



PRESIDENT OBAMA ANNOUNCES PLAN TO DEFER THE DEPORTATION OF UP TO 5 MILLION UNDOCUMENTED PERSONS

On November 20, 2014, President Obama announced executive action to address our broken immigration system. Farmworker Justice applauds President Obama for taking positive executive action to address our broken immigration system. We celebrate with the hundreds of thousands of hardworking farmworkers who will qualify for this relief. With protection from deportation, farmworkers and other aspiring Americans will be able to contribute more fully to their communities and will be empowered in the workplace to improve wages and working conditions. Farmworker Justice has been working toward a more just immigration system for farmworkers for decades, and with the hard work of so many, we stand one step closer to the reform our immigration system so desperately needs.

Action by President Obama was necessary because Congress failed to address the urgent need for comprehensive immigration reform. Despite broad bipartisan support for the Senate-passed comprehensive immigration bill, S. 744, the House has yet to take up that bill or any other immigration bill that addresses our broken immigration system. President Obama is acting well within his legal authority to implement this executive action; in fact, every president since President Eisenhower has taken executive action on immigration. The President's plan includes a series of actions, including reform to the immigration enforcement system, changes to certain visa programs, and most significantly, a plan to provide relief from deportation and work authorization for up to 5 million undocumented immigrants (this number includes individuals eligible for Deferred Action for Childhood Arrivals, or DACA). Individuals may qualify for the new program if they are the parents of U.S. citizens or legal permanent residents (LPRs) and have been in the U.S. since before January 1, 2010. Applicants must have U.S. citizen or LPR children as of the date of the announcement, November 20, 2014, and must meet other criteria, including presence in the United States on the date of the new announcement and date of application; lack of lawful immigration status on date of memorandum; payment of an application fee; and satisfaction of a criminal and national security background check. There is not yet an application process. USCIS



will be accepting applications to this program within 180 days, likely sometime in the spring. Deferred action and work authorization will last for three years and be renewable.

The DACA program will also be expanded to cover more individuals. The requirement that applicants must have continuously resided in the U.S. since June 15, 2007, will be changed to January 1, 2010. Significantly, the requirement that applicants be under the age of 31 as of June 15, 2012, will be eliminated, so there will be no upper age limit for applicants who otherwise qualify.

DEPORTATION DEFERRED (continued from page 1)

There are an estimated 2.5 million farmworkers laboring on our farms and ranches to bring food to our tables; between 50 percent and 70 percent are undocumented. The presence of so many undocumented farmworkers in the labor force makes them vulnerable to exploitation and abuse, depressing the wages and working conditions for all farmworkers. A very rough estimate of the number of farmworkers eligible for affirmative relief is 450,000. Farmworker Justice will be working with the United Farm Workers Foundation and other farmworker groups to implement administrative relief to maximize the ability of eligible farmworkers to participate. We will also continue our advocacy with the Obama administration to ensure that the application process takes into consideration the unique circumstances of farmworkers.

Administrative relief is vitally important, but the struggle does not end there. While many farmworkers and other aspiring Americans will qualify for the president's deferred action initiative, many others will not. We will continue to fight for relief from deportation and a path to citizenship for all farmworkers. Only Congress can create an opportunity for undocumented farmworkers and their family members and the rest of the 11 million undocumented workers to obtain permanent immigration status and an opportunity for citizenship.

We will also continue to fight against harsh, one-sided guestworker programs, because they are inhumane and not an appropriate solution to securing a productive agricultural sector in which farmworkers are treated fairly. The H-2A agricultural guestworker program serves employers' needs but subjects many farmworkers to abuses. The people who come to this country to produce our food should be treated as immigrants who can raise their families and earn an opportunity for U.S. citizenship.



