

# FARMWORKER JUSTICE

## NEWS

[www.farmworkerjustice.org](http://www.farmworkerjustice.org)

[www.harvestingjustice.org](http://www.harvestingjustice.org)

Volume 27, No 1

Fall 2011

## AGRICULTURE AT THE CENTER OF IMMIGRATION DEBATE

By Adrienne DerVartanian



Over the last several months, agriculture and its dependence on undocumented workers have been at the center of the immigration debate. At the state level, anti-immigrant laws passed in Alabama, Georgia, and South Carolina, among other states, have led to widespread fear in immigrant communities and complaints from agricultural employers lack needed workers to harvest their crops. Recognizing the dire of an immigration enforcement-only approach, both the Senate and the House have held hearings to address the immigration crisis in the

*continued page 2*

UNA SELECCIÓN DE LAS NOTICIAS DE JUSTICIA CAMPESINA  
ESTÁ DISPONIBLE EN ESPAÑOL. ¡BUSQUE ADENTRO!

### WHAT'S INSIDE

Agriculture at the Center of Immigration Debate	1
<i>No Way to Treat a Guest:</i> FJ Holds Congressional Briefing to Launch New Report on H-2A Agricultural Visa Program	3
Farmworker Justice Files Petition Calling for Mandatory Heat Exposure Standards	4
FJ Litigation Update	5
2011 Wine Tasting	6
Shelley Davis Memorial Fund	6
Teaching in the Fields: Impact of <i>Promotores de Salud</i> in their Communities	7
Farmworker Justice Provides Free HIV Testing at NCLR Annual Conference	8
Mobilizing Rural Communities Around Health: Providing Capacity Building Assistance to Rural Latino-serving Organizations	9
EPA Reviews the Human Health Risks Associated with Pesticide Chlorpyrifos	10
Farmworker Justice Welcomes New Staff	11

### HOW YOU CAN HELP

Farmworker Justice relies on the support of people like you. Now more than ever, we can help farmworkers create better lives for themselves and their families. There are a variety of ways you can get involved:

- **Make a donation at [www.farmworkerjustice.org](http://www.farmworkerjustice.org)**
- **Become a Harvester of Justice.**  
As a Harvester of Justice, your annual commitment of \$1,000 or more supports Farmworker Justice's work in the courts, Congress, administrative agencies and farmworker communities.
- **Become a Monthly Sustainer.**  
Sustainers who donate \$70 or more a month receive a complimentary ticket to our annual award reception.
- **Support the Shelley Davis Memorial Fund.**
- **Leave a legacy of justice for farmworkers.**  
Consider Farmworker Justice when you prepare your will.
- **Contribute** through the Combined Federal Campaign #10778.

Please visit our website for more ways to get involved.

**Thanks for your support!**

agricultural workforce. Representatives from Farmworker Justice or the UFW have testified at each of the hearings. At the federal level, Rep. Lamar Smith (R-Tex.), Chair of the House Judiciary Committee, has led the push for national mandatory employment verification legislation that would require employers to use the E-Verify system to electronically verify work authorization of new hires. His bill, the Legal Workforce Act, was passed out of the Judiciary Committee by a party-line vote on September 21, 2011, but had not reached the floor by presstime.

Much of the discussion regarding mandatory E-Verify has focused on the impact of the bill on agriculture, where more than one-half of farmworkers lack authorized immigration status. The E-Verify bill would do nothing to address the immigration status of the more than one million undocumented farmworkers currently harvesting our fruits and vegetables – or the several million undocumented workers in other jobs. Instead, the E-Verify bill would push farmworkers and other workers further underground where they will likely be exploited. The bill would also increase the trend of growers using farm labor contractors to hire workers and disclaiming any responsibility as an “employer” of the workers under immigration or labor law. Farmworker Justice opposes the Legal Workforce Act because of the harm it would cause farmworkers. Increased immigration enforcement should only be a part of broader legislation that includes an opportunity for undocumented workers to earn permanent legal immigration status.

Agricultural employers are concerned about the impact of mandatory E-Verify on their workforces and many have been pushing for either one-sided, harsh reform to the existing H-2A program or a new guestworker program. In response to

employer lobbying, Rep. Smith, Rep. Dan Lungren (R-Cal.), and Sen. Chambliss (R-Ga.) have proposed massive guestworker programs that differ somewhat in approach but all have the same end-result – they would cause job losses for the hundreds of thousands of US workers employed in agriculture through sharp cuts in wage rates and worker protections, reduced government oversight, and by reducing or eliminating employer responsibilities to recruit US workers.

