

# West Virginia Department of Agriculture

## Meat & Poultry Inspection Bureau

### Limited English Proficiency Plan

#### DEFINITIONS

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

**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 an individual merit.

**Federally Assisted Program** – All programs and operations of entities that receive assistance from the Federal government.

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

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

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

**Vital Documents** – Paper or electronic written material that contains information that is critical for accessing the services that we provide and/or those documents that are required by law.

#### INTRODUCTION

This Limited English Proficiency (LEP) plan exists and was designed to improve access to the services offered by the West Virginia Department of Agriculture Meat & Poultry Inspection Bureau (MPIB) for people that have limited English language communication abilities. These communication abilities include both speaking/listening skills and reading/writing skills and pertain to the abilities of the prospective recipients of the services that the MPIB provides to the citizens of the state of West Virginia.

The MPIB defines a Limited English Proficiency person as an individual who does not speak English as his or her primary language and has a limited ability to reason, speak, write, or understand English. It is the policy and goal of the MPIB to make every reasonable accommodation for a Limited English Proficiency person when that person is seeking the services of the MPIB. To that end, the MPIB took steps to accomplish this goal and constructed a plan to: 1) analyze the anticipated needs for the citizenry of this state; 2) implement a more user-friendly environment for the Limited English Proficiency persons most likely to request MPIB services; and 3) accommodate any Limited English Proficiency Person who requests any MPIB services. These steps are described later in this plan.

As a state agency that has entered into a cooperative agreement with the United States Department of Agriculture, Food Safety Inspection Service (FSIS), the MPIB is required to develop and implement a LEP plan that is “at least equal to” the LEP plan in use by FSIS. This authority is given in Title VI of the Civil Rights Act of 1964, Section 601; 42 U.S.C. 2000d et seq.; and its implementing regulations which provide that no person in the United States shall, on the grounds of race, color, or national origin, be excluded

from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity that received Federal financial assistance. The Supreme Court, in *Lau v. Nichols*, 414 U.S. 563 (1974), interpreted Title VI regulations promulgated by the former Department of Health, Education, and Welfare to hold that Title VI prohibits conduct that has a disproportionate effect on LEP persons because such conduct constitutes national origin discrimination. Furthermore, Executive Order 13166, “Improving Access to Services for Persons with Limited English Proficiency,” reprinted at 65 FR 50121 (August 16, 2000), directs each Federal agency to examine the services it provides and to develop and implement a system by which LEP persons can meaningfully access those services. The Executive Order further states that recipients must take reasonable steps to ensure meaningful access to their programs and activities by LEP persons. In addition, each plan must be consistent with the standards set forth in the U.S. Department of Justice’s Policy Guidance Document entitled, “Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons,” reprinted at 67 FR 41455 (June 18, 2002).

## ANALYSIS

In an attempt to determine the current Limited English Proficiency needs of the citizens of West Virginia, the MPIB utilized the Four Factor Analysis presented in the “USDA FSIS Guide for Developing Limited English Proficiency Plans for Federally Assisted Programs” for 2020 - 2022. The Four Factor Analysis addresses the following: the number or proportion of LEP persons eligible to be serviced or likely to be encountered by the state; the frequency with which LEP persons using a particular language come into contact with the state; the nature and importance of the state’s program or activity provided to the individual’s life; and the resources available to the state and costs associated with providing LEP services.

To determine what LEP needs might exist, the MPIB began by evaluating those people who have currently obtained a license (commercial, custom, or distributor) from our division. Surveys of our MPIB Commercially Licensed Establishments during 2014 and then again during 2015 revealed that there were no minority plant owners during those respective years. In February of 2016, a verbal interrogation of senior MPIB personnel revealed no recollection of any plant owners with Limited English Proficiency abilities for any years prior to 2014. In addition, during a similar verbal interrogation of senior MPIB personnel in February 2016, no personnel indicated that they had encountered any LEP person in any of our licensed plants.

