



Louisiana Department of Agriculture & Forestry

Office of Agricultural and Environmental Sciences

Pesticide and Environmental Programs Division

Worker Protection Standard (WPS) Program Language Access Plan (LAP) 2014

I. Introduction

The Louisiana Department of Agriculture and Forestry (LDAF) has prepared this Language Access Plan ("LAP"), which defines the actions to be taken by the LDAF to ensure meaningful access to agency services, programs and activities, specifically the Worker Protection Standard (WPS) program for agriculture pesticides, on the part of persons who have limited English proficiency ("LEP"). The LDAF written WPS interview policy, EPA LEP Recipient Guidance and EPA WPS Agricultural Inspection Guidance (WPS program guidance) are meant to establish a common baseline for creating access to the state services, program and guidance.

It is the policy of the LDAF to assure full and affirmative compliance with Title VI of the Civil Rights Act of 1964, as amended and other non-discrimination statutes and implementing authority. LDAF has given certain assurances to the U.S. Environmental Protection Agency in this regard: LDAF assures that no person in the United States, on the grounds of race, color, national origin, sex, age, or disability shall be excluded from participation in, denied the benefits of, or otherwise subjected to discrimination under any program or activity for which LDAF receives federal assistance from the U.S. Environmental Protection Agency.

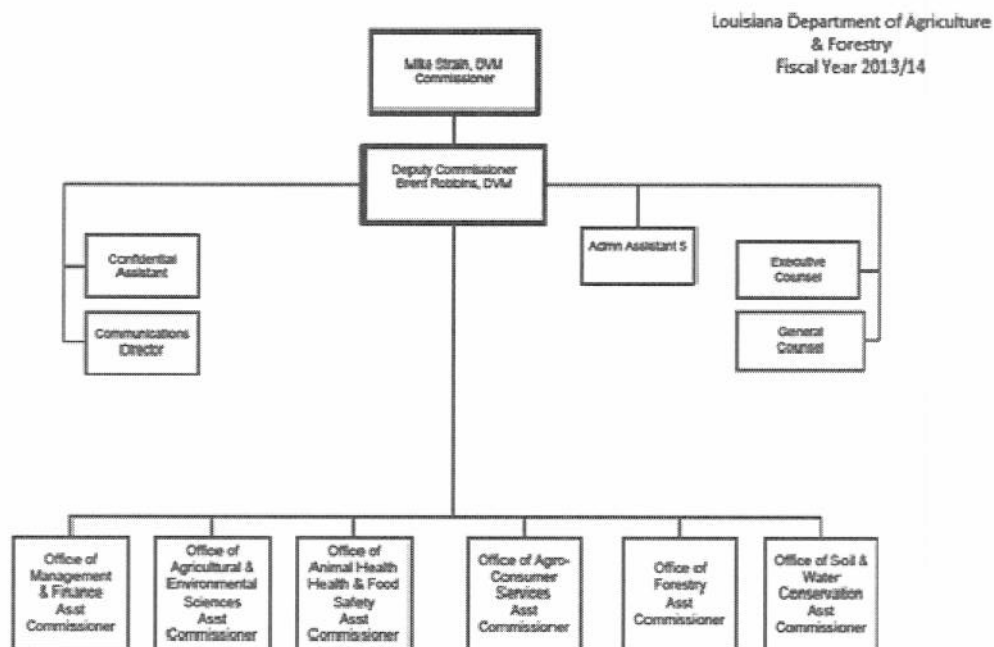
The Worker Protection Standard (WPS) program was promulgated in 1992 under Section 25 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). The WPS is designed to reduce the risk of illness or injury resulting from worker's and handlers' occupational exposure to pesticides used in the production of agricultural plants on farms or in nurseries, greenhouses, and forest and also from accidental exposure of other persons to pesticides. The scope of the regulation includes not only workers performing hand labor operations in the fields treated with pesticides, but also workers in forest, nurseries, and greenhouses, and employees who handle (mix, load, apply, etc.) pesticides in these locations or at commercial applicator sites of which their services are used in the production of agricultural products.

II. Purpose

The Louisiana Department of Agriculture and Forestry was created in accordance with the provisions of Article IV, Section 10 of the Constitution of Louisiana. The Commissioner of

Agriculture and Forestry heads the department and exercises all functions of the state relating to the promotion, protection, and advancement of agriculture and forestry, except research and educational functions expressly allocated by the constitution or by law to other state agencies.

