



Coalition of Practicing Translators & Interpreters of California

MEMO

DATE: June 01, 2020

TO: California State Lawmakers, Constitutional Officers, Legislative and Executive Staff, and Other Interested Stakeholders

FROM: Coalition of Practicing Translators and Interpreters of CA (CoPTIC)

**RE: Protecting Language Access in California:
Professionalism, Certification, and Standards for Translators and Interpreters
By Dr. Bill Rivers, Ph.D. – Language Policy Expert**

Protecting Language Access in California: Professionalism, Certification, and Standards for Translators and Interpreters

Dr. Bill Rivers, Ph.D.

Summary:

Freelance interpreters and translators provide vital services to all of California, helping to ensure access to needed healthcare, social, and legal services, and assisting California's diverse, globally integrated economy reach worldwide multilingual and multicultural markets.

Professional interpreters and translators are highly educated and highly qualified professionals, working in more than 200 language pairs, and are well-compensated. Because of the high level of demand as well as the diversity of languages served, these professionals must demonstrate their qualifications through a comprehensive, long-established industry-wide system whereby certifications, educational credentials, and documented experience are all carefully weighed by Language Service Providers, the courts, and other entities engaging the services of interpreters and translators. **Aligning the exemption in AB 1850 with professional standards for the qualification of interpreters and translators will benefit California by ensuring that all professional interpreters and translators are covered.**

Qualifications in the Language Workforce:

National and international standards for translation and interpreting services¹ lay out a rigorous framework for ensuring that interpreters and translators are indeed qualified. Knowing two languages does not qualify an individual as an interpreter or translator, as noted in ASTM F2575-14, §6.4:

“[p]roficiency in two languages is important but does not necessarily guarantee translation competence. Not all individuals who exhibit language proficiency have the ability to choose an equivalent expression in the target language that both fully conveys and best matches the meaning intended in the source language for the audience and purpose of the translation.”

Over the past thirty years, and under the auspices of ASTM International Technical Committee F43 on Language Services and Products, and the International Standardization Organization, Technical Committee 37 on Language and Terminology, Subcommittee 5 on Translation and Interpreting, a suite of comprehensive standards have been developed. All of these standards follow a comprehensive framework for determining whether an individual is qualified to be an interpreter or translator:

- First, whenever available and practicable, a certified interpreter or translator is preferred;
 - *Comment:* Because certification tests require significant sample sizes for validation for occupational testing purposes, there are relatively few language pairs and areas of practice in which certification is available. See below for a further discussion.
- Second, absent certification (and sometimes in conjunction with it), a degree in interpreting or translation from a recognized, accredited institution of higher education is equally acceptable;²
- Third, if neither are available, a degree from an accredited institution of higher education, combined with a minimum number of years of experience in interpreting or translation;
- Finally, if no other personnel meet the above qualifications, demonstrated proficiency in both languages, combined with supervised practice, may be acceptable.

Furthermore, additional requirements in professional standards, such as ISO 17100 on Translation Services, instruct entities engaging interpreters and/or translators to document these qualifications, and to provide justification for considering an individual to be a professional. This final standard covers for-profit and non-profit third-party providers of language services, as well as government agencies, courts, health care organizations, and other entities engaging interpreters and translators.

¹ Key standards available to the US market are: ISO 17100: 2015, Translation services — Requirements; ASTM F2575-2014, Standard Guide for Quality Assurance in Translation; ISO 18841, Interpreting services — General requirements and recommendations; ASTM F2089-2015, Standard Practice for Language Interpreting.

² In California, the Middlebury Institute of International Studies at Monterey, MIIS, has provided graduate degrees in both Interpreting and Translation for more than 50 years.

Certification for Interpreters and Translators in California:

As the recent [report by Nimdzi](#) notes, the number of certified Interpreters and Translators in California falls far short of the demand for their services.³ This is a function of the language demographics of California as well as the paucity of available certification tests.

The linguistic diversity of the US and California is staggering:

- According to the US Census, more than 70 million Americans (21.5 percent of the population age 5 and older) speak a language other than English at home;⁴
- The US Census counts more than 350 languages other than English;⁵
- More than a third of these US citizens and residents – more than 26 million Americans – are linguistically isolated, in that they do not speak English well enough to communicate with health care providers, the courts, and others;⁶

California has a particularly high concentration of individuals who speak a language other than English, and a particularly high concentration of linguistically isolated individuals:

- 44.6 percent of California residents speak a language other than English at home;
- With 18.6 percent, California is also the state with the largest population of residents who are limited English proficient (LEP) — 10 percent more than the national average.⁷

However, of the 38,600 Interpreters and Translators in California, only 12.6 percent hold any certification, and no certification is valid in every domain. For example, there are 1075 Interpreters certified by the Certification Commission on Healthcare Interpreting, whose certification does not make them eligible to work in the State Courts or other administrative law/legal settings. Moreover, the development of occupationally valid certification tests requires a sample of at least 100 examinees, in order to validate the test, and often requires more than \$250,000 per test. As more than 350 languages are spoken in the US, the costs for developing certifications in every language and every domain (legal, medical, and others) is prohibitive, and for many languages there are not enough interpreters and translators available to validate a test. It is simply not feasible to test and certify every language needed.

