



**U.S. Department of Agriculture  
Food Safety and Inspection Service**

**Limited English Proficiency Plan  
*for*  
Federally Conducted Programs**



**Food Safety and Inspection Service**

Protecting Public Health and Preventing Foodborne Illness



**2020-2022**

**TABLE OF CONTENTS**

**I. Introduction ..... Page 3**

**II. Legal Authority..... Page 3**

**III. Agency Mission..... Page 3**

**IV. Policy..... Page 3-4**

**V. Definitions..... Page 4-5**

**VI. Federally Conducted Programs ..... Page 5**

**VII. Agency Plan and Four Factor Analysis ..... Page 5-6**

**VIII. Services Provided to LEP Persons..... Page 6-7**

**IX. LEP Training for Agency Employees..... Page 7**

**X. Communication Plan..... Page 7**

**XI. Roles and Responsibilities..... Page 8**

**XII. Evaluation of Services..... Page 8**

**XIII. Planned Activities..... Page 8-9**

**Attachments**

**Attachment #1 – LEP Release Acknowledgement Form**

**Attachment #2 – Communication Plan**

## **I. Introduction**

This Limited English Proficiency (LEP) plan was developed to ensure equal access to services provided by the Food Safety and Inspection Service (FSIS) for persons with limited English proficiency. LEP persons are defined as individuals who do not speak English as their primary language, and who have a limited ability to read, write, speak, or understand English. This plan will be reviewed and updated bi-annually.

## **II. Legal Authority**

Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of national origin in the delivery of services or benefits funded by the Federal government. Under this law, federally assisted programs must ensure that activities normally provided in English are accessible to LEP persons and thus do not discriminate on the basis of national origin in violation of Title VI's prohibition against national origin discrimination. Executive Order 13166, "Improving Access to Services for Persons with LEP," dated August 11, 2000, provides further direction requiring that Federal agencies provide meaningful access to federally assisted programs and activities for LEP persons. In addition, the Order requires that Federal agencies create plans to provide LEP persons with meaningful access to federally conducted programs and activities.

In August 2000, the Department of Justice (DOJ) issued guidance for agencies to follow in creating plans to make Federal services, activities, and programs accessible for LEP persons. The guidance provided the following four factors for agencies to consider when developing their LEP plans: (1) the number of LEP persons in the eligible service population or likely to be encountered in recipient activities and programs; (2) the frequency with which LEP persons come into contact with the program; (3) the importance of the service or information provided by the program; and, (4) the resources available to the recipient of Federal funds.

## **III. Agency Mission**

FSIS is the public health agency in USDA, responsible for ensuring that the nation's commercial supply of meat, poultry, and egg products is safe, wholesome, and correctly labeled and packaged.

## **IV. Policy**

It is FSIS' policy to ensure that reasonable steps are taken to provide meaningful access and an equal opportunity to participate in services, activities, programs, and other benefits to individuals whose first language is not English. This policy includes providing oral interpretation or written translation of vital documents and other information to LEP persons and their authorized representatives. All interpreters, translators, and other aids needed to comply with this policy will be provided without cost to the person being served. Further, LEP persons and their authorized representatives will be informed of the availability of such assistance free of charge.

This plan will be distributed to the FSIS workforce and should be used as a guide with respect to Agency employees' interactions with LEP customers. A desk guide that provides information on

securing translation and interpretation services is also available to FSIS employees. Additionally, all FSIS employees are required to complete LEP training.

## **V. Definitions**

**Agency** – A major program organizational unit of the Department with delegated authorities to deliver programs, activities, benefits, and services.

**Agency Head** – Departmental Under Secretaries, Deputy Under Secretary, Directors, Chiefs, and Administrators within the Office of the Secretary who receive delegated authority under 7 C.F.R. Agency Heads report to and receive their delegated Authorities from Under or Assistant Secretaries as Prescribed in 7 C.F.R.

**American English** – A set of dialect/language used mostly in the United States.

**Bilingual** – The knowledge and ability to understand, speak, read, and write fluently in two languages easily.

**Certified Interpreter** – An individual who is certified to provide interpretation services at a level of fluency, comprehension, impartiality, and confidentiality appropriate to the specific nature, type, and purpose of the information being interpreted.

**Discrimination** – The unfavorable treatment or consideration of, or making a distinction in favor of or against, a person based on the group, class, or category to which that person belongs rather than on individual merit.

**Federally Conducted Program** – Program services, benefits, resources or information delivered directly to the public by the Federal government.

**Interpretation** – Listening to communication in one language and orally converting it to another language while retaining the same meaning.

**Language Access** – Efforts by an agency or organization to make its programs and services accessible to individuals who are not proficient in English.

