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**FOOD SAFETY INSPECTION SERVICE
LANGUAGE ACCESS PLAN**

MANAGED BY: FOOD SAFETY INSPECTION SERVICE
CIVIL RIGHTS STAFF

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I. INTRODUCTION

The mission of the Food Safety and Inspection Service (FSIS) is to protect public health by ensuring that meat, poultry, and egg products are safe, wholesome and properly labeled. FSIS is committed to providing meaningful communication to all persons, including persons with limited English proficiency (LEP) who seek to access or participate in Agency programs and activities. This commitment extends to programs and activities directly conducted by FSIS, as well as those that are assisted by FSIS and conducted by its contractors. This language access plan (LAP or Plan) sets forth the standards, principles, and guidelines that FSIS will use to provide and improve meaningful access for persons with LEP in the Agency's operations, services, activities, and programs.

The U.S. Department of Agriculture (USDA), its agencies, offices, employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, religion, sex, gender identity (including gender expression), sexual orientation, disability, age, marital status, family/parental status, income derived from a public assistance program, political beliefs, or reprisal or retaliation for prior civil rights activity, in any program or activity conducted or funded by USDA (not all bases apply to all programs). Remedies and complaint filing deadlines vary by program or incident.

Persons with disabilities who require alternative means of communication for program information (e.g., Braille, large print, audiotape, American Sign Language, etc.) should contact the responsible Agency or USDA's TARGET Center at (202) 720-2600 (voice and TTY) or contact USDA through the Federal Relay Service at (800) 877-8339. Additionally, program information may be made available in languages other than English.

To file a program discrimination complaint, complete the USDA Program Discrimination Complaint Form, AD-3027, found online at [How to File a Program Discrimination Complaint](#) and at any USDA office or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632-9992. Submit your completed form or letter to USDA by: (1) mail: U.S. Department of Agriculture, Office of the Assistant Secretary for Civil Rights, 1400 Independence Avenue, SW, Washington, D.C. 20250-9410; (2) fax: (202) 690-7442; or (3) email: program.intake@usda.gov.

USDA is an equal opportunity provider, employer, and lender.

II. LANGUAGE ACCESS POLICY STATEMENT AND PURPOSE

The USDA ensures no person is discriminated against on the basis of national origin when accessing its programs and activities in violation of [Section 601 of Title VI of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000d et seq. \(Title VI\)](#). The USDA's efforts are pursuant to [Executive Order 13166: Improving Access to Services for Persons with Limited English](#)

[Proficiency \(August 16, 2000\)](#) and [Executive Orders 13985, 14031 and 14091](#)¹. Accordingly, the USDA requires its mission areas, agencies² and staff offices to develop a LAP to ensure individuals with LEP have meaningful access to its programs and activities. The following plan meets this requirement.

It is the policy of FSIS to take reasonable steps to ensure meaningful access to all FSIS programs and activities (federally conducted) for individuals and communities who have LEP. It is the further policy of FSIS to ensure programs and activities receiving federal financial assistance from FSIS (federally assisted) are consistent with applicable civil rights laws, including the prohibition against discrimination in those programs and activities, as required by USDA Departmental Regulation (DR) 4330-002: Nondiscrimination in Programs and Activities Receiving Federal Financial Assistance from the USDA (July 27, 2021).

Additionally, if the language in which business is conducted by FSIS programs and activities is not English, it is the policy of FSIS to provide translation and/or interpretation services to program beneficiaries or customers who are limited in their ability to communicate in English.

FSIS incorporates by reference the full USDA LAP, dated November 9, 2023. Any conflict between FSIS' LAP and the USDA LAP is unintentional and should be resolved in favor of the USDA LAP.

FSIS' LAP (or Plan) applies to all programs and activities conducted by the Agency, including oversight, monitoring, and provision of technical assistance to any entity that receives, directly or indirectly, financial assistance from FSIS. The Plan is not intended to create new core services or requirements, but instead, it is intended to eliminate or reduce, to the maximum extent practicable, LEP as a barrier to accessing FSIS' programs and activities. This Plan will replace the USDA-FSIS LEP Plan for Federally Conducted Programs dated April 22, 2020. The Plan does not create any right or benefit, substantive or procedural, enforceable by law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

¹ Executive Order 13166 requires federal agencies to ensure that recipients of federal financial assistance such as state agencies, local agencies, and program operators are providing meaningful access to assisted programs and activities for individuals with LEP. Executive Order 13985, [Advancing Racial Equity and Support for Underserved Communities Through the Federal Government](#), 86 Fed. Reg. 14, 7009 (Jan. 20, 2021); Executive Order 14031, [Advancing Equity, Justice, and Opportunity for Asian Americans, Native Hawaiians, and Pacific Islanders](#), 86 Fed. Reg. 105, 29675 (June 3, 2021); Executive Order 14091, [Further Advancing Racial Equity and Support for Underserved Communities Through the Federal Government](#), 88 Fed. Reg. 35, 10825 (Feb. 22, 2023).