ALIADOS: PROMOTING AWARENESS AND REDUCING STIGMA SURROUNDING HIV AND AIDS

Farmworker Justice continues to recognize addressing HIV/AIDS in farmworker communities as one of its organizational priorities. Through the *Aliados* project, a part of the CDC's Act Against AIDS Leadership Initiative (AAALI), we work with community-based and national civil rights organizations to promote HIV/AIDS education, increase awareness, and reduce stigma within the Latino community.

In June, Farmworker Justice collaborated with the other AAALI partners and their respective networks to issue a thunderclap in recognition of National HIV Testing Day. A thunderclap is a tool used to send the same message at the same time throughout social media.

Participation exceeded our expectations, spreading our message via Facebook and Twitter: "Today is #NationalHIVTestingDay! 1 in 6 Americans don't know they're infected. Get tested. Know your status. #NHTD." The message reached an audience of more than 215,000 people.

This past July, Farmworker Justice participated in the National Council of La Raza (NCLR) conference in Los Angeles, California, which saw 18,750 attendees. This is the fourth time Farmworker Justice has worked with NCLR to bring HIV testing to its National Latino Family Expo. This year *Aliados* partnered with AltaMed to organize the provision of free, confidential HIV testing and counseling. A total of 88 individuals were tested over the three days of the Expo.

As Farmworker Justice celebrates the fifth year of *Aliados*, we look forward to the events of 2015. In January and February we will host a two-part webinar series. The first webinar will feature a panel of speakers discussing HIV outreach education, testing, and Pre-Exposure Prophylaxis (PrEP) with regard to farmworker and rural Latino communities. The second webinar, in February, will address migration and the HIV/AIDS treatment cascade, with an emphasis on linkage to care and retention in care.

For more information about *Aliados* and upcoming events, or to become involved, please contact Caitlin Ruppel at cruppel@farmworkerjustice.org.

KEEPING UP THE PRESSURE TO PROTECT FARMWORKERS FROM PESTICIDES

Last summer, more than 200,000 people submitted comments to the United States Environmental Protection Agency (EPA) calling on the agency to strengthen its Agricultural Worker Protection Standard (WPS). The WPS is the only federal standard designed to protect the nation's more than 2 million farmworkers and their families from one of their greatest occupational hazards: pesticide exposure.

But our work is not done. We still are advocating at EPA. We are keeping the pressure on the Agency to respond to the hundreds of thousands of individuals, including farmworkers, public health advocates, union members, and public officials, who submitted comments in support of stronger protections. We are working to ensure that the agency acts quickly to implement a Worker Protection Standard that prevents needless illness, injury, and death in farmworker communities.

Farmworker Justice is calling on EPA to change the proposed standard to include:

- Parity with safety rules provided to workers in non-agricultural industries
- Improved safety training annually and starting before workers enter treated fields
- Easily accessible information about pesticides used on the farm and in nurseries
- A prohibition of children under 18 years of age from handling pesticides
- Strict adherence to no-entry rules for areas recently treated with pesticides
- Improved protections and safety monitoring for pesticide handlers

EPA has indicated that it will issue a final regulation in late spring 2015. In addition, sometime next year, EPA is planning to publish proposed revisions to the Pesticide Applicator Certification regulations. These are companion regulations to the WPS, requiring applicators to be certified as competent to apply certain hazardous pesticides in accordance with EPA's national standards. Competency standards vary by state, and the existing rules for training and protections of pesticide applicators are weak. FJ will submit comprehensive comments on these proposed regulations, and will assist members of the public to join us in urging EPA to strengthen these national standards.



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BUILDING CAPACITY TO IMPROVE OCCUPATIONAL SAFETY AND HEALTH OF FARMWORKER COMMUNITIES THROUGH COMMUNITY HEALTH EDUCATION AND MOBILE TECHNOLOGY

Farmworker Justice implements a training and education program for farmworkers, showing them how to recognize and prevent safety and health hazards in their workplaces, and informing them of their rights under the Occupational Safety and Health Act. Since 2010, the program has reached over 26,000 farmworkers.

