BLUEGREEN ALLIANCE

CREATING GOOD JOBS, A CLEAN ENVIRONMENT, AND A FAIR AND THRIVING ECONOMY

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Comments of the BlueGreen Alliance on the Equal Employment Opportunity Commission's Proposed Rule "Removal of Reporting Requirements", RIN 3046-AB37.

Introduction

The BlueGreen Alliance (BGA) appreciates the opportunity to comment on the Equal Employment Opportunity Commission's (EEOC) proposed rule to remove the EEO-1, EEO-2, EEO-3, EEO-4, EEO-5, and EEO-6 reporting requirements and related reporting requirements under 29 CFR Part 1602. BGA unifies labor unions and environmental organizations into a powerful force to fight climate change, protect the health of people and the environment, stand against economic and racial inequality, and create and maintain good-paying, union jobs in communities across the country. The BlueGreen Alliance opposes the proposed rescission. By ending the required practice of employers reporting to the EEOC the demographic information of its employees, the proposed rule would eliminate a longstanding source of standardized workforce information that supports the Commission's ability to identify patterns of discrimination, investigate systemic barriers, evaluate disparate impact, and understand workforce trends across employers and industries.

Eliminating a Crucial Tool for the EEOC

A central premise of the proposed rule is that the Commission can obtain demographic information directly from an employer after a charge has been filed and an investigation has begun. These investigative tools are important, but they serve a different purpose than routine, standardized reporting.

Information requested during an investigation helps the Commission examine a known allegation involving a particular employer. Standardized reporting allows the Commission to recognize potential patterns that may not be visible to any one individual worker and lead to an individual charge. Eliminating the reports would move the Commission from a system that can support proactive pattern identification to one that depends much more heavily on workers recognizing, documenting, and reporting discrimination before the agency obtains comparable workforce information.

Individual applicants and employees generally do not know who else applied for a position, who advanced through screening or testing, who was hired or promoted, or whether the same outcomes are occurring across departments, establishments, or years.

They also cannot readily compare an employer's workforce with similarly situated employers, the surrounding labor market, or broader industry trends. Employers hold much of this information, but the EEOC is uniquely positioned to collect it in a consistent form and analyze it across workplaces, industries, occupations, geographic areas, and reporting years.

The Commission's own past assessment confirms this distinction. In its 2006 *Systemic Taskforce Report*, the EEOC described its EEO-1 analytical system as a "very useful tool" that allowed staff to aggregate workforce data by industry and geography, and conduct comparative analyses across establishments.[i] The Task Force recommended improving the timeliness and analytical capacity of the data, not eliminating it. A decade later, the Commission again explained that investigators use EEO-1 data to understand workforce demographics across employers, industries, and regions to identify potential systemic issues, including hiring barriers that contribute to occupational segregation.[ii] The proposed rule does not reconcile its conclusion with the Commission's own documented use of the information.

The proposal's premise is also incomplete as a matter of the Commission's own statutory authority. Title VII of the Civil Rights Act of 1964 expressly permits a charge to be filed by a member of the Commission, not only by an aggrieved individual. The Commission has previously explained that its access to data, together with Commissioner charges and directed investigations, places the EEOC in a unique position to identify systemic discrimination. Standardized workforce data therefore does not merely supplement investigations triggered by individual complaints; it can help the Commission's independent systemic enforcement authority in the first place. Eliminating that data would narrow the Commission's practical ability to exercise authority Congress gave it.

Weakening the EEOC's Ability to Detect Disparate Impact & Systemic Discrimination
The proposed rule would weaken the Commission's ability to identify disparate impact and systemic discrimination. Employment discrimination does not always take the form of isolated or overtly discriminatory decisions; it can also emerge through patterns and practice that disadvantage workers over time. Recruitment practices, screening requirements, tests, referral systems, promotion procedures, work assignments, and other seemingly neutral practices can repeatedly disadvantage a group of workers. These barriers may operate across a large workforce without providing any one applicant or employee with enough information to identify the broader pattern.

A demographic disparity does not, by itself, prove discrimination. The proposed rule is correct that workforce statistics must be evaluated alongside other evidence, including labor-market availability, applicant qualifications, selection procedures, employer policies, and the treatment of similarly situated workers. But that limitation is a reason to analyze the data carefully, not a reason to eliminate it. Workforce disparities can provide an important starting point for determining whether closer examination is warranted and where limited enforcement resources should be directed.

The Commission's systemic enforcement history demonstrates why maintaining the capacity to identify and investigate workforce-wide patterns matter. In its 2016 review, the EEOC reported that its systemic program had directly benefited more than 71,000 individuals through conciliations, consent decrees, and settlements over the preceding decade.[iii] The EEOC has successfully challenged systemic barriers affecting workers across entire companies and job classifications. For example, the Commission reports that it obtained more than $19 million in relief and employer changes to selection and promotion practices in a case involving more than 3,000 women at a national restaurant chain[iv]; $25.3 million in relief for a case involving approximately 10,000 black management and pharmacy employees at Walgreens[v]; and $5 million in relief for 259 Black, Hispanic, and female employees in EEOC v. Woodward Governor Co.[vi]

