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FOIA lawsuit demands information about EPA’s plan to gut pesticide protections: revisions to crucial pesticide protections could let minors work with pesticides, again

Washington, D.C.— Farmworker Justice and Earthjustice filed a lawsuit today to force the Environmental Protection Agency (EPA) to turn over communications between EPA and interest groups related to the anticipated gutting of pesticide safeguards that protect farmworkers, families, and communities from toxic chemicals.

The lawsuit demands the release of documents reflecting communications between EPA and representatives of the agricultural and chemical industries that occurred after the Trump Administration took office, as well as notes from a meeting of EPA’s Office of Pesticide Program’s Federal Advisory Committee that preceded EPA’s decision to revisit crucial protections in the federal Agricultural Worker Protection Standard (WPS) and the Certification of Pesticide Applicators Rule (CPA Rule).

“Scott Pruitt’s EPA has shown time and time again a complete disregard for rules and regulations that we know protect farmworkers and their families. These documents may be key to understanding why EPA suddenly decided to reject safeguards that it took decades to study and approve,” said Virginia Ruiz, director of occupational and environmental health at Farmworker Justice. “The fact is, there is no justification for delaying common-sense measures to prevent pesticide poisonings and deaths.”

Last December, Trump’s EPA signaled it would review recent improvements to the WPS and CPA Rule, particularly updates that prohibit employers from requiring children to work with pesticides, provide farmworkers with better access to information about the pesticides to which they are exposed, and protect untrained workers from direct exposure to pesticides. Farmworker and public health organizations expect EPA to officially propose gutting these safeguards later this year.

Farmworker Justice and Earthjustice submitted a Freedom of Information Act request to EPA for the records in late December, days after EPA announced its intention to revisit these protections. The request went unanswered. Now, these groups are asking the court to order EPA to provide the documents within 20 business days.

“The WPS and CPA Rule are tremendously important safeguards that will protect 2.5 million farmworkers, nearly 1 million pesticide applicators, and countless families from pesticide exposure. Yet EPA is planning to gut them,” said Carrie Apfel, staff attorney for Sustainable Food & Farming Program at Earthjustice. “Farmworkers and their families have a right to know who EPA met with and what was discussed leading up to this terrible decision.”

The updated WPS establishes a minimum age of 18 for most workers who mix, load, and apply pesticides, provides farmworkers the right to request pesticide information via a designated representative, and mandates that pesticide application stops if an untrained worker is likely to be hit by pesticide spray or drift. The revised CPA Rule improves the quality of training materials, and says unless exempted, certified pesticide applicators must be at least 18 years old.

The lawsuit, filed in the U.S. District Court for the Northern District of California, comes less than a month after the same district court ruled EPA had illegally delayed implementation of the CPA Rule last summer.

Farmworker Justice is a national advocacy group for farmworkers. www.farmworkerjustice.org

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