² Agencies are organizational units of the Department, other than staff offices, whose heads reports to officials within the Office of the Secretary, Deputy Secretary, Under Secretaries, Assistant Secretaries, and Assistant to the Secretary. See the [USDA Departmental Directives Definitions Glossary \(DG 0100-002\)](#).

III. RESPONSIBLE PERSONNEL/ OFFICE AND OVERSIGHT

The **FSIS Administrator** will:

- Set the tone and direction throughout FSIS to ensure leadership commitment to equal access for all members of the public who engage with FSIS programs and activities, whether conducted or financially assisted by the Agency;
- Delegate coordination, implementation, and monitoring of the LAP throughout FSIS to the Agency's Civil Rights Staff (CRS) and FSIS' LAP partner offices; and
- Hold the CRS and FSIS LAP partner offices accountable for ensuring implementation of this plan across the Agency to support an equitable and inclusive operational and programmatic environment.

The **FSIS CRS Director** or their designee will:

- Establish an FSIS-wide approach to implement, coordinate, and monitor the Agency's LAP and language access efforts;
- Designate an Agency Language Access Coordinator (LAC);
- Coordinate with USDA's Office of Assistant Secretary for Civil Rights (OASCR) to ensure this FSIS Plan is consistent with USDA DR 4330-005 Prohibition Against National Origin Discrimination Affecting Persons with Limited English Proficiency in Programs and Activities Conducted by USDA (June 4, 2013); *USDA Guidance to Federal Financial Assistance Recipients Regarding the Title VI Prohibition Against National Origin Discrimination Affecting Persons With Limited English Proficiency (79 F.R. No. 299, p. 70771-70784, November 28, 2014) (USDA LEP Guidance)*; and the *USDA Language Access Plan*; and
- Collaborate with FSIS' LAP partner offices to implement, coordinate and monitor this plan and to align Agency policies and programs with language access best practices throughout the Agency in accordance with the *USDA LAP*.

FSIS LAP partner offices are listed below. Each will assist the CRS with coordinating and implementing this Plan:

- **Office of the Chief Financial Officer** is responsible for allocating sufficient funding to support FSIS' language access program;
- **Office of Management** is responsible for procurement/contracting and the Agency's hiring and human resources that support FSIS' language access program;
- **Office of Policy and Program Development (OPPD)** is responsible for securing/managing the Agency's translation contract; and
- **Office of Public Affairs and Consumer Education** is responsible for public affairs/communications and managing the Agency's websites.

The **FSIS LAC's** responsibilities include, but are not limited to:

- Assisting FSIS personnel in complying with this Plan by sharing procedures, information, and best practices for providing language access through appropriate demographic assessment and then translation and interpretation to persons with LEP.
- Assisting with establishing interpreter and translator qualifications and professional standards for multilingual personnel;
- Assisting with the identification of qualified multilingual personnel to serve as interpreters and translators to be included in the FSIS interpreter/translator database;
- Securing/Managing the Agency's interpretation contract;
- Ensure that the Agency's Plan is updated and distributed as needed;
- Disseminating demographic assessment and language access information to FSIS employees;
- Providing LEP training to the FSIS workforce; and
- Ensuring the development, implementation, and monitoring of LAPs for programs and activities that receive financial assistance from FSIS.

All **FSIS managers and supervisors** will proactively promote meaningful access for LEP individuals and direct Agency personnel under their supervision to take necessary steps to comply with the FSIS LAP.

IV. LANGUAGE ACCESS PROCEDURES

Language access procedures are the "how to" for FSIS personnel. The steps listed below are required to adequately provide language assistance services and gather data to continually improve. The CRS will develop an enterprise approach to the implementation and monitoring of

this Plan, its procedures, and Agency LEP efforts overall, in coordination with Agency LAP partners.³

The procedures include, but are not limited to:

- A requirement to conduct an assessment of the language assistance needs of current and potential customers by each program or activity. When requested, the CRS will provide technical assistance to program offices.
- Instructions for providing qualified interpreters at the point of contact with individuals with LEP, including use of a telephonic interpreter service.
- Instructions for submitting requests for translations of public information regarding FSIS programs and activities into frequently encountered languages (e.g., printed documents and information on the Agency websites, digital services, etc.).
- Instructions for monitoring the compliance with language access requirements by all state agencies that receive federal financial assistance from FSIS.⁴ For example: FSIS will ensure language access requirements are included in state Agency plans, management evaluation tools, and compliance review questionnaires. FSIS will also ensure that these recipients have a method for ensuring meaningful access to language services for individuals with LEP⁵.
- Instructions to all programs and activities, including strategies and considerations to ensure meaningful access for individuals with LEP during emergency, disaster, and pandemic situations. The DOJ's Tips and Tools for Reaching limited English proficient

³ Resources for developing these procedures can be found at [Language Access Planning | LEP](#).

⁴ USDA LEP Guidance provides criteria for recipients to consider when deciding to provide language assistance services to LEP individuals. "Specifically, the Guidance provides specific steps that recipients may take to ensure that LEP persons have meaningful access by utilizing a balancing test as a starting point (See Section IV, 'How Does a Recipient Determine the Extent of Its Obligation to Provide LEP Services?')." The Guidance further defines the balancing test as an individualized assessment that balances the following four factors:

- a. The number or proportion of LEP persons eligible to be served or likely to be encountered within the area serviced by the recipient;
- b. The frequency with which LEP persons come in contact with the program or activity;
- c. The nature and importance of the program, activity, or service to people's lives; and
- d. The resources available to the recipient and costs.

