



**RESPONSE TO COMMENTS ON LANGUAGE ACCESS PLANS  
from the Executive Office of Energy and Environmental Affairs (EEA) and  
the Department of Public Utilities (DPU)**

**September 2024**

On June 3, 2024, the Executive Office of Energy and Environmental Affairs (EEA) and the Department of Public Utilities (DPU) [released their draft Language Access Plans \(LAPs\) for a 60-day public comment period](#). The LAPs outline the practices that will be followed to ensure that people with limited English proficiency (LEP) can meaningfully access and participate in programs, services, and activities through translated materials and interpretation. The LAPs were translated into Spanish, Portuguese, Haitian Creole, Chinese (Simplified and Traditional), Vietnamese, and Cape Verdean Creole.

A joint virtual listening session on the draft LAPs was held on July 2, 2024, and an in-person listening session on July 9, 2024, at a community center in Roxbury. Around 45 people attended these listening sessions. Additional written comments were received before close of the comment period on August 3, 2024.

Comments were received from the following individuals and organizations:

- a) Comments from the virtual listening session
  - 1) Iris Coloma Gaines, Mass Law Reform Institute
  - 2) Elizabeth Puga
  - 3) Nadia Romanazzi
  - 4) Doris Maldonado Mendez
- b) Comments from the in-person listening session
  - 5) Sasha Parody, Metropolitan Area Planning Council (MAPC)
  - 6) Priya Gandbhir, Conservation Law Foundation (CLF)
  - 7) Berta Tavares, City of Lynn
- c) Comments submitted through Formstack
  - 8) Unidentified Commenter
- d) Written public comments submitted via email
  - 9) Jollette Westbrook, Environmental Defense Fund, and Priya Gandbhir, Conservation Law Foundation
  - 10) Kevin F. Penders, Esq., Eversource; Ronald J. Ritchie, Esq., Liberty Utilities; Patrick Houghton, Esq., Boston Gas Company, Massachusetts Electric Company, and Nantucket Electric Company, each d/b/a National Grid; Brendan P. Vaughan, Esq., The Berkshire Gas Company; and Matthew C. Campbell, Esq., Fitchburg Gas & Electric Company d/b/a Until

The EEA and DPU have summarized and responded to comments received on the draft LAP below. The number or numbers following each comment refers to the commenters as listed above.

1. **Comment:** Some recommended publishing all documents (both source document in English and all translated versions) at the same time to ensure equity (2, 9). Others suggested that translated versions of vital documents should be posted as they are

available. If all translations are not available at the same time, indicate when they will be available on the website. (5, 6, 9)

**Response:** The final EEA and DPU LAPs require both English and translated versions of materials to be posted at the same time to ensure equitable access.

2. **Comment:** The DPU should require automatic translation/interpretation of vital documents and proceeding materials into the top five non-English languages (Spanish, Portuguese, Chinese, Haitian Creole, Vietnamese) according to the American Community Survey (ACS) rather than the top ten proposed in the draft LAP for service territory and location-specific proceedings. During the two years between implementation of this initial LAP and the next version, the DPU can gather data on language access services and more accurately evaluate how to define “languages regularly spoken”. (10)

**Response:** For service territory specific proceedings, the final DPU LAP requires translation and interpretation in top five (or fewer) languages spoken by persons with LEP. The final DPU LAP includes an appendix listing languages regularly encountered at the statewide and service territory level and for which translation and interpretation will be provided. This list may be revised and updated as additional data becomes available. For location specific proceedings, languages regularly encountered will be determined by undertaking a language demographic analysis at the census tract level in the project area.

3. **Comment:** The definition of “languages regularly spoken” should align with the Environmental Protection Agency (EPA)’s guidelines for providing meaningful access for LEP persons and include languages “spoken by five percent or 1,000 members, whichever is less, of the population of persons eligible to be served or likely to be affected or encountered”. This definition will better account for varying population densities than the DPU’s proposed definition in the draft LAP. (9)

**Response:** The final EEA and DPU LAPs define “languages regularly encountered” for statewide, service territory, and location specific projects and proceedings. The LAPs have been updated to take into account U.S. Census Bureau's American Community Survey (ACS) data at the census tract level and align with EPA’s guidelines to better serve persons with LEP.

