

DAVID Y. IGE
Governor

JOSH GREEN
Lt. Governor



PHYLLIS SHIMABUKURO-GEISER
Chairperson, Board of Agriculture

MORRIS ATTA
Deputy to the Chairperson

State of Hawaii
DEPARTMENT OF AGRICULTURE
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TESTIMONY OF PHYLLIS SHIMABUKURO-GEISER
CHAIRPERSON, BOARD OF AGRICULTURE

BEFORE THE HOUSE COMMITTEE ON HEALTH,
HUMAN SERVICES, AND HOMELESSNESS

FEBRAURY 15, 2022

9:00 A.M.

CONFERENCE ROOM 225 & VIA VIDEOCONFERENCE

HOUSE BILL NO. 1762
RELATING TO LANGUAGE ACCESS

Chairperson Yamane and Members of the Committee:

Thank you for the opportunity to testify on House Bill 1762. The bill requires the Office of Language Access (OLA) to submit an annual report to the Governor and Legislature and appropriate funds to establish a Limited English Proficiency Language Coordinator positions in the Departments of Commerce and Consumer Affairs, Health, and Agriculture, and the Hawaii Emergency Management Agency. The Department supports this bill and offers comments.

The Department values the diversity of the public, including residents and visitors, our clients and stakeholders, and seeks to foster an inclusive environment that respects individual language preferences and provides language accessible services to Limited English Proficient (LEP) individuals accessing, participating or benefiting from our services, programs and activities. The Department endeavors to take reasonable



steps to deliver meaningful access of our programs and services to those eligible or likely to be encountered who do not speak English as their primary language or those who have a limited ability to read, write, speak, or understand English.

To this end, the Department continues to collaborate and partner with OLA to further enrich our language access program. The Department's recent accomplishments to provide appropriate language access to our services, programs and activities include:

- updating our Language Access Plan (LAP) in 2019 and 2021;
- training our employees how to identify an LEP individual's native language and how to provide appropriate language services for them;
- procuring a vendor to provide telephonic interpretive services for all of our programs; and
- the inclusion of Babel notices on the Department's website informing LEP individuals in fourteen languages that they may call for help in their native language.

While the Department has taken the aforementioned steps to deliver meaningful access to those who have a limited ability to communicate in English, a dedicated Language Access Coordinator will significantly enhance DOA's ongoing efforts in this area. The Department is highly motivated to continue servicing its non-English speaking stakeholders and the public at large and supports this bill.



DAVID Y. IGE
GOVERNOR

JOSH GREEN
LT. GOVERNOR

**STATE OF HAWAII
OFFICE OF THE DIRECTOR
DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS**

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CATHERINE P. AWAKUNI COLÓN
DIRECTOR

JO ANN M. UCHIDA TAKEUCHI
DEPUTY DIRECTOR

Testimony of the Department of Commerce and Consumer Affairs

**Before the
House Committee on Health, Human Services, & Homelessness
Tuesday, February 15, 2022
9:00 a.m.
Via Videoconference**

**On the following measure:
H.B. 1762, RELATING TO LANGUAGE ACCESS**

Chair Yamane, and Members of the Committee:

My name is Catherine P. Awakuni Colón, and I am the Director of the Department of Commerce and Consumer Affairs (Department). The Department appreciates the intent of this bill and offers comments on sections 1 and 3.

This bill requires the executive director of the office of language access to submit an annual report to the governor and legislature on compliance, complaints, resolution of complaints, and recommendations to enhance and promote language access, and appropriates funds to establish limited English proficiency language coordinator positions in the departments of commerce and consumer affairs, health, and agriculture, and the Hawaii emergency management agency.

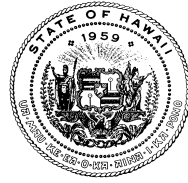
The Department provides language access pursuant to Chapter 321C Hawaii Revised Statutes, including providing telephonic translations services available to callers at no cost. In addition, the Department has translated some materials into other languages and maintains a listing of multilingual employees who are willing to assist the Department's customers. The Department is not aware of complaints or comments

regarding any deficiencies in the provision of language access services to the consumers, applicants, licensees and registrants that use its services. That said, the Department is willing to consider additional ways to assist its customers who have limited English language proficiency.

As a department that does not receive any general funds, the Department appreciates that section 3 of the bill appropriates an unspecified amount from the general revenues of the state for fiscal year 2023 for the establishment of one FTE limited English proficiency language coordinator position in the Department. However, the Department is concerned about how sustainable that source of funding will be in the future. Also, the Department is concerned that the appropriation of funds for this purpose may be premature in that a robust evaluation of the state departments' needs for language access assistance has not been completed. The Department respectfully suggests in the alternative that the office of language access receive resources to conduct a needs assessment to ascertain the language access needs of the various departments before positions are created and funded. In the alternative, the Department suggests that the position designated for the Department instead be placed with the office of language access to bolster that office's ability to aid departments as needed.

Thank you for the opportunity to testify on this bill.

DAVID Y. IGE
GOVERNOR OF HAWAII



ELIZABETH A. CHAR, M.D.
DIRECTOR OF HEALTH

STATE OF HAWAII
DEPARTMENT OF HEALTH
OFFICE OF LANGUAGE ACCESS
1177 Alakea Street, Room B-100
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doh.ola@doh.hawaii.gov

APHIRAK BAMRUNGRUAN
EXECUTIVE DIRECTOR

**Testimony COMMENTING on HB 1762
RELATING TO LANGUAGE ACCESS**

REPRESENTATIVE RYAN I. YAMANE, CHAIR
HOUSE COMMITTEE ON HEALTH, HUMAN SERVICES, & HOMELESSNESS

Hearing Date: 2/15/2022

Room Number: Via Videoconference

1 **Fiscal Implications:** This measure may impact the priorities identified in the Governor's
2 Executive Supplemental Budget Request for appropriations and personnel priorities within the
3 Departments of Commerce and Consumer Affairs (DCCA), Health (DOH), Agriculture
4 (HDOA), and the Hawaii Emergency Management Agency (HI-EMA).

5 **Agency Testimony:** The Office of Language Access (OLA) appreciates the intent of this
6 measure, provided the measure's passage does not replace or adversely impact priorities in the
7 Governor's Executive Supplemental Budget Request. We offer the following comments.

8 This measure would require the executive director of the OLA to submit an annual report to the
9 governor and legislature on compliance, complaints, resolution of complaints, and
10 recommendations to enhance and promote language access. It also appropriates funds to
11 establish Limited English Proficiency (LEP) language coordinator positions in the DCCA, DOH,
12 HDOA, and the HI-EMA.

13 OLA has no objection to submitting an annual report with information related to compliance,
14 complaints, resolution of complaints, and recommendations to enhance and promote language
15 access as outlined under Chapter 321C, Hawaii Revised Statutes (HRS).

16 With regard to the establishment of full-time equivalent permanent language access coordinator
17 positions within the DCCA, DOH, HDOA, and the HI-EMA, OLA respectfully defers to each

- 1 department identified under this measure as it will impact their organizational structure, needs,
- 2 and functions.
- 3 OLA is committed to continue collaborating with all State language access coordinators in the
- 4 implementation of language access mandates in their respective agencies.
- 5 Thank you for the opportunity to comment on this measure.

DAVID Y. IGE
GOVERNOR

JOSH GREEN
LIEUTENANT GOVERNOR



STATE OF HAWAII
DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS
www.labor.hawaii.gov

ANNE PERREIRA-EUSTAQUIO
DIRECTOR

JOANN A. VIDINHAR
DEPUTY DIRECTOR

February 15, 2022

To: The Honorable Ryan I. Yamane, Chair,
The Honorable Adrian K. Tam, Vice Chair, and
Members of the House Committee on Health, Human Services, &
Homelessness

Date: Tuesday, February 15, 2022

Time: 9:00 a.m.

Place: Conference Room 329, State Capitol & via Videoconference

From: Anne Perreira-Eustaquio, Director
Department of Labor and Industrial Relations (DLIR)

Re: H.B. 1762 RELATING TO LANGUAGE ACCESS

Chair Yamane, Vice Chair Tam, and Members of the Committee:

My name is Anne Perreira-Eustaquio, and I am the Director of the Department of Labor and Industrial Relations (DLIR). I am testifying in support of HB1762, specifically Section 2, which requires the Executive Director of the Office of Language Access (OLA) to submit an annual report to the Legislature and defer to the departments identified in other sections of the measure.

The DLIR strongly supports strengthening the means of the Office of Language Access's ability to assure compliance with state and federal language access laws through an annual report to the Legislature. During the interim between the 2021 and 2022 Legislatures, the DLIR convened a Working Group pursuant to HCR169 to improve access to government services for immigrants and increase immigrant opportunities to make civic and economic contributions to the community.

The report¹ detailed the absolutely vital role that immigrants, especially those with Limited English Proficiency (LEP), play in Hawaii's economy, workforce and community. However, despite immigrants' integral contributions, foreign-born residents still encounter significant barriers to full integration into Hawai'i as they encounter barriers across a variety of domains, including legal, language, financial, citizenship, and cultural literacy ones, amongst others.

