



FEBRUARY 26, 2024

**ANIMAL AND PLANT
HEALTH INSPECTION
SERVICE (APHIS)
LANGUAGE ACCESS PLAN
TEMPLATE**

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I. INTRODUCTION

The Animal and Plant Health Inspection Service (APHIS) protects the health of United States (U.S.) agriculture and natural resources against invasive pests and diseases, regulates genetically engineered crops, administers the [Animal Welfare Act](#), and helps people and wildlife coexist. APHIS also certifies the health of U.S. agricultural exports and resolves phytosanitary and sanitary issues to open, expand, and maintain markets for U.S. plant and animal products.

APHIS is committed to providing meaningful communication to all persons, including persons who have 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 APHIS, as well as those conducted by APHIS contractors and grant recipients.

This Language Access Plan (LAP or Plan) sets forth the standards, principles, and guidelines that APHIS 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, and 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 language access plan to ensure individuals with limited English proficiency have meaningful access to its programs and activities. The following plan meets this requirement.

It is the policy of APHIS to take reasonable steps to ensure meaningful access to all APHIS programs and activities (Federally conducted) for individuals and communities who have limited English proficiency. It is the further policy of APHIS to ensure programs and activities receiving federal financial assistance from APHIS or USDA broadly (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 any agency administering APHIS programs and activities is not English, it is the policy of APHIS to take reasonable steps to ensure meaningful access to APHIS services for anyone limited in their ability to communicate in that language, including those who speak English.

APHIS incorporates by reference the full USDA Language Access Plan, dated November 9, 2023. Any conflict between this LAP and the Departmental LAP is unintentional and should be resolved in favor of the USDA LAP.

The APHIS LAP applies to all programs and activities conducted by APHIS, including APHIS's oversight, monitoring, and provision of technical assistance to any entity that receives, directly or indirectly, financial assistance from APHIS (which the *USDA LAP* refers to as "providers of USDA-supported programs and activities"). This Plan implements this policy and improves the internal management of and language access strategy for all APHIS programs and activities. This plan does not intend to create new core services or requirements, but instead intends to eliminate or reduce, to the maximum extent practicable, LEP as a barrier to accessing APHIS's programs and activities. This LAP does not create any new 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 report 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 APHIS **Administrator** will:

- Set the tone and direction throughout APHIS, to ensure leadership commitment to equal access for all members of the public who engage with APHIS programs and activities, be they conducted or financially assisted by APHIS;
- Delegate coordination, implementation, and monitoring of the LAP throughout APHIS at the national and regional levels to the APHIS Civil Rights Division (CRD); and
- Hold CRD, together with APHIS LAP partner offices, accountable for ensuring implementation of this plan across the agency to support an equitable and inclusive operational and programmatic environment.

The APHIS **CRD Director** or their designee will:

- Establish an APHIS wide approach to implement, coordinate and monitor the APHIS LAP and language access efforts;
- Designate an agency Language Access Coordinator (LAC);
- Coordinate with the USDA Office of Assistant Secretary for Civil Rights (OASCR) to ensure this APHIS Plan is consistent with [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 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 leadership in APHIS divisions, offices, and program areas at the national and regional levels 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*.

All **APHIS leadership** (i.e., all supervisors and managers) will proactively promote meaningful access for individuals with LEP and direct agency personnel under their supervision to take necessary steps to comply with the APHIS Language Access Plan.

APHIS LAP **partner offices** are the below listed offices. Each will assist and coordinate with CRD to ensure successful implementation of this LAP:

- Marketing and Regulatory Program Acquisition and Assessment Management Division responsible for procurement/contracting;
- APHIS Legislative & Public Affairs (LPA) address LAP needs for public affairs/communications;

- APHIS LPA Web and Creative Services ensure the agency's public website met LAP standards; and
- Marketing and Regulatory Program Human Resource Division is responsible for the agency's hiring and human resources.

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

- Assisting APHIS personnel in complying with this LAP, by sharing procedures, information, and best practices for the provision of language access.
- Creating a database of qualified multilingual APHIS personnel and contractors/vendors to serve as interpreters and translators;
- Assisting with the identification of qualified multilingual personnel to serve as interpreters and translators to be included in the APHIS interpreter/translator database;
- Assisting with identifying interpreter and translator qualifications and professional standards for multilingual personnel;
- Assisting with drafting reports regarding implementation of the APHIS Plan for Senior Leadership; and
- Sharing demographic assessment and language access information with APHIS personnel through ongoing training, technical assistance, briefings and digital platforms (e.g., the agency's intranet).

