



The Colorado Health Foundation™

April 14, 2023

Honorable Richard L. Revesz
Administrator
Office of Information and Regulatory Affairs
Office of Management and Budget
9th Floor
1800 G Street, NW
Washington, DC 20503

Submitted electronically via Regulations.gov

RE: Comments on 88 FR 5375 – OMB's 1997 Statistical Policy Directive No. 15 Revision

Dear Mr. Revesz,

The Colorado Health Foundation (CHF or the Foundation) supports the proposed effort to improve the quality and usefulness of federal government data by updating the Office of Management and Budget (OMB) Statistical Policy Directive 15 (SPD 15). We urge OMB to adopt the primary proposals of the Federal Interagency Technical Working Group on Race and Ethnicity Standards (Working Group) to ensure that federal data collection efforts – including the census – fully, fairly and accurately reflect the country's diverse populations, particularly historically-underrepresented communities. Specifically, we urge OMB to adopt the following:

- Add Middle Eastern and North African (MENA) as a category to ensure that community is accurately represented;
- Allow all persons to select multiple races/ethnicities to accurately capture the full details of their identity;
- And integrate race and ethnicity into one question with clear, thoroughly researched instructions.

As Colorado's largest private foundation, CHF works statewide to bring good health and well-being in reach for everyone who calls Colorado "home." We are a non-profit, nonpartisan organization that advances our mission to improve the health of Coloradans through community engagement, grantmaking, public policy initiatives, research, and private sector investments. We believe that access to reliable and accurate data is essential for an inclusive, well-functioning government, robust civil society, and thriving business sector in the United States. We rely on accurate, detailed racial and ethnic data to help identify community needs, prioritize where and how to invest resources, and measure and evaluate our progress. Likewise, our grantees and partners rely on such data to serve communities – especially those that are historically underrepresented and underserved.


Importance of Fair & Accurate Data on Race & Ethnicity

Accurate data on race and ethnicity are necessary to reveal and address the disparate impacts of laws, programs and policies, and to ensure that public and private programs effectively meet the needs of diverse communities. For example, data on race and ethnicity are instrumental in evaluating employment and education programs, uncovering health disparities between groups, supporting environmental justice initiatives, and allocating resources to tribal communities. Additionally, race and ethnicity data are referenced in almost every piece of legislation or agency rule impacting Tribal Nations and Native people. These data are essential to detecting disparate impacts and enforcing laws and policies that promote equal

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opportunities and justice, such as the Voting Rights Act of 1965, which uses race and ethnicity data to uncover evidence of racial discrimination in voting practices and policies. This information also detects disparate impacts on specific groups in the programs and services offered under fair housing laws like the Fair Housing Act and the Home Mortgage Disclosure Act.¹ These data inform policymakers' efforts to fulfill treaty responsibilities, eliminate disparities, and promote equal opportunities. Moreover, foundations and philanthropic institutions working with communities and government entities rely on this data to improve the lives of all Americans.

Limitations of the Current Standard

Many of our grantees and partners have long raised concerns over the lack of detailed information on the growing Middle Eastern and North African (MENA) population in the U.S., making measuring discrimination and disparities in services difficult. Under current standards, MENA populations are defined as "White." This has rendered people from the MENA region invisible in the data, hampering the ability to provide necessary services, conduct health research and enforce civil rights protections.

The current standards, last updated in 1997,² also do not fully reflect the changing demographics of our society and the growth of multiracial and multiethnic communities, such as the MENA population.³ The current standards require separate questions on race and ethnicity whenever respondents self-report, which many respondents find confusing. For example, respondents are first asked a question about Hispanic origin, followed by a separate question on race. Those responding affirmatively to the Hispanic origin question may not see an answer choice on the race question that matches how they identify and either skip the question or select "Some Other Race."

According to the Census Bureau's research, the two-question format produces less accurate demographic data.⁴ For that reason, "Some Other Race" is now the second-largest racial group in the country, according to the 2020 Census. However, "Some Other Race" was only intended as a "small, residual" category for those individuals who do not identify with any of the OMB's five minimum reporting categories for race and was not designed to be a sizable population group.⁵ This outcome highlights a discrepancy between how people genuinely identify themselves and how the information is collected. Consequently, the resulting data are less helpful for policymaking, enforcement of civil rights laws, and identifying and providing needed community services.

Challenges & Complexities of Updating the Standards

We recognize changing the standards to obtain more accurate and inclusive data is a complex task with many challenges. OMB seeks comments on the Working Group's proposal to shift from the two-question format to a single-question format on race and ethnicity that includes a distinct ethnic category for MENA, where respondents may check all boxes that apply. The Census Bureau's extensive research finds that

¹ Brumfield, Cara, Casey Goldvale, and Christopher Brown. "GCPI Brief: Race & Origin Questions in Context." Georgetown Center on Poverty and Inequality, June 2019. Available at: <https://www.georgetownpoverty.org/wp-content/uploads/2019/06/GCPI-ESQI-Race-and-Origin-Questions-in-Context-20190606.pdf>.

² U.S. Census Bureau, "Research to Improve Data on Race and Ethnicity." March 3, 2017. Available at: <https://www.census.gov/about/our-research/race-ethnicity.html>.

³ Ibid.

⁴ Ibid.

⁵ U.S. Census Bureau, "2010 Census Race and Hispanic Origin Alternative Questionnaire Experiment." February 28, 2013. Available at: <https://www.census.gov/programs-surveys/decennial-census/decade/2010/program-management/cpex/2010-cpex-211.html>.

