

EPA Classification No.: CIO 2130.1	CIO Approval Date: : 02/20/2014
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*Issued by the EPA Chief Information Officer,
Pursuant to Delegation 1-19, dated 07/07/2005*

SECTION 508: ACCESSIBLE ELECTRONIC AND INFORMATION TECHNOLOGY

1. PURPOSE

The policy establishes the principles for accessible Electronic and Information Technology (EIT) and complying with Section 508 requirements.

2. SCOPE AND APPLICABILITY

The policy applies to all EIT that EPA develops, procures, maintains or uses.

3. AUDIENCE

The audience for the policy includes members of the Senior Executive Service, Senior Resource Officials, Senior Management in all program and regional offices, Senior Information Officials (SIOs), Information Management Officers (IMOs), approving officials for EIT, purchase card-holders, and any EPA employee involved in development, procurement, maintenance and use of EIT, including training.

4. BACKGROUND

Section 508 of the Rehabilitation Act as amended (29 U.S.C. § 794d) mandates the development, procurement, maintenance and use of EIT accessible to people with disabilities. Each federal agency must ensure – unless it would impose an undue burden to do so – its EIT allows individuals with disabilities, both federal employees and members of the public, access to and use of information and data comparable to that available for people without disabilities.

In simplest terms, Section 508 standards were developed to ensure federal EIT can be accessed by the user using more than one perceptual sense. For example, vision alone should not be necessary to access any information through the Agency’s Web pages, and hearing alone should not be necessary to access information through any Agency telecommunications equipment and multimedia.

The United States Access Board (Access Board) issues the Electronic and Information Technology Accessibility Standards (36 C.F.R. Part 1194) for Section 508 and defines “accessibility” for EIT.

Related provisions of the Rehabilitation Act include Section 501 (29 U.S.C. § 791), which prohibits employment discrimination against individuals with disabilities in the federal sector, and Section 504 (29 U.S.C. § 794), which prohibits recipients of federal financial assistance (e.g., grants) and federal executive agencies from discriminating on the basis of disability in their programs or activities.

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5. AUTHORITY

Section 508 of the Rehabilitation Act (29 U.S.C. § 794d), as amended by the Workforce Investment Act of 1998, Pub. L. No. 105-220, 112 Stat. 939.

Electronic and Information Technology Accessibility Standards (36 C.F.R. Part 1194).

Federal Acquisition Regulation – 48 C.F.R. Parts 2, 7, 10, 11, 12 and 39

Delegation of Authority 1-84 Information Resources Management
http://intranet.epa.gov/rmpolicy/ads/dm/1-84_534.htm

6. POLICY

- A. EPA will ensure that all employees and members of the public with disabilities have access to and use of EIT consistent with the requirements of Section 508 of the Rehabilitation Act, as amended.
 - B. All EPA programs, regional offices and EPA organizations having primary or shared responsibility for a particular EIT shall work together to ensure all applicable Section 508 standards developed by the U.S. Access Board¹ are met. The responsibilities include but are not limited to: training modules, websites and online applications, plus the information content, the technology platform or tool where content resides and/or delivery mechanism throughout the entire process. Adherence to Section 508 requirements also include the development, procurement, maintenance, or use of the EIT and require providing documentation of Section 508 compliance to the EPA community.
 - C. The Office of Environmental Information (OEI) serves as the lead for the Agency-wide Section 508 Program. OEI provides resources and information regarding topics such as captioning, PDFs, Word documents, “how to” and “when to” guides, and other types of EIT as well as best practices at <http://intranet.epa.gov/accessibility/>.
 - D. The Deputy Administrator, Assistant and Associate Administrators, Regional Administrators, General Counsel, Chief Financial Officer, Chief of Staff, and Senior Information Officials and their designees who are responsible for EIT including but not limited to development, testing, verification, documentation, procurement, maintenance, or use and are ultimately responsible for Section 508 compliance. Approving officials for EIT, purchase card-holders, and any EPA employee involved in the process of developing, procuring, maintaining or using EIT, including training are responsible for the Section 508 compliance of the particular EIT.
 - E. All EIT including EPA web-based training provided to EPA employees shall be Section 508
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¹ At the time of policy adoption, the US Access Board is in the late stages of revising its Accessibility Standards through the formal rulemaking process. Upon completion of the Board’s process, EPA will update the policy to the extent necessary to maintain consistency with the revised Accessibility Standards. According to the US Access Board, it is strongly anticipated that the 508 Standards will be harmonized with the internationally recognized standards for Web accessibility, namely WCAG 2.0 (Web Content Accessibility Guidelines) published by the W3C (World Wide Web Consortium). The §1194.5 Equivalent Facilitation clause of Section 508 explicitly permits agencies to use alternatives (e.g., WCAG 2.0) that result in substantially equivalent or greater access.