Those farmworkers fortunate enough to keep their jobs would likely face lower wages and poorer working conditions due to the downward wage pressure and elimination of worker protections in these guestworker bills. The bills would add hundreds of thousands of vulnerable guestworkers to a farm labor force where U.S. citizens, lawful permanent residents, and undocumented workers presently experience inadequate labor standards. Workplace abuses, already rampant in the H-2A program and in agriculture generally, would increase. None of the guestworker proposals offer the current, experienced undocumented workforce an opportunity to earn permanent immigration status. The last thing our country needs is a new guestworker program with minimal worker protections—such programs would only worsen the situation for agriculture.

Our country's broken immigration system must be fixed. Rep. Berman (D-Cal.) has introduced legislation, the Agricultural Labor Market Reform Act of 2011, that would address the broken immigration system in agriculture by offering undocumented agricultural workers temporary worker status and an opportunity to earn permanent immigration status and would offer additional protections in the H-2A program, as well as provisions designed to stabilize the farm labor force. •





# NO WAY TO TREAT A GUEST: FARMWORKER JUSTICE HOLDS CONGRESSIONAL BRIEFING TO LAUNCH NEW REPORT ON THE H-2A AGRICULTURAL VISA PROGRAM

By Jessica Felix-Romero

On September 7th, Farmworker Justice released our new report *No Way to Treat a Guest: Why the H-2A Agricultural Visa Program Fails U.S. and Foreign Workers* during a Congressional briefing held in the Capitol building. The briefing, so well attended that it was standing room only even before the briefing began, was co-sponsored by Rep. Howard Berman (D-CA), Rep. Joe Baca (D-CA), Rep. Judy Chu (D-CA), and Rep. Raul Grijalva (D-AZ). Speakers included Bruce Goldstein, President, Farmworker Justice; Saket Soni, Director, National Guestworkers' Alliance; and Andrea Zuniga DiBitetto, Legislative Representative, AFL-CIO.

Each of the speakers provided compelling information about current abuses under the program and the dangers of further expansion of the guestworker labor model. Bruce Goldstein began with an historical introduction to guestworker programs and stressed the importance of reforming the H-2A program to address long-standing and well documented abuses. Guestworker programs by design create a disempowered labor force which is vulnerable to labor and safety violations. The systematic use of

guestworker programs provides agricultural employers a loophole in which they can ignore their responsibility to improve the working conditions of both their domestic and foreign labor force. Saket Soni eloquently described how guestworker programs impact all labor sectors and that the increased use of guestworker programs in agriculture has implications for other service industries. Andrea Zuniga Di Bitetto poignantly described the personal impact of the report because it evoked the same stories her grandparents told her of their lives when they worked in the abusive Bracero guestworker program from the 1940s through 1960s. She stressed the important role unionization and labor force development plays in combating the dangerous and exploitive conditions many farmworkers and service industry laborers face.

The *No Way to Treat a Guest: Why the H-2A Agricultural Visa Program Fails U.S. and Foreign Workers* report offers an in-depth look at the violations and abuses of the federal H-2A agricultural guest worker program, exposing the fundamental flaws of guest worker models and revealing the program's effect of discriminating against US workers and keeping wages low in the U.S. for both foreign and domestic workers. The report is based on interviews with current and former H-2A workers and documents the human toll of a system meant to provide a legal and dependable workforce for American farmers. The report offers short-term and long-term solutions to eliminate abuses in the H-2A program and ensure a sustainable labor force for American agriculture.

The release of the report is timely, given the ongoing debate in Congress on immigration policy on agriculture. Several Members of Congress have floated proposals to create a massive new agricultural guestworker systems that would slash the wages and labor protections of U.S. citizens and immigrant farmworkers in the H-2A program. The full report is available as an e-book or PDF download at: <http://farmworkerjustice.org/ebook.html>.



FJ President Bruce Goldstein and Director of Immigration and Labor Rights Adrienne DerVartanian at Congressional Briefing on H-2A Agricultural Visa Program