The Guidance states that the four-factor analysis is a "starting point" to help a recipient determine when the recipient is "required to take reasonable steps to ensure meaningful access to their programs and activities by LEP persons." Given the flexibility of this standard and its context-specific nature, it is inherently flexible to adjust for the various populations, languages, programs, and activities served. Consequently, we recognize that there are some instances when interpreters constitute reasonable steps but we also acknowledge that different scenarios may yield different results, based on the four-factor analysis.

[Guidance to Federal Financial Assistance Recipients Regarding the Title VI Prohibition Against National Origin Discrimination Affecting Persons With Limited English Proficiency \(November 2014\)](#).

⁵ Language Access in Digital Portals and Data Collection Systems, available at [Language Access in Digital Portals and Data Collection Systems \(lep.gov\)](#) and Improving Access to Public Websites and Digital Services for Limited English Proficient (LEP) Persons, available at [Improving Access to Public Websites and Digital Services for Limited English Proficient \(LEP\) Persons](#).

Communities in Emergency Preparedness, Response, and Recovery and other resources are located at [Emergency Preparedness | LEP](#).

- Instructions to ensure all communication services are kept confidential and only accessible to authorized personnel. For example: if FSIS chooses to use Video Remote Interpreting (VRI) technology, it will do so in a private setting to ensure confidentiality.⁶

1. Identification of Communities with limited English Proficiency and Their Interaction with USDA

Identification of communities with LEP is determined through assessment of the demographic makeup of relevant populations (e.g., past and current program customers). FSIS conducted an initial language assessment by surveying field offices regarding their interactions of populations with LEP. Using the survey results as well as U.S. Census Bureau data and www.lep.gov resources, the Agency identified the top languages spoken by customers. FSIS has utilized previously established translation and interpretation contracts to continuously monitor any changes in the top languages spoken by customers. The initial assessment, as well as requests for contract language services, have confirmed that the following are the top five languages spoken by FSIS customers: Spanish, Mandarin, Vietnamese, Arabic, and French.

2. Stakeholder Engagement

FSIS will meet with stakeholders to discuss barriers that may prevent access to FSIS programs and activities, as appropriate and when requested. Stakeholders may be representatives from states that administer FSIS programs and activities, advocacy agencies, immigrant-serving organizations, community-based organizations, and LEP communities. These meetings will provide state agencies that receive federal financial assistance from FSIS an opportunity to share their language access concerns and to foster collaboration and partnerships.

It is critical to have effective outreach and engagement with these community members directly to improve access to FSIS programs and activities for communities with LEP. As such, FSIS will develop and timely implement an outreach plan that ensures effective strategies educating employees, customers, and federally assisted programs on the Agency's LAP. These strategies will include the following:

- Establishing and maintaining relationships with a variety of entities representing the interests of individuals with LEP;
- Conducting outreach efforts to inform communities and individuals with LEP about FSIS programs and activities, including disseminating information about Agency programs and activities in non-English languages;
- Communicating clearly through written, video, and/or audio the nature, scope, and availability of language assistance services and how to request them;

⁶ Although [agency name] is not a public entity or a public accommodation, it will abide by the VRI technology requirements within the *Americans with Disabilities Act (ADA) of 1990*, as amended by the *ADA Amendments Act of 2008*, and implementing regulations at [28 CFR 35.160\(d\)](#) and [28 CFR 36.303\(f\)](#).

- Increasing efforts to encourage participation from local communities during consultations, focus groups, and/or listening sessions, with the goal of learning about their concerns, needs, and perspectives;
- Taking steps to ensure that community outreach events involving individuals LEP are designed to provide meaningful access, where they can participate, receive information, and provide input in their primary language(s) at such events in real-time;
- Creating and maintaining lists of non-English press to disseminate information about FSIS programs and activities; and
- Establishing a formal mechanism to receive feedback about the quality of FSIS' language assistance services.

3. Assessment of Language Assistance Needs

Every day, contact between FSIS employees and the public may involve individuals with LEP. Keeping in mind the mission, operation, and level of interaction with the public, FSIS will consider the needs of individuals with LEP early in the process of designing programs and activities.

To determine which type of language assistance services (interpretation and/or translated materials) will result in meaningful access, FSIS will continuously assess languages frequently encountered by FSIS employees. The assessment will balance the four factors below:

- The number or proportion of individuals with LEP eligible to be served or likely to be encountered within the area serviced by FSIS;
- The frequency with which limited English proficient individuals encounter or contact FSIS' programs or activities;
- The nature and importance of the program, activity, or service to people's lives; and
- The resources available to FSIS and to state agencies and the costs.

