

LANGUAGE ACCESS PLAN FOR LIMITED ENGLISH PROFICIENT INDIVIDUALS

State Agency: New York State Department of Agriculture and Markets

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Language Access Coordinator: Mark Lansing

LAC Phone / E-mail: (518) 457-8851 / Mark.Lansing@agriculture.ny.gov



This document is our agency’s **Language Access Plan**.

A **Language Access Plan** explains how we provide services to people who have limited English proficiency.

This **Language Access Plan** includes information about:

	The Limited English Proficient (“LEP”) population in our service area.
	How we notify the public about language access services.
	Our resources and methods for providing language access services.
	How we train our staff to provide language access services to the public.
	How we monitor language access services and respond to complaints.

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PART 1 – Our Agency’s Services



We prepared this Language Access Plan (“Plan”) to comply with New York State Executive Law Section 202-a, which establishes New York’s Statewide Language Access Policy. This Plan explains how we make sure that Limited English Proficient (“LEP”) individuals have meaningful access to agency services, programs, and activities.

In this Plan, LEP individuals are understood as people who do not speak English as their primary language and who have a limited ability to read, speak, write, or understand English.

Our agency’s services to the public include:

The Department of Agriculture and Markets is a regulatory agency and has contact with individuals, businesses, and organizations for regulatory enforcement, inspections, reporting, penalties, applications, licensing, permitting, renewals, and certifications.

The Division of Agricultural Development works to protect and strengthen the viability of New York's food and agricultural industry by overseeing numerous economic development programs and marketing responsibilities.

The Division of Animal Industry helps control and eradicate infectious and contagious livestock and poultry diseases in New York State and implements food safety measures at the production level.

The New York State Food Laboratory provides extensive and essential food safety and consumer protection services by testing foods for purity, wholesomeness, and accurate labeling.

The Division of Food Safety and Inspection works to ensure a safe and properly labeled food supply and contributes to the orderly marketing of food and farm products in New York State.

The Division of Milk Control and Dairy Services regulates the State's dairy industry, protecting public health and welfare while promoting an economic marketing environment that allows all segments of the dairy industry to prosper.

The Division of Plant Industry protects against the introduction of invasive plant species and facilitates the marketability of New York agricultural products within the state and for export purposes.

The Division of Land and Water Resources implements programs to protect New York's

water resources from non-point source pollution through technical assistance, grant administration and assistance to county soil and water conservation districts.

The Division of Weights and Measures helps assure measurement accuracy and uniformity in commerce throughout New York State in accordance with Article 16 of the Agriculture and Markets Law.

The Division of the State Fair hosts almost 2 million visitors at the New York State Fairgrounds for the annual 13-day Fair and numerous other events throughout the year.

PART 2 – The Limited English Proficient Population in Our Service Area



The Statewide Language Access Policy requires state agencies to translate vital agency documents into the top 12 most commonly spoken non-English language among limited English proficient New Yorkers. Our agency uses U.S. Census data (including data from the American Community Survey) to determine the top 12 languages most commonly spoken by LEP individuals in New York State.

The top 12 languages spoken by LEP individuals in New York State are:

#	Language	Estimated Number of LEP Speakers
1	Spanish	1,166,777
2	Chinese	375,924
3	Russian	119,160
4	Yiddish	71,740
5	Bengali	66,980
6	Haitian Creole	53,335
7	Korean	51,285
8	Italian	44,128
9	Arabic	41,632
10	Polish	33,125
11	French	30,770
12	Urdu	28,827

New York’s language access law also provides agencies, in consultation with the Office of Language Access, the option to add up to four more languages of translation beyond the top 12. The assessment about whether to include additional languages must be based on factors that are identified in the language access law. Our agency, in consultation with the Office of Language Access, has made the following determination with regard to the addition of languages beyond the top 12:

The Department of Agriculture and Markets’ assessment as to the necessity of additional languages of translation beyond the top 12 remains ongoing at this time. The Department of Agriculture and Markets, in consultation with the Office of Language Access, will update this Plan when this assessment has been completed and a final determination reached. The Department of Agriculture and Markets will continue to reassess the need for additional languages of translation on an ongoing basis.

Our agency tracks encounters with LEP individuals in the following ways:

The Language Access Coordinator tracks encounters with Limited English Proficiency individuals through the language interpretation/translation service contracted vendor.