These examples do not suggest that EEO reporting data alone establishes liability. They demonstrate why the Commission must retain the institutional capacity to identify and investigate workforce-wide patterns rather than relying almost exclusively on individual complaints. These are precisely the kinds of workforce-wide patterns that an individual worker may be least equipped to recognize, and standardized reporting is designed to make visible. Indeed, the EEOC has previously recognized that its access to data, combined with Commissioner charges and directed investigations, place it in a unique position to identify systemic discrimination even when no individual worker has filed a charge.[vii] For example, as recently as 2024, the Commission utilized EEO-1 data[viii] to document substantial disparities in the representation of Black, Hispanic, and Female workers in the high-tech workforce in higher-paying and managerial positions.[ix]

Ending an Important Data Tool for Outside Stakeholders
Eliminating the reports would also eliminate an important source of workforce transparency. Through the publicly available dataset, *EEOC Explore*[x], outside stakeholders like researchers, policy makers, employers, worker organizations, and the public can examine employment patterns by industry, geography, demographic group, and job category. Because the information is standardized across employers and collected over time, it allows users to evaluate patterns and changes that cannot be reconstructed through employer-specific information obtained after individual charges are filed. Importantly, this data is published subject to Title VII's confidentially protections[xi], which prohibit the disclosure of individually identifiable information.

Outside organizations have used EEO data for precisely this purpose. The National Partnership for Women & Families, for example, has relied on EEO-1 data in examining pay disparities and the role of demographic data in identifying workplace discrimination[xii]. While researchers at the University of Massachusetts Amherst's Center for Employment Equity have pointed to EEOC employer data as a crucial resource for identifying longitudinal trends in workplace discrimination.[xiii]

For BGA, this transparency function is particularly important in construction, manufacturing, energy, and other industries being reshaped by major federal and state investments. Standardized workforce data provides policymakers, worker organizations, and workforce institutions with a common baseline for evaluating who is gaining access to jobs and occupations as these industries change. Eliminating that baseline would make it substantially harder to determine whether access is improving, where barriers remain, and whether publicly supported economic development is translating into broadly shared employment opportunity.

The Commission Should Correct its Cost Analysis

The proposal's economic justification also warrants reconsideration. The Commission states that EEO-1 reporting requires 5,238,467 annual burden hours and applies a blended hourly wage of $34.87, but reports annual respondent burden cost of $273.1 million.[xiv] Those stated inputs produce approximately $182.7 million, a difference of roughly $90.5 million. This discrepancy is particularly consequential because the EEO-1 private-employer estimate accounts for approximately 98% of the proposal's claimed $278.4 million in annual savings. Before relying on regulatory burden as justification for eliminating the reporting system, the Commission should reconcile these figures and provide correct analysis.

Conclusion

The Commission has identified aspects of the current reporting system that may warrant review, including the continued usefulness of existing demographic and occupational categories and the administrative burden associated with reporting. But the proposal does not consider whether these concerns can be addressed through targeted modernization. Instead, it simply proposes throwing out the reporting requirements altogether, signaling that this Administration is not sincere about improving the Commission's tools to combat employment discrimination. For these reasons, BlueGreen Alliance requests that the proposed rule be rescinded in its entirety.

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[i] Equal Employment Opportunity Commission, SYSTEMIC TASK FORCE REPORT To the Chair of the Equal Employment Opportunity Commission, March 2006, https://www.eeoc.gov/systemic-task-force-report-chair-equal-employment-opportunity-commission.

[ii] Equal Employment Opportunity Commission, Advancing Opportunity A Review of the Systemic Program of the U.S. Equal Employment Opportunity Commission, July 7, 2016, https://www.eeoc.gov/advancing-opportunity-review-systemic-program-us-equal-employment-opportunity-commission.

[iii] Ibid.

[iv] Ibid.

[v] Ibid.

[vi] Ibid.

[vii] Ibid.

[viii] U.S. Equal Employment Opportunity Commission, EEO-1 (Employer Information Report) Statistics, https://www.eeoc.gov/data/eeo-1-employer-information-report-statistics?utm.

[ix] Equal Employment Opportunity Commission, EEOC Research Finds Unequal Opportunity in the High Tech Sector and Workforce, September 11, 2024, https://www.eeoc.gov/newsroom/eeoc-research-finds-unequal-opportunity-high-tech-sector-and-workforce.

[x] Equal Employment Opportunity Commission, EEOC Launches New Data Tool to Track Employment Trends, December 2, 2020, https://www.eeoc.gov/newsroom/eeoc-launches-new-data-tool-track-employment-trends.
[xi] 42 U.S.C. § 2000e-8.
[xii] National Partnership for Women and Working Families, What Policymakers Can Do on Pay Equity Data Collection to Help Close the Wage Gap, June 2023, https://nationalpartnership.org/wp-content/uploads/data-collection-close-wage-gap-policymakers.pdf?utm.
[xiii] Federal News Network, Researchers, advocates rail against government's efforts to end workforce data collection, August 11, 2026, https://federalnewsnetwork.com/workforce/2026/08/researchers-advocates-rail-against-governments-efforts-to-end-workforce-data-collection/.
[xiv] Federal Register, Vol. 91, No. 140, Removal of Reporting Requirements, FR 46343, July 23, 2026, https://www.federalregister.gov/documents/2026/07/23/2026-14937/removal-of-reporting-requirements.