



Language Access Plan

I. Introduction and Background

The United States Census Bureau defines a Limited English Proficiency (LEP) individual as one who does not speak English as their primary language and has a limited ability to speak, read, write, or understand English. An individual is considered to have a limited ability to access the English language when they speak, read, write, or understand English either “not well” or “not at all”.

The Georgia Department of Agriculture (GDA or Department) consistently strives to ensure that LEP individuals are provided meaningful access to GDA programs, benefits, activities, and services. In striving for this goal, the Department has developed this Language Access Plan (LAP or Plan). This Plan further ensures GDA is in compliance with Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000(d), and Executive Order 13166, which require a recipient of federal funds to take reasonable steps to ensure LEP individuals are able to enjoy meaningful access to the recipient’s programs and activities. As a recipient of federal funds, GDA seeks to reduce language barriers that may prevent LEP individuals from accessing the programs and activities of the GDA.

II. Purpose and Process

As noted above, this LAP seeks to provide language assistance for LEP individuals who would benefit from meaningful access to GDA programs. This Plan was constructed under federal guidance, and GDA remains committed to this Plan as satisfaction of requirements set forth by Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000(d), and Executive Order 13166.

This Plan specifies procedures for identifying languages where assistance may be needed, methods for providing this assistance, methods for notifying LEP individuals of the availability of this assistance, and information regarding future plan updates. In constructing and following this Plan, GDA remains focused on the state of Georgia.

In order to develop this Plan, GDA considered the following four factors:

- (1) The number or proportion of LEP individuals eligible to be served or likely to be encountered by GDA;
- (2) The frequency with which LEP individuals come into contact with GDA programs, services, and activities;

- (3) The nature and importance of these programs, services, and activities to those LEP individuals who are impacted; and
- (4) The resources GDA can reasonably make available and the costs of implementation.

III. Definitions

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

Commissioner — The Commissioner of the Georgia Department of Agriculture.

Department and GDA — The Georgia Department of Agriculture.

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

GORA — Georgia Open Records Act.

Interpretation — The process of transferring information expressed orally from one language to another.

Language Access — Efforts to make programs and services accessible to individuals who are not proficient in English.

Limited English Proficient (LEP) Individuals — Individuals who do not speak English as their primary language and have a limited ability to read, speak, write, or understand English.

Translation — The process of transferring information in written form from one language to another.

Translator — Any person who converts language into an alternative form of communication so that it is understandable to persons who communicate differently.

IV. The Georgia Department of Agriculture

The Georgia Department of Agriculture seeks to provide excellence in services and regulatory functions in order to protect and promote agriculture and consumer interests and to ensure an abundance of safe food and fiber. To this end, the Department administers a variety of programs with the primary goal of maintaining the state's viable farm industry and protecting the consuming public.

As a state regulatory agency, the Department is tasked with administering and enforcing all laws, rules, and regulations falling within the purview of the Georgia Commissioner of Agriculture. Industries regulated by the Department are detailed below:

- Animal Industry—GDA’s Animal Industry Division works diligently to ensure the continued protection of animal and public health, food safety, animal welfare, and successful livestock production. The State Veterinarian leads the Animal Industry Division, which is organized into the following sections: Animal Health, Meat Inspection, Equine Health, Animal Protection, and Livestock and Poultry.
- Plant Industry—GDA’s Plant Industry Division includes four regulatory and inspection programs: Pesticides; Plant Protection; Seed, Fertilizer, and Feed; and Structural Pest Control. The Pesticides and Seed, Fertilizer and Feed programs are often collectively referred to as the “Agricultural Inputs” Section.
- Food Safety—GDA’s Food Safety Division administers state laws, rules, and regulations for retail and wholesale grocery stores, retail seafood stores, places in the business of food processing, and plants which are currently required to obtain a license from the Commissioner under any other provision of law.
- Agricultural Marketing—GDA’s Agricultural Marketing Division promotes demand for and sales of Georgia’s agricultural commodities in the United States and abroad. These efforts are supported by the Department’s network of State Farmers Markets, Commodity Promotion Programs, and International Trade/Domestic Marketing Office. Areas regulated within the Marketing Division include dealers in agricultural products, grain dealers, commercial agricultural storage facilities, and Vidalia Onions, among others.
- Fuels, Weights, and Measures—Through regulatory inspections, GDA’s Fuel and Measures Division protects consumers by verifying the accuracy of weights and measures used in commercial transactions, the quality and quantity of motor fuels, and the enforcement of relevant laws, rules, and regulations.