The [*USDA LEP Guidance*](#) offers criteria for conducting a self-assessment to determine the type and extent of language assistance services necessary to ensure individuals with LEP have meaningful access to FSIS programs and activities. This self-assessment will identify gaps in language assistance resources and deficiencies in services for individuals with LEP. Additionally, the self-assessment may help identify whether FSIS personnel are utilizing bilingual/multilingual personnel or telephonic interpreter services; whether webpages, digital services, and customer service voice mail menus intended for public use are accessible to individuals with LEP; and whether FSIS notifies the public about the availability of free language assistance services in a language that they can understand. The self-assessment should also identify the steps program personnel take to ensure state agencies that receive federal financial assistance from FSIS comply with Title VI of the Civil Rights Act of 1964.

As part of the assessment process, FSIS will conduct a review of the Agency's websites, digital services, and customer service telephone voicemail menus used to deliver services to the public

to determine if meaningful access to vital⁷ information is being offered to individuals with LEP. Vital information displayed on these platforms or devices will be accessible to individuals with LEP in frequently encountered languages⁸. These platforms will contain a notice to the public in frequently encountered languages of how individuals with LEP can receive free language assistance services. FSIS will work with its internal web content staff and other relevant information technology offices to periodically assess and monitor translated digital content to improve meaningful access for individuals with LEP.

The *DOJ Language Access Assessment and Planning Tool for Federally Conducted and Federally Assisted Programs (May 9, 2011)* provides a detailed approach and tool for conducting language access assessments. For consistency in data collection, FSIS will utilize the DOJ self-assessment tool as its template for all program offices. FSIS will conduct an assessment every three (3) years or when it becomes apparent that a new population may need access to programs and activities.

4. Identification of LEP Individuals and Their Primary Language or Method of Communication

LEP individuals have a limited ability to read, write, speak, or understand English. Many individuals with LEP are in the process of learning English and may read, write, speak, or understand some English, but not proficiently. These individuals may be competent in English for certain types of communication (e.g., speaking or understanding), but still be limited English proficiency for other purposes (e.g., reading or writing).

FSIS will determine the language used by individuals with LEP and their language assistance needs at the first point of contact. If the individual with LEP does not self-identify, personnel may call the appropriate *telephonic interpretation service provider* to identify the language spoken or use the USDA “*I Speak*” language identification card (when in person) or promptly contact the telephonic interpretation service provider to identify the language spoken and to obtain interpreter services. FSIS personnel will not make assumptions about an individual’s primary language based on race, color, or national origin.

5. Provision of Language Assistance Services

Provision of Oral Language Assistance Services (Interpretation)

All personnel who may encounter individuals with LEP have instructions and an access code for telephonic interpretation services. Personnel can find instructions to the *telephonic interpretation service provider* on the [FSIS CRS SharePoint site](#).

⁷ A vital document is paper or electronic written information and material that contains content that is critical for accessing a component’s program or activities or is required by law. The [USDA LEP Guidance](#) states, “Whether or not a document (or the information it solicits) is “vital” may depend upon the importance of the program or activity, information, encounter, service, or benefit involved, and the consequence to the individual with LEP if the information in question is not provided accurately or in a timely manner.” Vital documents include, but are not limited to, paper and online applications, consent forms, eligibility determination notices, free language assistance notices, outreach materials, school meal program menus, response required documents, and more. Vital information may also involve specific communications regarding a case or matter between an individual and FSIS.

⁸ [Improving Access to Public Websites and Digital Services for Limited English Proficient \(LEP\) Persons \(December 2021\)](#).

The [USDA LEP Guidance](#) defines qualified interpreters. Because of competency and confidentiality requirements, it is important to be mindful of utilizing community-based organizations or other volunteers to provide language assistance services and to consult with the Ethics Office on a case-by-case basis when a volunteer provides language assistance services.

Use of Family, Friends, and Children as Interpreters

As indicated in the [USDA LEP Guidance](#), FSIS will not allow the family or friends of individuals with LEP or other informal interpreters to provide meaningful access to Agency programs and activities, unless this is requested by the individual with LEP. If the individual requests to use a family, friend, or other informal interpreter, FSIS will still offer a qualified interpreter. FSIS will ensure that state agencies do not rely on an individual's family and friends for interpretation. Reliance on children is strongly discouraged unless there is an extreme emergency and no preferable qualified interpreters are available.

Provision of Written Language Assistance Services (Translation)

Program offices are responsible for identifying and translating their vital documents and information into frequently encountered languages. Refer to the [Procurement Error! Reference source not found.](#) section for information regarding current translation vendors and how to access these services. FSIS may find the safe harbor provisions for federal financial recipients, such as state agencies within the [USDA LEP Guidance](#), helpful when identifying limited English proficient languages for translation purposes.

Quality and accuracy are equally as critical when conveying translated information to the public. The [USDA LEP Guidance](#) states, "As with oral interpreters, translators of written documents should be competent. Many of the same considerations apply. However, the skill of translating is very different from the skill of interpreting, and a person who is a competent interpreter may or may not be competent to translate."

Competence can often be achieved by use of certified translators, though certification or accreditation may not always be possible or necessary. For those languages in which no formal accreditation currently exists, a particular level of membership in a professional translation association can provide some indicator of professionalism. FSIS will ensure that translators understand the expected reading level of their audiences and, where appropriate, have fundamental knowledge about the target language group's vocabulary and phraseology, as well as specialized terms of the Agency.