"the optimal design" for improving race and ethnicity data is the combined question with multiple detailed checkboxes and a dedicated MENA category.⁶ Yet changing the design raises the prospect that the count for some races or ethnicities may change. For example, Afro-Latino advocates worry that some Afro-Latinos will only identify as Latino and not also select Black in a combined question.

This problem may already exist today under the current standards and could very well continue with the proposed new standards. We live in a country with a long history and current reality of racism and discrimination. Consequently, some people of mixed race and ethnicity may hesitate to self-identify as Black. Fortunately, there is no evidence in the Bureau's research that the proposed change will exacerbate this problem. In fact, testing the combined question design with a MENA category and multiple detailed checkboxes found that the proportion of Hispanic respondents identified as Black increased compared to a single-question format.⁷ As noted below, we urge OMB and the Census Bureau – with philanthropy and other census stakeholders – to develop focused messages and educational materials encouraging inclusive responses to a combined question.

The Census Bureau's research shows the combined question yields better data overall on Latino ethnicity, needed data on MENA households, a significant decrease in "Some Other Race" reporting, a more accurate picture of the Non-Hispanic White population, and no negative impacts for other major race groups, such as Black or American Indian/Alaska Native.⁸ Even so, no standard will be perfect, but the need to update the current standards is evident. The resulting data are becoming less valuable and less reflective of our society today, undermining the data's quality.

Proposed Changes & Recommendations

For the reasons described above, we support the following recommendations of the Working Group:

- (1) *The Single Combined Question.* We support the Working Group's recommendation to adopt a single combined question for collecting self-reported race and ethnicity information. This approach will lead to a more accurate, inclusive portrait of the nation's diverse and changing population. As demonstrated by Census Bureau research conducted during the 2010 Census, a single combined question substantially reduced the selection of "Some Other Race" and improved item nonresponse rates compared to a separate question format.⁹ Additional substantial research by the Census Bureau in 2015 provides strong evidence that a single combined question is the most effective approach, leading to more accurate reporting and similar or higher levels of detailed reporting for all major groups.¹⁰ However, we urge additional focused research and testing, as well as close consultation with community leaders, to determine the optimal national origins to use for checkboxes and examples for each major race and ethnicity group. Those decisions can help

⁶ Nicholas Jones and Roberto Ramirez, "Spotlight on U.S. Census Bureau Research to Inform Discussions for Improving Federal Race and Ethnicity Data Standards," U.S. Census Bureau, March 21, 2023. Presentation at a conference convened by the Leadership Conference on Civil and Human Rights.

⁷ U.S. Census Bureau, "2015 National Content Test: Race and Ethnicity Analysis Report," February 28, 2017, page 290, Table H13. Table H15 on page 291 shows this was especially true for paper data collections. Available at <https://www2.census.gov/programs-surveys/decennial/2020/program-management/final-analysis-reports/2015nct-race-ethnicity-analysis.pdf>.

⁸ Op. Cit., Nicholas Jones and Roberto Ramirez.

⁹ U.S. Census Bureau, "2010 Census Race and Hispanic Origin Alternative Questionnaire Experiment." February 28, 2015. Available at: <https://www.census.gov/programs-surveys/decennial-census/decade/2010/program-management/cpex/2010-cpex-211.html>.

¹⁰ Ibid.

ensure respondents "see themselves" in as many appropriate categories as possible. The checkboxes and examples proposed in Figure 2 in the Notice may not be optimal for achieving that important goal.

- (2) *Inclusion of MENA as an Ethnic Category.* We support the Working Group's proposal to add MENA to SPD 15 as a new minimum reporting category distinct from all other reporting categories in a combined question format. Further, the MENA category should be an ethnic reporting category as people from the MENA region can be of different races. The Census Bureau's research showed that using a distinct MENA category elicits higher-quality data and allows respondents to report their identities accurately.¹¹ The results indicate that a dedicated MENA category is optimal for gathering fair and accurate data on MENA populations.
- (3) *Updated Question Instructions.* We agree with the Working Group's determination that the instructions for the race and ethnicity questions need to be updated to ensure that respondents understand that they still have the option to select both a race and ethnicity category and can choose more than one of both categories. We are mindful that race and ethnicity are distinct concepts; it is important to maintain the collection and reporting of robust data on race to facilitate anti-discrimination initiatives and measure the effects of systemic racism. We recommend robustly researching and refining new instructions as part of the implementation process. OMB should also work with the Census Bureau and other federal agencies to educate the public about changes to the standards and why accurate race and ethnicity data are critical to effective government policies and community services.

Importance of Collaboration & Stakeholder Engagement

Finally, OMB should work with the Census Bureau, philanthropy, data users, other stakeholders, and Congress, in meaningful consultation with Tribal Nations, to ensure that appropriate research is being done to implement these changes to maximize accurate data collection and address important concerns.

In conclusion, we appreciate the Working Group's efforts to engage philanthropic institutions, our grantees and partners, and other stakeholders as OMB proceeds to revise SPD 15. We commend OMB's commitment to finalizing these revisions by the summer of 2024. We appreciate your consideration of our comments. If you have any questions, please contact Alexis Weightman, The Colorado Health Foundation senior policy officer, at aweightman@coloradohealth.org or 303-953-3600.

Sincerely,



Kyle Legleiter
Senior Director of Policy
Colorado Health Foundation

¹¹ Ibid.