PART 3 – Public Outreach About the Availability of Language Access Services

Our agency informs LEP individuals about their right to free language assistance services in the following ways, using at least the top 12 languages shown in Part 2 of this Plan:

- LEP individuals are directly informed by our staff
In which ways? Staff utilize the “I Speak” tool as necessary
- Signs posted about language assistance services
 - In areas operated by the agency and open to the public
 - Other (describe)
- Information is published on our agency’s website in at least the top 12 languages spoken by LEP individuals in New York State
- Outreach and presentations at schools, faith-based groups, and other community organizations
What are the LEP populations targeted? No specific population is targeted. The “I Speak” tool is used when any event or outreach is conducted.
- Local, non-English language media directed at LEP individuals in their languages
What are the LEP populations targeted?
- Social media posts directed at LEP individuals in their languages
What are the LEP populations targeted?
- Telephonic voice menu providing information in non-English languages
In which languages?
- Other (describe)



PART 4 – Provision of Language Access Services

A. Determining the Need for Services

During *in person* encounters, our agency uses the following tools to determine whether an individual is LEP, and what their primary language is:

- “I Speak” posters or visual aids that provide information about free interpreting services in multiple languages
- Reception staff make those determinations based on training and experience
- Bilingual staff members, where available, assist in identifying LEP individual’s language
- Other (describe) Staff make determinations with the assistance of contracted interpretation services.

On *telephone calls*, our agency uses the following tools to find out if an individual is LEP, and what their primary language is:

- Reception staff make those determinations based on training and experience
- Bilingual staff members, where available, assist in identifying an LEP individual’s language
- Telephonic interpreting service
- Other (describe)

Our agency’s protocols for assessing whether an individual needs *oral interpreting* services in different service situations is as follows:

- During office in-person encounters:** If the person has limited English proficiency, staff will use an “I Speak” card. Staff will then contact the NYS Office of General Services (OGS) contracted telephonic interpreting vendor for assistance. Staff may also ask for a bilingual staff member to assist with interpretation if available.
- At initial contact in the field:** If the person has limited English proficiency, staff will use an “I Speak” card. Staff will then contact the NYS OGS contracted telephonic interpreting vendor for assistance. Staff may also ask for a bilingual staff member to assist with interpretation if available.

When speaking on the telephone: If the person has limited English proficiency, staff will contact OGS contracted telephonic interpreting vendor for assistance. Staff may also ask for a bilingual staff member to assist with interpretation if available.

For pre-planned appointments with LEP individuals: If the person requesting an appointment has limited English proficiency, staff will use an "I Speak" card. Staff will then contact OGS contracted telephonic interpreting vendor for assistance. Staff may also ask for a bilingual staff member to assist with interpretation if available.

Other (describe):

Our agency records and maintains documentation of each LEP individual's language assistance needs as follows:

The agency's Language Access Coordinator tracks encounters with Limited English Proficient individuals through the contracted vendor(s) used for language interpretation/translation services.

B. Oral Interpreting Services

Our agency has made the following resources available for oral interpreting requests:

Bilingual staff members who work directly with LEP individuals

Number of staff and languages spoken: The Department of Agriculture and Markets has five positions that have been designated with a Spanish parenthesis, which includes four Food Inspector 1 positions and one Dairy Products Specialist 1 position.

Bilingual staff members who provide oral interpreting services on a volunteer basis

Number of staff and languages spoken: The Department of Agriculture and Markets has 30 employees who fluently speak a language other than English. These include: 11 who speak Spanish, and 7 who speak Russian. The remaining staff also speak one or more of the following languages: Bengali, Greek, Hindi, Marathi, Hungarian, Ukrainian, Japanese, Malayalam, Serbian, Sinhalese, and Turkish.

Telephonic interpreting service

Vendors: Any vendor under the NYS OGS Statewide Administrative Services contract.

Contracts or other arrangements with school and community organizations

Number of staff and languages spoken:

Other (Describe)

Our agency protocols for informing LEP individuals that free interpreting services will be provided and that they do not need to provide their own interpreters is as follows:

During office in-person encounters: If the person has limited English proficiency, staff will use an “I Speak” card advising that interpreting services are provided free of charge. Staff will then contact an OGS contracted telephonic interpreting vendor for assistance. Staff may also ask for a bilingual staff member to assist with interpretation if available.

At initial contact in the field: If the person has limited English proficiency, staff will use an “I Speak” card advising that interpreting services are provided free of charge. Staff will then contact an OGS contracted telephonic interpreting vendor for assistance. Staff may also ask for a bilingual staff member to assist with interpretation if available.

When speaking on the telephone: If the person has limited English proficiency, staff will contact an OGS contracted telephonic interpreting vendor for assistance and will inform the LEP individual that interpreting services are provided free of charge. Staff may also ask for a bilingual staff member to assist with interpretation if available.

For pre-planned appointments with LEP individuals: If the person has limited English proficiency, staff will use an “I Speak” card advising that interpreting services are provided free of charge. Staff will then contact OGS contracted telephonic interpreting vendor for assistance. Staff may also ask for a bilingual staff member to assist with interpretation if available.