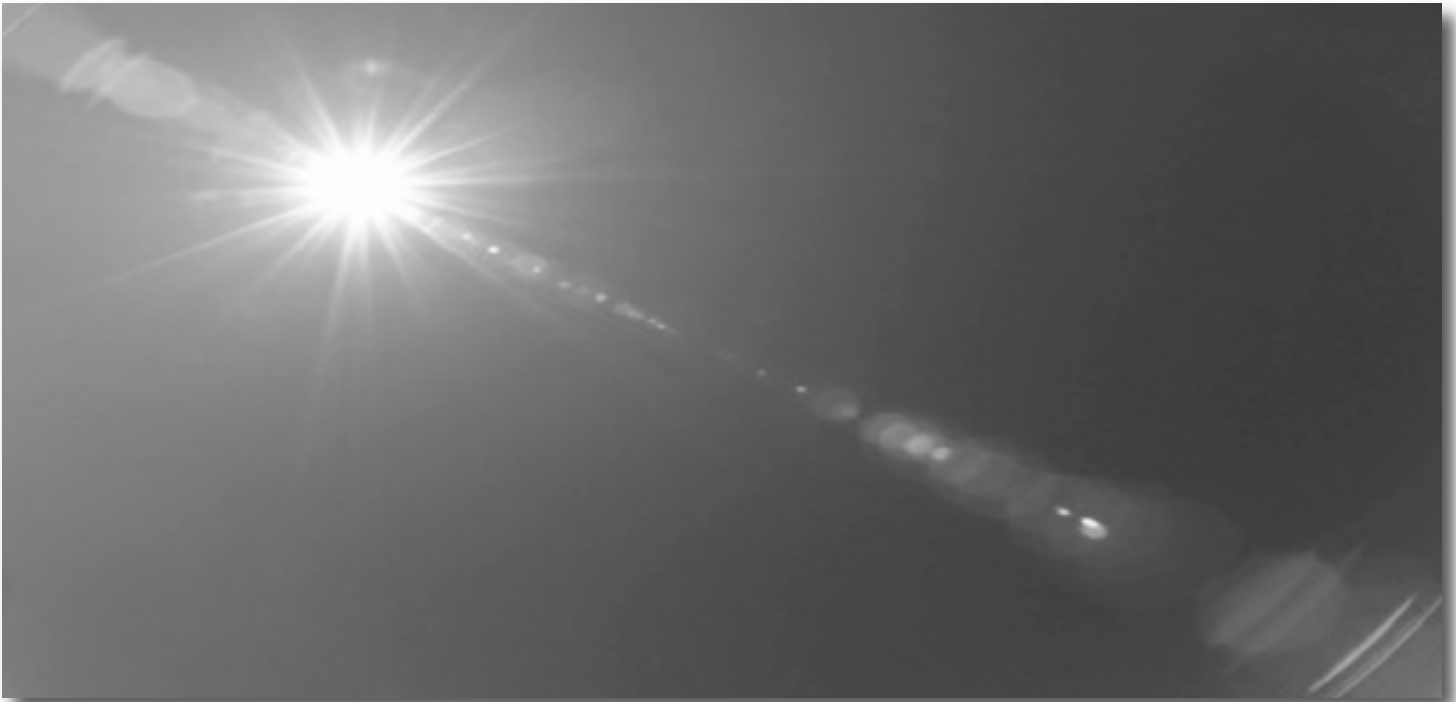


Big smiles from the Speaker Panel after a successful briefing  
Left to Right : Saket Soni, Director, National Guestworkers' Alliance; Bruce Goldstein, President, Farmworker Justice; and Andrea Zuniga DiBitetto, Legislative Representative, AFL-CIO

# FARMWORKER JUSTICE FILES PETITION

## CALLING FOR MANDATORY HEAT EXPOSURE STANDARDS

By Renato Rocha



In September Farmworker Justice filed a joint-petition with Public Citizen, the United Electrical, Radio and Machine Workers of America and Dr. Thomas Bernard calling on the Occupational Safety and Health Administration (OSHA) to adopt a mandatory standard to protect workers from dangerous heat exposure. The petition outlines a heat standard that would require all workers to have access to drinking water and shade and be given mandatory rest breaks on hot days, among other measures. The petition also calls for OSHA to implement an Emergency Temporary Standard (ETS) to protect workers while it initiates its rulemaking process.

Excessive heat exposure while on the job can result in heat exhaustion, with symptoms such as nausea, headaches and extreme thirst, which, if not treated, can progress to heat stroke and death. Workers are particularly susceptible to the effects of heat, in part, because certain types of clothing block the normal sweat evaporation response, the body's most critical cooling mechanism. The most vulnerable are agricultural workers who account for more than one in five deaths resulting from environmental heat exposure.

Last month Adriane Busby and Renato Rocha interviewed the father of a farmworker who had suffered a heat stroke in the summer of 1989. When asked about his son's working conditions, the father explained that his son was not

provided rest breaks, water or shade. Over twenty years later, his son is still in a coma. As a former farmworker, the father understands the dangers of agricultural work all too well, but undeniably believes his son's injury could have been prevented.

"Farmworkers are most at risk for the deadly effects of excessive heat exposure, and not a growing season passes without reports of tragic - but always preventable - heat stroke fatalities in the fields. Surely the workers who toil so hard to grow and harvest our nation's food deserve better," said Virginia Ruiz, Director of Occupational and Environmental Health with Farmworker Justice and co-signer of the Petition.