Why This Matters: Language Access and Economic Growth:

Language access means that individuals who do not speak English well enough to receive services are provided with translated materials and interpreting, as needed. Language access is guaranteed for federally-funded services under Title VI of the Civil Rights Act of 1964, as clarified by Executive Order 13166. Recipients of federal funding must make reasonable efforts

³ Hickey, S. 2020. "The Catch-22 With Certifications," San Francisco: Nimdzi. <https://www.nimdzi.com/the-catch-22-with-certifications/>, last accessed May 28, 2020.

⁴ <https://www.census.gov/quickfacts/fact/table/US/PST045219>

⁵ <https://www.census.gov/quickfacts/fact/table/US/PST045219>

⁶ <https://www.census.gov/library/visualizations/interactive/people-that-speak-english-less-than-very-well.html>

⁷ Hickey, *op cit*.

to ensure that the services they deliver are accessible to those who do not speak English.⁸ The range of services covered by EO 13166 touches on every government service – from motor vehicle licensing to legal services to social work to state parks to local educational agencies, as well as all medical services, as required by §1557 of the Patient Protection and Affordable Care Act.⁹ Entities which do not provide language access can be subject to federal civil rights investigations.

In terms of economic growth, California’s diversified and globalized economy reaches every corner of the world. Companies such as Google, eBay, Cisco, Netflix, Apple, and others in the Silicon Valley, and other areas of California, are major consumers of translation services. The entertainment industry depends on subtitlers, translators, and voice-over talent to make its products globally available. These are but two examples of industries wholly dependent on language access for global growth.

With regard to certifications, if language work in California were limited to only the 12.6 percent of the workforce that is certified, California, her residents, and her economy will suffer. As language access often depends on in-person interpreters, the provision of life-saving, vital services to California residents will be negatively affected. California industries will be forced to seek language services from beyond California. The California legislature, along with the Governor, other constitutional officers, and state officials, can rely on the existing, well-established practices for ensuring the professionalism and qualifications of interpreters and translators.

⁸ <https://www.lep.gov/>

⁹ Indeed, the regulations implementing §1557 of the PPACA, defines “Qualified Interpreter” and “Qualified Translator” as follows (at 45 CFR 92.4):

Qualified interpreter for an individual with limited English proficiency means an interpreter who via a remote interpreting service or an on-site appearance:

- (1) Adheres to generally accepted interpreter ethics principles, including client confidentiality;
- (2) has demonstrated proficiency in speaking and understanding both spoken English and at least one other spoken language; and
- (3) is able to interpret effectively, accurately, and impartially, both receptively and expressly, to and from such language(s) and English, using any necessary specialized vocabulary, terminology and phraseology.

Qualified translator means a translator who:

- (1) Adheres to generally accepted translator ethics principles, including client confidentiality;
- (2) has demonstrated proficiency in writing and understanding both written English and at least one other written non-English language; and
- (3) is able to translate effectively, accurately, and impartially to and from such language(s) and English, using any necessary specialized vocabulary, terminology and phraseology.

N.B. The industry standards cited in this document, and the third-party certifications offered in the US, are in many ways more rigorous than the requirements laid out in 45 CFR 92.4.

Recommendation:

AB 1850 should include language that exempts professional interpreters and translators, as demonstrated by third-party certification or established industry standards.

About the Author: Dr. Bill Rivers is Principal, WP Rivers & Associates. He has more than 30 years' experience in language advocacy and capacity at the national level, with significant experience in culture and language for economic development and national security.

Dr. Rivers is a member of the Board of Directors of the Monterey-based Defense Language Institute Foundation, and is the immediate past and founding Chair of ASTM Technical Committee F43, Language Services and Products. Dr. Rivers serves as Secretary to the U.S. Technical Advisory Group to ISO Technical Committee 37, Language and Terminology, is a member of the America's Languages Working Group of the American Academy of Arts and Sciences.

Before establishing WP Rivers & Associates, he served for eight years as the Executive Director of the Joint National Committee for Languages – National Council for Languages and International Studies, a non-profit language advocacy organization, doubling its membership and revenues, and leaving a legacy of significant legislative and policy accomplishments, including the establishment of the Congressional Caucus on America's Languages, the passage of the World Languages Advancement and Readiness Program, and the establishment of the Commission on Language Learning of the American Academy of Arts and Sciences, among many others.

During his career, Dr. Rivers has also taught Russian (beginning through advanced), language policy, and second language acquisition and worked as a freelance interpreter and translator. He received his PhD in Russian from Bryn Mawr College and his MA, BA, and BS (Aerospace Engineering) from the University of Maryland.