

## **Accessible Electronic and Information Technology Standards, Procedures, and Guidance**

1. **[Electronic and Information Technology Accessibility Standards](#)** (36 CFR part 1194)
  2. **Section 508 Exceptions Standards**
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  4. **EPA Undue Burden and Class Undue Burden Procedures**
  5. **EPA Procurement Contract Procedures**
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1. **[Electronic and Information Technology Accessibility Standards](#)** (36 CFR part 1194)

<http://www.access-board.gov/sec508/standards.htm>

The Access Board issues accessibility standards for electronic and information technology covered by Section 508 of the Rehabilitation Act Amendments of 1998. Section 508 requires the Access Board to publish standards setting forth a definition of electronic and information technology and the technical and functional performance criteria necessary for such technology to comply with Section 508.

**Subpart B -- Technical Standards** [http://www.access-board.gov/sec508/standards.htm#Subpart\\_b](http://www.access-board.gov/sec508/standards.htm#Subpart_b)

§1194.21 Software applications and operating systems.

§1194.22 Web-based intranet and internet information and applications.

§1194.23 Telecommunications products.

§1194.24 Video and multimedia products.

§1194.25 Self contained, closed products.

§1194.26 Desktop and portable computers.

**Subpart C§1194.31 Functional Performance Criteria**

[http://www.access-board.gov/sec508/standards.htm#Subpart\\_c](http://www.access-board.gov/sec508/standards.htm#Subpart_c)

**Subpart D§1194.41 Information, documentation, and support**

[http://www.access-board.gov/sec508/standards.htm#Subpart\\_d](http://www.access-board.gov/sec508/standards.htm#Subpart_d)

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## **2. Section 508 Exceptions Standards**

These exceptions are specified by Section 508 of the Rehabilitation Act (29 U.S.C. 794d) and the Electronic and Information Technology Accessibility Standards (36 CFR part 1194).

EIT that falls under these exceptions is considered to be in compliance with Section 508 and must be documented (See EPA EIT Approvals Procedures and EPA Undue Burden and Class Undue Burden Procedures):

**A. National Security**

EIT acquired for a national security system is exempt.

**B. Incidental EIT**

EIT acquired by a contractor which is incidental to a contract is exempt.

**C. Assistive Technology**

The Agency is not required to install specific accessibility-related software or the attachments of an assistive technology device at a workstation of an EPA employee who is not an individual with a disability.

**D. Public Access Domain**

When EPA provides access to the public through EIT, the Agency is not required to purchase products or make products owned by the Agency available for access and use by individuals with disabilities at a location other than where the EIT is provided to the public.

**E. Fundamental Alteration**

The Agency is not required to fundamentally alter its EIT acquisition requirements in order to comply with Section 508 if the alteration would be so fundamental that the Agency would no longer be procuring EIT that met its needs.

**F. EIT located in maintenance space**

EIT located in spaces frequented only by service personnel for maintenance, repair or occasional monitoring of equipment is exempt.

**G. Electronic documents created before June 21, 2001**

Electronic documents (e.g., portable document format [PDF] files) created before June 21, 2001 are exempt unless they are changed after that date and the changes alter the documents significantly (i.e., substantively alter the meaning).

**H. Contracts awarded prior to June 21, 2001**

1. EIT purchased directly through any contract action awarded before June 21, 2001 and options there under is exempt.
2. EIT purchased through work requests (work assignments, delivery orders, task orders, etc.) issued on or after June 21, 2001 through indefinite quantity contracts awarded prior to June 21, 2001, is exempt (Level-of-effort cost reimbursement contracts are definite quantity contracts.)

**I. Undue Burden**

1. Undue burdens are significant difficulties or expenses incurred by the Agency. In determining whether an action would result in an undue burden, the Agency shall consider all Agency resources available. If including accessibility features in EIT creates an undue burden, the EIT need not be Section 508-compliant.
2. Even when undue burdens are approved, alternative means of access for people with disabilities must be provided (See EPA Undue Burden and Class Undue Burden Procedures).

**J. Non-availability**

1. The Agency can purchase EIT that does not meet the applicable technical provisions when the Agency cannot find a commercial item that both meets applicable Section 508 technical provisions and can be furnished in time to satisfy the Agency's delivery requirements.
  2. If products are available that meet some, but not all, applicable provisions, the Agency cannot claim a product as a whole is non-available just because it does not meet all of the applicable provisions. Agency acquisitions must comply with those applicable technical provisions that can be met with supplies or services that are available in the commercial marketplace in time to meet the Agency's delivery requirements.
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**3. EPA EIT Approval Procedures**

All purchase requests (PRs) for EIT must be:

- A. Approved by the requesting office's Senior Information Official (SIO), or Approved by the requesting office's Information Management Officer (IMO), Division Director or Branch Chief if the approving authority for acquisition of EIT resources was re-delegated in accordance with Delegation of Authority 1-84 Information Resources Management, Section 4.c.
  - B. When EIT to be purchased falls within one of the exceptions outlined in Exceptions, it must be explained in an attachment to the PR.
  - C. Undue burden and undue burden class determination cannot be approved below the SIO level (Delegation of Authority 1-84 Information Resources Management, Section 4.d. and EPA Undue Burden and Class Undue Burden Procedures).
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**4. EPA Section 508 Undue Burden and Class Undue Burden Procedures****Undue Burden Exception**

The Program Office or Region purchasing the EIT must provide an undue burden justification. The justification must be reviewed and approved by the requiring office's SIO. 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 (36 CFR §1194.4).