The LDAF is currently organized into 6 major offices. Principle LEP person contact with LDAF involves its education and complaint programs associated with the WPS program managed by the Office of Agricultural and Environmental Sciences, Pesticide and Environmental Programs Division (PEPD). The director of PEPD will be assigned as the WPS Program LAP Coordinator. The WPS Program LAP Coordinator will, on a continuing basis, evaluate LEP persons contact with the WPS program to determine if additional language services are needed.



The mission of the Office of Agricultural and Environmental Sciences is to ensure animal feeds, pet foods, fertilizers, agricultural liming materials and pesticides meet all requirements of law; to monitor, prevent, control and eradicate plant pests and diseases that threaten Louisiana's agriculture, environment and economy; to facilitate agricultural exports through certification of products; to oversee the qualifications and practices of persons engaged in the green industry; to protect human health and the environment by ensuring the proper labeling, distribution, storage, use, application and disposal of pesticides, and through enforcement of all pesticide laws; to ensure that seed sold for planting meets label guarantees and quality standards; and to ensure a safe, abundant supply of food and fiber.

The mission of the Office of Agro-Consumer Services is to perform functions relating to the regulation of weights and measures, the licensing of weighmasters, scale companies and technicians; the licensing and inspection of bonded farm warehouses and milk processing plants, and the licensing of grain dealers, warehouses and cotton buyers.

The mission of the Office of Animal Health Services is to protect the public supply of meat and meat products and fish and fish products, to control and eradicate infectious diseases of animals and poultry, and to control livestock theft and nuisance animals.

The mission of the Office of Forestry is to protect, conserve and replenish the forest natural resources of the state.

The mission of the Office of Soil and Water is to assist in the organization and administration of the Soil and Water Conservation Districts in protecting the land, water and related resources of the state. It is also responsible for implementing the agriculture nonpoint source pollution component of Section 319 and Section 404 (wetlands protection) of the Federal Clean Water Act, as well as other federal and state mandated soil and water resources management programs.

The mission of the Office of Management and Finance is to provide support services for the other offices of the department. These services provided include: fiscal, legal, procurement, property control, human resources, fleet and facility management, auditing, information technology, print shop and mail room, document imaging and district office clerical support.

In Louisiana, workers in the field of agricultural production may be limited in English proficiency. The purpose of this LAP is to ensure that LEP persons have meaningful access to services, programs and activities and are afforded full protection of the Worker Protection Standard for agricultural pesticides regardless of their race, color, or national origin.

The objectives of the LAP are to:

- (a) Provide access to and quality of LDAF services, programs and activities for non-English speakers and LEP persons;
- (b) Reduce accidental exposure to pesticides among non-English speakers; and
- (c) Ensure awareness and public satisfaction through a sustainable outreach/education program.

English is the predominant language of the United States; however, the United States is also home to millions of individuals who are "limited English proficient". These individuals cannot speak, read, write or understand the English language at a level that permits them to interact effectively. Because of these language differences and their inability to speak or understand English, LEP persons are often excluded from programs, benefits and/or activities of agencies receiving Federal financial assistance.

This LAP provides procedures that will assist the department in complying with its responsibilities to ensure meaningful access to WPS programs, activities and/or benefits for LEP persons.

A LEP person is someone who is not able to speak, read, write or understand the English language at a level that allows him/her to interact effectively with LDAF staff.

III. Language Access Plan:

This LDAF Worker Protection Standard program LAP shall be fully implemented. LDAF will carefully explore the most cost effective means of delivering language services before limiting services due to resource constraints. This LAP has been developed to adhere to the Guidance to EPA Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons, 69 Fed. Reg. 35602 (June 25, 2004) (EPA LEP Recipient Guidance). The LAP represents LDAF's administrative blueprint to provide meaningful access to its services, programs and activities on the part of LEP persons.

Worker Protection Standard (WPS) Program Language Access Plan Coordinator:

Director
Pesticide & Environmental Programs Division
Louisiana Department of Agriculture & Forestry
P.O. Box 3596
Baton Rouge, LA 70821-3596
Email: pesticides@ldaf.la.gov
Tel. 225-925-3763
Fax. 225-925-3760

The LEP population may contact the agency by calling 225-925-3763 or the LDAF 24-Hr Emergency Hotline at 855-452-5323 (Spanish-language option available) , visiting the LDAF's office in Baton Rouge, Louisiana, or by visiting the LDAF website and clicking on the WPS Spanish language section.

