

**COMMENTS OF STATE CIVIL RIGHTS AGENCIES OF THE DISTRICT OF COLUMBIA,
ILLINOIS, MARYLAND, MICHIGAN, MINNESOTA, NEW JERSEY, NEW YORK, AND
OREGON FOR EEOC DOCKET #EEOC-2026-0034**

August 24, 2026

VIA REGULATIONS.GOV

**U.S. Equal Employment Opportunity Commission
Raymond Windmiller, Executive Officer, Executive Secretariat
131 M Street NE, Washington, DC 20507**

To Raymond Windmiller:

This comment on the EEOC's proposed rescission of the EEO workforce data collection requirements is made jointly by the District of Columbia Office of Human Rights, the State of Illinois Department of Human Rights, the State of Maryland Commission on Civil Rights, the State of Minnesota Department of Human Rights, the State of New Jersey Division on Civil Rights, the New York State Division of Human Rights, and the State of Oregon Bureau of Labor and Industries. Our agencies stand together in service of preserving, strengthening, and improving our civil rights system and its protections.

Our agencies respectfully submit these comments in opposition to the U.S. Equal Employment Opportunity Commission (EEOC)'s proposal to rescind longstanding Equal Employment Opportunity (EEO) workforce demographic reporting requirements. Since 1966, these collections have been a cornerstone of federal civil rights enforcement. Ending them after six decades would significantly hinder the ability of enforcement agencies, policymakers, and employers to identify, understand, and address workplace discrimination. It would also deprive the public of a vital source of information about our nation's progress—and persistent challenges—in ensuring equal opportunity.

The undersigned also note and refer the Commission to the comments submitted by a coalition of state attorneys general, which offer a more detailed legal analysis of issues raised here.

For decades, state civil rights agencies like ours have worked closely with the EEOC to investigate and resolve complaints of discrimination that fall within the agencies' jurisdiction, as have other state partners of the EEOC. All these agencies exist to prevent and remedy workplace discrimination. The EEOC's proposed rescission directly undermines this shared mission. Eliminating the collection and reporting of demographic data removes a critical source of information that is not available from any other nationwide data source and weakens civil rights enforcement by making discrimination harder to identify, prove, and remedy.

The EEO data, and especially the EEO-1 report, provide essential information about workforce representation. The EEO-1 does not collect or publish personally identifiable information about individual employees. Rather, it provides aggregate data about patterns of representation across industries, regions, and occupations—information used by federal, state, and local enforcement agencies, employers, policymakers, and the public to evaluate progress in advancing equal employment opportunity. When gaps are revealed, the data helps identify where outreach, education, enforcement, or policy changes are needed.

Without this dataset, enforcement agencies and employers would lose a baseline tool for understanding whether disparities within a state and across states within industries reflect underlying labor-market conditions or potential discriminatory practices.

Contrary to the assertion in the notice of proposed rulemaking, collecting, and reporting EEO data does not instruct, induce, or encourage employers to discriminate when making individual employment decisions. Identifying race and gender disparities does not create discrimination, just as ignoring disparities does not cause them to disappear. Workplace discrimination unfortunately exists regardless of whether this data is reported. Ending the collection will only obscure disparities, reduce transparency, and make it harder to identify discrimination, which hurts everyone.

The notice also cites administrative burden as a basis for rescission. While reducing unnecessary burden is an appropriate goal for any agency or organization, eliminating a critical data source that has informed federal civil rights enforcement for decades is not the solution. Modernizing or streamlining the collection would address burden concerns without eliminating core information needed to enforce the law. Moreover, EEOC's own cost estimate—approximately \$4 million in FY 2027—constitutes less than 1% of its total budget of \$455.45 million. EEOC's estimated employer costs, while appearing significant in aggregate, are modest on a per-employer basis and do not outweigh the value of the data.

Furthermore, the EEOC notice also claims that the EEOC's limited budget cannot accommodate the costs of managing EEO data, but the EEO-1 data is important precisely because of limited agency resources and enables the agency to better target its enforcement efforts. Furthermore, rescinding the reporting requirement does not eliminate the associated costs; it merely shifts the burden to employers and state, federal, and local EEO investigators. EEOC and state and local agencies will continue to need workforce demographic information to investigate complaints of discrimination, and employers will continue to need such data to respond to those investigations and evaluate their own compliance. Without proactive reporting, investigators will be forced to request the data directly from employers, increasing case timelines and adding legal costs for employers.