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compliant when deployed unless it meets a Section 508 exception or would impose an undue burden. All EPA offices shall be prepared to conduct Section 508 testing, evaluation, or verification on new or updated EIT, particularly EIT that is enterprise-wide or required (e.g., a mandatory training) and to remediate any identified Section 508 deficiencies (or provide general alternative access) before deploying the EIT or at any time should incompatibilities or deficiencies arise. In cases where compliance cannot be achieved (partially or fully), there is a Section 508 exception, or it would impose an undue burden, the office responsible for the EIT will provide alternate methods or reasonable accommodation to employees with disabilities in a reasonable amount of time.

- F. EPA will provide training on the Agency's Section 508 policies and procedures, to its acquisition workforce (COs, CORs, Purchase Card Holders, etc.) and EIT approving officials.
- G. EPA encourages grantees and other recipients of federal financial assistance to consider and incorporate Section 508 guidelines into their EIT products for people with disabilities in order to satisfy the relevant obligations of Section 504. While Section 508 does not apply to grantees and other recipients of federal financial assistance, Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. § 794) does apply. Under Section 504, grantees and other recipients of federal financial assistance are prohibited from discriminating on the basis of disability in their programs and activities, including those offered through EIT and must provide reasonable accommodations to persons with disabilities. If EPA would like to use materials produced by grantees and other recipients of federal financial assistance for Agency use, EPA is responsible for determining whether the EIT materials are 508 compliant and shall modify the materials to meet 508 standards as necessary.
- H. All EPA offices shall ensure activities to develop, maintain, procure, and use EIT enterprise-wide or under separate requirements meet the applicable Section 508 standards. All EPA offices shall to the extent possible ensure that the EIT is compatible or does not interfere with the most prevalent types of assistive technology devices used by the intended audience for a given EIT.

7. RELATED DOCUMENTS

OMB Memorandum, Joseph G. Jordan, Administrator for Federal Procurement Policy and Steven Van Roekel, Federal Chief Information Officer, "[Strategic Plan for Improving Management of Section 508 of the Rehabilitation Act \(PDF\)](#)," January 24, 2013

U.S. General Services Administration's Section 508 website <http://www.section508.gov/>

United States Access Board Section 508 website <http://www.access-board.gov/508.htm>

Electronic and Information Technology Accessibility Standards
<http://www.access-board.gov/guidelines-and-standards/communications-and-it/about-the-section-508-standards/section-508-standards>

EPA Section 508 Accessibility Internet website <http://www.epa.gov/accessibility/>

EPA Section 508 Accessibility Intranet website <http://intranet.epa.gov/accessibility/>

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EPA Order 3110.21 A2 - Providing Reasonable Accommodations for EPA Employees and Applicants with Disabilities <http://intranet.epa.gov/ohr/rmpolicy/ads/orders/3110-21-a2.pdf>

EPA Information Management and Information Technology Policies
<http://intranet.epa.gov/oei/imitpolicy/policies.htm>

EPA Acquisition Regulation, 48 C.F.R. § 1552.211-79, Compliance with EPA Policies for Information Resources Management <http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=ecfr;sid=d7a32fceb73a8055e27a211ba988;rgn=div5;view=text;node=48%3A6.0.1.8.35;idno=48;cc=ecfr#48:6.0.1.8.35.1.1.21>

EPA Procurement Policy Information <http://oamintra.epa.gov/node/8>

Section 501 of the Rehabilitation Act of 1973 (29 U.S.C. § 791), as amended

Federal Sector Equal Employment Opportunity, 29 C.F.R. Part 1614

Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. § 794), as amended

Nondiscrimination in Programs or Activities Receiving Federal Assistance from the Environmental Protection Agency, 40 C.F.R. Part 7

Grants and Other Federal Assistance, 40 C.F.R. Parts 30-47

Web Content Accessibility Guidelines (WCAG) 2.0 <http://www.w3.org/TR/WCAG20/>

8. ROLES AND RESPONSIBILITIES

By Position:

EPA's Chief Information Officer: Provides leadership for EPA's information management and technology programs and policies, including the Section 508 Program.