Therefore, the Working Group identified bolstering the state's language access law and provision of language access resources as another important component to addressing current immigrant needs in accessing state services.

Requiring OLA to annually report to the Legislature will furnish the Legislature with crucial, timely information on the status of the State's efforts to enhance and promote language access. Strengthening OLA's ability to help assure compliance with state and federal language access laws will help the agency effectuate implementation and delivery of state agencies' language access plans.

Thank you for the opportunity to testify on this vital matter.

¹ <http://labor.hawaii.gov/wp-content/uploads/2021/12/HCR169-Report20211200.pdf>

DAVID Y. IGE
GOVERNOR



CRAIG K. HIRAI
DIRECTOR

GLORIA CHANG
DEPUTY DIRECTOR

EMPLOYEES' RETIREMENT SYSTEM
HAWAII EMPLOYER-UNION HEALTH BENEFITS TRUST FUND
OFFICE OF THE PUBLIC DEFENDER

STATE OF HAWAII
DEPARTMENT OF BUDGET AND FINANCE
P.O. BOX 150
HONOLULU, HAWAII 96810-0150

ADMINISTRATIVE AND RESEARCH OFFICE
BUDGET, PROGRAM PLANNING AND
MANAGEMENT DIVISION
FINANCIAL ADMINISTRATION DIVISION
OFFICE OF FEDERAL AWARDS MANAGEMENT (OFAM)

WRITTEN ONLY
TESTIMONY BY CRAIG K. HIRAI
DIRECTOR, DEPARTMENT OF BUDGET AND FINANCE
TO THE HOUSE COMMITTEE ON HEALTH, HUMAN SERVICES, &
HOMELESSNESS
ON
HOUSE BILL NO. 1762

February 15, 2022
9:00 a.m.
Room 329 and Videoconference

RELATING TO LANGUAGE ACCESS

The Department of Budget and Finance (B&F) offers comments on this bill.

House Bill No. 1762:

- Amends Chapter 321C, HRS, to require the Executive Director of the Office of Language Access to submit an annual report to the Governor and Legislature on compliance, complaints, resolutions of complaints, and recommendations to enhance and promote language access.
- Appropriates an unspecified amount in general funds in FY 23 to the Departments of Commerce and Consumer Affairs, Health, and Agriculture and the Hawai'i Emergency Management Agency for the establishment of 1.00 full-time equivalent Limited English Proficiency Language Coordinator position in each respective agency.

B&F notes that, with respect to the general fund appropriations in this bill, the federal Coronavirus Response and Relief Supplemental Appropriations Act requires that

states receiving Elementary and Secondary School Emergency Relief (ESSER) II funds and Governor's Emergency Education Relief II funds must maintain state support for:

- Elementary and secondary education in FY 22 at least at the proportional level of the state's support for elementary and secondary education relative to the state's overall spending, averaged over FYs 17, 18 and 19; and
- Higher education in FY 22 at least at the proportional level of the state's support for higher education relative to the state's overall spending, averaged over FYs 17, 18 and 19.

Further, the federal American Rescue Plan (ARP) Act requires that states receiving ARP ESSER funds must maintain state support for:

- Elementary and secondary education in FY 22 and FY 23 at least at the proportional level of the state's support for elementary and secondary education relative to the state's overall spending, averaged over FYs 17, 18 and 19; and
- Higher education in FY 22 and FY 23 at least at the proportional level of the state's support for higher education relative to the state's overall spending, averaged over FYs 17, 18 and 19.

The U.S. Department of Education has issued rules governing how these maintenance of effort (MOE) requirements are to be administered. B&F will be working with the money committees of the Legislature to ensure that the State of Hawai'i complies with these ESSER MOE requirements.

Thank you for your consideration of our comments.

DAVID Y. IGE
GOVERNOR



CATHY BETTS
DIRECTOR

JOSEPH CAMPOS II
DEPUTY DIRECTOR

STATE OF HAWAII
DEPARTMENT OF HUMAN SERVICES

P. O. Box 339
Honolulu, Hawaii 96809-0339

February 11, 2022

TO: The Honorable Representative Ryan I. Yamane, Chair
House Committee on Health, Human Services, & Homelessness

FROM: Cathy Betts, Director

SUBJECT: **HB 1762 – RELATING TO LANGUAGE ACCESS.**

Hearing: February 15, 2022, 9:00 a.m.
Via Videoconference, State Capitol

DEPARTMENT'S POSITION: The Department of Human Services (DHS) supports the intent of this measure and defers to the Office of Language Access (OLA) and other impacted departments.

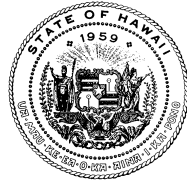
PURPOSE: The purpose of this measure requires the executive director of the office of language access to submit an annual report to the governor and legislature on compliance, complaints, resolution of complaints, and recommendations to enhance and promote language access. Appropriates funds to establish limited English proficiency language coordinator positions in the departments of commerce and consumer affairs, health, and agriculture, and the Hawaii emergency management agency.

DHS provides benefits and services to one in three residents in Hawaii. DHS strives to encourage self-sufficiency and supports the well-being of individuals, families, and Hawaii's communities through its major benefit programs that provide financial assistance, Supplemental Nutrition Assistance Program (SNAP), medical insurance coverage through Med-QUEST, vocational rehabilitation services, and protective services for children and vulnerable adults.

DHS is committed to removing language barriers that may prohibit qualified residents from fully participating in DHS programs that lead to self-sufficiency and improved well-being. The LEP coordinator is essential to the department's LEP program. State and federal laws require DHS and other government entities to maintain language access services for Hawaii's culturally diverse population regarding all public benefits and services. In addition, all entities receiving federal funds are subject to provisions of Title VI of the Civil Rights Act of 1964, 42 USC 2000d, et seq. (Title VI), that prohibits discrimination based on race, color, or national origin in any program or activity receiving federal financial assistance and must provide meaningful access to services.

The LEP coordinator position requires knowledge of the needs of both oral and written communication of Hawaii's diverse LEP client population, federal and state laws and regulations, public administration policies and principles, utilization of information systems and related technologies, and effective communication and presentation techniques.

Thank you for the opportunity to provide testimony on this bill.



STATE OF HAWAII
DEPARTMENT OF HEALTH
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Honolulu, HI 96801-3378
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**Testimony in SUPPORT of HB1762
RELATING TO LANGUAGE ACCESS.**

REP. RYAN I. YAMANE, CHAIR
HOUSE COMMITTEE ON HEALTH

Hearing Date: February 14, 2022

Room Number: Videoconference

- 1 **Fiscal Implications:** Unspecified general fund appropriations.
- 2 **Department Testimony:** The COVID-19 pandemic demonstrated the immediate and long-term
- 3 detriments to persons and communities with Limited English Proficiency. More resources
- 4 should be dedicated to the Office of Language Access in particular, and to as many cabinet
- 5 agencies as possible for staff and funds for purchase of services contracts. An example of
- 6 activities that may be supported by additional resources is the implementation of the National
- 7 Standards for Culturally and Linguistically Appropriate Services in Health and Health Care
- 8 Standards, commonly referred to as the CLAS Standards, published by the The US Department
- 9 of Health and Human Services, Office of Minority Health. The CLAS Standards, the purpose of
- 10 which is to advance health equity, improve quality, and help eliminate health care disparities in
- 11 health and health care organizations, were revised in 2013 to account for the increasing diversity
- 12 of the U.S. population, the growth in cultural and linguistic competency fields, and the changing
- 13 landscape with respect to new national policies and legislation, including the Affordable Care
- 14 Act.
- 15 Thank you for the opportunity to testify.

DAVID Y. IGE
GOVERNOR

JOSH GREEN
LIEUTENANT GOVERNOR



ANNE E. PERREIRA-EUSTAQUIO
DIRECTOR

JOANN A. VIDINHAR
DEPUTY DIRECTOR

JOVANIE DOMINGO DELA CRUZ
EXECUTIVE DIRECTOR

STATE OF HAWAII
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IN REPLY, REFER TO:
OCS 22.1037

February 11, 2022

To: The Honorable Ryan I. Yamane, Chair,
The Honorable Adrian K. Tam, Vice Chair, and
Members of the House Committee on Health, Human Services and Homelessness

Date: Tuesday, February 15, 2022
Time: 9:00 a.m.
Place: Conference Room 329, State Capitol & videoconference

From: Jovanie Domingo Dela Cruz, Executive Director
DLIR – Office of Community Services

Re: H.B. 1762 – RELATING TO LANGUAGE ACCESS

I. OVERVIEW OF PROPOSED LEGISLATION

H.B. 1762 would require the Executive Director of the Office of Language Access (OLA) to submit an annual report to the governor and legislature on compliance, complaints, resolution of complaints, and recommendations to enhance and promote language access. The bill would also appropriate for FY 2022-2023 an unspecified sum to establish limited English proficiency language coordinator positions in the Departments of Commerce and Consumer Affairs, Health, Agriculture, and in the Hawaii Emergency Management Agency. Each of these four positions would be 1 FTE.