FSIS may use outside resources to determine the ability of multilingual personnel to translate Agency information. For example: the Interagency Language Roundtable (ILR) offers skill level descriptions at [ILR Skill Level Descriptions for Translation Performance](#). These skill level descriptions are primarily intended to serve as guidelines for use in government settings. They are separate and distinct from the [ILR Language Skill Level Descriptions for Speaking, Listening, Reading, and Writing](#).

FSIS is committed to improving their services by writing in plain language, and will ensure information is clear, understandable, and useful (See [Plain Writing | USDA](#)). When

communicating with the public, FSIS will use plain language in any new or substantially revised document that:

- Provides information about any of its services and benefits;
- Is needed to obtain any of its benefits or services; or
- Explains how to comply with a requirement that FSIS administers or enforces.

Interpretation and Translation Technology

FSIS and companies contracted by FSIS will avoid using automatic translation such as those provided online unless a qualified human translator proofreads the text for accuracy and Section 508 compliance⁹ prior to publicizing the information. This type of translation is discouraged when the information is vital to a person's rights or benefits, when accuracy is essential, or when the source materials use non-literal language (e.g., slang, metaphors, agency-specific vocabulary such as program names), have unclear grammar or structure, contain abbreviations or acronyms, or are complicated, technical, or wordy.

6. Procurement

FSIS interpretation and translation services are managed by CRS and OPPD. CRS has secured contractors to perform interpretation services and OPPD has secured the contractors to perform the translation services for all FSIS' conducted programs and activities. FSIS employees can find instructions to the *telephonic interpretation service provider* on the [FSIS CRS SharePoint site](#). FSIS programs must use existing contractors to every extent possible before utilizing another contractor to meet program needs. If necessary, FSIS may collaborate with the USDA LAC to identify resource-sharing possibilities and available USDA language assistance services.

When soliciting bids, individuals involved with procurement and contracts for interpretation and translation services will secure qualified, professional, and experienced linguists who possess a high level of interpretation or translation skills and proficiency in both English and the non-English speaker's language in order to interpret or translate oral and written information completely and accurately. The [DOJ Language Access Planning](#) website offers guidance and criteria for procurement of language assistance services.

FSIS will ensure that all contracts used by federally assisted programs contain an assurance of nondiscrimination that requires compliance with all federal statutes relating to nondiscrimination.¹⁰ These include but are not limited to *Title VI of the Civil Rights Act of 1964*; *Title IX of the Education Amendments of 1972*;¹¹ *Section 504 of the Rehabilitation Act of 1973*

⁹ Section 508 of the Rehabilitation Act, as amended by the Workforce Investment Act of 1998 (P.L. 105-220) requires that when Federal agencies develop, procure, maintain, or use information and communication technology (ICT), it shall be accessible to people with disabilities.

¹⁰ 7 CFR 15.4 Assurances required.

¹¹ The May 5, 2022, USDA guidance memorandum, Application of *Bostock v. Clayton County* to Program Discrimination Complaint Processing – Policy Update, directs states and local agencies, program operators and sponsors to update their non-discrimination policies, informational materials and websites to include prohibitions against discrimination based on gender identity and sexual orientation. FSIS has determined that the inclusion of sex on its own includes the coverage of gender identity and sexual orientation as outlined in Executive Order 13988 on Preventing and Combating Discrimination on the Basis of Gender Identity or Sexual Orientation and the May 5th guidance memorandum.

and the Americans with Disabilities Act of 1990 (ADA), as amended by the ADA Amendments Act of 2008, and other statutes and implementing regulations.

7. Quality Assurance and Control

FSIS will take reasonable steps to ensure that qualified multilingual staff or contracted personnel who serve as translators, interpreters, or who communicate “in-language” with LEP individuals are qualified to do so and have the resources necessary to meet the Agency’s requirements.

8. Allocation of Resources

In accordance with the four-factor analysis, FSIS will consider the appropriate resources needed for language access planning, outreach, and assistance services, based on the range of interactions they may have with LEP individuals. As permitted by resource availability, FSIS will allocate resources with the level of current and projected interaction that it has or may have with LEP individuals in mind.

9. Notification of the Availability of Language Assistance Services

FSIS will notify individuals about the availability of free language assistance in a language that they can understand should they need an interpreter when communicating with an FSIS employee, contractor, or intern. FSIS will offer the information regarding the availability of free language assistance in the top languages spoken by LEP individuals, and also post the Plan and any related policies on the website. State agencies can use these translations.

Additionally, the [USDA Departmental Regulation \(DR\) 4300-003: Equal Opportunity Public Notification Policy \(October 17, 2019\)](#) requires the USDA to ensure its state agencies that receive federal financial assistance from the USDA notify LEP individuals about their right to free language assistance services in a language that they can understand and provide these services upon request. FSIS also notifies the public about the right to file a discrimination complaint by requiring recipients to post the USDA nondiscrimination statement for federally assisted programs in both English and frequently encountered languages on program websites and digital services, on all documents and information critical to program participation.