At least 523 deaths and more than 43,000 heat-related injuries have occurred since the aforementioned farmworker has been in a coma. But because many worker injuries and deaths go unreported and many serious injuries are not counted in company data, even these numbers are a vast underestimate of the true scale of the problem. With each passing summer reaching record-breaking temperatures, Farmworker Justice urges OSHA to immediately enact a mandatory standard to protect workers from injury and death resulting from extreme heat exposure. •

# FJ LITIGATION UPDATE

By Weeun Wang

Farmworker Justice, as co-counsel with the Northwest Justice Project in Washington state, has filed a lawsuit on behalf of three Chilean workers alleging abusive labor practices by the Western Range Association ("WRA"), which recruited and hired the workers and by the WRA member ranch where they were put to work. The suit, *Ruiz et al v. Fernandez and Western Range Association*, charges the WRA with federal minimum wage violations and alleges that the rancher engaged in federal labor trafficking offenses. Filed in federal court in Spokane, Washington, the case describes how the WRA brought the Chilean workers into the United States pursuant to temporary work visas under the H-2A agricultural guestworker program. The H-2A program allows an agricultural employer to hire guestworkers only if: U.S. workers are not able or willing to do the work; employing the foreign workers will not harm wages or working conditions for similarly employed U.S. workers; and the employer abides by regulations meant to protect both U.S. and foreign workers against abusive employment practices. As this case demonstrates, the H-2A rules often prove inadequate to protect workers from abusive employers.

The wage violations charged by the plaintiffs occurred in the backdrop of their being hired to perform sheepherding work under special H-2A rules that allow ranchers to pay only \$750 per month to workers who tend to sheep under arduous conditions in remote and rugged rangeland, on a round-the-clock seven-days-per-week basis for weeks and months at a time. While this monthly wage rate works out to less than \$5.00 per hour for a 40-hour work week, and little better than \$1.00 an hour on the basis of sheepherders' 24 hour per day, 7 days a week work demands, sheepherding historically has been exempted from the federal minimum wage laws. However, instead of being tasked to work as sheepherders, plaintiffs were actually employed primarily as general ranch hands, in which they performed various ranch-related tasks (such as building farm structures, maintaining machinery, cutting hay) for which they should have been paid at substantially higher wage rates under the federal minimum wage laws and under rules governing the H-2A program. The lawsuit seeks to recover back wages for the workers and to prohibit the defendants from engaging in similar future wage violations and abuses of the H-2A program.

The complaint also charges the rancher with having violated provisions of the federal Trafficking Victims Protection Act. Here, the suit seeks damages resulting from labor trafficking offenses committed by the rancher in having forced the workers to work under coercive conditions, including by restricting their movement and contacts outside of the ranch, confiscating their passports, and threatening to have them deported if they failed to do as they were told.

In other matters, Farmworker Justice is part of a legal team representing farmworkers in litigation, *NCGA v. Solis* (North Carolina, 2009) seeking to enable H-2A workers nationwide to recover wages they were shorted under 2009 Bush administration revisions to the H-2A rules. At this juncture in the litigation, attorneys for the workers are preparing an appeal of an adverse decision of the federal court that has heard the case. Farmworker Justice is also working on a number of other matters that are likely to result in litigation against agribusinesses. These include cases involving mistreatment of H-2A and U.S. workers employed by unscrupulous employers and a labor contractor in Texas, labor trafficking practices in the deep South, and guestworker program abuses by a Midwestern vegetable processor. •



## CONNECT WITH US

Now you can follow Farmworker Justice four ways:

online: [www.FarmWorkerJustice.org](http://www.FarmWorkerJustice.org)

blog: [harvestingjustice.org](http://harvestingjustice.org)



Find us on  
**Facebook**

[www.facebook.com/FarmworkerJustice](http://www.facebook.com/FarmworkerJustice)

Follow us on



FarmwrkrJustice

Please join us for the  
10th Annual Farmworker Justice Socially Responsible

# WINE TASTING

Enjoy an evening of networking and sample wines from vineyards  
where farmworkers enjoy good wages and working conditions.

DECEMBER 7, 2011

6:00pm-8:30pm

Hosted at the AFL-CIO

815 16th Street, NW • Washington, DC

Sponsorship Opportunities and Individual Tickets available now  
For more information, go to: <http://farmworkerjustice.org/special-events>



## THE SHELLEY DAVIS MEMORIAL FUND



The Shelley Davis Memorial Fund was created by the family of our late Deputy Director and Farmworker Justice to carry out the work that Shelley Davis developed and loved, especially litigation and advocacy on occupational safety and health of farmworkers.

The memorial funds have raised over \$250,000 toward a five-year goal of \$1 million. Supporters of Farmworker Justice may designate their donation to the Memorial Fund; donations are tax-deductible.

Your contribution will enable Farmworker Justice to advocate and litigate to win changes in government policies and employment practices to prevent illness and injuries from heat stress, pesticide poisoning, unsanitary conditions, dangerous machinery and other hazards.

The Memorial Fund Campaign Committee thanks all our donors for their support.



