, in their own language, will be provided to LEP groups who meet the 5% threshold, but number less than 100.
- The LAP Coordinator will post written notice throughout the Executive Office informing LEP persons of the availability of Interpretation/Translation Services. Staff will be surveyed to determine the most common services requested. Notices, in the most

common languages identified by staff, telephonically and in-person will be developed and posted or attached to identify documents.

## **1) Agency Language Access Coordinator**

The EOEEA Coordinator and contact information:

Barbara Nobles Crawford  
Assistant Secretary of Human Resources  
Executive Office of Energy & Environmental Affairs  
100 Cambridge Street, Suite 900  
Boston, Massachusetts 02114  
Phone: 617-626-1161  
[barbara.nobles.crawford@state.ma.us](mailto:barbara.nobles.crawford@state.ma.us)

## **2) Agency Language Needs Assessment**

### **A. Reasonableness Test**

We will evaluate the totality of circumstances and need, including four factors of the Reasonableness Test (number, frequency, nature/importance, and resources/cost) to determine the type and extent to which we will provide language services to LEP constituents and clients. Factors such as volume or proportion of LEP persons served in our daily population, the frequency with which LEP persons come in contact with our services in the Executive Office, the nature and importance of the services, the programs, activities, events, documentation, information we provide, and the resources we currently have or the costs involved in acquiring/contracting appropriate resources needed

- The Executive Office will collect data on services, programs, information, and activities accessed by the LEP population by developing forms to collect information on: What languages our LEP clients and customers speak; what services they access from our agency; and, the frequency in which LEP customers use our services.
- The LAP Coordinator will survey staff to identify Executive Office information that requires written translation based on the Reasonableness Test. If needed, written translations of this information will be made available.
- The Executive Office will determine which documents (applications, forms, instruction sheets/manuals, job aids, reports, web postings, materials, etc.) are vital and will translate the same in the languages of LEP groups who constitute at least 5% or 1,000, whichever is less, subject to the outcome of our four-factor evaluation.

## B. Language Makeup of Client Population

From 2000 U.S. Census data, the Department of Housing & Community Development's analysis reveal that the most frequently spoken languages among the LEP population in the Commonwealth are Spanish, French Creole, Italian, Portuguese, Russian and Chinese (not distinguishable by language types), (Cambodian) Mon-Khmer, and Vietnamese. The table below provides summary information, which is the best available information to date. Massachusetts is a diverse state in which reportedly numerous LEP households reside. U.S. Census data gathered in 2000 revealed that 18.7% of all residents over the age of 18 speak a language other than English, and of those residents, 21% speak English "not well" or "not at all."

The Massachusetts LEP populations as a Percentage of Total State Population can be seen below:

**Table 1: Massachusetts LEP populations as a Percentage of Total State Populations**

<b>Population</b>	<b>Number</b>	<b>Percentage (out of total MA population)</b>
Population 18 years and over	4,853,130	100.00%
Speak only English	3,944,715	81.28%
Speak a language other than English	908,415	18.72%
Total MA LEP Population (people who speak English "Not Well" or "Not at All")	193,785	3.99%
Spanish or Spanish Creole	71,895	1.48%
French Creole	6,810	0.14%
Italian	6,525	0.13%
Portuguese or Portuguese Creole	39,620	0.82%
Russian	8,990	0.19%
Chinese	18,050	0.37%
Mon-Khmer, Cambodian	5,125	0.11%
Vietnamese	8,990	0.19%

## C. Points of Contact Between Agency and Client Population

Clients may contact the Executive Office either by visiting or calling the office or by using our website as listed below.

100 Cambridge Street  
Suite 900  
Boston, MA 02114  
Telephone: 617-626-1000 (Main Number)  
[Energy and Environmental Affairs](#)

### **Language Resources Assessment**

The Executive Office has identified four current staff that could assist with interpreter services if needed. The languages our employees speak are Portuguese, Spanish, French, and Chinese. A more in-depth assessment of staff language capabilities will potentially increase this pool, particularly if stringent certification will not be required. A staff assessment of available talent to perform these services was referenced in previous sections of this plan.

### **3) Language Service Protocols**

In-person and telephone interpretation services if necessary will be provided at both the Reception Area as needed and in large group meetings (of more than 20 participants) when the need is known in advance and as resources (funding and/or access to contracted services) are available. As described previously in the Plan, clients will make their request to the Executive Office by phone or in writing when translation or interpretation services are needed. If written interpretation or translation services are not available, the client will be promptly notified in writing and by phone. We will make every effort to ensure that this notification is in the respective language of the requestor.

### **4) Vital Document Translation**

Upon request, the Executive Office will list all vital documents that will be translated, in whole or in part, within a specified timeframe, as funding and human resources are available to do so. After the Assessment phase as described on previous pages, we will determine core documents that will be translated provided resources are in place to implement.

As noted previously, all documents that are translated that are appropriate for public domain will be placed on the EEA website for access by all when available.

### **5) Stakeholder Consultations**

Contact was made with a couple of contract agencies (one that is heavily used in other agencies within the Commonwealth, and two that are not, although very credible in this area of work) to scope and assess interpretation and translation services. The Human Resources Department in the Executive Office has established a relationship with Pease International to be a resource when needed that will be on a fee for service basis. This company has been on all relevant state procurement lists for years. To date, we have not surveyed our total population to ascertain definitive capabilities within the workforce. We will discover where we stand against the 5% threshold when we do, and will take appropriate steps to meet the needs of the population.

### **6) Staff Training**

Members of the staff, particularly bilingual volunteers and those who are in regular contact with the public, will be trained on the agency's language access plan. The Executive Office Learning & Development Manager (in the past referred to as Training Manager) will be responsible for providing the training and managing external resources associated with the Plan. The training will cover the Plan, our organization's policy and procedure, application of the developed information and statistical forms, and the reporting requirements of the staff to LAP Coordinator.

**Notice to Public**

Notices to the Public will be posted in the Reception Area of the Executive Office, Human Resources Department, Lunch Room, and within the agencies on bulletin boards throughout the office, including the website.

**7) Monitoring**

We will maintain a record of all LEP customers and clients encountered once the plan is implemented, including the languages and complaints, if any, and how we resolved them. The report generated from this data will be used to inform our best practices. A quarterly report on LEP services reported, including identifying communities where LEP customers reside and their primary languages, requests for services both met and unmet, complaints and suggestions for improving the final plan will be developed and communicated.

Our Language Access Plan will be evaluated and revised every two years. Any significant changes needed in the Plan will be made and communicated. The Language Access Coordinator will be responsible for the evaluation and revision of the Plan.

## Complaint Procedures

Complaints should be filed with the Language Access Coordinator or the Office of Access and Opportunity in the governor's Office. Complaints should be filed within 60 days of the alleged concern or denial. The written complaint should be in English. The contact names and addresses for complaints:

Barbara Nobles Crawford  
Assistant Secretary of Human Resources  
Executive Office of Energy & Environmental Affairs  
100 Cambridge Street, Suite 900  
Boston, MA 02114  
[barbara.nobles.crawford@state.ma.us](mailto:barbara.nobles.crawford@state.ma.us)

Ronald Marlow  
Assistant Secretary  
Office of Access and Opportunity  
Executive Office of Administration & Finance  
State House, Room 373  
Boston, MA 02133  
[Ronald.Marlow@state.ma.us](mailto:Ronald.Marlow@state.ma.us)

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**Richard K. Sullivan, Jr.**                      Date  
Secretary  
Executive Office of Energy and Environmental Affairs