1. Issues and promulgates 508 policies and procedures to ensure that EPA's EIT is accessible to all employees and members of the public with disabilities;
2. Ensures Section 508 accessibility considerations are incorporated into the planning, operation, and management processes of EIT that is developed, procured, maintained, or used by the agency, in collaboration with the Chief Acquisition Officer, SIOs, IMOs, and program and regional offices;
3. Ensures that annual strategic plans include Section 508 compliance and accessibility for people with disabilities;
4. Reviews and grants class undue burden determination requests; and
5. Responds to the Office of Management and Budget and other government-wide Section 508 initiatives or requirements.

EPA's Chief Acquisition Officer (CAO): Responsible for EPA acquisition activities and acquisition programs, including the development and training of the Agency's acquisition workforce. Ensures Section 508 accessibility compliance and accessibility considerations are incorporated into the planning, operation, and management processes of EIT that is developed, procured, maintained or used by the Agency, in collaboration with Chief Information Officer, SIOs, IMOs, and program and regional offices.

Section 508 Executive Council: The Section 508 Executive Council is responsible for providing

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leadership and guidance to the EPA's Section 508 Program, including policies, training, outreach, acquisition, testing, and program assurance. The Executive Council is composed of senior managers from Agency program offices as well as the lead and back-up Regions for OEI and the Office of Civil Rights. The Executive Council and its workgroups:

1. Make recommendations to the CIO and helps develop policies and procedures to implement requirements of Section 508 of the Rehabilitation Act, as amended;
2. Provide recommendations on how to fully integrate Section 508 accessibility requirements into EPA's strategic planning, Capital Planning and Investment Control (CPIC) and acquisition processes;
3. Develop recommendations on training and awareness seminars regarding Section 508 requirements;
4. Provide a process for program and regional offices to submit Section 508 program assurance information; and
5. Identify agency or employee needs in response to accessibility issues, and makes recommendations on solutions regarding EIT issues that affect persons with disabilities.

Agency Section 508 Coordinator and Assistant Coordinator: Serve as the Agency's point of contact for Section 508 information. In addition the 508 Coordinators:

1. Implement the EPA Section 508 Program on behalf of the CIO and Section 508 Executive Council, including Agency policies and procedures, and best practices;
2. Provide Section 508 technical expertise, guidance, and training to the Section 508 Executive Council and its workgroups, and the Section 508 Liaisons;
3. Provide Section 508 technical expertise, guidance, and training to EPA program and regional offices;
4. Participate in Agency capital planning and investment processes as needed to ensure Section 508 is appropriately considered when developing, procuring, maintaining or using EIT; and
5. Represent EPA at General Services Administration's (GSA) Section 508 Coordinator meetings and related conferences and forums on Section 508 accessibility.

Assistant and Associate Administrators/Regional Administrators (AAs/RAs): Responsible for ensuring all EIT for which they are responsible as either a content owner or system owner (including components residing on systems, networks, websites, and facilities), complies with Section 508 and this policy. In addition the AA or RA:

1. Reviews and approves undue burden determinations unless delegated to the SIO;
2. Includes funds in office's IT budget to support the development, procurement, maintenance, and use of EIT complies with Section 508 requirements;
3. Ensures all systems and applications developed, procured, maintained or used by the office as the content owner or system owner are Section 508 compliant or provides the appropriate alternative access when Section 508 requirements cannot be met; and
4. Adheres to established Agency-wide 508 policies and procedures.

Senior Resource Officials (SROs): The SRO is typically the SES executive who reports directly to an Assistant Administrator; Associate Administrator or Regional Administrator. The SRO is accountable for that Office's ethical, effective resource management, including acquisition, assistance and programmatic financial management. The SRO oversees and guides the resource management activities within their respective organization, including Section 508 issues.

Senior Information Officials (SIO): When delegated by the AAs or RAs, the SIO is responsible for reviewing and approving EIT procurements, including undue burdens for their program or regional office and, as appropriate, for re-delegating approval authority down to the IMOs, division directors, and branch chiefs.