II. CURRENT LAW

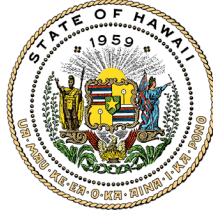
Currently, the statute that establishes the Office of Language Access, HRS Chapter 321C, does not require the Executive Director of OLA to submit annual reports to the Governor or the Legislature, nor is there currently a statutory requirement or funding for coordinators for Limited English Language Proficiency in DCCA, the Department of Health, the Department of Agriculture, or the Hawaii Emergency Management Agency. These would be new positions.

III. COMMENTS ON THE PRESENT BILL

The Office of Community Services (OCS) is pleased to support this bill, which would assist two of OCS's core constituencies, namely immigrants and refugees. OCS was created by the Legislature by Act 305, SLH 1985, codified as Chapter 371K, Hawaii Revised Statutes. The mission of OCS is to eliminate the causes and conditions of poverty for economically disadvantaged persons, immigrants, and refugees in the State of Hawaii, by facilitating and enhancing the development, delivery, and coordination of effective programs for these persons and communities to enable them to achieve and maintain greater economic self-sufficiency and integration into Hawaii's society.

Having OLA provide annual reports would be very helpful to keep all of us who serve the immigrant community in Hawaii apprised of new developments and new activities. We look forward to enhanced coordination with OLA, and to the opportunity to interact with the new Language Access coordinators in the named departments and in HEMA.

As always, we look forward to helping the Legislature and our sister agencies in any way that we reasonably can. Thank you very much for the opportunity to testify.



STATE OF HAWAII
DEPARTMENT OF DEFENSE
HAWAII EMERGENCY MANAGEMENT AGENCY

TESTIMONY ON HOUSE BILL 1762,
RELATING TO LANGUAGE ACCESS

BEFORE THE HOUSE COMMITTEE ON
HEALTH, HUMAN SERVICES, & HOMELESSNESS
BY

Luke P. Meyers
Administrator, Hawai'i Emergency Management Agency (HI-EMA)

FEBRUARY 15, 2022

Aloha Chair Yamane, Vice-Chair Tam, and Members of the Committee:

Thank you for the opportunity to submit testimony to provide **COMMENTS** on HB 1762.

House Bill 1762 requires the executive director of the office of language access to submit an annual report to the governor and legislature on compliance, complaints, resolution of complaints, and recommendations to enhance and promote language access; appropriates funds to establish limited English proficiency language coordinator positions in the departments of commerce and consumer affairs, health, and agriculture, and the Hawaii emergency management agency.

Limited English Proficiency (LEP) is a barrier that directly impacts one in nine persons living in Hawai'i. This barrier creates limitations for the LEP population to access lifesaving and property protecting information in the event of natural and human-caused emergencies and disasters. Communication to those impacted during incidents tends to be one of the biggest challenges, building capability and capacity prior to is greatly needed and a best practice among the emergency management profession.

Recent incidents, including the COVID-19 pandemic have thrown into sharp relief the vital need for the Hawai'i Emergency Management Agency's (HI-EMA) to quickly communicate emergency information to a large portion of the population.

The HI-EMA would benefit from a language access coordinator to help identify and improve ways to communicate with the LEP population on how to prepare for, mitigate against, respond to, and recover from emergencies and disasters.

The HI-EMA takes no position on the reporting elements of this bill, deferring to the office of language access, but is in support of its other provisions provided it does not interfere with the Governor's budget priorities.

Thank you for the opportunity to provide comments on House Bill 1762.

Luke P. Meyers: Luke.P.Meyers@hawaii.gov; 808-733-4300



TESTIMONY IN STRONG SUPPORT OF HOUSE BILL 1762

COMMITTEE ON HEALTH, HUMAN SERVICES, & HOMELESSNESS

Chair, Ryan I Yamane
Vice-Chair, Adrian K. Tam

Date: February 15, 2022 Place: Room 329

Chair Yamane, Vice-Chair Tam, and Members of the Committee

Today, Hawai‘i is home to more than a quarter of a million immigrants who make up 18% of Hawai‘i’s population. Within this population, 348,130 or one in four persons report speaking a language other than English at home. Of this cohort, one in nine Hawai‘i residents or 161,055 persons is limited English proficient (LEP) having reported speaking English “less than very well.”¹

Language is a clear and profound barrier for many of these New Americans. Many recently arrived asylees, refugees, or family-based immigrants work two to three jobs, often below minimum wage, to support their families leaving little or no time for language studies. The collateral costs of attending language classes such as transportation fees, child care costs, and tuition are often beyond the reach of many immigrants. Yet, virtually all immigrants want to learn English. They want better jobs. They want to succeed. And they want their children to succeed.

Section 2. This section will strengthen the Office of Language Access’s ability to assure compliance with an array of federal and state language laws. These laws require recipients of

¹ Department of Business, Economic Development & Tourism, State Data Book (2019), <https://dbedt.hawaii.gov/blog/20-16/>, (accessed 2/5/2022).

federal or state funding to provide interpreters, translation of vital documents, and digital access to LEP persons seeking federal or state-funded services.²

Hawai‘i has been repeatedly sanctioned by the federal court, federal offices for civil rights (including the Department of Justice), and the Hawai‘i Civil Rights Commission for its failure to provide language access services to LEP persons.³

In 2021, Hawai‘i was again in the news for its failure to abide by federal and state language access laws. On September 20, 2021, the Department of Labor and Industrial Relations Unemployment Insurance Division(DLIR/UI) entered into a 17-page Settlement Agreement with the U.S. Department of Labor compelling the DLIR/UI to provide language access services.⁴ The Settlement Agreement followed well-documented efforts by Hawai‘i’s civil rights advocacy community to communicate and work with the DLIR/UI to resolve its substantial failures to provide access to LEP persons seeking benefits throughout the COVID-19 pandemic.

On April 30, 2021, the National Health Law Program filed a complaint against the Hawai‘i Department of Health and 17 other states for failing to provide COVID-19 services to LEP individuals. Specifically, the complaint alleges that Hawai‘i failed to provide interpreters in its contact tracing program for most of 2020, failed to translate testing information related to LEP persons, and often published inaccurately translated materials.

² Federal authorities include Title IV of the Civil Rights Act of 1966, 42 U.S.C. §§2000d to 2000d7; Executive Order 13166 issued by President Clinton on August 11, 2000, *Improving Access to Services for Persons with Limited English Proficiency*, 3 C.F.R 13166 (2000); and *Lau v. Nichols*, 414 U.S. 563 (1974). In 2006, the Hawai‘i Legislature affirmed the State’s commitment to civil rights and inclusive access to services regardless of national origin through the creation of the Office of Language Access (OLA). Hawai‘i Revised Statutes, §321-C. Nb

³ Hawai‘i Department of Human Services, Consent Decree, Department of Health and Human Services (2008); Hawai‘i Office of Elections, United States District Court for the District of Hawai‘i, Settlement Agreement (2010); Hawai‘i Department of Labor and Industrial Relations, Settlement Agreement (2014); Hawai‘i Department of Transportation, FACE v. DOT, United States District Court for the District of Hawai‘i Settlement Agreement (2015); Hawai‘i Judiciary, Technical Assistance Agreement, Department of Justice (2015); Hawai‘i Public Housing Authority, Settlement Agreement, Hawai‘i Civil Rights Commission (2016).

⁴ Civil Beat, Hawaii to Update Unemployment Application after Federal Investigation, <https://www.civilbeat.org/beat/hawaii-to-update-unemployment-application-after-federal-investigation/>, (accessed 2/5/2022).

Section 3. In 2018 there were more than 18,000 immigrant entrepreneurs across Hawai‘i making up more than a quarter of business owners in the state.⁵ Collectively these business owners made almost \$455 million in personal business income or about 22% of all business income in the state.⁶ The **Department of Commerce and Consumer Affairs** provides many essential services to immigrant entrepreneurs including business registration, professional and vocational licensing, advice on consumer laws, and landlord-tenant relations. Many small immigrant business entrepreneurs need language assistance navigating unfamiliar terms and laws.

Section 4. Virtually every division of the **Department of Health (DOH)** intersects with the LEP persons – Adult Mental Health, Child & Adolescent Mental Health, Developmental Disabilities, Chronic Disease Prevention, Harm Reduction, Tuberculosis, and the Disease Outbreak section are a few examples. Outside of COVID-19 materials, the DOH website contains few, if any, translated materials for these vital services.

Section 5. Foreign-born workers make up 39.3% of Hawai‘i’s agricultural workforce. Access to the **Department of Agriculture’s (DOA)** website provides vital information on pesticides, pest control, invasive species, the use of biological controls, and tenant land application forms. A Language Access Coordinator will help the **DOA** reach its goals of informing, educating, and training farmers on various industry practices such as food safety, production techniques, and land uses.