# TEACHING IN THE FIELDS:

## A GLIMPSE AT THE IMPACT OF *PROMOTORES DE SALUD* IN THEIR COMMUNITIES

By Rebecca Young



When Nicolasa, a *promotora de salud* (health outreach volunteer) in California's Central Valley stepped into the fields to give her first *charla* (training) on pesticide safety, she thought to herself, "I should just run right now. I've always been afraid to speak in front of people." Nicolasa chose not to run. Six months later, after engaging nearly 300 farmworkers in her community, Nicolasa reflects, "My *compañeros* (co-workers) were interested and grateful that I could bring this important information to them. As I did this month after month I was no longer scared and I realized just how much knowledge I hold in my head and my heart."

Nicolasa's outreach in the fields is part of a larger project managed by Farmworker Justice. Farmworker Justice has partnered with three organizations in California, Arizona, and Florida to deploy groups of *promotores* into their communities to provide vital health and safety information on heat stress, pesticide safety, and workers' rights. Each organization is unique, serving a particular sector of the farmworker population. Centro Binacional para el Desarrollo Indígena Oaxaqueño (CBDIO) is located in Fresno, part of California's vast Central Valley and as its name suggests, has a particular concern for the needs of Indigenous farmworkers. Campesinos Sin Fronteras sits (almost quite literally) on the Mexican border in San Luis, Arizona and serves a bi-national population of farmworkers; many workers in this area live in

Mexico, and begin each day at 2 am as they wait in line to cross the border. And Alianza de Mujeres Activas (AMA) is situated in Pierson, Florida, a community composed of ferneries, and those workers that harvest the ferns used as the background of floral bouquets.

Each of these organizations has a strong network of *promotores* that participate in a voluntary capacity in a variety of projects depending on the needs being addressed. In this particular collaboration with Farmworker Justice the *promotores* not only discuss hazards farmworkers encounter, but they provide clear, simple suggestions on how to mitigate the risks. Consider, for instance, the probability that most farmworkers are often unknowingly transferring pesticide residues out of the fields and into the home environment. Pesticide residues often remain for extended periods of time in soil, water systems, and plants and as farmworkers toil, the residues adhere to their clothing, boots, skin, and tools. The *promotores* recommend that farmworkers remove their boots and store them outside the home, change out of their work clothing, and shower as soon as they enter their homes. These steps can help farmworkers create a safer home environment for their families.

What makes the suggestions so well-received is the unique position of the *promotores* within their communities. For the most part, *promotores* are farmworkers, or have some connection or background with working in the fields. Because of this, they have a deep understanding of the challenges and barriers to health and well-being faced by those in their communities and, when looking for solutions, they have a sense of what is both practical and possible.

Because of their close ties to the farmworker community *promotores* know where to most effectively conduct outreach. Aracely, a *promotora* with Campesinos Sin Fronteras, told of her success in setting up a table on Saturdays in front of the local, Latino grocery store. Luis, a *promotor* with CBDIO mentioned the Laundromat as a successful venue for finding a captive audience. "On Sundays," he said, "everyone here has to do their laundry. And what are they going to do while they are waiting for the cycle to finish? They may as well hear what I have to say about heat stress." Other *promotores* are able to give their trainings while they are at work in the fields or the ferneries. Roberta of AMA explains, "I use my *descansos* (breaks) to talk to my *compañeros*. It's practical because while I'm talking the sun is hot on our backs. So the threat of heat stress is very real, and I can use examples from our very own experiences."

The first project year provided a strong basis for building leadership skills and providing opportunities for *promotores* to take the initiative in their communities. In the second year Farmworker Justice will work to facilitate the participation of *promotores* on local community boards, committees, and

## TEACHING IN THE FIELDS

continued from page 2

advisory boards. The skills and knowledge these *promotores* have cultivated are essential in helping to inform decision-making within their communities.

As the first project year draws to a close, *promotores* from Florida, California, and Arizona have reached nearly 10,000 farmworkers and their families, relaying vital occupational safety and health information. The participating community-based organizations have extended their capacity to reach farmworkers. *Promotores* have experienced personal and professional development-building their skills and improving their levels of self-confidence. That's the crux of this project. It's practical and impactful because it's based on very real experiences that workers encounter in the fields, ferneries, vineyards, and orchards while they weed, cultivate, prune, and harvest the fruits and vegetables that arrive on our tables. •

## FARMWORKER JUSTICE PROVIDES FREE HIV TESTING AT NCLR ANNUAL CONFERENCE

By Kattrina Hancy-Merlo



Aliados Project Director Kattrina Hancy-Merlo spreading the HIV prevention message at Farmworker Justice's booth at the NCLR conference

Farmworker Justice's Aliados project brought free, confidential HIV testing to National Council of La Raza's Annual Conference. This was the first time in five years the conference has provided free HIV testing. The testing was provided as part of the National Latino Family Expo, which took place July 23-25th in Washington, DC. The National Latino Family Expo is open to not only conference attendees but also to the general public. With over 20,000 people walking through the Expo over the weekend, it was the perfect venue for free, confidential HIV testing.

