

Limited English Proficiency (LEP) Assessment

Food Service and Food Processing proposed rule

Factor 1: The Number and Proportion of LEP Individuals Eligible to be Served or Likely to be Encountered in Community of Concern

See Public Involvement Plan Public Involvement Plan (PIP) for the Proposed Environmental Health Bureau (EHB) amendments to 7.6.2 NMAC Food Service and Food Processing for the Affected Community.

Conclusions:

1. The percentage of total non-English languages spoken at home is 34%
2. The percentage of limited English households is 26.5%, which is equal to the statewide average.
3. Spanish is the predominant non-English language spoken by LEP persons.
4. Historical participation: EHB ensures that all consultation, compliance and enforcement activities account for LEP employee and representative involvement during unprogrammed activities including interaction with the community and conducting inspections. EHB staff must routinely communicate with Spanish-speaking LEP customers during inspection activities.

Factor 2: Frequency with which LEP Individuals Might Come in Contact with the Program

EHB does not routinely conduct public meetings affecting the LEP public; however, Bureau staff must communicate with LEP customers on a regular basis when fielding public questions, receiving complaints, and conducting inspections. EHB predominantly interacts with Spanish-speakers among workplace and community LEP individuals. EHB provides notice to the public and encourages participation in the rulemaking process. LEP individuals may participate in the rulemaking process by submitting comments during the public comment period, and submitting relevant evidence, introducing exhibits, and examining witnesses at the hearing. LEP individuals who wish to present technical testimony must file a written notice of intent with the Environmental Improvement Board.

Conclusion:

LEP participation is likely to be high due to the number of LEP owners and employees likely to be impacted by the rulemaking. The Bureau considers the potential for LEP contact with the rulemaking process to be "frequent."

Factor 3: Nature and Importance of the Activity or Service Provided by the Program

The amendments to 7.6.2 NMAC Food Service and Food Processing is deemed by EHB to be "important" to NMED, the impacted community, and the State of New Mexico. The amendments to 7.6.2 NMAC Food Service and Food Processing code

is important to NMED because the code establishes regulatory requirements of food service establishments and processors. The amendments to 7.6.2 NMAC Food Service and Food Processing are important to the impacted community and to the State of New Mexico in order to protect public health by establishing standards and provisions for the safe operation of food establishments and food processing plants to assure that consumers are not exposed to adverse environmental health conditions

Conclusion:

EHB considers the amendments to 7.6.2 NMAC Food Service and Food Processing important to NMED, to the state as a whole, and to the impacted community.

Factor 4: Resources Available to NMED for LEP Services and Associated Costs

For outreach to LEP communities associated with this rulemaking, NMED contracts a certified Spanish translator for printed outreach and utilizes a phone interpretation service and staff proficient in Spanish to assist during direct communication between LEP individuals and NMED staff. The costs of newspaper publication and use of language interpretive services for a public meeting or hearing are being incorporated into the budget, to the extent possible.

Conclusion:

The Bureau can accommodate the costs of the LEP services identified in this plan. If additional services are requested, the budgetary implications will be reviewed.

LEP Services Plan:

To accommodate the needs of the LEP individuals who may be interested in this rulemaking process, the Bureau plans to:

1. Provide interpretive services using language link or Spanish proficient staff at any public meeting or public hearing, if requested.
2. Interact with members of the LEP community using language link or Spanish proficient staff, when needed.

The Bureau will consider requests from members of the affected community for additional LEP services.