The Commissioner of the Department (Commissioner) is authorized to promulgate rules and regulations concerning the operations of the Department as well as such rules and regulations as may be necessary to carry out and enforce the duties and responsibilities imposed upon him by law. The Georgia Administrative Procedures Act (Georgia APA), O.C.G.A. 50-13-1, *et. seq.*, sets forth the requirements for adoption, amendment, or repeal of such rules and regulations. The Department’s proposed rules and emergency rules are posted on the Department’s website at <http://agr.georgia.gov/legal-notices.aspx>. Individuals and entities can also contact the Department’s Legal Services Division to be added to the rules mailing list.

The Department is also vested with police powers to enforce those laws governing matters within the jurisdiction of the Commissioner or the Department as provided by the Official Code of Georgia Annotated Titles 2, 4, 10, 26, and 43 and the rules and regulations adopted pursuant thereto. Enforcement powers of the Department include, but are not limited to, the ability to deny, suspend, or revoke any registration, license, or permit; impose civil monetary penalties; issue quarantines; issue stop sale, stop use, and/or stop removal orders; impound animals; detain or

embargo adulterated or misbranded food products; and seek injunctive relief. To this end, GDA employs inspectors who are authorized to enter and inspect premises for regulatory compliance. Any person aggrieved or adversely affected by any order or action of the Commissioner referenced above has the right to a hearing before an appointed hearing officer upon appropriate petition after the issuance of an order or action.

The Department's Licensing Division is tasked with issuing licenses, certifications, permits, and registrations for the Department's operational divisions. Individuals and entities must meet different requirements for each license, certification, permit, or registration administered by the Department. Each operational division ensures that applicants have met all licensing requirements prior to issuance of a license, certification, permit, or registration.

Under the Georgia Open Records Act (GORA), O.C.G.A. 50-18-70, *et. seq.*, the Department must produce all records responsive to a request for inspection, unless said records are exempt from disclosure by law, within a reasonable amount of time not to exceed three business days of receipt of a request. GORA requests for the Department may be submitted on the Department's website at <http://agr.georgia.gov/open-records.aspx>.

Through these various operating divisions and actions, GDA seeks to provide excellence in services and regulatory functions in order to protect and promote agriculture and consumer interests and to ensure an abundance of safe food and fiber.

V. Analysis

DETERMINING NEED: FOUR-FACTOR ANALYSIS

As noted above, recipients of federal funds must take reasonable steps to ensure meaningful access to LEP individuals. The United States Department of Justice formulated LEP Guidance, including a four-factor analysis, which is an individualized assessment that is used to determine the appropriate language assistance services to ensure LEP individuals have meaningful access to program activities and services. This four-factor analysis is a flexible and fact-dependent standard that serves as a guide for determining which language assistance measures need to be taken to guarantee access to LEP individuals. The four-factor analysis considers:

FACTOR 1: Identifying the number and backgrounds, or proportion, of LEP individuals eligible to be served or likely to be encountered by the Department

According to the 2010 American Community Survey conducted by the United States Census Bureau, approximately 86.7% of Georgia's population speaks English, while 13.3% of the population speaks a language other than English. A review of United States Census Bureau data from 2010-2015 (the most recent data available) revealed that the vast majority of individuals in Georgia who identified as speaking English "less than very well" were Spanish Speakers (339,540 individuals). The second, third, and fourth most prevalent groups of self-identified LEP individuals

were those who speak Vietnamese (27,689), Korean (25,545), and Chinese (24,242), respectively. Census data will be reviewed annually for any changes in trends.

In order to determine the actual number or proportion of LEP individuals eligible for services or likely to be encountered during program delivery, the GDA will:

- A. Utilize GDA Appendix #2 and #3 to gather data to be used to record contacts with LEP individuals and to determine the breadth and scope of language services that are needed.
- B. Annually gather and review demographic data for languages primarily spoken in geographic areas serviced by the Department. This information will be obtained from the United States Census Bureau and other reputable sources.
- C. Compile and analyze the data gathered from A and B above to determine specific LEP services.