Beginning in 2015, Farmworker Justice will partner with a community-based organization, Líderes Campesinas, and health communications researchers to implement a *promotores de salud* (health outreach workers) program to educate farmworkers in the regions of Santa Barbara, Ventura, and Kern County, California, about pesticide safety, heat illness, field sanitation, and workers' rights. A new mobile text messaging program, designed to complement the health education, is in development. Enrolled farmworkers will receive text messages for three months with occupational health and safety information and will collect data to evaluate the impact of the intervention.

LITIGATION UPDATE:



We actively engage in litigation to advance employment rights of farmworkers and to remedy systemic labor abuses confronted by farmworkers. By filing lawsuits on behalf of farmworkers and their organizations, Farmworker Justice uses the rule of law to challenge systemic abuses by employers and their labor contractors and to correct unlawful conduct by government agencies. Here are some recent developments:

Our litigation includes supporting a group of berry pickers in Washington State in a class action against a large berry-growing farm. The farmworkers at Sakuma Bros. organized themselves as Familias Unidas por la Justicia to demand better wages and to stop retaliation against strikers. Earlier, we helped the activist workers oppose the company's request to hire guestworkers. In the current case, the plaintiffs seek injunctive relief and back pay under the state minimum wage law, which obligates an employer to pay piece-rate workers for the rest breaks to which they are entitled. Plaintiffs also request that their rest-break pay be based on the average hourly earnings for the workweek, but no less than the minimum wage.

We and co-counsel continue to litigate a case for onion workers against a large operation in the Coachella Valley of California. One of our litigation goals is to hold farm operators liable as "employers" of the farmworkers on their farm when workers' rights are violated and defeat the grower's argument that the sole "employer" is a farm labor contractor.

In another lawsuit, before the U.S. Court of Appeals for the 11th Circuit, Farmworker Justice is collaborating on an amicus curiae (friend of the court) brief. The issue on appeal is whether or not the plaintiffs, who are oyster shuckers hired as guestworkers under the H-2B program, are covered by Migrant and Seasonal Agricultural Workers Protection Act ("AWPA"). We were asked to write a brief focused on policy arguments – the goal is to give the court context about the history of AWPA, why it has the worker protections it does, and how migrant seafood workers face the same issues as other agricultural workers.

Farmworker Justice is co-counsel with a leading environmental advocacy group, in litigation against the U.S. Environmental Protection Agency (EPA) that challenges the agency to be more responsive to expressed concerns of farmworkers and their families about alarming health and safety impacts from agriculture's heavy usage of pesticides. In 2009 a coalition of farmworker, public health, and conservation advocates filed a petition urging the EPA to set safety standards to protect children who grow up near farms from the harmful effects of pesticide drift. The petition asked EPA to adopt no-spray buffer zones around homes, schools, parks and daycare centers for the most dangerous and drift-prone pesticides. In July 2013, we filed a lawsuit charging the agency with unreasonable delay in responding to the petition, in violation of the Administrative Procedure Act, which ultimately forced EPA to respond in March 2014. While EPA's response acknowledged the serious risks of pesticide drift on human health, it unfortunately failed to address the risks in any significant way, forcing another round of litigation, initiated in June 2014, that seeks to require the agency to take affirmative regulatory steps to mitigate the risks, including the imposition of buffer zones.

Farmworker Justice Welcomes Our New Litigation Director: Ali Beydoun

Ali Beydoun brings to Farmworker Justice extensive litigation experience and a strong commitment to human rights and social justice. Since 2004, Ali has been the director of the UNROW Human Rights Impact Litigation Clinic at the Washington College of Law at American University, in D.C., where he has led innovative, high-stakes litigation in numerous forums—U.S. courts, international bodies, foreign courts, and national agencies. He has also maintained a private practice representing clients on civil rights, immigration, employment, and criminal law matters. He graduated from New York University in 1992 and the Washington College of Law at American University in 1996.

