

# LANGUAGE ACCESS PLAN FOR LIMITED ENGLISH PROFICIENT INDIVIDUALS

**State Agency:** New York State Department of Agriculture and Markets

**Effective Date of Plan:** August 1, 2021

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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:

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

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## PART 1 – Our Agency’s Services



We prepared this Language Access Plan (“Plan”) to comply with Executive Order No. 26, as amended by Executive Order No. 26.1, which established New York’s [Statewide Language Access Policy](#).<sup>1</sup> 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 the 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.

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<sup>1</sup> For additional information about our agency’s obligations to provide language access services, please visit: <https://www.ny.gov/language-access-policy>

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 the annual 18-day New York State Fair as well as numerous other events throughout the year, hosting 2.3 million visitors in 2019.



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

**Our agency uses U.S. Census data (including data from the American Community Survey) to determine the top ten languages most commonly spoken by LEP individuals in New York State.**

**The estimated total number of LEP individuals in our service area is:** Approximately 2.5 million LEP individuals in New York State.

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

	<b>Language</b>	<b>Estimated Number of LEP Speakers</b>
1	Spanish	1,201,322
2	Chinese	379,745
3	Russian	119,380
4	Yiddish	64,070
5	Bengali	64,020
6	Korean	55,506
7	Haitian Creole	54,746
8	Italian	46,431
9	Arabic	40,781
10	Polish	34,840

Our agency will reassess the public’s language needs at least every two years after the effective date of this plan.

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

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

### 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 ten 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 which informs the public about the availability of free interpreting services.
- 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 ten 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
- 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 cannot speak English, 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 identifying LEP’s preferred language and interpretation if available.

**At initial contact in the field:** If the person cannot speak English, 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 identifying LEP’s preferred language and interpretation if available.

**When speaking on the telephone:** If the person cannot speak English, staff will contact OGS contracted telephonic interpreting vendor for assistance. Staff may also ask for a bilingual staff member to assist with identifying the LEP individual’s preferred language and interpretation if available.

**For pre-planned appointments with LEP individuals:** If the person requesting an appointment cannot speak English, 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 identifying the LEP individual’s preferred language and 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:** We have five positions that have been designated with a Spanish parenthesis, which includes four Food Inspector 1 and one Dairy Products Specialist 1.

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

**Number of staff and languages spoken:** We have 30 employees who fluently speak a language other than English. These include: 11 who speak Spanish, and 5 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

**Name of 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 cannot speak English, staff will use an "I Speak" card advising 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.

**At initial contact in the field:** If the person cannot speak English, staff will use an "I Speak" card advising interpreting services are provided free of charge. Staff will then contact the 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 cannot speak English, staff will contact 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 cannot speak English, staff will use an "I Speak" card advising 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 interpreter/translation 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 his or her choosing; he or she 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 his or her 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 his/her 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 competent<sup>2</sup> 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.

### **C. Translations of Documents**

**At least every two years after the effective date of this Plan, our agency determines and reassesses vital documents (including website content) 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 include a notice written in the top ten languages advising of

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<sup>2</sup> 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](https://minorityhealth.hhs.gov/Assets/pdf/checked/Assuring_Cultural_Competence_in_Health_Care-1999.pdf)

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 language<sup>3</sup> 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  
**Names of vendors/languages:** Any vendor under the NYS OGS Statewide Administrative Services contract.
- Contracts or other arrangements with schools and community organizations  
**Names of schools/organizations and languages:**
- 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

**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 by our agency in the languages indicated:**

- *AR: Arabic*
- *BE: Bengali*
- *CH: Chinese*
- *HA: Haitian-Creole*

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<sup>3</sup> 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>

- *IT: Italian*
- *KO: Korean*
- *PO: Polish*
- *RU: Russian*
- *SP: Spanish*
- *YI: Yiddish*

Form #	Name	Top Ten Languages									
		AR	BE	CH	HA	IT	KO	PO	RU	SP	YI
FSI890	Notice of Inspection	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
N/A	Milk Receivers Exam	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
N/A	Asian Long-horned Beetle (ALB) Homeowner notifications (letter)	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
N/A	Landscaper Guides	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
N/A	ALB Fact Sheets	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
AI 328	Division of Animal Industry	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓

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 Governor’s 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 the Executive Order.

**B. Complaints**

**We provide information to the public in at least the top ten 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, along with the procedures for filing a complaint, are available in all ten languages in our public offices upon request. They are also available for download or online submission through our website. Additionally, information on the right to file a complaint is posted in the top ten languages on our website and in our offices in areas where it can be easily seen by the public.

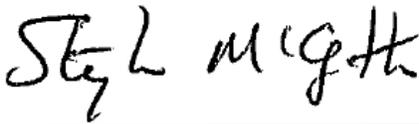
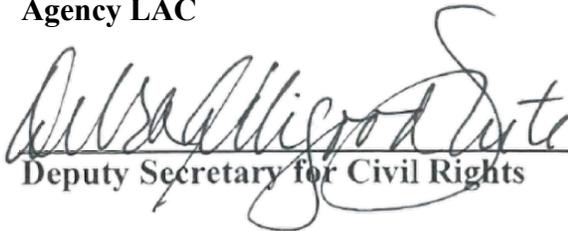
**We handle complaints made to the agency regarding the provision of language assistance services in the following manner:**

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

All complaints must be timely forwarded to the Statewide Language Access Coordinator.

**PART 7 – Signatures**



	First Deputy Commissioner	8/1/2021
<b>Head of Agency</b>	<b>Title</b>	<b>Date</b>
	Director of Human Resources	8/1/2021
<b>Agency LAC</b>	<b>Title</b>	<b>Date</b>
	Deputy Secretary for Civil Rights	8/1/2021
	<b>Title</b>	<b>Date</b>