**Language Assistance Services** – Interpretation or translation services that assist LEP persons in understanding or communicating in another language.

**Limited English Proficient Person** – An individual who does not speak English as his or her primary language and has a limited ability to reason, speak, write, or understand English.

**Translation** – The process of transferring ideas expressed in writing from one language to another.

**Translator** – A person who converts language into an alternative form of communication, so it is understandable to persons who communicate differently.

**Vital Document** – Paper or electronic written material that contains information that is critical for accessing a program or activity, or is required by law, such as consent forms, applications, and notices of rights.

## **VI. Federally Conducted Programs**

FSIS has three Federally Conducted programs. These programs serve establishments within the United States and are guided by the following:

Federal Meat Inspection Act – Provides inspection for all meat products sold in interstate commerce and re-inspection of imported products to ensure that they meet U.S. food safety standards.

Poultry Products Inspection Act – Provides inspection for all poultry products sold in interstate commerce and re-inspection of imported products to ensure that they meet U.S. food safety standards.

Egg Products Inspection Act – Provides inspection for all egg products sold in interstate commerce and re-inspection of imported products to ensure that they meet U.S. food safety standards.

## **VII. Agency Plan and Four Factor Analysis**

The Agency's plan is based on the four-factor analysis, which is used to determine the appropriate language assistance services to ensure that an LEP person has meaningful access to the Agency's programs and activities. The four factors on which this plan is based are:

*Factor 1: Determine the number or proportion of LEP persons eligible to be served or likely to be encountered by the program.*

To determine the number or proportion of LEP persons encountered during program delivery, the Agency:

- A. Gathered and reviewed demographic data for languages primarily spoken in geographic areas serviced by FSIS. This enabled the Agency to determine the top four languages that FSIS employees encountered.
- B. Reviewed and analyzed data collected by contract translators and interpreters to determine: (1) the nature of the contact with LEP persons; and (2) the breadth and scope of language services that are needed.

*Factor 2: The frequency with which LEP persons come in contact with the program.*

To determine the frequency with which LEP persons come in contact with FSIS programs, services, and activities, the Agency utilized information gathered from the translation and interpretation contractors to determine the frequency of contacts and the languages being requested.

*Factor 3: The nature and importance of the program, activity, or service provided by FSIS to LEP Persons.*

To determine the nature and importance of FSIS programs, activities, or services provided to LEP persons, the Agency:

- A. Identified the programs, services, and activities that could have a serious consequence to program access and receipt of services, benefits, and activities if language barriers impact the ability of LEP persons to fully participate.
- B. Determined the potential impacts that inability to access FSIS services, programs, or activities may have on the LEP person.

For example: Foodborne illnesses are preventable public health challenges that cause an estimated 48 million illnesses and 3,000 deaths each year in the United States. They are illnesses that come from eating contaminated food. The onset of symptoms may occur within minutes to weeks, and foodborne illness often presents itself as flu-like symptoms, as the ill person may experience symptoms such as nausea, vomiting, diarrhea, or fever. Because the symptoms are often flu-like, many people may not recognize that the illness is caused by harmful bacteria or other pathogens in food. If LEP persons do not have access to information related to the proper handling of food in their language, it could result in foodborne illnesses.

*Factor 4: Determine the resources available to assist LEP Persons and costs to the Agency.*

To determine the resources available to assist LEP persons and the costs associated with those resources, the Agency explored the most cost-effective means of delivering competent and accurate language services. As a result, the Agency secured Agency-wide contracts for its interpretation and translation needs.

## **VIII. Services to LEP Persons**

The top four languages that FSIS employees primarily encounter when interacting with LEP persons are: (1) Spanish; (2) Arabic (3) Mandarin; and (4) Vietnamese. To meet the needs of these individuals, the Agency has established contracts for interpretation (oral) and translation (written) services. In addition to the Agency's top four languages, the contract supports other

languages as necessary. The need for interpretation and translation services for other languages will be assessed on an as needed basis using the four-factor analysis.

The Agency provides the following services to LEP persons:

Oral interpretation – The Agency provides oral interpretation by certified contractors. At the point of first contact with an LEP person, the Agency employee: (1) determines whether the individual is an LEP person by determining his or her primary language; and (2) secures the appropriate language assistance service. An individual’s primary language is identified using language identification posters displayed in work units, the District Offices, and any other office that services LEP persons.

Written Translations –The Agency translates documents determined to be vital, e.g., guidance for industry developing Hazard Analysis and Critical Control Point System Plans; Grant of Inspection Procedures; and procedures on how to apply for a grant of inspection.