IV. LANGUAGE ACCESS PROCEDURES

Language access procedures are the "how to" for APHIS personnel. The steps listed below are required to adequately provide language assistance services and gather data to continually improve. CRD 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. CRD will conduct a demographic assessment for the APHIS national office for the most frequently encountered languages. Each program office will conduct assessments of their respective program. When requested, CRD will provide technical assistance to the programs.
- Instruction for providing qualified interpreters at the point of contact with individuals with LEP, including use of a telephonic interpreter service.

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

- Instruction for submitting requests for translations of public information regarding APHIS programs and activities into frequently encountered languages (e.g., printed documents and information on APHIS websites, digital services, etc.).
- Instruction for monitoring the compliance with language access requirements by all state agencies, local agencies, and program operators that receive federal financial assistance from APHIS. For example, APHIS will ensure language access requirements are included in state and local agency plans, management evaluation tools, and Civil Rights review questionnaires, and that these recipients have a method for ensuring meaningful access to language services for individuals with LEP.⁴
- Strategies and considerations for all programs and activities to ensure meaningful access for individuals with LEP during emergency, disaster, and pandemic situations. The Department of Justice’s (DOJ) Tips and Tools for Reaching Limited English Proficient Communities in Emergency Preparedness, Response, and Recovery and other resources are located at [Emergency Preparedness LEP](#).
- Instruction to ensure all communication services are kept confidential and only accessible to authorized personnel. For example, if APHIS chooses to use Video Remote Interpreting (VRI) technology, it will do so in a private setting to ensure confidentiality.⁵

1. Identification of Communities with LEP 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). The program, division, regional office, etc., conducts an initial language assessment using various sources, including data from the U.S. Census Bureau, www.lep.gov, and nongovernmental, community, and voluntary/advocacy organizations.

2. Stakeholder Engagement

CRD will work with national and regional office personnel to meet with stakeholders to discuss barriers that may prevent access to APHIS programs and activities, as appropriate and when requested. Stakeholders may be representatives from state or local governments that administer APHIS programs and activities, advocacy agencies, immigrant-serving organizations, community-based organizations, and communities of persons with LEP. These meetings will provide those with language access needs, as well as state agencies, local agencies, and program operators that receive federal financial assistance from APHIS, an opportunity to share their language access concerns and to foster collaboration and partnerships.

⁴ Language Access in Digital Portals and Data Collection Systems, available at [Language Access in Digital Portals and Data Collection Systems \(lep.gov\)](http://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](http://Improving Access to Public Websites and Digital Services for Limited English Proficient (LEP) Persons).

⁵ Although APHIS 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\(f\)](#).

To improve access to APHIS programs and activities for communities with LEP, it is critical to have effective outreach and engagement with these community members directly.

The APHIS LAC, in collaboration with LAP partner offices, APHIS programs, offices, and state areas, will:

- Establish and maintain relationships with a variety of entities representing the interests of individuals with LEP;
- Conduct outreach efforts to inform communities and individuals with LEP about APHIS programs and activities, including disseminating information about APHIS programs and activities in non-English languages;
- Communicate clearly through written, video and/or audio means about the nature, scope, and availability of language assistance services and how to request them;
- Encourage participation from local communities in agency consultations, focus groups, and/or listening sessions, with the goal of learning about their concerns, needs, and perspectives;
- Take steps to ensure that community outreach events involving individuals with LEP are designed to provide meaningful access, where individuals with LEP can participate, receive information, and provide input in their primary language(s) at such events, in real time;
- Create and maintain lists of non-English press to disseminate information about APHIS programs and activities; and
- Establish a formal mechanism to receive feedback about the quality of APHIS's language assistance services.

3. Assessment of Language Assistance Needs

Every day, contact between APHIS and the public may involve individuals with LEP. Keeping in mind the mission, operation, and level of interaction with the public, APHIS 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, CRD will conduct an assessment of languages frequently encountered by APHIS. In addition, each region will conduct a self-assessment to determine if additional languages are needed for their specific region. When requested, CRD will provide technical assistance as each region conducts its self-assessment. The self-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 APHIS;
- The frequency with which individuals with LEP encounter or contact APHIS's programs or activities;

- The nature and importance of the program, activity, or service to people’s lives; and
- The resources available to APHIS and to state agencies, local agencies, or program operators, 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 APHIS 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 for APHIS leadership whether APHIS 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 APHIS 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, local agencies, and program operators that receive federal financial assistance from the USDA comply with Title VI.

As part of the assessment process, APHIS will conduct a review of APHIS websites, digital services, and customer service telephone voicemail menus used to deliver services to the public to determine if they offer meaningful access to vital⁶ information for individuals with LEP. Vital information displayed on these platforms or devices should be accessible to individuals with LEP in frequently encountered languages.⁷ These platforms will contain a notice to the public in Spanish of how individuals with LEP can receive free language assistance services. APHIS 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 (<https://www.justice.gov/atj/departments-justice-language-access-plan>). For consistency in data collection, all USDA Agencies will utilize the DOJ self-assessment tool as its template for national and regional offices’ self-assessments, absent any changes by the Department LAC. APHIS will conduct an assessment every five (5) years or sooner if it becomes apparent that a new population may need access to APHIS programs and activities.