4. **Comment:** Census data is inadequate for defining “languages regularly spoken” and should be supplemented with school/medical system data. (5)

**Response:** The EEA and DPU LAPs recommend “using data from American Community Survey (ACS) or other appropriate sources” to allow greater flexibility for incorporating other datasets on languages spoken in Massachusetts as they become available

5. **Comment:** American Sign Language (ASL) is not always the preferred Sign Language for language access. How does the EEA determine if other Sign Languages beyond ASL are needed? (8, Unidentified Commenter)

**Response:** The EEA and DPU rely on the Massachusetts Commission for the Deaf and Hard of Hearing (MCDHH) as our exclusive contracted vendor for sign language services. MCDHH specializes solely in American Sign Language and is the only state agency vendor for the Commonwealth.

6. **Comment:** Braille should be included in the LAP. Public hearings should include access for hearing-impaired and deaf members of the public such as sign language interpretation and/or closed captioning. (5, 9)

**Response:** The EEA and DPU are committed to ensuring meaningful access for people with disabilities. Upon request, EEA and DPU will provide screen readers and alternative text for people who are blind or low vision, and ASL interpretation or Communication Access Real-Time Translation (CART) services for people who are deaf or hard of hearing.

7. **Comment:** Documents should begin with interpretation/translation of Plain Language summary and then translation of document itself. Wherever possible, “overly technical or jargony language” should be avoided because when this is translated/interpreted, it does not help with comprehension. (8, 9)

**Response:** Including more plain language in public-facing documents to inform the public and encourage greater public participation is a priority for EEA and DPU. The DPU’s Tiering and Outreach Policy also requires petitioners before the Department to file plain language summaries of their proposals.

8. **Comment:** Excluding the least requested languages can result in discrimination. (8)

**Response:** In addition to providing translation and interpretation in languages regularly encountered by persons with LEP, EEA and DPU will endeavor to provide translation and interpretation services upon request at no direct cost to individuals requesting the service.

9. **Comment:** Mailed important information (such as notice of public hearings) should be clearly marked and include a statement describing how to access additional translation/interpretation services beyond those required by the LAP. (9)

**Response:** DPU notices of filing will include information in the Commonwealth’s top ten languages about how to request interpretation and/or translation services for persons with LEP (page 9, Language Access Plan).

As part of our commitment to language accessibility, EEA will ensure that correspondence and notices include a generic label in multiple languages. This inclusive approach allows constituents to access additional languages if needed (page 8, Language Access Plan).

10. **Comment:** There should be greater alignment between the DPU's Tiering and Outreach Policy, 21-50-A and the LAP. The Tiering and Outreach Policy requires petitioners to translate prefiling materials into the top three non-English languages (Spanish, Portuguese, Mandarin) and additional languages requested. This does not align with the increased number of languages required for both statewide and service territory proceedings in the draft LAP which will increase the cost for petitioners. (10)

**Response:** Based on feedback received during the comment period, the DPU LAP was updated to improve access to and quality of the Department's services, programs, and activities for persons with LEP. The language access requirements in the final LAP exceeds the requirements in DPU 21-50-A. The Department will issue further guidance to ensure alignment between DPU's Tiering and Outreach Policy, 21-50-A and the LAP.

11. **Comment:** The DPU should have a full-time dedicated Language Access Coordinator to oversee staff training, the LAP, and public comments. (1, 9)

**Response:** Thank you for this suggestion. The DPU is considering its hiring options.

12. **Comment:** The Department should "provide training and a handbook of technical terms for translators and interpreters" as this will provide more accurate translation/interpretation and allow for more effective public participation by those using language access services. (9)

**Response:** The DPU is in the process of developing a glossary of technical terms and acronyms used in Department proceedings to provide to interpreters and translators to help increase the accuracy of translation and interpretation services.