10. Other Requirements When Communicating with LEP Individuals

Some LEP individuals may have other communication challenges besides speaking in English. For example: LEP individuals may have a hearing, visual, or speech disability. FSIS will be mindful of the responsibility to ensure effective communication under federal disability rights laws in programs and activities. (See [7 CFR 15e.160](#), [7 CFR 15b.36](#), [28 CFR 35.160](#), [28 CFR 36.303](#), and [ADA Requirements - Effective Communication | ADA.gov.](#)) When necessary, FSIS will utilize alternative communication methods, including assistive technologies and other appropriate auxiliary aids and services.

Auxiliary aids and services include, but are not limited to, sign language interpreters, real-time computer-aided transcription services; written materials; written notes; telephone handset amplifiers; assistive listening devices; assistive listening systems; telephones compatible with hearing aids; closed caption decoders; open and closed captioning, including real-time captioning, text telephones, videophones, and captioned telephones, or equally effective telecommunications devices may be used.

FSIS will ensure that state agencies that administer Agency programs and activities VRI services do so in accordance with the *Americans with Disabilities Amendments Act of 2008* performance standards at [28 CFR 35.160\(d\)](#)¹² and [28 CFR 36.303\(f\)](#).¹³

Since not all individuals with LEP are literate in the language that they speak, or their languages might not have a written form, translated material may not be an effective way of communicating with them. This may require FSIS to secure a qualified interpreter to provide an oral rendering of documents and digital content using sight translation. Individuals with LEP may not have access to program websites or to complete online applications. An alternative method for delivering and receiving information must be provided. FSIS will ensure that state agencies that administer its programs also comply with these requirements.

11. Multilingual Digital Content

FSIS will ensure that state agencies and contractors provide meaningful access to communication platforms used to administer Agency programs or activities. This includes, but is not limited to, meaningful access to online applications, prescreening tools, account management services such as Electronic Benefits Transfer systems, and digital platforms, such as X (formerly Twitter), YouTube and LinkedIn, and more. Effective technical assistance resources regarding limited English proficient access to websites and other digital services are located at *Digital Services and Websites | LEP.gov* and *Multilingual – Digital.gov*.

FSIS will [insert timeframe] ensure technical assistance manuals developed for recipients of federal financial assistance that cover automated systems, digital services, and review tools include sufficient language access criteria and data collection points to facilitate meaningful access for individuals with LEP. This includes any instruction to state agencies and contractors regarding development of or access to websites, digital services, and customer service telephone voicemail menus for FSIS services cover language access requirements.

12. Staff Training

FSIS will, within 3 months of this plan becoming final:

- Offer training to Agency personnel on Title VI of the Civil Rights Act of 1964 and language access requirements;
- Ensure state Agency personnel receive training;
- Ensure that new and existing personnel periodically receive language access training relevant to their job duties;
- Include language access training needs when assessing professional development requirements for all personnel;
- Update the language access training, as appropriate; and
- Notify contractors of the obligation to ensure nondiscrimination, including compliance with Executive Order 13166.

¹² <https://www.ecfr.gov/current/title-28/chapter-I/part-35/subpart-E/section-35.160>.

¹³ <https://www.ecfr.gov/current/title-28/chapter-I/part-36/subpart-C/section-36.303>.

13. Multilingual Staff

Hiring multilingual personnel and staff interpreters that speak frequently encountered languages offers one of the best and most economical language assistance services options. Job positions will be assessed as to whether or not a multilingual requirement would be necessary or desired in order to fulfill FSIS' mission. Job descriptions, postings and pay rates for multilingual preferred or required positions may need to be modified. The DOJ LEP website offers several tools for evaluating the language skills of multilingual personnel, such as the ILR Skill Level Description for Interpretation Performance and the ILR Speaking Self-Assessment and ILR Listening Self-Assessment.

V. MONITORING

FSIS will use a USDA-developed template for tracking and monitoring the number of LEP individuals served, the preferred languages, interpretations and translations provided, and other data points from FSIS personnel. This information will be collected annually and as needed to determine whether FSIS is providing meaningful language access to its programs and activities. FSIS will use this data to consider whether changes in demographics, types of services, or other needs require a reevaluation of this Plan.

VI. FEDERALLY ASSISTED ACTIVITIES

FSIS requires recipients of federal financial assistance to take steps to ensure meaningful access to federally assisted programs or activities for LEP individuals. FSIS also ensures these recipients foster equity¹⁴ for individuals who interact, or who may interact, with these entities over the telephone, in writing, in person, or via electronic or digital methods in accordance with *Executive Orders 13166, 13985; 14031; and 14091; DR 4330-005; the USDA LAP; and the USDA LEP Guidance*.¹⁵

1. Assurance of Nondiscrimination

FSIS ensures all federal-state agreements and contracts with recipients contain an assurance of nondiscrimination that requires compliance with all federal statutes relating to nondiscrimination.¹⁶ These include but are not limited to *Title VI of the Civil Rights Act of 1964*, which prohibits discrimination on the basis of race, color, or national origin; *Title IX of the Education Amendments of 1972*, which prohibits discrimination on the basis of sex;¹⁷ *Section*

¹⁴ FSIS recognizes that ensuring equity for individuals with LEP is not limited to the provision of language assistance services and aims to create comprehensive mechanisms that facilitate equity in planning, outreach, stakeholder engagement, allocation of funds, delivery of services, staff training, procurement, as well as performance and evaluation as established by this LAP.