Louisiana Department of Agriculture & Forestry
Pesticide and Environmental Programs Division
Office of Agricultural and Environmental Sciences
5825 Florida Blvd
Suite 1001
Baton Rouge, LA

Tel. 225-925-3763
24-Hr Emergency: 855-452-5323
Website: <http://www.ldaf.la.gov>

IV. WPS Program Language Access Needs Assessment:

According to the EPA LEP Recipient Guidance, LDAF is required to ensure its WPS program and activities are meaningfully accessible to LEP persons. The four factor analysis is a starting point for making such an assessment. While designed to be flexible and fact-dependent, this analysis includes balancing the following: 1) the number or proportion of LEP individuals eligible to be served or likely to be encountered by the WPS program; 2) the frequency with

which LEP individuals come in contact with the WPS program, 3) the nature and importance of the particular activity or service provided by the WPS program, and 4) the resources available to the state.

Based on LDAF's experience in operating the WPS program, the majority of workers in the agricultural production field in Louisiana who may be limited in English proficiency utilize the Spanish language.

The most frequent LDAF WPS program and LEP individuals interaction centers around 1) interviewing farm workers during WPS on-site inspections either in person or follow up interviews on the telephone and/or 2) farm workers filing a complaint with the WPS program either in person, in writing or on the telephone.

LDAF will utilize both interpretation and translation services in providing meaningful access to the WPS program.

In the Title VI investigation Findings of Fact (EPA OCR File NO. 04R-080R6, <http://www.epa.gov/ocr/page1/TitleVICases/index.html>), the EPA determined that in 2007, 26% (7,107 out of 27,470) of farm workers in Louisiana were H-2A workers. (See U.S. Department of Agriculture, The 2007 Census of Agriculture, Vol. 1, Chapter 2: Parish Level Data, Table 7. Hired Farm Labor-Workers and Payroll,

http://www.agcensus.usda.gov/Publications/2007/Full_Report/Volume_1_Chapter_2_County_Level/Louisiana/st22_2_007_007.pdf;

and Foreign Labor Certification Data Center Online Wage Library, 2006-2008 H-2A Disclosure data, *available at*:

<http://www.flcdatcenter.com/CaseH2A.aspx>.)

According to data available from the U.S. Department of Labor (USDOL), Louisiana has employed 5,735 H-2A workers through the third quarter of FY2012. The H-2A Temporary Agricultural Program provides a legal means to bring foreign-born workers to the United States to perform seasonal farm labor on a temporary basis. It is expected that an additional 1,138 will be hired in the fourth quarter. This represents roughly 8% of Louisiana's total number of agricultural industry employees. Approximately 50% of Louisiana's H-2A Workers are employed by the sugarcane and crawfish industries.

Table 1. Language Makeup of Louisiana State-wide Population

Population	Number	Percentage (out of total LA population)	Speak English less than 'Very Well'
Population 18 years and over	4,174,314	100.00%	
Speak only English	3,809,055	91.2%	
Speak a language other than English	365,259	8.8%	2.8%
Spanish or Spanish Creole	144,062	3.5%	1.5%
Indo-European	162,542	3.9%	0.7%
Asian Pacific Island	49,054	1.2%	0.6%
Other	9,551	0.2%	0.1%

(Figures compiled by U.S. Census Bureau, Selected Social Characteristics 2007-2011)

Table 2. Louisiana Demand for Migrant/Seasonal Farm Workers

Crop	Peak Season Length (Work Days)
Cotton, Grapes, Southern Peas, Sugarcane	15 – 19
Berries, Christmas Trees, Cucumbers, Figs, Cucumbers, Green Peas, Mustard Greens, Peaches, Squash, Strawberries, Sweet Potatoes, Tomatoes	21 – 29
Apples, Blueberries, Okra, Snap Beans, Sweet Peppers	30 – 33
Pecans, Potatoes, Sweet Corn, Watermelons	44 – 49
Head Cabbage, Hot Peppers	52 – 54
Oranges	76

(Migrant & Season Farmworker Enumeration Profiles Study - Louisiana, Department of Health & Human Services 2000)

Table 3. LDAF WPS Inspections

Reporting Year	Total Number of WPS Inspections in Louisiana
2012	39
2011	40
2010	36
2009	42
2008	38
2007	42

(EPA National WPS Inspection and Enforcement Summary Reports)

English is the language spoken by the overwhelming majority of the population according to the U.S. Census data, five years and over, in Louisiana (90.8 percent) and the U.S. (82.1 percent).