In addition, many states have data reporting requirements that currently rely upon EEO data. For example, Illinois allows employers to satisfy state reporting requirements by simply filing their EEO-1 reports with the Illinois Secretary of State. Removing the federal collection will not reduce employer burden. Instead, it increases the likelihood of a patchwork of state and local requirements rather than a single centralized data collection and additional challenges for multi-jurisdictional employers.

The notice also suggests that the EEO collection raises constitutional concerns and may not survive strict scrutiny. The case law cited does not support this conclusion. Collecting and reporting aggregated demographic data is not a discriminatory policy, nor does it direct or encourage discriminatory conduct. Rather, the data helps further the goal of equal protection for everyone. Title VII of the Civil Rights Act of 1964 protects workers of every race, ethnicity, and gender. It is also worth noting that the federal government routinely collects more granular demographic data in other contexts, such as higher education and health programs, without raising constitutional concerns.

Rescinding this reporting requirement would erode workplace protections, impede enforcement, reduce transparency, and eliminate a foundational tool that federal, state, and local agencies rely on to fulfill their statutory mandates. The reasoning offered is not supported by data, practice, or legal precedent and does not advance the agency's mission. Eliminating the data collection will not lessen workplace discrimination. It will not help EEOC (or any enforcement agency) reduce its administrative or financial burden. It will only weaken civil rights enforcement and keep the promise of equal employment opportunity out of reach for America's workers.

For these reasons, the undersigned agencies urge the EEOC to retain and modernize—not rescind—the EEO workforce demographic reporting requirements that have long supported effective, fair, and transparent civil rights enforcement.

Respectfully,



FOR THE DISTRICT OF COLUMBIA

/s/ Elizabeth Fox-Solomon

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FOR THE STATE OF MARYLAND

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FOR THE STATE OF MICHIGAN

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FOR THE STATE OF MINNESOTA

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FOR THE STATE OF NEW JERSEY

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FOR THE STATE OF NEW YORK

/s/ Denise Miranda
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FOR THE STATE OF OREGON

/s/ Christina Stephenson
CHRISTINA STEPHENSON
Commissioner
Bureau of Labor and Industries

*The **District of Columbia Office of Human Rights** enforces the D.C. Human Rights Act of 1977 and other local and federal civil rights laws. DCOHR's mission is to eradicate discrimination, advance equal opportunity, and protect the human rights of individuals who live in, work in, or visit the District of Columbia.*

*The **Illinois Department of Human Rights** is a state agency that enforces and strengthens protections against discrimination set forth in the Illinois Human Rights Act. Founded in 1979 with the signing of the Act, the Illinois Department of Human Rights has led the state in protecting civil rights since its establishment.*

The **Maryland Commission on Civil Rights** enforces Maryland's Anti-Discrimination Act, State Government Article, Title 20, Annotated Code of Maryland. Founded in 1927, the Maryland Commission on Civil Rights' Vision "is to have a state that is free from any trace of unlawful discrimination."

The **Michigan Department of Civil Rights** is a state agency that enforces the Elliott-Larsen Civil Rights Act, the Persons With Disabilities Civil Rights Act, and other federal civil rights laws. The mission of the Michigan Department of Civil Rights is to eliminate unlawful discrimination through Enforcement, Education, Engagement, and Equity.

The **Minnesota Department of Human Rights** is the state of Minnesota's civil rights enforcement agency. We are charged with upholding the civil rights of Minnesotans by enforcing the Minnesota Human Rights Act. Passed into law in 1967, it is one of the strongest civil rights laws in the country.

The **New Jersey Division on Civil Rights**, a division of the New Jersey Office of Attorney General, is charged with enforcing New Jersey's civil rights laws, including the New Jersey Law Against Discrimination (NJ LAD), the New Jersey Family Leave Act (NJFLA), the Fair Chance in Housing Act (FCHA), and the recently enacted John Lewis Voter Empowerment Act. The LAD, one of the oldest and most comprehensive anti-discrimination laws in the country, prohibits discrimination and harassment based on actual or perceived race, religion, national origin, gender, sexual orientation, gender identity or expression, disability, and other protected characteristics. The mission of DCR is to protect the people of New Jersey from discrimination and bias-based harassment in employment, housing, and public accommodations.

The **New York State Division of Human Rights** enforces the New York State Human Rights Law by investigating discrimination, holding violators of the law accountable, and helping those whose rights have been violated. Our work and mission are to eliminate discrimination, hate, and bias; remedy injustice; and promote equal opportunity, access, and dignity for all New Yorkers.

The **Oregon Bureau of Labor and Industries**, established in 1903, is Oregon's sole enforcement agency with respect to state and federal laws that prohibit workplace discrimination. The Bureau provides extensive protections against a range of unlawful discrimination, in the workplace and elsewhere.