BUILDING COMMUNITY

BY HELPING FARMWORKERS

Featured Project: Community Art Cool Ties

Homestead, Florida

Suzanne Moe and Marcela Noriega, Co-Directors

"The Community Art Cool Ties project was created to provide farmworkers with some much needed relief from the intense heat," says Suzanne Moe, co-director of the project. "Marcela and I wanted to create a way to integrate our community through the arts and to provide an opportunity to offer recognition and appreciation to our regional farmworkers for their hard work."

The Cool Tie is a small cotton tie filled with nontoxic polymer crystals. Once soaked in water, the tie becomes cool. When tied around the neck, forehead, or wrist, Cool Ties can help keep the wearer cool as long as the tie is wet. The fabric used to make the ties features artwork that has been created at community ink drawing events.

"The intense heat of south Florida affects everyone in this region," says Moe, "so it's pretty easy to recognize our common humanity at this level." The Cool Ties project has already begun to spark conversations and raise general awareness about working conditions on farms. Through outreach at community events and farmers' markets, and by hosting community art events, the project seeks to draw attention to the particular heat issues farmworkers face. Cool Ties are available for purchase. For each tie sold, one tie is donated to a farmworker in the Homestead, Florida City, or The Redland region. Tie buyers get the benefit of staying cool during their outdoor activities, and farmworkers receive donated ties they can use to help protect themselves.

Learn more about the project by visiting
www.CommunityArtCoolTies.com

Farmworker Justice's newsletter, Eye on Farmworker Health, covers developments in research and policy on issues affecting the health and safety of farmworkers. Many editions highlight the risks farmworkers face from heat-related illnesses. Since 2010 we have trained over 26,000 farmworkers on heat stress, field sanitation, and workers' rights.



OPEN ENROLLMENT 2.0 - CONNECTING FARMWORKERS TO HEALTH INSURANCE

Open enrollment in the Affordable Care Act marketplaces is here! Across the country, advocates — community-based organizations, legal services providers, and health centers — are working to educate and enroll farmworkers in health insurance. According to the most recent National Agricultural Workers Survey (NAWS), 68 percent of farmworkers are uninsured. That was in 2012.

The impact of the Affordable Care Act (ACA) on the insurance rate of farmworkers is yet unclear. Although the ACA created new opportunities for insurance coverage for many Americans, significant challenges prevent many farmworkers from enrolling: lack of information and misinformation in farmworker communities about eligibility, incorrect denials of health insurance subsidies, and a lack of coverage options for workers and their families who migrate. Since the marketplaces opened last year, advocates in farmworker communities have developed innovative and effective strategies to overcome these obstacles.

In California, for example, a health center on the state's Central Coast partnered with a trusted farmworker organization to help indigenous farmworkers and their families sign up for health insurance. In North Carolina, outreach workers visited remote labor camps and spent countless hours to help hundreds of H-2A workers enroll in comprehensive health insurance for the first time.

Farmworker Justice provides resources and training to support outreach and enrollment efforts. Through fact sheets, presentations, and individual assistance, we strive to provide farmworkers and their families with accurate, culturally and linguistically appropriate information about their rights and responsibilities under the ACA. Through our interactions with farmworkers and their advocates on the ground, we learn about the systemic barriers that impede their access to healthcare. We share this information with federal and state agencies in charge of implementation to advocate for policy improvements.

As we enter the next phase of the ACA, new issues will likely arise. Farmworker Justice will monitor these developments and provide advocacy and support as needed. We hope that between now and the end of open enrollment (February 15, 2015) and beyond, more farmworkers will have the opportunity to enroll in health insurance. We enthusiastically support the work of navigators, assisters, outreach workers, and advocates who work tirelessly to ensure that farmworker families are not left behind.



Farmworker Justice Welcomes Our New Health Policy Attorney: Mul Kim

Mul Kim brings a wealth of experience on health policy and the federal regulatory process to Farmworker Justice. She previously conducted legal research and regulation analysis of the Affordable Care Act at the George Washington University School of Public Health & Health Services. Before that, she was a health policy attorney at the National Center for Transgender Equality. She is a native of New York, and received her BA from Stony Brook University and her law degree from the City University of New York.

