



July 30, 2020

Dear Chairman Hill, Members of the California Senate Committee on Labor, Public Employment, and Retirees, and Assemblywoman Gonzalez,

On behalf of the Association of Language Companies, I write to ask that the Committee amend AB 1850 to align the exemption in AB 1850 with professional standards for the qualification of interpreters and translators, by adding “professional interpreters and translators” to the language in AB 1850.

We recognize that AB 1850 takes up the daunting challenge of balancing the needs of California’s diverse economy and professional independent contractors with protecting the California workforce. In the main, AB 1850 strikes a thoughtful balance among many competing interests, and if passed, it will greatly improve the conditions for the labor market in the State. However, in the view of the language industry, AB 1850 remains insufficient to guarantee the continued availability of the language services mandated by civil rights and disability laws for individual residents, and demanded by the broader California economy for developing and selling goods and services to diverse multilingual and multicultural markets in California, the US, and abroad.

Freelance interpreters and translators provide vital services to all of California, helping to ensure mandated language 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.

In terms of certification a recent [report by Nimdzi](#) notes that the number of certified Interpreters and Translators in California falls far short of the demand for their services.¹ This is a function of the language demographics of California as well as the paucity of available certification tests. 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

¹ 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.

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 examines, 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.

At the same time, national and international standards for translation and interpreting services² 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;
- 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;³
- 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

² 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.

³ 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.

as government agencies, courts, health care organizations, and other entities engaging interpreters and translators.

We respectfully request that AB 1850 be amended to include an exemption for “professional interpreters and translators.”

Sincerely,

A handwritten signature in black ink, appearing to read 'Rick Antezana', with a long horizontal line extending to the right.

Rick Antezana
President, Association of Language Companies