If the LEP person elects not to use the service provided, FSIS employees are to document the fact that the services were offered using Attachment #1.

## **IX. LEP Training for Agency Employees**

All employees are required to complete LEP training. The training, entitled FSIS-Limited English Proficiency, is available to all employees through the AgLearn system. Hard copies of the training are also available to employees without computer access. Employees who are new to the Agency will receive a copy of the training with the orientation package. To obtain a hard copy of the training, please contact [AskCRD@usda.gov](mailto:AskCRD@usda.gov).

The training includes the following information:

- Background including definitions of LEP, legal authorities, and internal policies;
- Four Factor Analysis;
- Agency specific data;
- Actions to take when encountering an LEP person;
- Notification requirements for informing the public of free LEP services; and
- Efforts to track LEP contacts.

## **X. Communication Plan**

The Agency’s communication plan provides guidance to FSIS employees regarding how to ensure that interpreting and translating services are provided to LEP customers. See Attachment #2.

## **XI. Roles and Responsibilities**

### **FSIS Administrator**

Ensures that there is adequate funding and that other resources are available to provide effective and efficient oral interpretation and written translation services to LEP persons.

### **Program Areas and District Offices**

Ensure that employees complete required LEP training and that LEP resources are disseminated to Program Area and District Office employees.

### **Civil Rights Staff**

1. Ensure the FSIS LEP plan is developed in accordance with Departmental Regulation 4330-005, Section 7b and submitted to the Office of the Assistant Secretary for Civil Rights (OASCR).
2. Coordinate the implementation of FSIS' LEP plan Agency-wide.
3. Ensure FSIS has translation and interpretation resources available to Agency employees.
4. Provide guidance on how to use translation and interpretation services.
5. Serve as the point of contact to address concerns from LEP persons.
6. Ensure training is available to employees who interact with LEP persons.
7. Ensure that the Agency's LEP plan is updated and distributed bi-annually, to include distribution to the OASCR.

## **XII. Evaluation of Services**

To monitor the effectiveness of the Agency's LEP plan, FSIS reviews feedback provided by customers who have utilized the services and address areas of concern as they arise. In addition, the Agency conducts annual compliance reviews wherein specific questions regarding the Agency's LEP program are asked. This feedback assists the Agency in determining employees' knowledge of LEP requirements and resources, as well as, assess their interactions with LEP customers.

## **XII. Planned Activities**

During FY 2018 and FY 2019, the Agency implemented its LEP Program to ensure that services were being provided to all LEP customers adequately and effectively. Activities that are planned for the next three years are also outlined below:

### **FY 2020**

- Secure interpretation and translation contracts
- Evaluate the quality of interpretation and translation contract services
- Track usage of interpretation and translation services



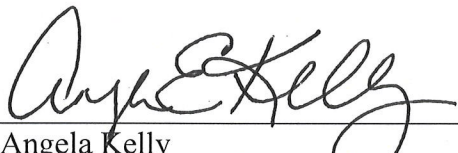
**FY 2021**

- Evaluate the quality of interpretation and translation contract services
- Track usage of interpretation and translation services
- Utilize Option Year 2 of interpretation and translation contracts (if services are satisfactory)


**FY 2022**

- Evaluate the quality of interpretation and translation contract services
- Track usage of interpretation and translation services
- Utilize Option Year 3 of interpretation and translation contracts (if services are satisfactory)

Questions regarding this plan should be directed to the Civil Rights Staff at 1-800-269-6912 or (301) 504-7755; via email at: [AskCRD@usda.gov](mailto:AskCRD@usda.gov); via fax at: (301) 504-2141; or in writing at: USDA, FSIS, Civil Rights Staff, 5601 Sunnyside Avenue, Building 1, Room 2260, Mailstop 5261, Beltsville, Maryland 20705.

  
Angela Kelly  
Director, Civil Rights Staff

**APR 22 2020**  
Date

  
Paul Kiecker  
Administrator, Food Safety and Inspection Service

**APR 22 2020**  
Date

**LEP Release Acknowledgement Form**

I hereby affirm that I offered language assistance or interpreter services at no cost to \_\_\_\_\_ and the services were declined. I explained that the use of a family member or friend for the aforementioned services could result in a breach of confidentiality, violating his/her individual privacy, and could disclose sensitive and confidential information that he/she would not like disclosed.