Other (describe):

Our agency’s protocols for obtaining interpreting services in a timely manner is as follows:

Employees are trained to use the OGS contracted language access vendor as necessary. Employees assigned to field positions carry with them a palm card that provides the telephone number of the interpreting service and the Division’s account number. Vendor information is also placed on a shared drive for employees’ use. Employees may also print vendor resource materials for easy access.

If an LEP individual insists on using a family member, friend, or other person as an interpreter, our protocols for deciding whether to accept or decline such an arrangement is as follows:

LEP individuals that encounter our agency will be informed of the availability of free interpreting services. Generally, an LEP individual may not use a family member, friend, or a minor as an interpreter. However, during emergencies an LEP individual will be permitted to use a minor, a family member, or friend as an interpreter. Upon request, an LEP individual may also be permitted to use a minor, a family member or friend as an interpreter for routine matters, such as asking the location of the office, hours of operation or rescheduling an appointment. Where the interaction with the LEP individual occurs the agency's office, and an individual is permitted to use an interpreter of their choosing; they must fill out a written consent/waiver form. Where an LEP individual is engaged in official business with the agency, the agency will provide an independent interpreter at all times. An LEP individual will not be permitted to use an

independent interpreter of their choosing when filling out applications or when involved in other legal matters.

Our agency provides information to all staff members who have contact with the public about how to obtain oral interpreting services. Our protocol in this regard is as follows:

All Department employees are trained and provided with procedures they should follow when encountering an individual who does not speak English as their primary language and has a limited ability to read, speak, write, or understand English.

The agency’s Language Access Coordinator (“LAC”) maintains a list of oral interpreting resources that are available to staff. This resource list includes:

- Names and contact information for all resources
- Names and locations of staff members who are available to act as interpreters or provide services directly in an LEP individual’s primary language
- Languages in which each interpreter or service is qualified
- Procedures for accessing each interpreter or service

Our agency records and maintains documentation of oral interpreting services provided to LEP individuals at each encounter. Our protocol in this regard is as follows:

The Language Access Coordinator tracks all interpreting/translation services and encounters through reports provided by vendors. The Language Access Coordinator periodically surveys staff to ensure there are no deficiencies with our vendor.

Cultural Competence and Confidentiality

Our agency makes sure interpreters are culturally competent¹ in the following ways:

The Department uses multilingual staff volunteers who are self-assessed in their own language competency on a case-by-case basis. Where the Department utilizes independent interpreting services the vendor will implement quality assurance standards to guarantee its interpreters are trained and are linguistically and culturally competent.

Our agency makes sure interpreters follow state and federal confidentiality protocols in the following ways:

The training provided to staff addresses the importance of confidentiality. Furthermore, independent interpreters will enforce standards of confidentiality in accordance with NYS Law.

¹ Cultural Competence is defined as *a set of congruent behaviors, attitudes, and policies that come together in a system or agency or among professionals that enables effective interactions in a cross-cultural framework*. U.S. Department of Health and Human Services, Office of Minority Health. 2000. Assuring Cultural Competence in Health Care: Recommendations for National Standards and an Outcomes-Focused Research Agenda. Extracted from: https://minorityhealth.hhs.gov/Assets/pdf/checked/Assuring_Cultural_Competence_in_Health_Care-1999.pdf

C. Translations of Documents

At least every two years after the effective date of this Plan, our agency determines and reassesses vital documents² that must be translated. This process is accomplished in the following ways:

The Language Access Coordinator meets with Division Directors annually to review all Department documents and assess those determined to be a vital document. All important documents sent to establishments includes a notice written in the top twelve languages advising of free translation/interpretation services. Based on the feedback from Division Directors, assessments will be made annually where translations may be required, and those documents will be prioritized.

Our agency’s process for making sure documents are written in plain language³ before they are translated into other languages is as follows:

Department documents are reviewed by Division program staff before being translated. The Department will ensure that documents can be clearly and easily understood by the public.

Our agency has the following resources available for translation of documents:

Contracts with vendors for translation services

Vendors: Any vendor under the NYS OGS Statewide Administrative Services contract.

Contracts or other arrangements with schools and community organizations

Names of schools/organizations:

Translation of documents by bilingual staff members

Other (describe)

The agency’s Language Access Coordinator (“LAC”) maintains a list of translation resources that are available to staff. This resource list includes:

Names and contact information for all resources

Names and locations of staff members who are available to provide translations of documents

Languages in which each translation service is qualified

Procedures for accessing each translation service

² Vital Documents is defined as any paper or digital document that contains information that is critical for obtaining agency services or benefits or is otherwise required to be completed by law.

³ The [Plain Writing Act of 2010](https://www.govinfo.gov/app/details/PLAW-111publ274) defines plain language as writing that is clear, concise, well-organized, and follows other best practices appropriate to the subject or field and intended audience. Extracted from: <https://www.govinfo.gov/app/details/PLAW-111publ274>

Our agency translates documents that LEP individuals submit in their primary languages in a timely manner. Our protocol in this regard is as follows:

The Department submits document for translation to our contracted vendor. The Language Access Coordinator tracks translation until completion to ensure timeliness.