Undue burden justifications must include:

1. A description of the EIT;
2. A description of the undue burden, specifically: the non-compliant elements, the cost and technical aspects needed to make them compliant, and a discussion of the program ramifications that cause the undue burden;
3. The office's proposed method of alternate access; and
4. Final recommendation.

### **Classes of Undue Burden Exception**

If a Program Office or Region anticipates recurring instances of undue burdens (either technical or cost) for certain types of technology, e.g., cartographic geographic information systems (GIS)-based systems, it may request an undue burden *class* determination. Class undue burden justifications may be requested on a Program-wide, Region-wide or Agency-wide basis. If an entire class of EIT is determined to be an undue burden, it need only be requested and documented once.

Class undue burden justifications shall contain the same information required for single undue burden justifications. In addition, class undue burden justifications require the following approvals:

1. The requiring office's SIO
2. Deputy Assistant Administrator/Assistant Regional Administrator (DAA/ARA)
3. Agency Chief Information Officer (CIO)

Undue burden justifications for class determinations shall be reviewed by the CIO at least every three years and may be withdrawn if made obsolete by technological developments.

### **Undue Burden and Class Undue Burden Record Requirement**

A copy of the undue burden or class undue burden justification(s) shall be filed with the EPA Section 508 Coordinator. The Coordinator shall make these records available upon request.

**Alternative Access:** In cases where accessibility requirements present an undue burden, Program Offices and Regions still must provide people with disabilities alternative access to Agency information.

Examples of acceptable forms of alternative access include, but are not limited to:

- Text-only web pages;
- Phone numbers including TTY (teletypewriter) access for people to request the relevant information;
- Audio recordings; and
- Braille and large print documents.

If Agency standards exist for the proposed alternative means of access, and the alternative means do not meet those standards, the requesting office must also request a waiver of the appropriate Agency standard in accordance with the following procedures:

[Obtaining a Waiver From an EPA IT Requirement](http://intranet.epa.gov/otop/policies/FinalWaiverProcess1104.pdf)  
(<http://intranet.epa.gov/otop/policies/FinalWaiverProcess1104.pdf>).

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## **5. EPA EIT Procurement Contract Procedures**

In addition to following the requirements and including the language outlined in the Federal Acquisition Regulation (FAR) regarding EIT purchases, the EPA Office of Acquisition Management (OAM) includes EPA Clause 1552.211-79, "Compliance with EPA Policies for Information Resources Information" in all contracts. This clause requires contractors to provide all EIT products and services in accordance with Section 508 requirements.

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## **6. EPA Section 508 Complaint Procedures**

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 utilizes the same complaint process that is used for complaints alleging discrimination on the basis of disability in federally conducted programs or activities (Section 504 of the Rehabilitation Act) in the Office of Civil Rights (OCR). Complaints are filed with the Internal Complaints Resolution Team in OCR.

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## **7. EPA Section 508 Training Guidance**

In order to help EPA staff and management with Section 508 related matters, training opportunities on Section 508 can be utilized. These trainings include, but are not limited to:

### **A. EPA Training and Resources**

EPA Section 508 Coordinator and Assistant Coordinator can conduct trainings for EPA employees. Examples of trainings can include: a specialized training requested by an EPA office, workshops at EPA Web Workgroup Meetings, trainings at the EPA National Symposium, and other EPA conferences and meetings.

The Office of Environmental Information's Assistive Technology Center (ATC) has six work stations equipped with accessible tools that ensure access to employees with disabilities. Additionally, the ATC provides a place for system developers and other users (with or without disabilities) to test agency applications and web sites for Section 508 compliance.

## B. GSA Training

The General Services Administration (GSA) provides free training on Section 508 via their web site [www.section508.gov](http://www.section508.gov) under the section "508 Universe". You will have to establish your own ID and password in order to access the "508 Universe" training resources on GSA's website. GSA has prepared user guidance with instructions for registering and using the 508 training.

GSA will also provide free training in person, free of charge. If you would like GSA to provide training, please contact the EPA Section 508 coordinator to arrange this training. Certain elements are required in order to setup this GSA training. This training is available to the EPA Region offices.

GSA hosts assistive technology days regularly. Contact the EPA Section 508 Coordinator for more details

## C. Access Board

The United States Access Board is an independent Federal agency devoted to accessibility for people with disabilities. The Board develops and maintains design criteria for the built environment, transit vehicles, telecommunications equipment, and for electronic and information technology. The Access Board also provides technical assistance and training on these requirements and on accessible design and continues to enforce accessibility standards that cover federally funded facilities.

## D. Other Federal Agencies

There are several agencies that due to the volume of customers or the nature of the agencies' missions are valuable resources for training. Agencies such as the Department of Education, Department of Veterans Affairs, and the Internal Revenue Service offer trainings. Please contact EPA Section 508 coordinator for more information on agency trainings offered.