

January 23, 2023

**Re: Colorado HB23-1004**

To the members of the Colorado House Committee on Business Affairs & Labor:

The American Translators Association (ATA) is the largest professional association of interpreters and translators in the United States, with more than 8,500 members who work in over 90 languages.

We are writing concerning HB23-1004, which seeks to amend the Colorado Revised Statutes 10-1-136 to help ensure more meaningful language access for insurance documents in the state.

ATA's mission not only includes promoting the recognition of professional translators and interpreters, but also working to establish standards of competence and ethics. ATA is fully committed to working to ensure full language access, and as such applauds the committee's efforts to comply with Title VI of the Civil Rights Act of 1964, the Patient Protection and Affordable Care Act, and Executive Order 13166, "Improving Access to Services for Persons with Limited English Proficiency," all related implementing regulations, and the Justice Department's Memorandum on Strengthening the Federal Government's Commitment to Language Access dated November 21, 2022.

Respectfully, we would like to offer the following comments to the committee on this bill.

In the absence of a federally managed translator certification program, ATA has created a certification program that is an internationally recognized translator qualification. As of the writing of this letter, ATA offers certification for translators who work from English into 18 languages, including many of the most-spoken languages in the state of Colorado. Translators must pass a rigorous written exam to obtain ATA certification and maintain their certification through ongoing, qualifying continuing education. ATA commends Representative Velasco's and Senator Gonzales's recognition of ATA certification by including it in this bill. The use of certified translators is indeed best practice when such certification exists.

According to U.S. Census data from 2020 processed by [Data USA](https://datausa.io), the most common languages spoken in Colorado after English and Spanish are Chinese (24,224 households), German (22,635 households), Vietnamese (20,909 households), French (18,965 households), and Amharic/Somali/other Afro-Asiatic languages (15,379 households). There is currently no recognized certification for Amharic, Somali, Vietnamese, and many of the other languages of lesser diffusion spoken in Colorado. Therefore, ATA supports the proposed exception for when ATA certification is not available. However, we would recommend wording that favors working with qualified translators over professional ones. As is the case with many languages of lesser diffusion, particularly Indigenous languages, translators may be community leaders or elders

who are not professionally engaged as translators; and in some instances, receiving remuneration or being otherwise professionally engaged as a translator does not necessarily guarantee that a translator has the skills or qualifications to render a faithful and accurate translation, particularly in a highly specialized field like insurance.

In addition to suggesting that qualified translators be used, we offer a proposed definition of “qualified translator.” Qualified translators typically work into their language of habitual use and are able to demonstrate the required competencies to translate accurately and faithfully thanks to their educational attainment in one or more languages, years of full-time experience translating, subject-matter expertise, recognized certifications other than ATA certification, and/or references from individuals who are qualified to attest to the quality of their work. More information about the qualifications of translators can be found in [ASTM Standard F2575](#) or [ISO Standard 17100:2015](#).

Further, we recommend that the committee consider the term “available” and what it means in the context of this bill. How many attempts must be made to contact an ATA-certified translator of a language for which certification exists before relying on a qualified translator? What constitutes a good-faith effort to identify a certified translator, and how will the translation requester prove that such an effort was made?

Finally, we would like to propose a few amendments to the language regarding the role ATA plays as the premier professional association of language professionals in the United States. For example, ATA only offers certification for translators. Interpreters have other pathways to certification, which, while recognized by ATA, are not administered by ATA.

Were the Colorado House Committee on Business Affairs & Labor to implement these suggestions, it would create a stronger, more inclusive bill that helps ensure meaningful language access for Coloradans with limited English proficiency who are accessing vital insurance-related documentation.

I urge you to take these comments under consideration. Please contact me if you have any questions or need additional information.