The remaining portion of the population, however, represents a substantial population, 382,365 people in Louisiana and 46,951,595 in the United States, who speak some language other than English in the home (U.S. Census Bureau, 2004). Of these, 265,455 or 69.4% report speaking English 'very well', 74,700 or 19.5% 'well'. Approximately 42,000 people (combined non-English speakers) or approx. 11% report speaking English 'not well' or 'not at all'.

In Louisiana, 144,062 responders reported speaking Spanish in their homes or 3.5% of the state's total population (American Community Survey 5-year estimate 2007-2011). Only 1.5% of Louisiana's population or 62,397 people speaking Spanish in their home reported speaking English less than 'very well'.

V. WPS Program Language Resources Assessment:

This LAP's goal is to provide LEP persons meaningful access to WPS protections to reduce risks, illness or injury resulting from accidental exposure to pesticides.

Based on the number of Spanish-speaking LEP workers in the agricultural production field, LDAF has determined that a Spanish interpreter will be available to assist in providing meaningful access to agricultural production employees in Louisiana related to LDAF's Worker Protection Standard program.

The LDAF has retained a Spanish interpreter by contract on an as needed basis to accommodate interpretation needs. LDAF is also reviewing other interpreter services available on an as needed basis for long-term interpretation needs of the department.

Temporary Spanish-language assistance may be provided by LDAF employees.

LDAF WPS program has identified vital documents and information that are translated and available in Spanish (See VII. Vital Documents). LDAF is exploring options to support long-term translation services.

As part of its LAP, LDAF also will seek the assistance from external or internal resources for translation and/or interpreters as needed. The LAP WPS Program Coordinator will maintain and provide written procedures for accessing language assistance resources.

LDAF will provide Spanish-language service, written or oral, and share information about the service via the posting of signs on LDAF public notice bulletin boards or the publication of at least a portion of its documents in specific foreign languages to LEP persons served or encountered by its WPS program.

VI. WPS Program Language Service Protocols:

WPS program LEP Interviews:

Recognizing the importance of providing access to LEP individuals during the WPS inspection process, LDAF has established a multi-phased process to obtain useful information.

Phase One: When LDAF WPS program inspectors make contact with Spanish-speaking LEP individuals for interviews during on-site inspections, the inspector will provide Spanish-language access from on-site bilingual Spanish-speaking co-workers. Most LEP individual contact are met in Phase One however if unsuccessful the inspector will move to Phase Two.

Phase Two: When LDAF WPS program inspectors make contact with LEP individuals for interviews during on-site inspections and other on-site Spanish interpretation is not available, the inspector will contact the PEPD office in Baton Rouge and the office will contact LDAF's interpreter on the telephone to provide Spanish-language access for the interview. In rare occasions when contact with the Spanish interpreter cannot be completed, the inspector will move to Phase Three.

Phase Three: In the rare event that neither on-site Spanish-language resources or LDAF Spanish interpreter are immediately accessible, a copy of the Worker Interview Form and/or the Handler Interview Form will be made available in Spanish for completion on-site by the worker or handler. The completed forms will be translated by LDAF for use by the inspector. In the event an interviewee is unable to read or write, a telephone interview will be made available.

WPS program LEP Complaint Process:

In Person: Complaint procedures will be posted and readily available in Spanish at the LDAF office.

In Writing: Complaint procedures and Complaint Consent Form will be available in Spanish at the LDAF office, from LDAF field inspectors and downloadable from LDAF's website.

By Telephone: Complainants may call 225-925-3763 or LDAF's state-wide toll-free 24-Hr Emergency Hotline at 855-452-5323. A Spanish-language option is available for LEP individuals to file a complaint with LDAF by telephone. If needed, LDAF interpreter service will be utilized during follow up interviews with LEP individuals, either in person or by telephone.

WPS Program LEP General Inquiries:

LEP persons will be able to request the information in person, by telephone, or by submitting a written request.

To ensure meaningful access, LDAF Spanish interpreter will be contacted to assist LEP persons with their request for information.

To the extent information is available in Spanish from another source, LDAF will provide the information to fulfill requests from LEP individuals.

In the event that LDAF is not able to provide the language services in-house and as long as there is sufficient notice and funding available, the LDAF will attempt to translate the information in a timely manner from an outside source (i.e. approved state vendors and the associated cost).