Since the MPIB had no recent experience with a Limited English Proficiency person, an investigation of demographic data was initiated with the goal of identifying the most likely non-English language needs of the citizens of West Virginia. Information was obtained from the U.S. Census Bureau in a 2020 survey that 32.0% of the Spanish speaking population of West Virginia spoke English less than “very well”. Other populations that spoke a language other than English and spoke English less than “very well” were all less than approximately one third of the LEP group that spoke Spanish. The 2022 American Community Survey also showed that Spanish was second only to English as the language spoken at home representing 1.2% of the population of West Virginia. All other LEP population groups represented 1.4% collectively. A report by Statistical Atlas also ranked Spanish as the second most common language spoken at home in West Virginia.

A consideration of this data led us to the conclusion that Spanish is the second most spoken language in West Virginia followed by Chinese, German, French, and Arabic. The Statistical Atlas data and the US

Census Bureau data both indicate that there are several other languages spoken in West Virginia but in very small proportions of the total population. From a purely statistical perspective, we concluded that the likelihood of official MPIB interaction with a Spanish-speaking Limited English Proficiency person was about twice as much as with Limited English Proficiency persons that speak a language other than Spanish. With these pieces of information in mind, we decided to include Spanish translations of our MPIB vital documents. The MPIB defines vital documents as paper or electronic written material that contains information that is critical for accessing the services that we provide and/or those documents that are required by law. Subsequently, we also recognized that it would likely be more efficient and effective to respond to the remaining Limited English Proficiency persons (those speaking a language other than English or Spanish) on a case-by-case basis and would develop procedures to handle those needs.

## IMPLEMENTATION OF A MORE USER-FRIENDLY ENVIRONMENT

Although there have been no recent interactions with Limited English Proficiency Persons seeking access to MPIB services, we decided to attempt to implement a more user-friendly environment for those most likely to request such services. Through our analysis as described above, we determined that Spanish-speaking people were by far the largest individual group of Limited English Proficiency persons in West Virginia. In anticipation of future requests for MPIB services by the Spanish-speaking population, we have undertaken to have all of our MPIB vital documents translated into Spanish and available at our office and on our website. We have identified MPIB vital documents to include the following documents:

**Application for License to Operate a Commercial Slaughter and/or Meat and Poultry Processing Establishment**

**Application for License to Operate a Custom Slaughter and/or Meat and Poultry Processing Establishment**

**Application for License to Operate as a Meat and Poultry Distributor**

**Meat and Poultry Inspection Licensing Letters**

**Application for Registration to Slaughter and/or Process Rabbits Under Exemption**

**Exempted Rabbit Protocol and Exempted Rabbit Fact Sheet**

**Poultry Exemption Fact Sheets**

In addition, the USDA “And Justice For All” posters with the information translated into Spanish are posted in each of our offices and includes the name and contact information for Civil Rights Compliance Officer in the West Virginia Department of Agriculture. Currently, that contact information is:

Lora Walker, J.D.  
General Counsel  
West Virginia Department of Agriculture  
1900 Kanawha Blvd., E.,  
Charleston, WV 25305  
304-558-3200  
[lwalker@wvda.us](mailto:lwalker@wvda.us)

## ACCOMODATION OF LIMITED ENGLISH PROFICIENCY PERSONS

In addition to the efforts that are being made to provide a more user-friendly environment for Spanish-speaking Limited English Proficiency persons, we are taking the following steps to universally accommodate LEP persons:

- 1) The MPIB office will maintain a log to record contact with Limited English Proficiency persons. The log will be reviewed at least once per year to determine if the LEP plan needs to be modified and/or if additional accommodations may be necessary. (Appendix 1)
- 2) A survey will be issued to MPIB employees on an annual basis to record contact with Limited English Proficiency persons. (Appendix 2) The results of the survey will be reviewed to determine if the LEP plan needs to be modified and/or if additional accommodation may be necessary.
- 3) Limited English Proficiency Awareness training will be provided to MPIB personnel on a triennial basis. When possible, the training materials available through USDA FSIS will be used. If those materials are not available, then the training materials will either be those used by other West Virginia state agencies or will be developed by the West Virginia Department of Agriculture.
- 4) When a Limited English Proficiency person contacts our office and is unable to effectively communicate or understand any information that is necessary to be a recipient of MPIB services, then the appropriate translation and/or interpretation services will be secured and provided at no cost to the person seeking the MPIB services. Initially, the LEP person will be provided with a Language Identification Flashcard. (Appendix 3) Subsequently, the LEP person will be offered translation/interpretation service. If the person declines the offered service, then we will request that they complete a form to document their decision. (Appendix 4) If the person accepts the offered service, then the MPIB will be using the same translation/interpretation service that is used for the translation of our vital documents that are available to the public - *LanguageLines Solutions* based in Monterey, CA. With the exception of basic communication with LEP person(s), the MPIB will not utilize family (including children) or friends of the LEP person(s) to provide interpretive or translation services, unless they are certified to provide such services.

