



FARMWORKER JUSTICE NEWS

Farmworker Justice

www.farmworkerjustice.org

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Renewed Push for AgJOBS

By Adrienne DerVartanian

Although the Senate this summer failed to pass comprehensive immigration reform, which would have included AgJOBS (Agricultural Job Opportunities, Benefits and Security Act), farmworkers are not giving up. About 100 farmworkers traveled to DC in October to lobby for the proposal. Led by the UFW, farmworkers representing organizations from all over the country converged to share their experiences about the urgent need for AgJOBS. The participating organizations included the Farm Labor Organizing Committee, AFL-CIO, PCUN (Oregon's farmworker union), CATA of Pennsylvania/New Jersey, CITA of New York, the National Farm Worker Ministry, the Florida Association of Farmworkers, the Idaho Community Action Network, and the Rural & Migrant Ministry – NY.

The lobby week was a great success. Farmworkers met with Senators and Representatives, including Senators Feinstein, Kennedy, and Dorgan, and Reps. Berman, Baca, Gutierrez, and Watt, as well as the staffs of dozens of members of Congress. Many meetings included agribusiness representatives. Farmworker Justice and other DC-based organizations helped organize meetings, prepare written materials and assist the farmworkers in their eloquent presentations. The farmworkers' dedication and tireless efforts energized the DC-based advocates.

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Farmworker, Health and Environmental Groups Sue EPA over Failure to Ban Agricultural Uses of Chlorpyrifos

By Shelley Davis

In the summer of 2006, Luis Medallin was awakened by strong chemical fumes while at home in bed. Despite his frantic efforts to close all the air vents, the chemical spread throughout his trailer. That night he and his young sisters were poisoned by chlorpyrifos, a highly toxic pesticide, causing them to suffer nausea, vomiting, headaches and other symptoms.

Luis recounted his experience at a national telepress conference on July 31, 2007, to announce the filing of a lawsuit challenging the US Environmental Protection Agency's (EPA) decision to allow

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Representatives Joe Baca (D-CA) and Howard L. Berman (D-CA)

SELECCIONES DE LAS NOTICIAS DE JUSTICIA CAMPESINA ESTAN DISPONIBLES EN ESPAÑOL. ¡BUSQUE ADENTRO EL SUPLEMENTO EN ESPAÑOL!

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Combined Federal Campaign. Farmworker Justice participates in the Combined Federal Campaign ("CFC"). Federal employees may make tax-deductible donations through the CFC to support FJ's work on behalf of farmworkers. Please remember FJ during the holidays. FJ appears on the CFC National List of organizations. FJ's identification number is 10778. Thank you.

Renewed Push for AgJOBS

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At the end of the week, Senators Kennedy and Feinstein and Rep. Berman committed to farmworker and agribusiness representatives to pass AgJOBS during October or November. Senator Feinstein has expressed strong interest in adding AgJOBS to the five-year Farm Bill that will be passed this year. Because the House has already passed its version of the Farm Bill, supporters have indicated an interest in passing AgJOBS through the Judiciary Committee as a stand-alone bill, but the strategy is not yet decided.

The need to pass AgJOBS is increasingly urgent. The majority of farmworkers in America are undocumented. Fear of detection is rampant and many workers live in the shadows. Their plight is exacerbated by Bush administration plans to increase immigration enforcement efforts. These plans include a proposed new rule regarding “no match” Social Security numbers (as of the writing of this article, a preliminary injunction had been issued enjoining the government from implementing the new rule) and increased immigration raids. Enforcement will drive undocumented workers further underground, leaving them even more vulnerable to exploitation and further destabilizing the farm labor force.