¹⁵ 79 Fed. Reg. 70771 (Nov. 28, 2014)

¹⁶ 7 CFR 15.4 Assurances required

¹⁷ The May 5, 2022, USDA guidance memorandum, Application of *Bostock v. Clayton County* to Program Discrimination Complaint Processing – Policy Update, directs states and local agencies, program operators and sponsors to update their non-discrimination policies, informational materials and websites to include prohibitions against discrimination based on gender identity and sexual orientation. FSIS has determined that the inclusion of sex on its own includes the coverage of gender identity and sexual orientation as outlined in Executive Order 13988 on Preventing and Combating Discrimination on the Basis of Gender Identity or Sexual Orientation and the May 5th guidance memorandum.

504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990 (ADA), as amended by the ADA Amendments Act of 2008, which prohibits discrimination on the basis of disability, and other statutes and implementing regulations. FSIS will periodically review the assurance of nondiscrimination language within these federal-state agreements to determine if standard terms require update or improvements to ensure recipients meet their language access requirements.

2. Recipient Notification

In addition to federal-state agreements, FSIS notifies recipients about their language access obligations through virtual and in-person training sessions that cover the [USDA LEP Guidance](#). The Agency is required to ensure recipients receive Civil Rights training annually.

Additionally, CRS, in collaboration with FSIS program offices, provide recipients with technical assistance during compliance reviews, program management evaluations, and complaints resolution processes. FSIS, in collaboration with other federal agencies such as DOJ, develops and distributes program-specific language access technical assistance resources for recipients.

3. Evaluation of Recipient Language Access Efforts

FSIS ensures *Title VI* compliance by conducting annual compliance reviews and complaint investigations involving all federally conducted programs and activities, as well as its programs and activities administered by state agencies. FSIS utilizes appropriate civil rights compliance review tools to determine whether state agencies are meeting their language access obligations. Similarly, programs utilize management evaluation, quality assurance, and program access review tools that also contain language access questions.

A review may entail evaluating recipients' methods for:

- Recording and tracking language access data at the point of contact and beyond;
- Utilizing qualified and competent linguists for interpretation and translation services;
- Examining interpretation and translation vendor contracts, including quality control efforts;
- Evaluating procedures for qualifying bilingual employees;
- Identifying frequency of use of family, friends, and children as interpreters;
- Determining whether recipients process language access complaints appropriately; and
- Engaging with community organizations to determine whether the recipient's language services are effective.

FSIS will collaborate with USDA and recipients if a complaint is filed and/or if noncompliance regarding language access is determined when evaluating a federally assisted program or activity. In all cases, FSIS will seek the cooperation of the recipient in achieving and maintaining compliance with *Title VI* and its implementing regulations at [7 CFR § 15.1 et seq.](#)

APPENDIX A: Authorities

- Section 601 of Title VI of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000d et seq. (7 CFR 15.1)
- U.S. Department of Justice Guidelines for the Enforcement of Title VI of the Civil Rights Act of 1964 (28 CFR 50.3)
- U.S. Department of Justice Regulation for the Coordination of Enforcement of Nondiscrimination in Federally Assisted Programs under Title VI of the Civil Rights Act of 1964 (28 CFR 42.401)
- The Food and Nutrition Act of 2008, as amended, Supplemental Nutrition Assistance Program (SNAP), (7 USC § 2011 et seq.)
- Executive Order 12250, Leadership and Coordination of Nondiscrimination Laws (45 FR 72995, November 2, 1980)
- Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency (65 FR 50121, August 16, 2000)
- [*Executive Order 13985, Advancing Racial Equity and Support for Underserved Communities Through the Federal Government, 86 Fed. Reg. 14, 7009 \(Jan. 20, 2021\)*](#)
- [*Executive Order 14031, Advancing Equity, Justice, and Opportunity for Asian Americans, Native Hawaiians, and Pacific Islanders, 86 Fed. Reg. 105, 29675 \(June 3, 2021\)*](#)
- [*Executive Order 14091, Further Advancing Racial Equity and Support for Underserved Communities Through the Federal Government, 88 Fed. Reg. 35, 10825 \(Feb. 16, 2023\)*](#)
- USDA Departmental Regulation (DR) 4330-005 Prohibition Against National Origin Discrimination Affecting Persons with Limited English Proficiency in Programs and Activities Conducted by USDA (June 4, 2013)
- [*USDA DR 4300-003: Equal Opportunity Public Notification Policy \(October 17, 2019\)*](#)
- [*USDA Departmental Regulation \(DR\) 4330-002: Nondiscrimination in Programs and Activities Receiving Federal Financial Assistance from the USDA \(July 27, 2021\)*](#)

APPENDIX B: Definitions

Unless otherwise noted, all definitions are derived from the *USDA LAP, USDA Departmental Guidebook (DG 0100-002): USDA Departmental Directives Definitions, (September 26, 2018)*, the *DR 4330-005*, and the *USDA LEP Guidance*.