FACTOR 2: The frequency with which LEP individuals come into contact with GDA programs, services, and activities; and the likely points of contact

Considering GDA's diverse array of programs, services, and activities that are conducted throughout the state of Georgia, the Department is likely to have direct contact with LEP individuals. This high probability of contact can also be deduced from the makeup of the industries regulated by the Department.

The Department has determined that LEP individuals are most likely to come into contact with GDA programs, benefits, activities, and services as follows:

- Individuals seeking licenses, certifications, permits, and registrations from the Department;
- Individuals who are or should be regulated by the Department because of their actions;
- Individuals seeking to report information to the Department;
- Individuals involved in the administrative process and enforcement actions brought by the Department;
- Individuals in need of understanding new rules and regulations promulgated by the Department;
- Individuals in need of notification of vital information proffered by the Department;
- Individuals seeking information on agricultural issues and practices;
- Individuals seeking to comment or respond to proposed actions by the Department;
- Individuals seeking access to farm programs;
- Individuals either seeking or possessing stalls at State Farmers Markets;
- Individuals seeking to request and review records under the Georgia Open Records Act.

In order to determine the actual frequency with which LEP individuals come in contact with GDA programs, services, and activities, GDA employees will capture contact with LEP individuals using GDA Appendix #2 and #3.

FACTOR 3: The nature and importance of these programs, services, and activities to those LEP individuals who are impacted

The programs and services offered by the Department may directly assist or impact LEP individuals and families; therefore, the activities proposed by this Plan may be critical in providing meaningful access to those individuals and families. Of particular importance are the GDA actions that directly affect individuals, such as administrative actions, licensing, regulation, and those actions that have potential health or life-threatening implications. In order to determine the nature and importance of GDA programs, activities, or services provided to LEP individuals, the Department will:

- A. Identify the programs, services, and activities that could have a serious consequence if language barriers prevent LEP persons from accessing those programs, services, or activities.
- B. Identify all documents that are deemed vital in order to communicate information to LEP customers.

FACTOR 4: The resources available to the recipients and costs associated with this Plan

The Department will continually assess the availability of resources and costs associated with this Plan. In conducting this ongoing analysis, the Department will identify qualified interpreters; the costs of professional interpretation and translation services; appropriate documents, forms, and releases which need translation; and available assets.

VI. Language Access Plan

Based on the findings of the above analysis, the Department has constructed an Official GDA Language Access Plan (LAP or Plan). This Plan outlines the following: the process of identifying LEP individuals, the measures taken to ensure effective language assistance, the training of GDA staff members, the methods of notifying LEP individuals of available language services, the frequency of providing Plan updates, and the dissemination of the Plan itself.

In short, this Plan aims to ensure the Department takes reasonable steps necessary to provide meaningful access to LEP individuals. This Plan sets a strong foundation in language assistance for the Department, and it will be monitored and updated annually by GDA to ensure its effectiveness.

Identification of LEP individuals needing language assistance

In order to quickly and uniformly address language access issues, the Department has appointed a “Non-Discrimination Coordinator” who shall serve as the official GDA non-discrimination and language access coordinator and who will work in concert with division staff members tasked with

monitoring and addressing language assistance needs. At the time of publishing this Plan, the GDA Non-Discrimination Coordinator is:

Michelle Denson
Non-Discrimination Coordinator
19 Martin Luther King, Jr. Drive, S.W., Room 227
Atlanta, Georgia 30334
Phone Number: (404) 656-2110
E-mail Address: titlevi@agr.georgia.gov

Any GDA employee who observes a need for language assistance services must immediately contact the Non-Discrimination Coordinator, who will ensure the Department takes appropriate and reasonable action in order to ensure meaningful communication is available. The method of ensuring meaningful communication is detailed below.