1. Reports organizational level 508 initiatives to the Section 508 Program;

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2. Responds to Section 508 Executive Council and Section 508 Program Assurance requests in a timely and comprehensive manner;
3. Collaborates with the Section 508 Program to ensure that EPA employees who use assistive technology as a form of reasonable accommodation receive appropriate guidance on EIT for which the program office or regional office is the content or system owner; and
4. Designates the Section 508 Liaison for their respective office.

Information Management Officers (IMO): When delegated, responsible for reviewing and approving all EIT procurements in their area of purview except for undue burden and undue burden class determinations which cannot be delegated below the SIO level. The IMO, for their respective office, also coordinates responses for EPA program assurance, OMB, and other government-wide Section 508 initiatives or requirements.

Contracting Officer (CO): Maintains current knowledge on Section 508 requirements in Federal Acquisition Regulation (FAR), EPA Acquisition Regulation (EPAAR), and other acquisition-related regulations, laws, etc. Ensures that requiring offices comply with Section 508-specific standards and requirements in their acquisition activities, and documents. The CO includes Section 508 related documentation (exceptions, market research, testing and verification, etc.) in the contract file.

Contracting Officer's Representative (COR) and Requiring Official: Includes appropriate Section 508 accessibility standards in requirements documents, performance work statements and statements of work. Reviews and complies with the acquisition regulations, policies and procedures by working with the CO to ensure the inclusion of Section 508 standards in procurement requirements and deliverables. The COR verifies accessibility standards outlined in contracts are met prior to accepting deliverables.

Section 508 Liaisons: Designated by the SIO in each program and regional office to:

1. Serve as the primary Section 508 point of contact for their respective program/regional office;
2. Assist the SIO, IMO, and other personnel in identifying, evaluating, and documenting the accessibility of EIT (e.g., websites, applications, hardware/software, etc.) the office is developing, procuring, maintaining, or using; and
3. Assist EPA's Section 508 Coordinator in enhancing awareness of Section 508 and in providing Section 508 training materials and resources to their program/regional office employees.

Agency and Local Reasonable Accommodation Coordinators (LORACs): The Agency Reasonable Accommodation Coordinator and the LORACs serve as the Agency's focal points for reasonable accommodations for employees with disabilities falling under the purview of Section 501 of the Rehabilitation Act of 1973. While the Agency Reasonable Accommodation Coordinator and LORACs do not have official Section 508 duties, the Reasonable Accommodation Coordinator and the LORACs do serve as a resource on disability and accessibility issues at Headquarter offices and in their respective regional offices and help facilitate the process of providing reasonable accommodations to persons with disabilities. The Agency's National Reasonable Accommodation Coordinator resides in OCR and serves Headquarters and provides support to the LORACs who serve the regional offices.

Employees: Upon becoming aware EIT is not Section 508 compliant, an employee will notify their first-line supervisor (who would normally be involved in the reasonable accommodation process) they do not have the access. The employee and the first-line supervisor will then work with their respective Local Reasonable Accommodation Coordinator (LORAC) or Reasonable Accommodation Coordinator at Headquarters. The LORACs and the Reasonable Accommodation Coordinator can work with the responsible office including their Section 508 Liaison and the Agency's Section 508 Coordinator to provide the employee with alternative access.

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By Organization:

Office of Civil Rights (OCR) in the Office of the Administrator: Provides guidance and civil rights expertise as requested by program and regional offices and is responsible for handling EPA Section 508 complaints. Any individual with a disability may file a complaint alleging that EPA has failed to comply with Section 508 with respect to EIT procured on or after June 21, 2001. For Section 508 complaints, EPA uses the same complaint process used for complaints alleging discrimination on the basis of disability in federally conducted programs or activities (Section 504 of the Rehabilitation Act).

Office of Technology Operations and Planning (OTOP) in OEI:

1. Works with the Section 508 Executive Council to develop procedures for testing and evaluating EPA systems and applications to ensure they meet the Access Board's accessibility standards and are in compliance with legislative requirements of Section 508;
2. Assists EPA offices in providing technical support and assistance to employees with disabilities (and applicable assistive technology they use) and their managers through service desk personnel for desktop applications or through the Assistive Technology Center or the Working Capital Fund; and
3. Maintains the Assistive Technology Center (ATC) at Headquarters.

Assistive Technology Center in OEI-OTOP: Provides Section 508 testing services to program and regional offices and serves as a resource at Headquarters on assistive technology, where employees can try different types of assistive technology to best meet their disability needs.