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

- **Digital Information**. Information that the government provides digitally. Information, as defined by *OMB Circular A-130*, is any communication or representation of knowledge such as facts, data, or opinions in any medium or form, including textual, numerical, graphic, cartographic, narrative, or audiovisual forms.
- **Digital Services**. The delivery of digital information (e.g., data or content), and transactional services (e.g., online forms, applications) across a variety of platforms, devices, and delivery mechanisms (e.g., websites, mobile applications, and social media).
- **Federal Financial Assistance**. Grants and loans of federal funds; the grant or donation of federal property and interests in property; the detail of federal personnel; the sale and lease of, and the permission to use federal property or any interest in such property or the furnishing of services without consideration, or at a consideration which is reduced for the purpose of assisting the recipient; and any federal agreement, arrangement, or other contract which has as one of its purposes the provision of assistance.
 - a. **Federally Assisted Programs and Activities**. Programs and activities provided by an entity that receives Federal financial assistance. This means that the recipients of federal funding (sometimes referred to as the providers of the program) directly interact with the intended beneficiaries (program users and communities) and those recipients/providers are responsible to provide meaningful access to LEP persons. The USDA Agency or office that distributes the Federal financial assistance provides oversight, monitoring, and technical assistance to those recipients to comply with LEP requirements.
 - b. **Federally Conducted Programs and Activities**. Program services, benefits, resources, or information delivered directly to the public by USDA. This means that the Agency staff directly interacts with the intended beneficiaries (program users and communities) and the Agency is responsible to implement a language access plan to serve the intended beneficiaries.
- **Interpretation**. The process by which the spoken word is used when transferring meaning between languages.
- **Limited English Proficient (LEP) Individuals**. Persons who do not speak English as their primary language and have a limited ability to read, speak, write, or understand English are limited English proficient, or LEP.
- **Meaningful Access**. Access that is not significantly restricted, delayed, or inferior as compared to programs or activities provided to English-proficient individuals. Language assistance offers meaningful access if it delivers accurate, timely, and effective communication at no cost to the individual with LEP needing assistance.
- **Program or Activity**. An activity within an organization primarily concerned with the delivery of food or agricultural services.
- **Qualified Multilingual Staff**. An employee who has proficiency in English and the ability to read, write, or speak in at least one other language at the proficiency level required by the Agency/office.

- **Qualified Translator.** An in-house or contracted translator who has been professionally trained and/or demonstrated competence to translate through national certification or comparable testing and is authorized to do so by contract with the Department or by approval of an Agency/office. Qualified translators must also demonstrate knowledge of professional standards, and adherence to the corresponding professional code of ethics, as well as familiarity with required USDA terminology.
- **Qualified Interpreter.** An in-house or contracted interpreter who has been professionally trained and/or demonstrated competence to interpret through court certification, the State Department, or comparable testing and is authorized to do so by contract with the Department or by approval of an Agency/office. Qualified interpreters must also demonstrate knowledge of professional standards, and adherence to the corresponding professional code of ethics, as well as familiarity with required USDA terminology.
- **Recipient.** Any state, political subdivision of any state, or instrumentality of any state or political subdivision, any public or private Agency, institution, or organization, or other entity or any individual in any state, to whom federal financial assistance is extended, directly or through another recipient, including any successor, assignee, or transferee thereof, but such term does not include any ultimate beneficiary.
- **Translation.** The process of transferring ideas expressed in writing from one language to another language.
- **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.

APPENDIX C: Additional U.S. Department of Justice References

- DOJ Language Access Assessment and Planning Tool for Federally Conducted and Federally Assisted Programs DOJ Language Access Assessment and Planning Tool for Federally Conducted and Federally Assisted Programs (May 2011)
- *Department of Justice Language Access Plan (August 2023)*
- Office of the Attorney General Memorandum for Head of Department Components, “Language Access Under Executive Order 13166, (June 28, 2010)
- Office of the Attorney General Memorandum to Heads of Federal Agencies, General Counsels, and Civil Rights Heads, “Federal Government’s Renewed Commitment to Language Access Obligations Under Executive Order 13166, (February 17, 2011)
- *DOJ Assistant Attorney General, Memorandum to Federal Agency Civil Rights Division and General Counsels titled “Clearance Requirements for Title VI, Title IX, Section 504 and related Nondiscrimination Regulations and Policy Guidance Documents,” (April 24, 2018)*
- *Office of the Attorney General Memorandum to Heads of Federal Agencies, Heads of Civil Rights Offices, and General Counsels, Strengthening the Federal Government Commitment to Language Access, in support of Executive Order 13166 (November 21, 2022)*
- *DOJ Enforcement of Title VI of the Civil Rights Act of 1964 — National Origin Discrimination Against Persons with Limited English Proficiency (65 Fed. Reg. 50123, 50123-50125 (August 11, 2000)*
- *DOJ Guidance to Federal Financial Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons (67 Fed. Reg. 41455, 41455-41472 (June 12, 2002)*
- *DOJ Language Access Resources Website*