Section 6. The Hawai‘i Emergency Management Agency (HiEMA) is the emergency management agency for the State of Hawai‘i. Together with the counties, HiEMA protects all of Hawai‘i’s residents and visitors during disasters. It provides public-facing information on hurricanes, tsunamis, nuclear threats, and emergency preparation. Most, if not all, of its public-facing information, exists only in English.

Thank you for the opportunity to testify on SB 2459,

Amy Agbayani, Pat McManaman, Barbara Yamashita, Co-Chairs

⁵ New American Economy, Immigrants and Migrants in Hawaii, https://research.newamericaneconomy.org/wp-content/uploads/sites/2/2021/05/NAE_Hawaii_V7_FINAL.pdf, (accessed 2/5/2022).

⁶ Id.

Statement Before The
HOUSE COMMITTEE ON HEALTH, HUMAN SERVICES & HOMELESSNESS

Tuesday, February 15, 2022

9:00 APM

Via Video Conference and Conference Room 329

in consideration of
HB 1762
RELATING TO LANGUAGE ACCESS.Chair YAMANE, Vice Chair TAM, and Members of the
House Health, Human Services & Homelessness Committee

Common Cause Hawaii comments in support of HB 1762, which (1) requires the executive director of the office of language access to submit an annual report to the governor and legislature on compliance, complaints, resolution of complaints, and recommendations to enhance and promote language access and (2) appropriates funds to establish limited English proficiency language coordinator positions in the departments of commerce and consumer affairs, health, and agriculture, and the Hawaii emergency management agency.

Common Cause Hawaii is a nonprofit, nonpartisan, grassroots organization dedicated to reforming government and strengthening our representative democracy - one that works for everyone.

The recent Decennial Census shows that Hawaii is the most diverse state in the nation with a diversity index of 76.0%. See <https://www.census.gov/library/visualizations/interactive/racial-and-ethnic-diversity-in-the-united-states-2010-and-2020-census.html> (retrieved Jan. 31, 2022). The April 2016 DBEDT Research and Economic Analysis Division report on Non-English Speaking Population in Hawaii indicates that non-English speakers at home in Hawaii increased by 44% from 1980 to 2014. See https://files.hawaii.gov/dbedt/economic/data_reports/Non_English_Speaking_Population_in_Hawaii_April_2016.pdf at Executive Summary (retrieved Jan. 31, 2022).

For limited English proficient residents of Hawaii to be able to fully engage with our government and participate in our democratic society, it is imperative that we know where the barriers are in government and how to address them. HB 1762 will work to achieve this end.

For these reasons, Common Cause Hawaii comments in support of HB 1762. If you have questions for me, please contact me at sma@commoncause.org.

Very respectfully yours,

Sandy Ma
Executive Director, Common Cause Hawaii



An Affiliate of
National Justice
for Our Neighbors

February 12, 2022

COMMITTEE ON HEALTHY, HUMAN SERVICES & HOMELESSNESS

Rep. Ryan I. Yamane, Chair

Rep. Adrian J. Tam, Vice-Chair

Hearing Date: Tuesday, February 15, 2022, 9:00 a.m.

Conference Room 329 & Videoconference

**Testimony in Support of House Bill 1762
Relating to Language Access**

Chair Yamane, Vice-Chair Tam and Members of the Committees:

The Legal Clinic (“TLC”) submits this testimony in support of HB 1762, which would require the executive director of the office of language access to submit an annual report to the governor and legislature on compliance, complaints, resolution of complaints, and recommendations to enhance and promote language access; and would appropriate funds to establish limited English proficiency language coordinator positions in the departments of commerce and consumer affairs, health, and agriculture, and the Hawai'i emergency management agency.

TLC provides legal services to Hawai'i's low- and moderate- income immigrant community. In the course of our work, we encounter on a daily basis the difficulties that a significant portion of our immigrant community faces in virtually all aspects of their public lives. This can range from the mundane, such as accessing public transportation, to the dire, such as obtaining health care and public benefits like unemployment insurance. Passage of House Bill 1762 would be an important step in helping overcome these difficulties by assuring compliance with federal and state laws, which require the provision of language services to those who lack proficiency in the English language.

Nearly one in five Hawai'i residents is an immigrant. According to the 2020 Census, immigrants (those born outside the United States) make up 19.3% of our population (273,012 of our residents). This is a significantly higher proportion than for the United States as whole, where immigrants comprise 13.7% of the total U.S. population. Moreover, according to the 2020 State of Hawai'i Data Book, 354,344 of our residents, or 27% of our population, speak a language other than English at home. And, over 158,100, or 45% of that portion of our population, speak English “less than ‘very well’.”

This growing segment of our population has a civil right to language access. This is guaranteed them by both federal law (Title VI of the Civil Rights Act of 1964 and Executive Order 13166 (2000)) and state law (Chapter 321C, Hawai'i Revised Statutes). As such, they are entitled to language services, such as for interpretation and translation, in order to ensure meaningful access to government services, programs and activities.

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Unfortunately, Hawai'i has not fulfilled its obligations to the those with limited English proficiency. This was most recently evidenced by the U.S. Department of Labor's recent consent decree with the State's Department of Labor and Industrial Relations compelling it to provide required language access services in its unemployment insurance program.

Moreover, there are good reasons beyond legal compulsion for the State to provide language services to our immigrant community and, additionally, to do all that it can to strengthen the immigrant community because of the key role it plays in Hawai'i's economy. This was recently underscored in a report by New American Economy, "Immigrants and Migrants in Hawai'i, Essential Contributors to the State's Workforce and Economy," released in May 2021. Among its key findings were:

- **Immigrants are vital to industries and occupations that are essential to Hawai'i's economy.** Despite making up 18 percent of Hawai'i's population, immigrants accounted for nearly 40 percent of agricultural workers, and 33 percent of the workers in the tourism, entertainment, and hospitality industry. Within specific industries, immigrants are playing critical roles in certain occupations, accounting for 68 percent of housekeeping workers, over half of all chefs and head cooks, 47 percent of all nursing assistants, and 20 percent of all physicians.
- **Immigrants make significant economic contributions to Hawai'i's economy.** Alongside the \$1.55 billion that immigrants paid in federal taxes and \$874 million in state and local taxes, immigrants contributed \$780 million to Social Security and \$195 million to Medicare in 2018. After taxes, immigrants in the state had a spending power of \$5.8 billion, and contributed over \$17.5 billion to Hawai'i's GDP.
- **Immigrants are creating jobs in Hawai'i.** In 2018, immigrants accounted for over a quarter of all entrepreneurs in the state, making them 24.4 percent more likely to be entrepreneurs than their U.S.-born counterparts.

https://research.newamericaneconomy.org/wp-content/uploads/sites/2/2021/05/NAE_Hawaii_V7_FINAL.pdf

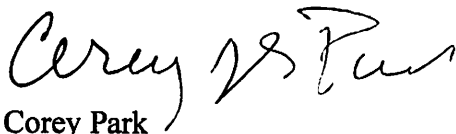
A recent New York Times analysis of new census data further emphasizes the need to support our immigrant community and develop its potential. That analysis shows that population growth fell to an historically low 0.1 percent. However, while the decline occurred in both the number of immigrants arriving in the U.S. and the number of births in excess of death, "[i]mmigration, even at reduced levels, is for the first time making up a majority of population growth." In fact, as of December 2021, immigrants made up the highest portion of our population (14.1%) since the record high reached in 1890 (14.8%). The analysis further noted that, "The movement of the baby boom generation out of the labor force amid a plummeting birthrate has put into sharper relief the need to reverse the decline in new immigration." (The problem of declining population is exacerbated in Hawai'i, where we face the additional concern of residents leaving "for less expensive pastures." (*Hawai'i's Population Drain Outpaces Most States — Again, Hawai'i Civil Beat*, January 5, 2022, <https://www.civilbeat.org/2022/01/hawaiis-population-drain-outpaces-most-states-again/>.) Despite this clear need to support the immigrant community, the Times

analysis concluded that, “it will take bold political moves to harness the economic benefits of the existing foreign-born population.” (*Amid Slowdown, Immigration Is Driving U.S. Population Growth*, The New York Times, February 5, 2022, <https://www.nytimes.com/2022/02/05/us/immigration-census-population.html>.)

While not quite a “bold move,” passage of HB 1762 would be an important step toward addressing the immediate problem of the lack of language access services and hopefully be part of a broader movement to enhance the ability fully to realize the potential offered by our more recently arrived immigrant community.

We urge you to pass HB 1762 out of committee.

Thank you.

A handwritten signature in black ink that reads "Corey Park". The signature is written in a cursive, flowing style.

Corey Park
President, Board of Directors
The Legal Clinic

**Testimony in SUPPORT of HB1762 RELATING TO LANGUAGE ACCESS
COMMITTEE ON HEALTH, HUMAN SERVICES, & HOMELESSNESS**

Rep. Ryan I. Yamane, Chair

Rep. Adrian K. Tam, Vice Chair

Hearing Date: 2/15/2022 9AM

Aloha Committee Members,

I am Barbara Tom, Director of the Waipahu Safe Haven Center and I am testifying in SUPPORT HB 1762. This bill will enable greater assurance of necessary compliance with state and federal language access laws.