The Department will also implement the following procedures in order to assist in identifying language assistance needs:

- A notice detailing the availability of language assistance will be posted in the GDA reception area and online in Spanish.
- Records will be examined in order to identify past requests for language assistance.
- The United States Census Bureau's "I-Speak" cards and/or other similar Language Identification Cards will be utilized by GDA staff to identify the needs of LEP persons.
- Any GDA staff member who encounters an LEP individual must:
 - A. Document the encounter with the LEP individual utilizing Appendix #2 and Appendix #3 as warranted.
 - B. Complete and submit GDA Appendix #4, LEP Release Acknowledgement Form, if language assistance services are declined by the individual.

Language assistance measures

In implementing measures, quality and accuracy of the language service is critical. In order to facilitate effective and meaningful communication, GDA has identified methods and resources that will be utilized. The following methods and resources will aid GDA in providing meaningful access to all individuals:

- GDA will employ qualified interpreters when necessary. Qualified interpreters will be utilized for verbal communication and will be able to provide their expertise via telephone, electronic communication, or in person. GDA will maintain a database of these qualified interpreters with the goal of building the ability to address as many languages as possible.

- GDA will employ qualified translators when necessary. Qualified translators will be utilized for written communications, and GDA will maintain a database of these qualified translators with the goal of building the ability to address as many languages as possible.
- GDA will maintain contracts with professional interpretation services to guarantee the provision of qualified interpreters.
- GDA will maintain contracts with professional translation services for the translation of official and vital documents when the United States Department of Justice's Safe Harbor 5% threshold is met.
- GDA will determine the language capabilities of all staff members. Any staff member who GDA ensures is competent in a language other than English may be utilized by the Department to provide assistance in communications with LEP individuals.
- Every GDA division will be equipped with an electronic global language translation device. These devices are capable of quickly translating between multiple languages with reasonable accuracy, and they would allow GDA staff to communicate with LEP individuals in a meaningful way until interpretive services are available.
- GDA will utilize local and community services that offer qualified translators or interpreters. As GDA values building close connections with individuals and communities, these local qualified translators could form a strong tie with LEP individuals.
- GDA receptionists will be trained on the use of "I-Speak" cards provided by the United States Census Bureau and/or other similar Language Identification Cards. The implementation of these cards will lead to faster identification of and communication with LEP individuals.
- GDA will offer a toll-free direct response telephone number for Spanish-speaking callers.

Staff training

All GDA staff will be notified of the availability of the LAP on GDA's website, provided a copy of the LAP, and educated on the procedures and services available under the Plan. This information will serve as an integral part of the GDA staff orientation process for all newly hired employees, and it will be integrated into periodic overviews during staff meetings.

Current GDA staff will receive training on the requirements set forth by this Plan during group workshop sessions conducted by the GDA Non-Discrimination Coordinator. The Department will conduct these trainings on a yearly basis.

Both new employee and current GDA employee training will cover the following topics:

- General overview of Title VI of the Civil Rights Act of 1964 and Executive Order 13166;
- Department responsibilities to LEP individuals;
- Language assistance services offered by the Department;
- Procedures for providing assistance to an LEP individual;
- Documentation of requests for language assistance; and
- Procedures for handling complaints regarding language assistance.

Providing notice of available language service to LEP persons

GDA will take reasonable steps to ensure LEP individuals are aware of the availability of language services.

- Signs should be posted that language assistance is available at the GDA reception desk, in other public spaces, and on the GDA website in Spanish, Korean, Vietnamese, and Chinese.
- GDA outreach staff will have distributable documents that advertise the availability of language assistance services.

Implementation of the LAP

See Appendix #1 for the complete implementation plan.

Monitoring and updating the LAP

GDA will perform annual analyses and compile annual reports regarding its Title VI program. By conducting an annual analysis, GDA will be able to monitor and update LEP requirements as changes occur. These reports will address a myriad of issues, including the following:

- The current LEP population of Georgia and those eligible for services;
- The most commonly spoken languages that require translation services;
- The number of LEP individuals encountered by GDA;
- The frequency with which specific GDA Departments encounter LEP individuals;
- The emergence and development of new GDA programs, and their contact with LEP individuals; and
- The need for continued language services for existing GDA programs;

Dissemination of the LAP

The Department understands the important precedence the Language Access Plan sets, and the Department remains committed to ensuring the Plan is accessible to individuals, employees, and partners alike.