If LDAF is not able to provide the requested information in Spanish, the requestor will be notified either in writing or by phone that the request cannot be met.

LDAF employees are provided written instructions on how to request either Spanish-language translation and interpretation services.

VII. WPS Program Vital Document Translation:

Vital documents for language communities that account for 5 percent or more of LEP persons served, encountered or participating in LDAF WPS program receiving federal financial assistance will be translated. LDAF will direct LEP persons to available Spanish-language materials for the Worker Protection Safety program.

LDAF WPS program has identified vital documents and has translated them into Spanish. LDAF determined that the *Worker Interview Form*, *Handler Interview Form*, *Complaint Consent Form*, and *How to File a Complaint poster* should be available to LEP persons in Spanish. LDAF will make additional WPS program information and other instructions available in Spanish.

LDAF will post or link Spanish-language documents on its public website at <http://www.ldaf.la.gov> . Spanish-Language information, documents and forms will be available from the website.

VIII. WPS Program Stakeholder Consultations:

LDAF contacted the Louisiana State University (LSU), Southern University, Louisiana Farm Bureau Federation, Louisiana Association of Cooperatives, and Louisiana Department of Wildlife and Fisheries to establish this LAP plan.

As part of its sustainable outreach/education program, LDAF will communicate with any identified partners in Louisiana that serve language communities with critical numbers of LEP individuals.

IX. WPS Program Training:

LDAF WPS program staff members, including persons in public contact positions, are aware of their obligations to provide meaningful access to information and services for LEP persons, and all persons in public contact positions should be properly trained. Any necessary training will be provided by the LAP WPS Program Coordinator or other designated trainers.

An effective training objective would likely include training to ensure that:

Staff knows about LEP policies and procedures and how to use interpreter services effectively.

Pesticide and Environmental Programs Division staff, Office of Agricultural and Environmental Sciences inspectors, and any other relevant LDAF employees will be trained at least every two years or as necessary to accommodate changes in staff or demographics.

Training is included as part of the orientation provided for new employees.

Management staff, even if they do not interact regularly with LEP persons, should be fully aware of and understand the plan so they can reinforce its importance and ensure its implementation by staff.

LEP Training ‘Ensuring Meaningful Access for Limited English Proficient (LEP) Individuals is available online at:

http://www.epa.gov/ocr/docs/pdf/2013_0923_Language_Access_Training.pdf.

X. WPS Program LAP Notice to Public:

Notices referencing the LAP will be posted in conspicuous spaces within the LDAF such as on bulletin boards throughout the office.

Copies of the LAP will be available in both English and Spanish to the public upon request in accordance with the Louisiana Public Records Law (R.S. 44: 1 et seq.) and may require fees in accordance with law.

The LAP in both English and Spanish will be posted on the LDAF website where any person, including social service, non-profit, law enforcement agencies and other community partners with internet access will be able to access the plan. A copy of the LAP in both English and Spanish may be obtained by downloading a free PDF copy from the LDAF website at www.ldaf.la.gov.

Notices of WPS outreach sessions for any relevant stakeholder will be posted online by LDAF or any hosting organization that is conducting the session, including information on the LAP.

XI. WPS Program LAP Monitoring:

The LDAF will, on a continuing basis, assess the need for language services on a district and/or statewide basis and ensure meaningful access based upon the number or proportion of LEP persons served or encountered in the WPS service population.

LDAF will review its LAP on an annual basis and update its LAP if needed.

The review may assess:

Determination if additional vital documents require translation.

Any issues or problems related to serving LEP persons who may have arisen during the past year.

Whether or not there have been any significant changes in the language needs of the program population currently served by LDAF.

XII. WPS Program Language Access Complaint Procedure

Individuals may file a complaint with the Assistant Commissioner of the Office of Agricultural and Environmental Sciences if you believe you have been denied the benefits of this Plan. Individuals must file your complaint within 6 months of the alleged denial. Individuals must file a written complaint and addressed to:

Assistant Commissioner
Office of Agricultural and Environmental Sciences
Louisiana Department of Agriculture & Forestry
P.O. Box 3596
Baton Rouge, LA 70821-3596
Email: AES@ldaf.la.gov
Tel. 225-925-3770

LOUISIANA DEPARTMENT OF
AGRICULTURE & FORESTRY



MIKE STRAIN DVM
COMMISSIONER

1/31/14

DATE