CONEXIONES:

CONNECTING RURAL LATINO FAMILIES WITH MEDICAID AND THE CHILDREN'S HEALTH INSURANCE PROGRAM (CHIP)

Latinos account for a disproportionate amount of the eligible and uninsured population within the United States. Rural Latino families and children are particularly susceptible to remaining uninsured; consequently, the need persists for targeted outreach to migrant and seasonal farmworkers and their families. Through *Conexiones*, Farmworker Justice works with community-based organizations and health centers in Arizona, California, and Florida to promote knowledge of and enrollment in Medicaid, the Marketplace, and the Children's Health Insurance Program (CHIP).

In the first year of *Conexiones*, staff from Farmworker Justice and each partner organization collaborated to train 36 *promotores de salud* (health outreach workers). Ten of the 12 *promotores* trained from each organization conducted four months of educational outreach. Each *promotor* averaged 40 outreach encounters per month, with a total combined 4,000 reported encounters from the three sites at the end of the outreach period.

The *Conexiones* team conducted site visits and focus groups from July through early September. At several sites the *promotores* reported that they were the primary group engaged in consistent health education outreach with farmworkers and their families. Many said that families and individuals became less hesitant to talk with them once they explained the role of a *promotor* and shared personal experiences of accessing local health care services. The greatest challenges faced by community members, as relayed by the *promotores*, include a misunderstanding of health insurance and how it works, frustration with the U.S. healthcare system based on previous experiences, concern regarding cost, and fear related to immigration status. Farmworker Justice looks forward to providing the *promotores* with capacity-building assistance specific to these concerns over the course of the second year of *Conexiones*.

Training and outreach for the second year of *Conexiones* commenced in November, coinciding with the start of open enrollment for 2015 health insurance. This year the *promotores* will complete a total of eight months of outreach, engaging with 30 individuals or 15 families per month, to inform an anticipated 9,600 individuals about Medicaid, CHIP, and the Health Insurance Marketplace.

Farmworker Justice is pleased to announce the addition of a fourth site for the *Conexiones* project, Organización de Líderes Campesinas, Inc., based in Oxnard, California. *Promotores* working with Líderes are conducting educational health outreach in the communities of Madera and Huron.

For more information about *Conexiones*, please contact the project director, Rebecca Young, at ryoung@farmworkerjustice.org.

END OF YEAR DONATION

Your gift allows us to help farmworkers improve their living and working conditions.

By donating at this momentous time, you will help ensure that Farmworker Justice will:

- support several hundred thousand farmworkers and family members who will apply for work authorization and relief from deportation under President Obama's executive action on immigration
- advocate for stronger pesticide safety protections from the EPA and educate farmworkers about safety precautions and their rights
- win lawsuits for farmworkers who have been denied the minimum wage by employers engaged in systemic violations of basic labor protections.

THANK YOU FOR YOUR SUPPORT.

FARMWORKER JUSTICE

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- Affordable Care Act Open Enrollment 2.0 —
Connecting Farmworkers to Health Insurance
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Remedying Systemic Labor Abuses

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EXPOSED AND IGNORED: How Pesticides Are Endangering Our Nation's Farmworkers



Our new report describes the huge negative impact of agricultural pesticides on farmworkers and their families and recommends approaches to reduce the unacceptably high rate of pesticide-related injuries, illnesses, and deaths. These recommendations focus on steps the EPA and the federal government can take to ensure that farmworkers and their families understand the dangers they are exposed to and how to avoid injury.

Many of the hundreds of thousands of farmworkers in this country cannot avoid regular exposure to the estimated 5.1 billion pounds of pesticides applied to crops each year in this country. Every year, thousands of farmworkers experience the effects of acute pesticide poisoning.