To provide testing, Farmworker Justice worked with Andromeda Transcultural Health, a local health center located in northwest Washington, DC. Andromeda Transcultural Health was founded by Dr. Ricardo Galbis, a Cuban-born psychiatrist, with the goal of providing Washington's Latino/Hispanic community with a health center that emphasized the "importance of language,

culture, and a personal approach to healthcare." Farmworker Justice worked specifically with Andromeda's Project Orion, their medical mobile outreach clinic.

Free, confidential HIV testing was provided all three days of the Expo. Andromeda provided two certified testers that performed HIV tests using OraSure. The HIV tests were oral swabs, rather than blood tests, and results took about 20 minutes. Along with testers, Andromeda brought numerous volunteers to walk around the Expo and hand out safe sex kits and directed people to the booth for free testing.

In total we tested 106 people throughout the weekend and handed out over 600 safe sex kits. The booth was busy most of the day and at times there was a line with people waiting to get tested. There were a variety of people getting tested including youth, older adults, women, hotel staff, and people visiting DC.

In addition to HIV testing, Farmworker Justice featured the Aliados project and our partnership with *Act Against AIDS Leadership Initiative* of the Center for Disease Control and Prevention (CDC). The Aliados project focuses on engaging the Latino community to raise HIV/AIDS awareness.

All in all, the conference was a great opportunity for Farmworker Justice to connect with NCLR, the community, and other Latino/Hispanic organizations. The next NCLR conference will take place in Las Vegas, NV from July 7-9. We are hoping to attend the Latino Family Expo there as well, so keep an eye out for us!

If you or your organization would like more information on the Aliados project, please contact Kattrina Hancy-Merlo at [khancy@farmworkerjustice.org](mailto:khancy@farmworkerjustice.org)

We provide organizations with turn-key communication products to help spread the HIV prevention message. •



# MOBILIZING RURAL COMMUNITIES AROUND HEALTH:

## PROVIDING CAPACITY BUILDING ASSISTANCE TO RURAL LATINO-SERVING ORGANIZATIONS

By Dagan Bayliss

Farmworker Justice has been conducting regional trainings in Miami, FL; Fresno, CA; El Paso, TX; Charlotte, NC; and Woodburn, OR to provide community groups with the tools to develop or improve their own *promotores de salud* HIV prevention programs. Through the **Poder Sano** project, we seek to mobilize rural, Latino communities to increase awareness about HIV thereby

increasing access and utilization of HIV resources (testing, prevention, and treatment). The importance of HIV treatment and “linkage to care” cannot be overemphasized. HIV therapies now exist that can allow people who are infected to live for decades in relative good health but if people with HIV do not have access to these treatments and are not able to adhere consistently to treatment regimes, due to migration and other life factors, their prognosis can be grim.

We increase organizations’ capacity by training staff who work with *promotores de salud* (community health workers) in rural Latino communities. Our trainings present conversations between *promotores* and community members having three components: listening to the concerns and priorities of the community member, offering a reframing of the expressed concerns that generates urgency, and directing the urgency into concrete action. In this way, the *promotor(a)* must first question and listen to the community member to assess what it is that they are primarily concerned about (in relation to their family, boyfriend, wife etc.). Next the *promotor(a)* seeks to reflect these priorities back to the person in a way that affirms the needs and wishes of the person and indicates how these overall needs and wishes are challenged or even negated by poor health and lack of access to health care. At the same time the *promotor(a)* highlights the importance of HIV prevention (and sexual health generally) to the person’s family, loved ones, and community. Finally the *promotor(a)* directs the conversation to specific action: more open conversation about sexual health in the family and the community, increased condom use, and increased utilization of HIV testing and services. *Promotores*, because of their position as trusted members of the communities where they work, are capable of engaging with members of their communities around sensitive health topics where agency professionals and the information they provide may be viewed with suspicion. An important component of **Poder Sano** is helping community-based partners build the skills and capacity to leverage sustainable relationships with local media outlets (often times Spanish-language media) to disseminate timely, trust-worthy, and culturally appropriate messages on HIV/AIDS that will increase awareness and also promote the services of *promotores de salud*.



FJ Capacity Building Coordinator Dagan Bayliss facilitating a training exercise



Participants in the capacity building workshop during a group exercise

Farmworker Justice is diligently working to achieve a long-term impact of successful community mobilization around HIV that will result in more people accessing and demanding HIV services. The ultimate goal is that once rural community members are connected to healthcare systems for HIV services, they will also be in a better position to demand and to receive other kinds of services such as diabetes care, or maternal and child health services which will improve overall health outcomes and begin to narrow health disparities.