Compliance with language access laws and regulations is essential for Hawai`i, where one out of nine persons have limited English proficiency. Problems with language access have long been present and were exacerbated with COVID-19. As Director of the Waipahu Safe Haven Immigrant/Migrant Resource Center our focus has been on addressing the needs identified by the community and in particular the Micronesian community who were heavily impacted and suffered disproportionately from COVID 19.

During the beginning of the Pandemic, our Resource Center's four Micronesian interpreters were barraged by calls from morning to night from individuals asking for advice and assistance with quarantine, wrap around services, unemployment, and isolation. Many of the families and individuals, did not understand English, cannot use technology, do not have any transportation, and sometimes do not have a phone. These families were living below poverty level in income.

Although there were translated materials on the City and State website as well as others, it was not accessible to these families. The limited English-speaking families were still unaware of the resources, and who to call that could help them navigate these services for COVID-19. Even taking the vaccine was a struggle for them as they were receiving erroneous information from social media sites, and many would not go to the clinics if there were no interpreters provided and often times there was none.

This bill offers an important step toward solving this problem. This is crucial so that all members of the community can obtain essential resources to which they are entitled, strengthening our workforce and economy. These families who are unable access the needed resources are also subject to homelessness when this is all preventable by providing the language access to help them navigate the services for themselves and their families.

I fully SUPPORT HB 1762.

Thank you for your support and consideration

Barbara Tom

Director Waipahu Safe Haven Immigrant/Migrant Resource Center



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Testimony in SUPPORT of HB 1762 RELATING TO LANGUAGE ACCESS

Rep. Ryan I. Yamane, Chair
Rep. Adrian Tam, Vice Chair

COMMITTEE ON HEALTH, HUMAN SERVICES, & HOMELESSNESS

Hearing Date: 2/15/2022, 9AM

Room Number: 329

Dear Chair Yamane, Vice Chair Tam and Members of the Committee,

We write to SUPPORT HB1762, which 1) requires the Office of Language Access to submit an annual report to the Governor and Legislature and 2) appropriates funds to establish limited English proficiency language coordinator positions in the Departments of Commerce and Consumer Affairs, Health, and Agriculture, and the Hawai'i Emergency Management Agency. This bill will enable greater assurance of necessary compliance with state and federal language access laws.

This bill is a little fix that could provide a BIG lift for all of our communities in Hawai'i. It has been said that "budgets are value statements," where we put our dollars is where our interest lies. For decades we have underfunded or completely forgotten the limited English-proficient (LEP) small business owners, hospitality workers, and farmers that make our state function. It is time that we take this small but important step forward to ensure that these essential workers have the information they need to access the services they are eligible for, avoid being discriminated against, and to protect themselves from abuse or natural disaster.

Compliance with language access laws and regulations is essential for Hawai'i.

One out of nine persons in Hawai'i have limited English proficiency,¹ a clear and profound barrier that many are unable to change due to the exorbitant costs of language studies that the majority who are working and supporting families cannot afford. That is at least 161,055 people in our community unable to access essential information, necessary benefits, and earned benefits.

² They are struggling on an everyday basis due to these language barriers.

¹ The State of Hawaii Data Book: A Statistical Abstract 2019, Department of Business, Economic Development & Tourism, at 81 (Sept. 2020), https://files.hawaii.gov/dbedt/economic/databook/db2019/DB2019_final_rev09-2020.pdf.

² *Id.*



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The problem is exacerbated by the lack of compliance within government entities. The laws requiring language access for these individuals have already been in place for many decades. Nonetheless, Hawai`i has an extensive history of repeated sanctions by the federal court, federal offices for civil rights, and the Hawai`i Civil Rights Commission for its failure to provide language access services to LEP persons.³ These failures to provide what is required to asylees, refugees, and other immigrants have been broadcasted on the news and gave rise to multiple lawsuits. Some of these suits were brought due to specific Departments neglecting to provide COVID-19 services or information relating to LEP persons.

For example, on September 20, 2021, the U.S. Department of Labor (DOL) and the Hawai`i Department of Labor and Industrial Relations Unemployment Insurance Division (DLIR/UI) entered into a language access Settlement Agreement compelling DLIR/UI to come into compliance.⁴ Most recently, the National Health Law Program filed a language access complaint against Hawai`i and 17 other states, alleging failure to provide interpreters in its contact tracing program for most of 2020, failed to translate testing information related to LEP persons, and often published inaccurately translated materials.⁵

These lawsuits magnify how failure to provide language access services endangers the health and well-being of *all* people in our community.

Transparency through annual reports will ensure necessary compliance.

Requiring submission of a report to the governor and legislature on compliance, complaints, resolution of complaints, and recommendations to enhance and promote language access will facilitate needed accountability, encourage a more efficient community, and improve Hawai`i's standard of living.

Due to these repeated sanctions and failure to afford language access compliance, transparency on who is upholding their duty to follow the law is necessary. Passing legislation to require the

³ Examples include: Hawai`i Department of Human Services, Consent Decree, Department of Health and Human Services (2008); Hawai`i Office of Elections, United States District Court for the District of Hawai`i, Settlement Agreement (2010); Hawai`i Department of Labor and Industrial Relations, Settlement Agreement (2014); Hawai`i Department of Transportation, FACE v. DOT, United States District Court for the District of Hawai`i Settlement Agreement (2015); Hawai`i Judiciary, Technical Assistance Agreement, Department of Justice (2015); and Hawai`i Public Housing Authority, Settlement Agreement, Hawai`i Civil Rights Commission (2016).

⁴ Specifically, the settlement compelled compliance with the non-discrimination provisions of the Workforce Innovation and Opportunity Act, 29 U.S.C. §3248, Title VI of Civil Rights Act of 1964, and the DOL's regulations implementing Title VI at 29 C.F.R. part 31.

⁵ Civil Rights Complaint Filed over Discriminatory Provision of COVID-19 Services to Persons with Limited English Proficiency, National Health Law Program (Apr. 30, 2021), <https://healthlaw.org/news/civil-rights-complaint-filed-over-discriminatory-provision-of-covid-19-services-to-persons-with-limited-english-proficiency/>.



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Office of Language Access to submit an annual report to the Governor and Legislature will help facilitate obligatory accountability. The Governor and Legislature should be made aware of any lack of legal compliance from these reports—rather than from already-filed lawsuits—so that steps can be taken to prevent further legal action that can be very costly for the state.

Appointing full-time, language access coordinators will ensure necessary compliance.

The Departments of Commerce and Consumer Affairs, Health, and Agriculture, and the Hawai`i Emergency Management Agency are meant to provide essential information and services to benefit Hawai`i.

Immigrants account for nearly 40% of agricultural workers, 33% of the workers in the tourism, entertainment, and hospitality industry, and 47% of all nursing assistants.⁶ Furthermore, there are 18,000 immigrant entrepreneurs across Hawai`i, making up 22% of all business income in the state.⁷ The Department of Agriculture and the Department of Commerce and Consumer Affairs provide essential services and education to these workers that make up a significant percentage of Hawai`i's workforce. Full-time language access coordinators in these departments will be able to mitigate and directly address specific issues within these departments, diminishing language access barriers and allowing our economy and workforce to strengthen.

The Department of Health and The Hawai`i Emergency Management Agency, among other responsibilities, provide public-facing information on emergency and life-threatening situations. The vast majority of their resources exist only in English, jeopardizing the lives and health of the significant number of LEP persons living in Hawai`i. Failing to ensure a percentage of those in our community are safe and healthy imperils everyone, not just LEP persons and their families. Language access coordinators in these departments will be able to foster a safer and healthier community by providing crucial information and services to those with LEP.

We fully SUPPORT HB1762. Thank you for your support and consideration.

Catherine Chen, Co-chair, Hawai`i Coalition for Immigrant Rights

Liza Ryan Gill, Co-chair, Hawai`i Coalition for Immigrant Rights

⁶ New American Economy, *Immigrants and Migrants in Hawai`i* (May 2021), at 13, https://research.newamericaneconomy.org/wp-content/uploads/sites/2/2021/05/NAE_Hawaii_V7_FINAL.pdf.

⁷ *Id.* at 23.



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Appendix A Stories from Impacted Individuals

We are attaching several stories from impacted, LEP individuals to our testimony. These folks do not have email addresses or regular access to computer/smart phones to be able to submit testimony under this structure. We hope that the legislature continues to find ways to include and listen to the voices that are most vulnerable in our state.

Eola Alik-Lokebol, Waipahu (self-translated Marshallese to English):

[lakwe aolep! Eta in Eola Alik-Lokebol. Ij itok jen Majol island.](#) lakwe, my name is Eola Alik-Lokebol. I am from the Marshall Islands. I currently work for the Hawaii DOE, but I am not here representing the DOE. I am here for the Marshallese community. I serve the Marshallese community as an interpreter/an advocate/a community leader.