The LAP will be posted on GDA's website at <http://www.agr.georgia.gov>, and it will also be made available to any individual upon request.

A copy of the LAP will be provided to every GDA employee. After receiving a copy of the LAP, every GDA employee will be educated on the significance of the Plan and actions required by the Plan. After learning about the LAP, every GDA employee will be required to officially acknowledge receipt of the Plan.

VII. Complaints

Any individual seeking to file a complaint may contact the GDA Non-Discrimination Coordinator if they feel they have been denied any benefits established by the Plan. The Department will investigate every complaint pursuant to its official grievance procedures. To file a complaint, please contact the Non-Discrimination Coordinator identified below:

Michelle Denson
Non-Discrimination Coordinator
19 Martin Luther King, Jr. Drive, S.W., Room 227
Atlanta, Georgia 30334
Phone Number: (404) 656-2110
E-mail Address: ttitlevi@agr.georgia.gov

Any individual who files a complaint or testifies, assists, or participates in a non-discrimination investigation, proceeding, or hearing may not be intimidated or retaliated against by the Department for the purpose of interfering with any right or privilege guaranteed by the Civil Rights Act of 1964.

GDA Appendix #1
LEP Program Implementation Table

Action to Be Taken	Timeline
1. Develop an LEP Plan	Complete
2. Gather data for languages spoken in geographic areas being serviced	Complete
3. Compile and analyze data gathered to determine what LEP services are needed	Complete
4. Secure contractor(s) for translation and interpretation services	Complete
5. Identify resources available to provide effective and efficient LEP services	Complete
6. Ensure employees who interact with LEP individuals receive LEP training	Initial training completed May 2018; New employee training conducted bi-monthly; Full training to be completed April 2019.
7. Conduct survey of Contact with LEP Individuals	Complete
8. Track LEP interactions (GDA Appendix #2)	Ongoing
9. Post information regarding availability of LEP services	Complete

GDA Appendix #2

Record of Contact with Limited English Proficiency Individuals

Date of contact with LEP individual	GDA personnel who communicated with LEP individual	Primary language spoken by LEP individual	Geographic location of LEP individual	Method of contact with LEP individual (i.e. in person, by telephone, written)	Type of service provided to LEP individual

GDA Appendix #3

Survey of Contact with Limited English Proficiency Individuals

An individual with Limited English Proficiency (LEP) is defined as a person who does not speak English as their primary language and who has a limited ability to read, speak, write, or understand English.

The purpose of this survey is to gather information on the number and frequency of encounters that Georgia Department of Agriculture (GDA) employees have with LEP individuals and determine if the nature of those interactions is of crucial importance to the receipt of program services.

LEP Survey

1. Do you encounter LEP individuals during the course of communicating critical information? Critical information is defined as information required for obtaining or retaining GDA services or benefits, or as required by law. Examples include:

- Application procedures and documentation required to apply for grants of inspection;
- Documentation and information needed to enforce and ensure compliance with Departmental requirements; and
- Information on recalls.

YES (if yes, proceed to next question, #2)

NO (if no, the survey is over)

2. What critical information are you providing to these LEP individuals (please list all examples directly below)?

3. What are the primary languages of these LEP individuals (select all that apply)?

African Languages

Arabic

French

German

Italian

Japanese

Korean

Mandarin (Chinese)

Portuguese

Russian

Spanish

Vietnamese

Other (please specify): _____

4. For each language selected above, approximately how many people do you encounter that speak this language over the course of a year?

