

Federal Nondiscrimination Laws and Guidance

EMNRD carries out the federally mandated responsibilities to enforce several civil rights laws which, together, prohibit discrimination on the basis of race, ethnicity, color, or national origin (including on the basis of limited English proficiency), sex, disability, and age by applicants for and recipients of federal financial assistance from EPA. (Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, and the Age Discrimination Act of 1975, respectively). EMNRD is also responsible for enforcing Section 13 of the Federal Water Pollution Control Act Amendments of 1972, which prohibits discrimination based on sex under programs or activities receiving financial assistance in the Clean Water Act.

The regulations of [Title 40, Code of Federal Regulations \(40 CFR\), Part 5](#) and 40 CFR Part 7, which implement the above-mentioned laws, apply not only to intentional discrimination but also to policies and practices that have a discriminatory effect.

Title VI of the Civil Rights Act of 1964 - As a recipient of federal funding, EMNRD must follow [Title VI of the Civil Rights Act of 1964](#), which prohibits discrimination on the basis of race, color, or national origin in all federally assisted programs. Title VI states: “No person in the United States 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 USC s. 2000d.

Section 504 of the Rehabilitation Act of 1973 - As a recipient of federal funding, EMNRD must follow [Section 504 of the Rehabilitation Act of 1973](#), which prohibits discrimination against qualified individuals on the basis of their disability. Section 504 states: “No otherwise qualified individual with a disability in the United States, as defined in section 705(20) of this title, shall, solely by reason of his or her disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance or under any program or activity conducted by any Executive agency or by the United States Postal Service.” 29 USC s. 794.

The Age Discrimination Act of 1975 - As a recipient of federal funding, EMNRD must follow [The Age Discrimination Act of 1975](#), which prohibits discrimination on the basis of age in programs and activities receiving federal financial assistance. The statute states: “Pursuant to regulations prescribed under section 6103 of this title, and except as provided by section 6103(b) of this title and section 6103(c) of this title, no person in the United States shall, on the basis of age, 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 USC s. 6102.

Section 13 of the Federal Water Pollution Control Act of 1972 - As a recipient of federal funding under [Section 13 of the Federal Water Pollution Control Act of 1972](#), TCEQ must comply with 40 CFR s. 7.30, which states: “No person in the United States shall on the ground of sex be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal assistance under this Act . . .”

Title IX of the Education Amendments of 1972 - As a recipient of federal funding, EMNRD must follow Title IX of the Education Amendments of 1972, which prohibits discrimination on the basis of sex in any federally funded education program or activity. Title IX states: “No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance . . .” 20 USC s. 1681.

Executive Order 12898 - On Feb. 11, 1994, President Clinton issued [Executive Order 12898, “Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations,”](#) directing agencies that receive federal funding to focus attention on the environmental and human health conditions in minority and low-income communities.

Executive Order 13166 - On Aug. 11, 2000, President Clinton issued [Executive Order 13166, “Improving Access to Services for Persons with Limited English Proficiency,”](#) requiring Federal agencies to examine the services they provide, identify any need for services to those with limited English proficiency (LEP), and develop and implement a system to provide those services so LEP persons can have meaningful access to them. The Executive Order also requires that the Federal agencies work to ensure that recipients of Federal financial assistance provide meaningful access to their LEP applicants and beneficiaries.

EMNRD is committed to open government, equal opportunity services, inclusive public participation, and language access.

Requests for special accommodations at an agency meeting or other EMNRD’s services should be sent at least 10 business days prior to the meeting. Please send accommodation requests, complaints, or grievances regarding agency services to:

<https://www.emnrd.nm.gov/officeofsecretary/contact/>