⁶ 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 APHIS.

⁷ [Improving Access to Public Websites and Digital Services for Limited English Proficient \(LEP\) Persons \(December 2021\)](#).

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

Individuals with LEP 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 have LEP for other purposes (e.g., reading or writing).

APHIS national and regional personnel should determine the language used by the individual 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 Statements*” language identification card (when in person). APHIS personnel should 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 APHIS national and regional office personnel that may encounter individuals with LEP have instructions and an access code for telephonic interpretation services. Personnel should receive this access code from their supervisor and can find instructions to the [telephonic interpretation service provider](#) on the APHIS intranet.

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 stated in the [USDA LEP Guidance](#), APHIS will not plan to rely on the family and/or friends of an individual with LEP or other informal interpreters to provide meaningful access to APHIS programs and activities, unless the individual with LEP requests this. However, if requested, APHIS will still offer a qualified interpreter. APHIS will remind state agencies, local agencies, and program operators not to rely on an individual’s family and friends for LEP interpretation. Reliance on children is especially discouraged unless there is an extreme emergency, and no preferable qualified interpreters are available.

Provision of Written Language Assistance Services (Translation)

Divisions, offices, and program areas 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.

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. APHIS 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 APHIS.

APHIS may use outside resources to determine the ability of multilingual personnel to translate APHIS information. For example, the Interagency Language Roundtable 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*.

As a reminder, the USDA is committed to improving its services by writing in plain language, and will ensure information is clear, understandable, and useful (See *Plain Writing | USDA*). When communicating with the public, APHIS will use plain language in any new or substantially revised document that:

- Provides information about any of our services and benefits;
- Is needed to obtain any of our benefits or services; or
- Explains how to comply with a requirement that we administer or enforce.

Interpretation and Translation Technology

APHIS will avoid using, including having contractors use, machine translation alone unless a qualified human translator proofreads the text for accuracy and Section 508 compliance⁸ prior to publicizing the information. Machine 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

Interpretation services and translation of documents is not centralized. CRD has worked with procurement to secure contractors to meet the interpretation and translation needs of all APHIS programs and activities. APHIS programs must use existing contractors to every extent possible before utilizing another contractor to meet program needs. The agency may collaborate with the USDA LAC to identify resource-sharing possibilities and currently available USDA language assistance services. To identify the appropriate vendor within your program office, please

⁸ 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.

contact the Office of Civil Rights, Diversity and Inclusion (OCRDI), Compliance and Evaluation Branch (CEB) Chief.

When soliciting bids, individuals involved with procurement and contracts for interpretation and translation services should secure qualified, professional, 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.

APHIS will ensure all contracts with recipients contain an assurance of nondiscrimination that requires compliance with all federal statutes relating to nondiscrimination.⁹ These include but are not limited to *Title VI of the Civil Rights Act of 1964*; *Title IX of the Education Amendments of 1972*;¹⁰ *Section 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*, and other statutes and implementing regulations.

7. Quality Assurance and Control

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

8. Allocation of Resources

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

9. Notification of the Availability of Language Assistance Services

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

⁹ 7 CFR 15.4 Assurances required.

¹⁰ 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. [APHIS] 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.

Additionally, the [*USDA Departmental Regulation \(DR\) 4300-003: Equal Opportunity Public Notification Policy \(October 17, 2019\)*](#) requires the USDA to ensure its state agencies, local agencies, and program operators that receive federal financial assistance from the USDA notify individuals with LEP about their right to free language assistance services in a language that they can understand and provide these services upon request. APHIS 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 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 Individuals with LEP

Some individuals with LEP face communication challenges other than speaking in English. For example, individuals with LEP may have a hearing, visual, or speech disability. 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, APHIS shall 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 (CART) 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 (TTYs), videophones, and captioned telephones, or equally effective telecommunications devices may be used.

APHIS will ensure state agencies, local agencies, and program operators that administer APHIS programs and activities services do so in accordance with the *Americans with Disabilities Amendments Act of 2008* performance standards at [*28 CFR 35.160\(d\)*](#)¹¹ and [*28 CFR 36.303\(f\)*](#).¹²

Finally, not all individuals with LEP are literate in the language that they speak, or their languages might not have a written form, and thus translated material will not be an effective way of communicating with them. This may require APHIS 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. APHIS will ensure that state agencies, local agencies, and program operators that administer its programs also comply with these requirements.