[Kommol tata ken ien letok nan ao maron kwalok jidrik ken aban ko ikijen ukok/ri-ukok ejelek kej ilo torein jej loe naninmej in elap.](#) Thank you all for this opportunity given so we can share some of the challenges our community has faced with language access during this Pandemic.

[Elap ao inebata ken wawein in jej loe ilo an jabwe ak ejjelok ri-ukok ilo Hawaii.](#) I am deeply concerned about the past and current crisis we have regarding lack of interpretation access in Hawaii.

[Einwot juon eo emelele kajjin belle im majol jimor, im melele ken kakien ko ioon Hawaii, elap an kaburomojmoy im komman inebata wawein ko jar loe ilo an jabwe ak ejjelok ri-ukok ilo kajin majol \(im kajin ko jet\) ijoko elukkin lap aikuj ri-ukok ie nan bok jiban ak melele ikijen COVID-19. Mene kejwoj oktak kajin kein ad jen dron, botab naninmej in COVID-19 ear jelet aolep armej, ijo wot ke, ij tomak elaptata armej in Majol \(im Micronesia\).](#) As someone who understands both languages and cultures, it is frustrating how we are dealing with the lack of language access when it comes to COVID-19. We all have different languages but the COVID-19 impacts all of us, mostly the Marshallese (Micronesian) communities.

[Men eo iar loe im ejjab jimwe, kenke aolepen wawein jiban kab melele ko ikijen COVID-19, ko im rar diwojtok nan community kein aolep, elap wot ilo kajin belle im ejjelok ilo kajin eo am. Aolep melele ko raurok ikijen COVID-19 rar walok ilo kajin belle wot. Newspaper ko, news ko ilo tv im online, melele ko raurok jen cdc, dept of public health, jen takto ro am, kakine ko jen HPD im ijoko jet rej jiban aolep armej, ear jab bolel ad melele kenke ejjelok ri-ukok ak ejjelok ear ukot melele kein jen kajin belle nan kajin eo am im ejino an ajeded naninmej in ilo jukjukinpad kein am.](#) It is not right when all of the resources and services regarding COVID-19 which were given to the community are all in English and not interpreted or translated in our languages. All of the helpful information regarding COVID-19 was received in English. Newspapers, news on tv, information on CDC regulations and guidelines as well as Hawaii Dept of Public Health, medical



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information from our doctors, or HPD and other State agencies failed to accommodate other languages so people in our communities did not fully understand about COVID-19, causing a fast spread (COVID-19 clusters) within our communities.

Elen iaam rar bok naninmej in COVID-19, drelon ilo **hospital** im elen ro ilo baamle ko am rar jako jen nanninmej in. Ekar ejjelok aer ri-ukok ilo tore eo rar drelon ilo **ER**. Kem ejjab melele ta ko dakto ro rej jiron kem, uno ak wa rot ko kem ar buki. Kem ear jab melele ta ko kemij riit i im ta ko kemij sign i. Ilo am bed iloan hospital ko, kemij make kabbok am ri-ukok jen iloan community ko bwe ren jiban komleleik kem ken wawein kein kemij ioon i. Kem ar kajjitok Ta in COVID-19? Ta in isolation? Ta in quarantine? Wawein bobrae kej make jen COVID-19, ia eo jej call e nan bok melele ko rellaplok? Elane ejjelok jikin am kotolok kem make jen ro jet ilo baamle ko am, innem ia eo kem maron etal nan e? Kemar jab melele ke ne jej quarantine, elen ro rej jiban ikijen mona ak dren in idaa. Eto im to elak kole im maro ajiri ro nejim, kem ar aikuj mona im dren ak ejjelok ear boktok nan moko imom. Ewor numba in COVID-19 hotline rar letok ak kem lak call e ejjelok rabi-ukok nan jiban. As their families contracted COVID-19, were admitted into hospital or passed due to COVID-19, there was a lack of language access. They did not understand what the doctors were saying to them nor what medications or vaccines were given to them. Many did not fully understand the consent forms they had to sign but had to sign anyway to receive medical help. They reached out into our communities seeking interpreters to help them as we fight to survive. They were desperate to know about COVID-19, the meaning of isolation, quarantine, how to prevent COVID-19, or where to call for help. They did not understand that once they contracted COVID-19, there were available resources such as food and water. They did not receive COVID-19 care packages but were instructed not to leave their homes. They received a COVID Hotline number but when they called, there was no interpreter.

Elen rar jab melele mae ien emoj an **adeded** naninmej in ibben aolepen baamle ko aer. Elen rar joke loan wa ko waer bwe rejjab konaan konaninmej ro jet ilo baamle ko aer. Elen ro rar jako aer jerbak im rar jab tobrak aer unemployment, elen rar kick out ilo lukwon pandemic eo bwe rejjab jela jimwe im maron ko aer, ewor iaan baamle kein am rar drelon iloan ER ko im kem ear jab jela ke emoj aer jako 3/4 raan mokta lok. Ajiri rein nejier rejjab jela ke emoj an jako jiner ak jemer, **relak jela emoj an ella elen raan**. Because they didn't understand crucial covid information in time, we saw high clusters in our compacted small housings. Some lived inside their cars, some lost their jobs due to unemployment and did not have access to computers to file for unemployment. Our unemployment office did not provide interpreters, and others were evicted from their homes for non-payment during the pandemic. Their loved ones passed away 3 or 4 days later due to lack of language access. Their little children did not know that their mom passed away days before. Families were shakened with rage. Our communities were shocked. As an interpreter, even I had a hard time comprehending what was happening.

Ear cut jaan in jiban, food stamp, medical coverage, social security benefit ken wawein in. Jelak tin re-apply, ekilok office ko reba call wot. Im jelak call reba ejjelok ri-ukok nan jiban. Jar aikuj in



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kottar elap ien nan aer bellok. Ilo tore eo ej bellok DHS, jar etal in bar kanne im rar jiron tok kem ke kem in make kabbok am ri-ukok. Food stamp benefits, medical coverages, and social security benefits were terminated when they did not understand urgent letters mailed to them. In trying to re-apply, assistance in language access in the office or over the phone prevented them from seeking help. If we had more interpreters in all of the office we could have not only prevented the spread of Covid, but also provide needed resources to families.

Testimony of Setiro Paul (Chuukese):

Ngeni ewe Amafen Chairman me monun om we Committee,

Itei Setiro Paul, ngang seni Chuuk me President ren Chuuk Language me Cultural Association non Hawaii, ewe a forata kewe Chuuk language Schools

non Hawaii. Weweiti kapasen Merika, iwe ina ew watten osukosuk ngeni chon fonuwach kewe nupwen ach tori ei fenu Hawaii nge ina ew anen ach sipwe

tori ekkewe sokopaten aninis, awewe ren kut ach angang, kutta kewe ekkoch sokkun aninis ren social prohek me ekkewe aninis ren pejkin safei non ekkewe imwen Pioing

me Clinics, lei popun mei fokkun auchea ach ei State epwe awora aninisin ika an epwe kawor ekkewe chon chuuk ir mei weweiti kapasen Merika ar repwe aerinir

pwe repwe aninis non kewe sokopaten neni ew ian chommong am kewe aramas mei weires ach sipwe wewefichi ngeni kapasen Merika aupwe tongeni angei me ian ewe

aninis ne chiakuni ach kapas. Mei pwan auchea epwe wor ekkewe sokpaten prokram epwe kawor pwe ewe language access epwe chouno ngeni

ekkew ir mei tongeni aninis.

Mei pung mi wor nifinifin kich mei esina ikenai non nenien angang me pwan ekkoch ekkewe nenien awora aninis faniten

ese naf weweiti kapasen Merika. Fan chommong ra chok oumosumwesi kich non pun sise weweiti met we ra apasa, ika sia fen pwan chok era yes!

Fokkun kinisou chapur, ngeni ewe amafen chairman me monun an we ewe committe seni ach we Legislature a enenia tungor monien epwe kaweteno

ekkewe chon aninis ren chiaku ngeni kich ekkewe aramas mei kukun ika ese fen wor ach weweiti ewe kapasen Merika.



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Testimony in SUPPORT of HB1762 RELATING TO LANGUAGE ACCESS

COMMITTEE ON HEALTH, HUMAN SERVICES, & HOMELESSNESS

Rep. Ryan I. Yamane, Chair
Rep. Adrian K. Tam, Vice Chair

Hearing Date: 2/15/2022 9AM

Dear Committee Members,

We write to SUPPORT HB1762, which 1) requires the Office of Language Access to submit an annual report to the Governor and Legislature and 2) appropriates funds to establish limited English proficiency language coordinator positions in the Departments of Commerce and Consumer Affairs, Health, and Agriculture, and the Hawai`i Emergency Management Agency. This bill will enable greater assurance of necessary compliance with state and federal language access laws.

Compliance with language access laws and regulations is essential for Hawai`i.