Sincerely,



Madalena Sánchez Zampaulo  
President, American Translators Association

## ATA PROPOSED AMENDMENTS TO HOUSE BILL 23-1004

Original Text	Proposed Text	Reason	Authority Cited
<p>Page 2, lines 12-17</p> <p>(III) BY A CERTIFIED TRANSLATOR WHO HAS CERTIFIED THAT THE POLICY IS CORRECTLY TRANSLATED OR, IF A CERTIFIED TRANSLATOR IS NOT AVAILABLE TO TRANSLATE THE POLICY FROM ENGLISH INTO A LANGUAGE FOR WHICH THE AMERICAN TRANSLATORS ASSOCIATION CERTIFIES TRANSLATORS, BY A PROFESSIONAL TRANSLATOR WHO HAS CERTIFIED THAT THE POLICY IS CORRECTLY TRANSLATED.</p>	<p>(III) BY A TRANSLATOR CERTIFIED BY THE AMERICAN TRANSLATORS ASSOCIATION (ATA) WHO CERTIFIES THAT THE POLICY IS CORRECTLY TRANSLATED OR, IF A CERTIFIED TRANSLATOR IS NOT AVAILABLE TO TRANSLATE THE POLICY FROM ENGLISH INTO A LANGUAGE FOR WHICH ATA OFFERS CERTIFICATION, BY A QUALIFIED TRANSLATOR WHO CERTIFIES THAT THE POLICY IS CORRECTLY TRANSLATED.</p>	<p>The American Translators Association (ATA) offers a certification test that allows members to become certified in a particular language pair offered through the program. We propose this wording to align better with the realities of translator certification in the United States. We also propose a new term “qualified” to replace “professional,” as explained below.</p>	<p>See the Certification section on the ATA website (<a href="#">link</a>)</p>
<p>Page 3, lines 2-6</p> <p>(a) "AMERICAN TRANSLATORS ASSOCIATION" MEANS A NATIONAL, NONPROFIT PROFESSIONAL ASSOCIATION, OR ITS SUCCESSOR ORGANIZATION, THAT CERTIFIES TRANSLATORS AND INTERPRETERS AS POSSESSING THE KNOWLEDGE AND SKILLS NECESSARY TO PROVIDE A QUALITY TRANSLATION.</p>	<p>(a) "AMERICAN TRANSLATORS ASSOCIATION" MEANS THE NATIONAL NONPROFIT PROFESSIONAL ASSOCIATION, OR ITS SUCCESSOR ORGANIZATION, THAT OFFERS TRANSLATOR CERTIFICATION.</p>	<p>A new, simpler definition that corrects a factual inaccuracy about ATA.</p>	<p>Visit the website of the American Translators Association for more information (<a href="#">link</a>)</p>
<p>Page 3</p> <p>NONE</p>	<p>Page 3, following lines 7-9</p> <p>(c) "QUALIFIED TRANSLATOR" MEANS AN INDIVIDUAL WHO TRANSLATES FROM ONE LANGUAGE INTO THEIR LANGUAGE OF HABITUAL USE WHO HAS THE KNOWLEDGE, SKILLS, AND ABILITIES TO PRODUCE AN ACCURATE TRANSLATION AS DEMONSTRATED BY</p>	<p>In addition to suggesting the use of “qualified” to describe the translators to whom this important work should be entrusted, we offer a definition of qualified translator to serve as a guideline for assessing</p>	<p>ASTM F2575-14 - Standard Guide for Quality Assurance in Translation (<a href="#">link</a>)</p> <p>ISO/IEC 17024:2012 Conformity assessment — General requirements for bodies operating</p>

	<p>EDUCATION, TRAINING, YEARS OF EXPERIENCE, REFERENCES, OR RECOGNIZED CERTIFICATION OR CREDENTIAL ADMINISTERED BY A GOVERNMENT OR NONPROFIT PROFESSIONAL ASSOCIATION OTHER THAN THE AMERICAN TRANSLATORS ASSOCIATION. QUALIFIED TRANSLATORS SHALL PROVIDE A SIGNED TRANSLATORS AFFIDAVIT TO CERTIFY THAT THEIR TRANSLATION IS ACCURATE.</p>	<p>translator knowledge, skill, and aptitude.</p> <p>Qualified translators typically work into their language of habitual use, are able to demonstrate the required competencies to translate accurately and faithfully, have attained linguistic competence in one or more languages, have years of full-time experience translating, subject-matter expertise, certifications other than ATA certification, and/or references from individuals who are qualified to attest to the quality of their work.</p> <p>We also suggest requiring a signed affidavit, as this additional step requires the translator to stand by their work in a more meaningful way.</p>	<p>certification of persons (<a href="#">link</a>)</p> <p>ISO 17100:2015 Translation services — Requirements for translation services (<a href="#">link</a>)</p>
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