13. **Comment:** For more effective assessments and updates to the LAP every two years, there should be a feedback survey so that those using the language access program can provide a review after each use. The DPU should also prioritize engagement/dialogue with language access users to ensure the effectiveness of the LAP. (3, 6, 9)

**Response:** The DPU is currently developing a survey to gather feedback on the quality and accuracy of language access services provided. We will monitor feedback from language access users and other stakeholders and identify recommended actions that can be included in future updates to the LAP. As part of the Secretariat wide annual update on the [EJ Strategy](#), the Department will report on language access services provided.

14. **Comment:** The DPU should increase outreach about language access services so that more members of the public use these services and know that translation is available in 200+ languages. Word of mouth can be an effective way of encouraging participation. (6, 7, Unidentified Commenter)

**Response:** To ensure that more people are aware of the language access services available, all DPU notices of filings will include information in each of the Commonwealth's top ten languages about how to request interpretation and/or translation services for individuals with LEP. Information about language access services will also be posted on the website and shared on social media for wider reach. The DPU's website includes a function that allows a user to select to view most webpages in another language. The website translation function is available in at least 35 languages.

15. **Comment:** How do you assess dialects to offer translation and interpretation in? Spanish has at least 10 dialects and the Latina/o/e community is not monolithic. Brazilian members of this community prefer Portuguese not Spanish. (4, 8)

**Response:** In addition to using language data from U.S. Census Bureau's American Community Survey (ACS) to assess languages/dialects spoken, input from municipal officials and community groups is used to identify languages/dialects in which translation and interpretation will be provided. If a language needed for meaningful access is not automatically provided, members of the public can request translation/interpretation in additional languages.

16. **Comment:** While training on the LAP is needed for new staff, routine training is also needed to make sure all staff members (both higher-ups and those working directly with communities) have the most up-to-date information about how to apply the LAP. Training should cover working with persons of different cultures, how to work with interpreters, and resources needed for language access. Training should also be available for bilingual staff so that they can serve as interpreters which would help save money. (1)

**Response:** The LAP will be shared with staff, management, and leadership. Periodic trainings will be held to ensure new and longer-term staff understand the importance of the LAP and are familiar with language access services and best practices.

17. **Comment:** The DPU should as much as possible, prioritize continuity when providing language access, e.g., have repeat callers speak to the same DPU staff member each time, to build trust between the Department and the public. (9)

**Response:** The DPU appreciates this input and, when possible, will have callers speak to the same interpreter or staff member.

18. **Comment:** Does the DPU Consumer Division offer 24/7 on-call interpretation? (6)

**Response:** Yes, on-demand over the phone interpretation in over 200 languages is available 24/7 for staff across the Department through our vendor, Certified Languages International. The Consumer Division's automated telephone system allows consumers to opt for Spanish language recordings and/or Spanish-speaking staff. The Consumer Division also has Spanish, Cape Verdean Creole, Haitian Creole, and Portuguese speaking staff available to answer the toll-free line.

19. **Comment:** Is the DPU's LAP also applicable to the Energy Facilities Siting Board (EFSB)? (6)

**Response:** No, the EFSB will be releasing its own LAP.

20. **Comment:** Google Translate and AI have limited application for the DPU's work due to the complexity/specificity of terms used. Live and experienced interpreters/translators are needed. If Google Translate is used, a qualified interpreter/translator should look over the material to ensure accuracy. (3, 8)

**Response:** The DPU currently uses qualified translators/interpreters to provide language access services. In addition, the DPU is in the process of developing a glossary with technical terms and acronyms used by different Divisions which will be provided to translators/interpreters to help increase the accuracy of language access services.

21. **Comment:** Does EEA's Language Access Working Group include community members? Does the DPU have its own Language Access Working Group? (Unidentified Commenters)

**Response:** The EEA's Language Access Working Group includes staff across EEA agencies and meets bimonthly to discuss and collaborate on issues related to language access. Some of these agencies have a full-time language access coordinator. The DPU does not have its own Language Access Working Group, but themes related to language access are addressed by staff in its Environmental Justice and Public Participation Division in collaboration with the Department's EJ team, which includes staff from all divisions.