One out of nine persons in Hawai`i have limited English proficiency (LEP),¹ a clear and profound barrier that many are unable to change due to the exorbitant costs of language studies that the majority who are working and supporting families cannot afford. That is at least 161,055 people in our community unable to access essential information, necessary benefits, and earned benefits.² They are struggling on an everyday basis due to these language barriers.

The problem is exacerbated by the lack of compliance within government entities. The laws requiring language access for these individuals have already been in place for many decades. Nonetheless, Hawai`i has an extensive history of repeated sanctions by the federal court, federal offices for civil rights, and the Hawai`i Civil Rights Commission for its failure to provide language access services to LEP persons.³ These failures to provide what is required to asylees,

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² *Id.*

³ Examples include: Hawai`i Department of Human Services, Consent Decree, Department of Health and Human Services (2008); Hawai`i Office of Elections, United States District Court for the District of Hawai`i, Settlement Agreement (2010); Hawai`i Department of Labor and Industrial Relations, Settlement Agreement (2014); Hawai`i Department of Transportation, *FACE v. DOT*, United States District Court for the District of Hawai`i Settlement Agreement (2015); Hawai`i Judiciary, Technical Assistance Agreement, Department



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refugees, and other immigrants have been broadcasted on the news and gave rise to multiple lawsuits. Some of these suits were brought due to specific Departments neglecting to provide COVID-19 services or information relating to LEP persons.

For example, on September 20, 2021, the U.S. Department of Labor (DOL) and the Hawai'i Department of Labor and Industrial Relations Unemployment Insurance Division (DLIR/UI) entered into a language access Settlement Agreement compelling DLIR/UI to come into compliance.⁴ Most recently, the National Health Law Program filed a language access complaint against Hawai'i and 17 other states, alleging failure to provide interpreters in its contact tracing program for most of 2020, failed to translate testing information related to LEP persons, and often published inaccurately translated materials.⁵

These lawsuits magnify how failure to provide language access services endangers the health and well-being of *all* people in our community.

Transparency through annual reports will ensure necessary compliance.

Requiring submission of a report to the governor and legislature on compliance, complaints, resolution of complaints, and recommendations to enhance and promote language access will facilitate needed accountability, encourage a more efficient community, and improve Hawai'i's standard of living.

Due to these repeated sanctions and failure to afford language access compliance, transparency on who is upholding their duty to follow the law is necessary. Passing legislation to require the Office of Language Access to submit an annual report to the Governor and Legislature will help facilitate obligatory accountability. The Governor and Legislature should be made aware of any lack of legal compliance from these reports—rather than from already-filed lawsuits—so that steps can be taken to prevent further legal action that can be very costly for the state.

Appointing full-time, language access coordinators will ensure necessary compliance.

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of Justice (2015); and Hawai'i Public Housing Authority, Settlement Agreement, Hawai'i Civil Rights Commission (2016).

⁴ Specifically, the settlement compelled compliance with the non-discrimination provisions of the Workforce Innovation and Opportunity Act, 29 U.S.C. §3248, Title VI of Civil Rights Act of 1964, and the DOL's regulations implementing Title VI at 29 C.F.R. part 31.

⁵ Civil Rights Complaint Filed over Discriminatory Provision of COVID-19 Services to Persons with Limited English Proficiency, National Health Law Program (Apr. 30, 2021), <https://healthlaw.org/news/civil-rights-complaint-filed-over-discriminatory-provision-of-covid-19-services-to-persons-with-limited-english-proficiency/>.



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hicoalitionforimmigrantrights@gmail.com

Immigrants account for nearly 40% of agricultural workers, 33% of the workers in the tourism, entertainment, and hospitality industry, and 47% of all nursing assistants.⁶ Furthermore, there are 18,000 immigrant entrepreneurs across Hawai`i, making up 22% of all business income in the state.⁷ The Department of Agriculture and the Department of Commerce and Consumer Affairs provide essential services and education to these workers that make up a significant percentage of Hawai`i's workforce. Full-time language access coordinators in these departments will be able to mitigate and directly address specific issues within these departments, diminishing language access barriers and allowing our economy and workforce to strengthen.

The Department of Health and The Hawai`i Emergency Management Agency, among other responsibilities, provide public-facing information on emergency and life-threatening situations. The vast majority of their resources exist only in English, jeopardizing the lives and health of the significant number of LEP persons living in Hawai`i. Failing to ensure a percentage of those in our community are safe and healthy imperils everyone, not just LEP persons and their families. Language access coordinators in these departments will be able to foster a safer and healthier community by providing crucial information and services to those with LEP.

We fully SUPPORT HB1762. Thank you for your support and consideration.

Catherine Chen, Co-chair, Hawai`i Coalition for Immigrant Rights

Liza Ryan Gill, Co-chair, Hawai`i Coalition for Immigrant Rights

⁶ New American Economy, *Immigrants and Migrants in Hawai`i* (May 2021), at 13, https://research.newamericaneconomy.org/wp-content/uploads/sites/2/2021/05/NAE_Hawaii_V7_FINAL.pdf.

⁷ *Id.* at 23.



HIPHI Board

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Medical-Legal Partnership
For Children in Hawai'i

Garret Sugai

Titiimaewa Ta'ase, JD
State of Hawai'i, Deputy Public Defender

HIPHI Initiatives

Coalition for a
Tobacco-Free Hawai'i

Community Health
Worker Initiative

COVID-19 Response

Hawai'i Drug & Alcohol Free
Coalitions

Hawai'i Farm to School Hui

Hawai'i Oral Health Coalition

Hawai'i Public Health Training Hui

Healthy Eating + Active Living

Kūpuna Food Security Coalition

Date: February 14, 2022

To: Representative Ryan I. Yamane, Chair
Representative Adrian K. Tam, Vice Chair
Members of the Committee on Health, Human Services, &
Homelessness

Re: Support for HB1762, Relating to Language Access

Hrg: February 15, 2022 at 9:00 AM via videoconference

The Hawai'i Public Health Instituteⁱ (HIPHI) is in support of **HB1762, which requires the Office of Language Access to submit annual reports on compliance with language access laws, and funds Limited English Proficiency Language Coordinator positions within multiple state agencies.**

Despite being routinely named one of the healthiest states in the nation, Hawai'i sees stark racial disparities in myriad health outcomes, including life expectancy. These disparities long preceded the COVID-19 pandemic but were thrown into sharp relief as Pacific Islander and Filipino communities experienced disproportionately high rates of infection and hospitalization.ⁱⁱ HIPHI strives to eliminate racism, disparities and injustices to improve the health and wellness of all people. For us, this translates to moving beyond advocating *for* equity, but rather amplifying our work *against* inequity.

Addressing health equity is integral to the 10 Essential Services of Public Health, and enabling equitable access to care necessarily requires making information about health care and services available in a language that people understand. One in nine people living in Hawai'i has limited English proficiency and a lack of language access creates dangerous barriers to care. HB1762 will enhance compliance with federal and state language access laws, improve government transparency, and fund staff positions dedicated to improving language access across the state.

For these reasons, HIPHI respectfully requests that the Committees **PASS** HB1762.

Thank you for the opportunity to provide testimony.

Mahalo,

A handwritten signature in black ink that reads 'Amanda Fernandes'.

Amanda Fernandes, JD
Policy and Advocacy Director

ⁱ Hawai'i Public Health Institute is a hub for building healthy communities, providing issue-based advocacy, education, and technical assistance through partnerships with government, academia, foundations, business, and community-based organizations.

ⁱⁱ Hawai'i State Department of Health (2021). COVID-19 in Hawai'i: Addressing Health Equity in Diverse Populations. Disease Outbreak Control Division: Special Report. Honolulu, Hawai'i.

HB-1762

Submitted on: 2/11/2022 11:10:10 AM

Testimony for HHH on 2/15/2022 9:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Cynthia J. Goto	Individual	Support	No

Comments:

Strong Support.

HB-1762

Submitted on: 2/11/2022 1:53:02 PM

Testimony for HHH on 2/15/2022 9:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Candice Sakuda	Individual	Support	No

Comments:

I support this bill.

HB-1762

Submitted on: 2/11/2022 7:15:22 PM

Testimony for HHH on 2/15/2022 9:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Christy MacPherson	Individual	Support	No

Comments:

Aloha Chair Yamane, Vice Chair Tam, and members of the House Committee on Health, Human Services & Homelessness,

I am in strong support of HB 1762. Language access is crucial, especially here in Hawai`i with all of the different languages that are spoken. People need to be able to both communicate and receive important communication in their own languages!

Mahalo for your consideration.

HB-1762

Submitted on: 2/12/2022 7:19:31 PM

Testimony for HHH on 2/15/2022 9:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Thaddeus Pham	Individual	Support	No

Comments:

Aloha Chair Yamane, Vice Chair Tam, and HHH Committee Members,

I write to SUPPORT HB1762, which 1) requires the Office of Language Access to submit an annual report to the Governor and Legislature and 2) appropriates funds to establish limited English proficiency language coordinator positions in the Departments of Commerce and Consumer Affairs, Health, and Agriculture, and the Hawai`i Emergency Management Agency. This bill will enable greater assurance of necessary compliance with state and federal language access laws.