Name (Printed): \_\_\_\_\_ Date: \_\_\_\_\_

Signature: \_\_\_\_\_

**Food Safety and Inspection Service  
Limited English Proficiency (LEP)  
Communication Plan  
Guidance for Providing Services to  
LEP Customers**

**Purpose of Communication Plan**

It is the Food Safety and Inspection Service's (FSIS) policy to ensure that reasonable steps are taken to provide meaningful access and an equal opportunity to participate in services, activities, programs, and other benefits to individuals whose first language is not English. The purpose of this communication plan is to provide guidance to FSIS employees regarding how to ensure that interpreting and translating services are provided to Limited English Proficient (LEP) customers. For the purpose of the plan, LEP customers are defined as individuals who conduct business with FSIS who do not speak English as their primary language and have a limited ability to reason, speak, write or understand English. This plan does not apply to individuals who are employed by FSIS.

This communication plan will ensure that oral interpretation and written translation of vital documents and other critical information is provided to LEP persons and/or their authorized representatives. All interpreters, translators, and other aids needed to comply with this plan will be provided without cost to the LEP customer. LEP customers and their authorized representatives will be notified of the availability of such assistance free of charge.

Language assistance for LEP customers will be available through the use of certified contractors that provide interpretation and translation services. In addition, LEP assistance may be provided by FSIS employees who are certified in speaking the language being requested.

**Procedures for Providing Language Assistance to LEP Customers**

At the point of first contact with an LEP person, the FSIS employee will determine whether the person has limited English proficiency by determining his or her primary language. An LEP customer's primary language can be identified by utilizing one of the following methods or a combination of both:

- A. Language identification posters displayed in work units that service LEP person(s): The Agency will provide language identification posters to all Program Areas and District Offices. Posters should be displayed in locations where they can be easily seen by the LEP customer upon entering the FSIS facility. If additional posters are needed, Program Areas and District Offices should contact the Agency's Civil Rights Staff at 1 (800) 269-6912 or by email at [AskCRD@usda.gov](mailto:AskCRD@usda.gov).

Obtaining Interpreting Services for LEP Customers: Once a determination is made that LEP services are needed, the FSIS employee should initiate contact with the Agency's contract interpreter by following the guidance provided in FSIS' *Instructions for Connecting with an Interpreter* resource document. Once contacted by the FSIS employee, the contract interpreter will assist with ensuring that interpretation services are provided. The FSIS employee should be prepared to provide the contract interpreter with a description or summary of the information that will need to be interpreted. At all times while service is being provided, the FSIS employee will facilitate the interpretation services to provide assistance to the contract interpreter and the LEP customer, as needed. The LEP customer should not simply be provided the telephone number to the contract interpreter. The Agency will provide qualified interpreters 24 hours a day, 7 days a week.

Contractor for Translating Services: Once a determination is made that LEP services are needed, the FSIS employee, in coordination with the Program Area liaison and Office of Policy and Program Development (OPPD), will initiate contact with the Agency's contractor for translation services. Once contacted by OPPD, the translation contractor will assist with ensuring that translation services are provided to the LEP customer. The FSIS employee should ensure that documents provided to the contractor for translation are accurate. In addition, the documents should reflect the exact information to be translated. At all times while service is being provided, OPPD will serve as the liaison between the contract translator and the Program Area liaison. The LEP customer should not simply be provided the telephone number to the contract translator. Certified translation services will be provided within a minimum of 72 hours upon request and no later than 30 days depending upon the urgency of the request.

The FSIS employee will be responsible for coordinating with the appropriate Agency personnel (e.g., OPPD, Agency's contracting office, budget staff, Civil Right Staff, etc.) to make certain the appropriate paperwork and procedures are completed to ensure proper award and payment to the contractor.

If interpretation or translation services are offered to the LEP customer and refused, the FSIS employee must complete FSIS' LEP Release Acknowledgement Form, Attachment #1, and maintain with LEP files.

### **LEP Training for FSIS Employees**

This communication plan will be posted on the intranet to inform the FSIS workforce and should be used as guidance with respect to Agency employees' interactions with LEP customers. In addition, all FSIS employees will have access to LEP training that will include:

- Definition of LEP
- Executive Order 13166
- Procedures for Addressing the Needs of LEP Customers
- Types of Language Services

## **Notifying LEP Customers of Available LEP Services**

To ensure that LEP customers are aware of the interpretation and translation services that are made available by the Agency, FSIS will release:

1. Notices and posters that will be displayed in FSIS offices and facilities.
2. Notifications on the Agency's web sites.

## **Monitoring Language Services**

On an annual basis, FSIS will assess the effectiveness of translation and interpretation services being provided to LEP customers and make changes or adjustments as necessary. The assessment will review complaints filed regarding LEP services, results from compliance reviews, and feedback received from LEP customers.

This communication plan is subject to change as necessary, in accordance with the needs of the Agency or the customers being served.

Questions regarding this communication plan should be directed to the Civil Rights Staff at 1 (800) 269-6912.