**Poder Sano** has produced a radio Public Service Announcement in Spanish with an HIV testing message.

Please contact Dagan Bayliss at [dbayliss@farmworkerjustice.org](mailto:dbayliss@farmworkerjustice.org) to receive an audio copy of the PSA which organizations can customize to promote their HIV services or organization. •

# EPA IS REVIEWING THE HUMAN HEALTH RISKS ASSOCIATED WITH THE PESTICIDE CHLORPYRIFOS

By Adriane Busby

Chlorpyrifos is a highly toxic pesticide and one of the most widely used organophosphate ("OP") insecticides in the United States. OP exposure can cause symptoms ranging from nausea, dizziness, and aches to seizures, coma and death. It has also been linked to low birth rates, motor and cognitive delays and other ailments in children. Deemed too dangerous for children's health, EPA cancelled most home uses of the pesticide over a decade ago. However, ten million pounds of chlorpyrifos continue to be used annually, largely in agricultural production, to the detriment of farmworkers and their families nationwide.



Applied to a wide variety of crops including apples, grapes, peaches, and corn, chlorpyrifos endangers the health of farmworkers who work in the fields and orchards where the product is used, as well as through spray drift and take-home residue. Agricultural workers often unknowingly transfer pesticide residues from work via contaminated clothing, shoes, and skin to private vehicles, home, and ultimately their families. Furthermore, farmworkers and others who live in or near agricultural communities are at risk of exposure to chlorpyrifos by way of spray drift from target sites, during and after application.

On July 6, 2011, EPA issued the preliminary human health risk assessment for the registration review of chlorpyrifos and requested public comment. The review is part of EPA's periodic review of pesticide registrations to ensure that each pesticide can perform its intended function without unreasonable adverse effects on human health or the environment. Issuing the risk assessment also satisfied a legal commitment in a December 2010 settlement agreement addressing a July 2010 lawsuit by the Natural Resources Defense Council ("NRDC") and Pesticide Action Network North America ("PANNA") alleging that EPA had "unreasonably delayed" its response to their 2007 petition to revoke all tolerances and cancel all registrations for chlorpyrifos.

A review of the risk assessment revealed EPA's failure to adequately consider the dangers associated with chlorpyrifos, particularly as it relates to children. For example, EPA proposed to lower the safety factor for calculating the amount of pesticide residue allowed on food products, which is specifically aimed to provide an extra layer of protection for youth. EPA also failed to assess the impact of aggregate exposure as required by the Food Quality Protection Act. Furthermore, EPA discounted studies documenting actual pesticide drift incidences that exposed nearby communities to unsafe levels of pesticides. In response, Farmworker Justice submitted comments detailing the risk assessment's shortcomings and urged EPA to cancel all remaining uses of chlorpyrifos and to adopt mitigation measures during the interim to ensure immediate protections for farmworkers and their families.

The comment period closed on October 6, 2011. EPA will evaluate information gathered during the comment period to develop the final chlorpyrifos human health risk assessment. Although the timeline is unknown, Farmworker Justice will provide updates as they develop. •

## ARE YOU INTERESTED IN FARMWORKER HEALTH RESEARCH AND POLICY? SUBSCRIBE TO EYE ON FARMWORKER HEALTH!

Eye on Farmworker Health: Current Developments in Research and Policy is a quarterly electronic newsletter covering important recent developments in research and regulation on issues affecting the health and safety of migrant farmworkers. Each issue includes summaries of recent articles and reports, as well as recommendations for using the information to help health professionals, outreach workers, promotores de salud, and advocates strengthen their efforts on behalf of farmworkers and their families. If you would like to receive the newsletter via email, please contact Renato Rocha at [rrocha@farmworkerjustice.org](mailto:rrocha@farmworkerjustice.org). Past issues are available online at <http://www.farmworkerjustice.org/resources-publications/eye-on-farmworker-health-e-newsletter>

## FARMWORKER JUSTICE WELCOMES NEW STAFF

**Adriane Busby** joins our team as the new Pesticide Policy Staff Attorney. She holds a bachelor's degree in Government from the University of Texas at Austin and a J.D. from Texas Tech School of Law, with a specialty in environmental law.

Adriane has professional experience working on environmental policy, with a focus on clean water, clean air, and climate change. She has worked as an attorney advisor for U.S. EPA's Office of Administrative Law Judges as well as assistant counsel with the U.S. Chamber of Commerce's Environment, Technology, and Regulatory Affairs Division.

**Renato Rocha** joins our team as the new Farmworker Justice Fellow. Renato holds a bachelor's degree in Politics from Occidental College, where he was awarded a Public Policy and International Fellowship to Princeton University. Born and raised in California, by parents who come from farmworker families, Renato is interested to work on farmworker issues and immigration reform in our nation's capital.