Office of Grants and Debarment in the Office of Administration and Resource Management: Maintains a national term and condition encouraging recipients to consider and incorporate Section 508 standards for Grant Management Officers (GMOs) to include on grant awards that have an EIT component.

U.S. Access Board: Federal agency responsible for developing Section 508 accessibility standards for electronic and information technology (EIT). The Access Board also periodically reviews and amends standards to reflect changes and advances in technology and provides technical assistance concerning the implementation of Section 508.

9. DEFINITIONS

Class Undue Burden. Where the Agency anticipates recurring instances of undue burdens (either technical or cost) for certain types of technology, *e.g.*, cartographic geographic information systems (GIS)-based systems, a class undue burden may be requested on a program-wide, region-wide or Agency-wide basis. The purpose of class undue burden is to be efficient and effective by reducing the need to repeatedly document a reoccurring undue burden. Please refer to undue burden which means *significant difficulty or expense. In determining whether an action would result in an undue burden, an agency shall consider all agency resources available to the program or component for which the product is being developed, procured, maintained, or used.*

Reasonable Accommodation. "Reasonable" in the term reasonable accommodation, means "feasible" and "effective." Reasonable accommodations are modifications or adjustments to the work environment or job enabling qualified individuals with a disability to perform the essential functions of their positions, or to enjoy equal benefits and privileges of employment as are enjoyed by other similarly situated employees without disabilities.

The following definitions were taken from the Electronic and Information Technology Standards 36

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C.F.R. 1194.4.

Alternative Methods. Different means of providing information, including product documentation, to people with disabilities. Alternate methods may include, but are not limited to, voice, fax, relay service, TTY, Internet posting, captioning, text-to-speech synthesis, and audio description (sometimes referred to as “alternative access”).

Assistive Technology. Any item, piece of equipment, or system, whether acquired commercially, modified, or customized, that is commonly used to increase, maintain, or improve the functional capabilities of individuals with disabilities.

Electronic and Information Technology. Includes information technology and any equipment or interconnected system or subsystem of equipment, that is used in the creation, conversion, or duplication of data or information. The term electronic and information technology includes, but is not limited to, telecommunications products (such as telephones), information kiosks and transaction machines, websites, multimedia presentations, and office equipment such as copiers and fax machines. The term does not include any equipment that contains embedded information technology that is used as an integral part of the product, but the principal function of which is not the acquisition, storage, manipulation, management, movement, control, display, switching, interchange, transmission, or reception of data or information. For example, HVAC (heating, ventilation, and air conditioning) equipment such as thermostats or temperature control devices, and medical equipment where information technology is integral to its operation, are not information technology.

Information Technology. Any equipment or interconnected system or subsystem of equipment, that is used in the automatic acquisition, storage, manipulation, management, movement, control, display, switching, interchange, transmission, or reception of data or information. The term information technology includes computers, ancillary equipment, software, firmware and similar procedures, services (including support services), and related resources.

Undue Burden. Undue burden means significant difficulty or expense. In determining whether an action would result in an undue burden, an agency shall consider **all agency resources** available to the program or component for which the product is being developed, procured, maintained, or used.

10. WAIVERS

There are legal exceptions (not waivers) to Section 508 requirements. Section 508 Exceptions are covered in CIO 2130-P/S/G-01.0 Accessible Electronic and Information Technology Standards, Procedures, and Guidance <http://intranet.epa.gov/oei/imitpolicy/qic/ciopolicy/2130-P-S-G-01.0.pdf>

11. RELATED PROCEDURES, STANDARDS AND GUIDANCE

CIO 2130-P/S/G-01.0 Accessible Electronic and Information Technology Standards, Procedures, and Guidance <http://intranet.epa.gov/oei/imitpolicy/qic/ciopolicy/2130-P-S-G-01.0.pdf>

Additional best practices and resources for making EIT accessible is located at <http://intranet.epa.gov/accessibility/>

12. MATERIAL SUPERSEDED

CIO Policy 2130 Accessible Electronic and Information Technology

13. ADDITIONAL INFORMATION

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For more information on this policy, contact the EPA Section 508 Coordinator, Policy and Program Management Branch, Office of Information Analysis and Access, in the Office of Environmental Information. (<http://intranet.epa.gov/accessibility/> and <http://www.epa.gov/accessibility/>)



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