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EPA Failure to Address Discrimination of California Latino Schoolchildren

Lawsuit Filed to Remedy EPA's Civil Rights Program

OXNARD, Calif. – More than a decade after Latino parents filed a civil rights complaint with the U.S. Environmental Protection Agency (EPA) detailing the dangerous levels of pesticides at Latino public schools throughout California, they continue to experience racial discrimination. In August of 2011 EPA found that California Latino schoolchildren suffer disproportionately from exposure to pesticides and due to spraying near their schools, the EPA has yet to remedy this discrimination.

To try and finally force the EPA to protect civil rights, Center on Race, Poverty and the Environment (CRPE), California Rural Legal Assistance Inc., Farmworker Justice and The City Project filed a lawsuit on behalf of the original plaintiffs, the Garcia family, and multiple generations of Latino schoolchildren who still do not have substantive protection from the EPA.

In 1999, the Garcia family alleged that their children and other Latino children were being exposed to dangerous levels of pesticides at their public schools, which are directly adjacent to several strawberry fields where methyl bromide and other fumigants are sprayed. In 2011, the EPA issued the first ever preliminary findings of racial discrimination based on Garcia's claims. The EPA then entered into secret negotiations without the Garcias and issued a settlement that does not remedy the discrimination they suffered. EPA failed and continues to fail to protect the Garcias' rights to freedom from racial discrimination.

"I will keep fighting for my family," said Maria Garcia, a mother and grandmother, as the lawsuit was filed. This discrimination has gone on so long that Maria's son who participated in the original suit as a high school student is now a father with two children who will attend the same polluted schools he did. These schools like many other schools in California with high concentrations of Latino students continue to face dangerous levels of pesticide exposure.

Fifty years ago this week marks the March on Washington that helped lead to the passage of the Civil Rights Act which intended to protect families like the Garcias. At that march, Dr. Martin Luther King, Jr. shared his dream for a better country where all children could enjoy the full benefits America has to offer. The struggle to realize that promise today continues as the EPA has failed time and again to comply with its own civil rights guidelines.

Remarkably, the Garcias continue to dream for justice for their children and Latino children throughout California. Their complaint challenges the EPA's own Civil Rights Act regulations and if successful the lawsuit has the potential to allow other people of color across the country more access to protections from racial discrimination. And it will formally recognize that a healthy environment is not a luxury but a civil right.