At FJ, Renato will be supporting our legal and advocacy work for stronger occupational safety and health measures and immigration issues. He'll also be working with our farmworker health team on initiatives such as Eye on Farmworker Health, an e-newsletter for migrant clinicians. Renato is passionate about social justice issues and is excited for a year filled with hard work and adventure.

## FARMWORKER JUSTICE STAFF

**Bruce Goldstein, Esq.**  
President

**Dagan Bayliss, MSW**  
Capacity Building Coordinator

**Lynn Bock, MA**  
Director of Development

**Adriane Busby, Esq.**  
Staff Attorney

**Adrienne DerVartanian, Esq.**  
Director of Immigration and Labor Rights

**Jessica Felix-Romero, PhD**  
Director of Communications

**Jennifer Freeman Smith, PhD**  
Project Director, HIV Mobilization

**Katrina Hancy-Merlo, MPH**  
AAALI Project Director

**Merlyn Perez, MHA**  
Office Manager

**America Rivera**  
Administrative Assistant

**Renato Rocha**  
Fellow

**Virginia E. Ruiz, Esq.**  
Director of Occupational and Environmental Health

**Weeun Wang, Esq.**  
Director of Litigation

**Carlos A. Ugarte, MSPH**  
Director, Health Programs

**Rebecca Young, MA**  
Capacity Building Coordinator

## FARMWORKER JUSTICE BOARD OF DIRECTORS

**Grizelle Apodaca**, Chair  
President and CEO  
Eslabon & Associates  
Goodyear, AZ

**Eddie Acosta**  
National Worker Center Coordinator  
AFL-CIO  
Washington DC

**Carmen Castro**  
Farmworker Programs Mgr  
United Migrant Opportunities Services (UMOS)  
Milwaukee, WI

**Humberto Fuentes**  
Farmworker Advocate  
Nampa, ID

**Pete C. Garcia**  
President and CEO  
Victoria Foundation  
Phoenix, AZ

**Mario Gutierrez**  
Public Health Consultant  
Sacramento, CA

**Kathy L. Krieger**  
Partner, James & Hoffman, P.C.  
Washington, DC

**Moises Loza**  
Executive Director  
Housing Assistance Council  
Washington, DC

**Mario Martinez**  
General Counsel  
United Farm Workers  
Law Offices of Marcos Camacho  
Bakersfield, CA

**Virginia Nesmith**  
Executive Director  
National Farm Worker Ministry  
St. Louis, MO

**Ernest E. (Gene) Ortega**  
President, Rural Housing, Inc.  
Albuquerque, NM

**Ramon Ramirez**  
President, Pinos y Campesinos  
Unidos del Noroeste (PCUN)  
Woodburn, OR

**Tony M. Salazar**  
West Coast President  
McCormick, Baron, Salazar  
Los Angeles, CA

**Bari Schwartz, Esq.**  
Washington, DC

**Octaviana V. Trujillo, PhD**  
Professor  
Northern Arizona University  
Flagstaff, AZ

## FARMWORKER JUSTICE CELEBRATES 30TH ANNIVERSARY

Farmworker Justice has been working to improve the wages, working conditions, health and immigration status for farmworkers since 1981.

### Did you know...

#### **The majority of farmworkers are undocumented?**

This leaves them vulnerable to abuses and FJ advocates for a sensible solution to the immigration debate.

#### **Some labor laws do not apply to farmworkers?**

FJ works to ensure that farmworkers receive reasonable compensation under safe working conditions.

#### **Agriculture is one of the three most dangerous occupations?**

FJ works to prevent illness and injury that arise from lack of sanitary facilities, inadequate protections from pesticides, and unsafe equipment and machinery in the fields. Additionally, FJ works on health issues that impact farmworkers lives – including HIV and AIDS awareness programs.

Please consider supporting Farmworker Justice financially in 2011 and help us make the next 30 years one of positive change for farmworkers and the American food system.

Farmworker Justice plays a leadership role in advocacy for migrant and seasonal farmworkers in the nation's capital. For 29 years, FJ has been helping empower farmworkers to improve their wages and working conditions, labor and immigration policy, health and safety, and access to justice.

Our work depends on you! Please help Farmworker Justice continue and expand its work by making a financial contribution today.

### Thank you very much.

Enclosed is my tax-deductible donation of \$\_\_\_\_\_.  
Please place me on your mailing list.

Name: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone#: \_\_\_\_\_ Fax#: \_\_\_\_\_

Email: \_\_\_\_\_

You may donate with a credit card online at [www.farmworkerjustice.org](http://www.farmworkerjustice.org) or send a check to:  
Farmworker Justice, 1126 16th Street, NW, Suite 270,  
Washington, DC 20036

NON-PROFIT  
U.S. POSTAGE  
PAID  
PERMIT NO. 2174  
WASHINGTON, D.C.



1126 16th Street, NW, Suite 270  
Washington, DC 20036