- 5) The MPIB will perform a yearly review of available information to determine if there is any need to modify the MPIB LEP Plan and will implement any changes necessary to comply with all state and federal requirements.

## OUTREACH PLAN

The WVDA MPIB will communicate our accommodation for Limited English Proficiency persons in the following manner:

- 1) Translated vital documents will be posted and available on the West Virginia Department of Agriculture website in the areas that are relevant to the Meat & Poultry Inspection Bureau.
- 2) Paper copies will be available at our headquarters office for in-person inquiries.
- 3) A translated contact information form will be available on our WVDA MPIB website as well as being posted at our headquarters office. The contact information form will allow for follow-up communication with any LEP persons using the appropriate translation or interpretation service.

## IMPLEMENTATION TIMELINE

The WVDA MPIB will be following the timeline suggested by the “USDA FSIS Limited English Proficiency Implementation Strategy for Federally Assisted Programs”, issued in January 2016.

1. Ensure employees who interact with LEP individuals receive LEP training.	Completed and ongoing
2. Develop an LEP plan.	Completed September 2016
3. Gather data for languages spoken in geographic areas being serviced.	Completed April 2016
4. Identify vital documents to be translated.	Completed April 2016
5. Compile and analyze data gathered to determine what LEP services are needed.	Completed April 2016
6. Secure contractor for translation and interpretation services.	Completed August 2016
7. Ensure that there is adequate funding and resources are available.	Completed and ongoing
8. Notify beneficiaries of LEP services.	Completed and ongoing
9. Track LEP interactions.	Ongoing
10. Report on LEP interactions to the USDA FSIS Civil Rights Staff.	Annually
11. Provide LEP training to MPIB staff.	Triennially
12. Perform a review of the LEP plan to ensure that it remains viable.	Annually

This LEP plan was created using the USDA Food Safety and Inspection Service guidance document, “Limited English Proficiency Implementation Strategy for Federally Assisted Programs”, January 2016. A review of this LEP plan was completed on December 15, 2023, using the USDA Food Safety and Inspection Service guidance document, “Guide for Developing Limited English Proficiency Plans for Federally Assisted Programs”, April 2020. During our review of our LEP documents, we determined that there had been no interaction with LEP individuals during the past year.

As noted above, the LEP plan may be modified at any time to better accomplish the policies and goals of the West Virginia Department of Agriculture Meat & Poultry Inspection Bureau.

Data referenced within this LEP plan is either on file at the WVDA MPIB office or may be found at the following websites:

<http://www.census.gov/programs-surveys/acs/>

<https://statisticalatlas.com/state/West-Virginia/Languages>

<https://www.census.gov/library/stories/state-by-state/west-virginia-population-change-between-census-decade.html>

<http://www.census.gov/acs/www/data/data-tables-and-tools/ranking-tables/>

<http://www.ers.usda.gov/data-products/atlas-of-rural-and-small-town-america/go-to-the-atlas.aspx>

<http://www.lep.gov/maps/>

Prepared by:

Quinton Jones  
Assistant Director of Animal Health Division  
Meat & Poultry Inspection Bureau  
West Virginia Department of Agriculture  
1900 Kanawha Blvd., E.,  
Charleston, WV 25305  
304-558-2206  
[Quinton.Jones@usda.gov](mailto:Quinton.Jones@usda.gov)  
[qjones@wvda.us](mailto:qjones@wvda.us)