<u>African Languages</u> Number of people:	<u>Arabic</u> Number of people:	<u>French</u> Number of people:	<u>German</u> Number of people:
<u>Italian</u> Number of people:	<u>Japanese</u> Number of people:	<u>Korean</u> Number of people:	Mandarin (Chinese) Number of people:
<u>Portuguese</u> Number of people:	<u>Russian</u> Number of people:	<u>Spanish</u> Number of people:	Other (specify) Number of people:
Other (specify) Number of people:	Other (specify) Number of people:	Other (specify) Number of people:	Other (specify) Number of people:

5. How often do you interact with LEP individuals?

<p><u>African Languages</u></p> <p><input type="checkbox"/> Daily <input type="checkbox"/> Weekly <input type="checkbox"/> Monthly <input type="checkbox"/> Annually</p>	<p><u>Arabic</u></p> <p><input type="checkbox"/> Daily <input type="checkbox"/> Weekly <input type="checkbox"/> Monthly <input type="checkbox"/> Annually</p>	<p><u>French</u></p> <p><input type="checkbox"/> Daily <input type="checkbox"/> Weekly <input type="checkbox"/> Monthly <input type="checkbox"/> Annually</p>	<p><u>German</u></p> <p><input type="checkbox"/> Daily <input type="checkbox"/> Weekly <input type="checkbox"/> Monthly <input type="checkbox"/> Annually</p>
<p><u>Italian</u></p> <p><input type="checkbox"/> Daily <input type="checkbox"/> Weekly <input type="checkbox"/> Monthly <input type="checkbox"/> Annually</p>	<p><u>Japanese</u></p> <p><input type="checkbox"/> Daily <input type="checkbox"/> Weekly <input type="checkbox"/> Monthly <input type="checkbox"/> Annually</p>	<p><u>Korean</u></p> <p><input type="checkbox"/> Daily <input type="checkbox"/> Weekly <input type="checkbox"/> Monthly <input type="checkbox"/> Annually</p>	<p><u>Mandarin (Chinese)</u></p> <p><input type="checkbox"/> Daily <input type="checkbox"/> Weekly <input type="checkbox"/> Monthly <input type="checkbox"/> Annually</p>
<p><u>Portuguese</u></p> <p><input type="checkbox"/> Daily <input type="checkbox"/> Weekly <input type="checkbox"/> Monthly <input type="checkbox"/> Annually</p>	<p><u>Russian</u></p> <p><input type="checkbox"/> Daily <input type="checkbox"/> Weekly <input type="checkbox"/> Monthly <input type="checkbox"/> Annually</p>	<p><u>Spanish</u></p> <p><input type="checkbox"/> Daily <input type="checkbox"/> Weekly <input type="checkbox"/> Monthly <input type="checkbox"/> Annually</p>	<p><u>Other (specify)</u></p> <p><input type="checkbox"/> Daily <input type="checkbox"/> Weekly <input type="checkbox"/> Monthly <input type="checkbox"/> Annually</p>
<p><u>Other (specify)</u></p> <p><input type="checkbox"/> Daily <input type="checkbox"/> Weekly <input type="checkbox"/> Monthly <input type="checkbox"/> Annually</p>	<p><u>Other (specify)</u></p> <p><input type="checkbox"/> Daily <input type="checkbox"/> Weekly <input type="checkbox"/> Monthly <input type="checkbox"/> Annually</p>	<p><u>Other (specify)</u></p> <p><input type="checkbox"/> Daily <input type="checkbox"/> Weekly <input type="checkbox"/> Monthly <input type="checkbox"/> Annually</p>	<p><u>Other (specify)</u></p> <p><input type="checkbox"/> Daily <input type="checkbox"/> Weekly <input type="checkbox"/> Monthly <input type="checkbox"/> Annually</p>

GDA Appendix #4
Limited English Proficiency Release Acknowledgement Form

I hereby affirm that I offered language assistance or qualified interpreter services at no cost to _____ , and the services were declined. I explained that the use of a family member or friend for the aforementioned services could result in a breach of confidentiality, violation of his/her privacy, misinterpretation of specialized terms or concepts, and disclosure of sensitive and confidential information that he/she may or may not want disclosed.

Date: _____

Employee's Name: _____

Employee's Signature: _____

Por la presente, afirmo que me ofrecieron asistencia con el idioma o servicios de intérpretes calificados sin costo alguno y rechacé los servicios. Se me notificó que el uso de un familiar o amigo para servicios de idiomas o de intérpretes puede ocasionar una violación de la confidencialidad, violación de mi privacidad, interpretación errónea de términos o conceptos especializados y divulgación de información sensible y confidencial que puedo o no puedo querer divulgar.

Fecha: _____

Nombre: _____

Firma: _____