The following non-exhaustive list of documents are currently translated or in the process of translation by our agency in the languages indicated. Documents with an asterisk (*) are determined by the agency to be vital documents.

- AR: Arabic
- BE: Bengali
- CH: Chinese
- FR: French
- HA: Haitian-Creole
- IT: Italian
- KO: Korean
- PO: Polish
- RU: Russian
- SP: Spanish
- UR: Urdu
- YI: Yiddish

Form #	Name	Top 12 Languages												Additional Languages
		AR	BE	CH	FR	HA	IT	KO	PO	RU	SP	UR	YI	
FSI890	*Notice of Inspection	X	X	X	X	X	X	X	X	X	X	X	X	
N/A	*Milk Receivers Exam	X	X	X	X	X	X	X	X	X	X	X	X	
N/A	*Asian Long-horned Beetle (ALB) Homeowner notifications (letter)	X	X	X	X	X	X	X	X	X	X	X	X	
N/A	*Landscaper Guides	X	X	X	X	X	X	X	X	X	X	X	X	
N/A	*ALB Fact Sheets	X	X	X	X	X	X	X	X	X	X	X	X	

AI 328	*Division of Animal Industry	X	X	X	X	X	X	X	X	X	X	X	X	
N/A	*Restaurant Resiliency Application	X	X	X	X	X	X	X	X	X	X	X	X	
N/A	*Restaurant Resiliency Sample Menu	X	X	X	X	X	X	X	X	X	X	X	X	
N/A	*NYS Senior Farmers' Market Nutrition Program (SNFMNP) Participant Proxy Assignment	X	X	X	X	X	X	X	X	X	X	X	X	
N/A	*SNFMNP Pocket Folder Rack Card	X	X	X	X	X	X	X	X	X	X	X	X	
N/A	*SNFMNP Statement of Eligibility	X	X	X	X	X	X	X	X	X	X	X	X	

New documents identified for translation after the signing of this Plan and before the 2-year reassessment will be translated in a timely manner.

The process for ensuring that translations are accurate and incorporate commonly used words is as follows:

The Department, through its vendor, will ensure that proofing/editing for correctness and cultural sensitivity are a component of the translation services provided by any vendor under contract as part of the publication process. The Department will also ensure plain language is used in materials produced before translation to ensure information is accessible to a range of literacy levels.



PART 5 – Staff Training

The person in the agency who is responsible for training staff in language access services is:
Mark Lansing, Director of Human Resources

The staff training includes the following components:

- The agency’s legal obligations to provide language access services
- The agency’s resources for providing language access services
- How to access and work with interpreters
- Cultural competence and cultural sensitivity
- How to obtain translation services
- Maintaining records of language access services provided to LEP individuals

The methods and frequency of training are as follows:

The Office of Employee Relations annual mandatory training taken by all Department employees includes the legal obligations; how to access language assistance services; how to work with interpreters; cultural competence and cultural sensitivity; documenting the language needs of limited English proficient individuals; and how to obtain written translation services. New employees will receive information and instructions at the time of employment processing.



PART 6 – Monitoring the Plan and Responding to Complaints

A. Monitoring

Our agency’s Language Access Coordinator (“LAC”) will monitor implementation of the Plan to make sure we are in compliance. Our protocols in this regard are as follows:

The Language Access Coordinator annually reviews collected data, availability of translated materials, and proper posting of signage to ensure compliance with the Plan. Forms are reviewed on an annual basis to determine whether they are vital documents. The Language Access Coordinator holds meetings with Division Directors to discuss language services and whether current services are meeting the needs of Limited English Proficiency individuals pursuant to Executive Law Section 202-a.

B. Complaints

We provide information to the public in at least the top 12 most commonly spoken non-English languages in the state, advising members of the public of their right to file a complaint if they feel that they have not been provided adequate language access services

or have been denied access to services because of their limited English proficiency. We do not retaliate or take other adverse action because an individual has filed a language access complaint.

We display information on the right to file a complaint, and the procedures for filing a complaint, in the following manner:

The standardized complaint forms are available to the public upon request in all twelve languages and through our website. Additionally, information on the right to file a complaint is posted in areas where it is easily seen by the public in the top twelve languages.

We handle complaints made to the agency regarding the provision of language assistance services in the following manner:


All complaints received by Department personnel and the public are forwarded to the Agency Language Access Coordinator for review and resolution.

All complaints must be timely forwarded to the Office of Language Access.

PART 7 – Signatures



	First Deputy Commissioner	9/22/2022
Head of Agency	Title	Date

	Director of Human Resources	9/22/2022
Agency LAC	Title	Date

	Executive Director, NYS Office of Language Access	09/22/2022
		Date