11. Multilingual Digital Content

APHIS will also ensure state agencies, local agencies, program operators, and contractors provide meaningful access to communication platforms used to administer APHIS's 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 (EBT)

¹¹ <https://www.ecfr.gov/current/title-28/chapter-I/part-35/subpart-E/section-35.160>.

¹² <https://www.ecfr.gov/current/title-28/chapter-I/part-36/subpart-C/section-36.303>.

systems, and digital platforms such as YouTube, Facebook, Twitter, Instagram, and more. Effective technical assistance resources regarding LEP access to websites and other digital services are located at *Digital Services and Websites | LEP.gov* and *Multilingual – Digital.gov*.

APHIS will 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, local agencies, program operators and contractors regarding development of or access to websites, digital services, and customer service telephone voicemail menus for APHIS services cover language access requirements.

12. Staff Training

CRD will offer training to APHIS personnel on *Title VI* and language access requirements. Additionally, CRD will provide training to state agency personnel upon request. For policies and procedures to be effective, CRD will ensure that new and existing personnel will periodically receive language access training relevant to their job duties. CRD will include language access training needs when assessing professional development requirements for all personnel. CRD will update the language access training, as appropriate. APHIS will also notify contracted staff of the obligation to ensure nondiscrimination, including compliance with *Executive Order 13166*.

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 should be assessed as to whether or not a multilingual requirement would be necessary or desired in order to fulfill the agency/office's 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 Interagency Language Roundtable (ILR) Skill Level Description for Interpretation Performance and the ILR Speaking Self-Assessment and ILR Listening Self-Assessment.

V. MONITORING

1. Performance Evaluation

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

APHIS will include language-specific data fields within online applications and capture language assistance services provided in certification and other case management information systems used/submitted by state agencies, local agencies, and program operators that administer APHIS assisted programs and activities.

2. Monitor and Update APHIS Language Access Plan

The CRD will carefully observe, assess, and make necessary modifications to this Plan on a quarterly basis. The CRD will ensure that the Plan remains up-to-date and effective in achieving its intended goals.

VI. FEDERALLY ASSISTED ACTIVITIES

APHIS requires recipients of federal financial assistance take steps to ensure meaningful access to federally assisted programs or activities for individuals with LEP. APHIS also ensures these recipients foster equity¹³ 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*.¹⁴

1. Assurance of Nondiscrimination

APHIS ensures all federal-state agreements and contracts with recipients contain an assurance of nondiscrimination that requires compliance with all federal statutes relating to nondiscrimination.¹⁵ 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;¹⁶ *Section 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. APHIS 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, CRD notifies recipients about their language access obligations through virtual and in-person training sessions that cover the [USDA LEP Guidance](#), program regulations, and applicable agency instruction or regulation. CRD is required to conduct Civil Rights trainings annually for recipients. The CEB, or the Civil Rights and Equity Branch, conducted its first-ever virtual LEP training on February 14, 2024. The training was aimed at all APHIS LEP program points of contact and extended to all APHIS employees. The CEB plans to conduct another LEP training for APHIS field personnel in the coming quarter.

¹³ APHIS 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.

¹⁴ 79 Fed. Reg. 70771 (Nov. 28, 2014)

¹⁵ 7 CFR 15.4 Assurances required

¹⁶ 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. [APHIS] 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.

Moving forward, the CEB aims to hold LEP training sessions at least twice a year for APHIS LEP points of contact, field offices, and OCRDI personnel. CRD also surveys participants to determine future training needs.

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

3. Minimum Compliance Requirements

APHIS recommends each recipient develop or, in the case of a subrecipient with limited resources, adopt their respective recipient's language access policy, plan and procedures. Each recipient is advised that "the absence of a written LAP plan does not obviate the underlying obligation to ensure meaningful access by persons with LEP to a recipient's program or activities," and therefore "in the event that a recipient elects not to develop a written plan, it should consider alternative ways to articulate in some other reasonable manner a plan for providing meaningful access."¹⁷ Minimally, recipients will be required to provide language access data to APHIS upon request, but at least annually.

4. Evaluation of Recipient Language Access Efforts

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

A review may entail evaluating recipients' method 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.

¹⁷ [USDA Guidance to Federal Financial Assistance Recipients Regarding the Title VI Prohibition Against National Origin Discrimination Affecting Persons With Limited English Proficiency \(79 F.R. No. 299, p. 70783, November 28, 2014\) \(USDA LEP Guidance\)](#)

CRD and APHIS divisions, offices, and program areas, will collaborate 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, APHIS 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)
- 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.
- **Tagline.** A short notice in non-English languages informing the general public that a document (e.g., notices of language assistance services, notices of rights, forms, correspondence, etc.) or electronic media (e.g., website, announcement via email, etc.) contains vital information and explaining how to request the document or electronic media provided in other languages.
- **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*