Compliance with language access laws and regulations is essential for Hawai`i, where one out of nine persons have limited English proficiency. Problems with language access have long been present and were exacerbated with COVID-19. As a public health professional working with foreign-born immigrants and refugees, language access is of tantamount importance to ensuring not only individual and community health, but also population health.

This bill offers an important step toward solving this problem. It allows for transparency on who is following the law and creates centralized administration for successful and efficient language access. This is crucial so that all members of the community can obtain essential resources to which they are entitled, strengthening our workforce and economy.

I fully SUPPORT HB1762.

Thank you for your support and consideration,

Thaddeus Pham (he/him)

Testimony in SUPPORT of HB1762, RELATING TO LANGUAGE ACCESS

Hearing Date: 2/15/2022

Dear Committee Members,

I write to SUPPORT HB 1762, which 1) requires the Office of Language Access to submit an annual report to the Governor and Legislature and 2) appropriates funds to establish limited English proficiency language coordinator positions in the Departments of Commerce and Consumer Affairs, Health, and Agriculture, and the Hawai'i Emergency Management Agency. This bill will enable greater assurance of necessary compliance with state and federal language access laws.

Compliance with language access laws and regulations is essential for Hawai'i, where one out of nine persons have limited English proficiency. Problems with language access have long been present and were exacerbated with COVID-19. As the English Learners program coordinator at Waipahu High School, I have heard of many examples of families having difficulty with understanding COVID-19 information, including when to keep their children home from school and the importance of quarantining when symptomatic or after a positive test. Over the course of the pandemic, families have also asked for help with unemployment applications, EBT benefits, section 8 applications, in addition to numerous announcements about school. It is clear that language access is a health, economic, and educational issue for families and students in my school community.

This bill offers an important step toward solving this problem. It allows for transparency on who is following the law and creates centralized administration for successful and efficient language access. This is crucial so that all members of the community can obtain essential resources to which they are entitled, strengthening our workforce and economy. We have a legal, moral, and ethical obligation to ensure that all members of our community can thrive and achieve their potential.

I fully SUPPORT HB 1762.

Thank you for your support and consideration,

Jeremiah Brown

HB-1762

Submitted on: 2/13/2022 3:53:20 PM

Testimony for HHH on 2/15/2022 9:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
amy agbayani	Individual	Support	Yes

Comments:

Testimony in support of HB 1762

Submitted by Amy Agbayani

Thank you for hearing this bill which strengthens language access compliance with federal and state laws. I strongly support accessible communication for all people in Hawai`i, including those who are limited English proficient. Requiring agencies to submit a report to the legislature and the Governor detailing compliance with language access laws is needed. This bill will help assure immigrant communities have equal access to information and government services.

We strongly support OLA's mission and mandate. Although each agency should have a staff assigned as a language access coordinator, we support funding at this time for one full time language access coordinator with the Departments of Agriculture, Health, Commerce and Consumer Affairs and Department of Defense particularly for their public facing programs and responsibilities. This bill will help the state comply with state and federal laws and the goals of equity and inclusion of all residents of our state.

I respectfully urge the committee to pass HB 1762

Dina Shek
Honolulu, HI 96822

COMMITTEE ON HEALTH, HUMAN SERVICES, & HOMELESSNESS

Rep. Ryan I. Yamane, Chair

Rep. Adrian K. Tam, Vice Chair

Hearing Date: February 15, 2022

Re: Support of SUPPORT of HB1762, Relating to Language Access

Dear Committee Members,

I offer this testimony in my personal capacity to strongly support HB 1762 which meaningfully advances Hawai'i's goals of ensuring language access for all people with limited English. In my professional capacity as the Legal Director of the Medical-Legal Partnership for Children in Hawai'i, most of our clients are immigrants and migrants from Pacific Islander communities. We frequently engage interpreters and translators, and, simply stated, they are vital to our work.

Compliance with language access laws and regulations is essential for Hawai'i, where one out of nine persons have limited English proficiency. Through my work at the MLP, I have seen story after story of how the lack of language access has been a battle for our communities since long before, and especially during, this pandemic. I saw it with the Department of Health early in the COVID-19 pandemic, as entire communities received delayed public health messages and individual families got delayed contact-tracing resources. I saw it with the Department of Labor and Industrial Relations, as many LEP people could not access Unemployment Insurance—benefits which they had paid into and were entitled to receive—because of language access denials. These challenges are well documented.¹

HB 1762 offers an important step toward solving this problem. It allows for transparency and critical data on who is following the law and creates centralized administration for successful and efficient language access. This is crucial so that all members of the community can obtain essential resources to which they are entitled, strengthening our workforce and economy. We must ensure that Hawai'i is prepared to protect all of its residents.

Thank you for this opportunity to submit testimony in support of HB 1762.

/s/

Dina Shek

¹ See, e.g., Anita Hofschneider, *Hawaii Pacific Islanders Are Twice As Likely to Be Hospitalized for COVID-19*, Civil Beat, November 20, 2020, at <https://www.civilbeat.org/2020/11/hawaii-pacific-islanders-are-twice-as-likely-to-be-hospitalized-for-covid-19/>; Anita Hofschneider, *Health Officials Knew COVID-19 Would Hit Pacific Islanders Hard. The State Still Fell Short*, Civil Beat, August 17, 2020, at <https://www.civilbeat.org/2020/08/health-officials-knew-covid-19-would-hit-pacific-islanders-hard-the-state-still-fell-short/>; Anita Hofschneider, *Advocates: Lack of Interpreter Services at Unemployment Office is Illegal*, Civil Beat, July 7, 2020, at <https://www.civilbeat.org/2020/07/advocates-lack-of-interpreter-services-at-unemployment-office-is-illegal/>

HB-1762

Submitted on: 2/14/2022 8:54:28 AM

Testimony for HHH on 2/15/2022 9:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
David Anitok	Individual	Support	No

Comments:

I support appropriating language access to target and include vulnerable community, including the COFA citizens from the Republic of the Marshall Islands, Federated States of Micronesia, and Republic of the Palau. I am available to provide support online or offline. Kommol tata, Rannanim, Kulo, Sulang and thank you.



Hawaii
Children's Action Network Speaks!
Building a unified voice for Hawaii's children

Hawai'i Children's Action Network Speaks! is a nonpartisan 501c4 nonprofit committed to advocating for children and their families. Our core issues are safety, health, and education.

To: House Committee on Health, Human Services, & Homelessness

Re: **HB 1762 – Relating to Language Access**

Hawai'i State Capitol, Via Videoconference, Conference Room 329

February 15, 2022, 9:00 AM

Dear Chair Yamane, Vice Chair Tam, and committee members,

On behalf of Hawai'i Children's Action Network Speaks!, I am writing in SUPPORT of HB 1762, relating to language access. This bill would require the executive director of the office of language access to submit an annual report to the governor and legislature on language access as well as appropriate funds to establish limited English proficiency language coordinator positions in the departments of commerce and consumer affairs, health, and agriculture, and the Hawaii emergency management agency.

During the past two years of the pandemic, non-profit organizations like ours have worked hard to help limited English proficiency (LEP) families access the federal pandemic relief benefits that they qualify for. We focused mostly on outreach to parents who qualify for Pandemic EBT (food purchasing funds when keiki are missing out on free or reduced price school meals due to COVID school closures) and the enhanced Child Tax Credit.

While working on this outreach, we learned that our state departments lack resources for meaningful language access as well as that the federal government and national advocacy organizations do not provide translations of outreach materials and applications¹ in the languages that are the most spoken by LEP students in Hawai'i² – such as Ilocano, Marshallese, and Chuukese. And while private funders were willing to support our outreach work in several languages, those funds were provided as one-time only pandemic relief grants.

As one of the states with the highest portion of foreign-born residents,³ combined with the lack of existing resources for translations of government documents and outreach materials into many of the languages that are spoken most here, Hawai'i needs to devote more resources to ensure language access to our government services. That's why this bill so important.

Mahalo for the opportunity to provide this testimony. Please pass this bill.

Thank you,
Nicole Woo
Director of Research and Economic Policy

¹ United States Department of Agriculture Food and Nutrition Service, <https://www.fns.usda.gov/cn/translated-applications>

² Hawai'i Data Exchange Partnership, https://hawaiiidxp.org/quick_data/datastory/el

³ Statista, <https://www.statista.com/statistics/312701/percentage-of-population-foreign-born-in-the-us-by-state/>

HB-1762

Submitted on: 2/15/2022 7:45:54 AM

Testimony for HHH on 2/15/2022 9:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Jon	Individual	Support	No

Comments:

Language access is state law. We need to fund our state organizations so they have the capacity to fulfill this. It is very clear immigrant/non immigrant families are not receiving this service! The DOE is another agency that really needs support in this area.