The White House announced plans to revise the H-2A agricultural guestworker program regulations. Although no details have been provided, given the White House’s previous recommendations for changes to the H-2A program, we suspect the proposed changes would weaken important worker protections. Agricultural employers are pushing for one-sided administrative reforms to the H-2A guestworker program. These possible reforms make the need for AgJOBS all the more pressing. Please visit our webpage at www.farmworkerjustice.org and click on Immigration/Labor Legislation News for more information about AgJOBS. •

Update: At the time of publication, Sen. Feinstein announced that she would not offer AgJOBS as an amendment to the Farm Bill but that she will continue to fight for the proposal. Her decision occurred after several Senators who support AgJOBS voiced concern about offering AgJOBS in the Farm Bill setting. Senator Feinstein did not wish to force a vote that failed to demonstrate the extensive support that AgJOBS has gained. We will continue working with the United Farm Workers and others to win this fight.

Farmworker, Health and Environmental Groups Sue EPA

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continued use of chlorpyrifos (commonly known as Dursban or Lorsban) in agriculture. Speakers at the telepress conference also included Patti Goldman of Earthjustice and Shelley Davis of Farmworker Justice, who are counsel for plaintiffs, and Dr. J. Routt Reigart, who has treated victims of chlorpyrifos poisoning. The launching of the lawsuit was covered by the *Associated Press*, Washington DC’s *The Hill*, the *Seattle Times*, *Sacramento Bee*, and *Inside EPA*.

The lawsuit charges that EPA’s licensing decision was flawed because the agency failed to conduct the risk-benefit balancing test required by the Federal Insecticide Fungicide and Rodenticide Act (FIFRA). Despite its finding that chlorpyrifos poses risks of concern to workers and the environment, EPA ruled that the benefits outweigh the risks without collecting objective evidence concerning benefits or explaining its rationale. The case was filed in federal district court in San Jose, CA, by Earthjustice, Farmworker Justice, the Natural Resources Defense Council, and California Rural Legal Assistance on behalf of the United Farm Workers, the Farm Labor Organizing Committee, Pineros y Campesinos Unidos del Noroeste, Frente Indigena de Organizaciones Binacionales, Teamsters Local 890, Sea Mar Health Center, and Beyond Pesticides.

Chlorpyrifos, an insecticide derived from nerve gas, affects the brain and nervous system. Overexposure can cause symptoms ranging from nausea, vomiting, headaches, blurred vision, and weakness to convulsions, coma and death. It consistently ranks as one of five pesticides that cause the greatest number of reported acute poisonings of agricultural workers. In a 2006 study, researchers in Oregon found that even low levels of exposure to chlorpyrifos can affect farmworkers’ cognitive functioning, reaction time, and ability to focus. Almost all home and garden uses of chlorpyrifos have previously been banned because of the unreasonable risks it poses to children’s health.

Farmworkers continue to be poisoned by chlorpyrifos. In July 2007, at least eleven farmworkers sought medical treatment after experiencing drift from chlorpyrifos while working. Earlier that month, another crew was sickened when they were required to return to work in a field treated with chlorpyrifos before the restricted entry period had expired. •

Meet the Newest Staff Members

HIV/AIDS Specialist: **Katrina Hancy**

In October 2007, Farmworker Justice welcomed the newest member of its HIV Prevention Team, Katrina Hancy. Katrina joins FJ after recently completing two years with the Peace Corps in Honduras where she worked on HIV/AIDS prevention and child survival. Her diverse public health experience also includes projects with the Centers for Disease Control and Prevention, MAP (Medical Assistance Program) International, and Johns Hopkins School of Public Health. She received her Masters in Public Health from Emory University and her Bachelors from the College of Notre Dame of Maryland. Katrina brings a high level of enthusiasm and experience to Farmworker Justice's health programs.

Communications Coordinator: **Barb Howe**

Farmworker Justice is pleased to announce an expansion of its staff with the hiring of Barb Howe as Communications Coordinator. Barb will develop our relationships with the media, improve the quantity and quality of our publications, and enhance the responsiveness of our website. She will focus her activities on our efforts around immigration policy and labor rights.

Barb comes to us from Gainesville, Florida. After receiving a degree in English literature, she worked in several public interest positions in the United States, Canada and Latin America. She has been writing about American foreign policy in Latin America, translating Spanish-language articles into English, and volunteering with a homelessness project she co-founded. Barb returned to school and received a master's degree in International Relations with a focus on human rights from University of Florida in 2006. Barb also is a talented photographer. •

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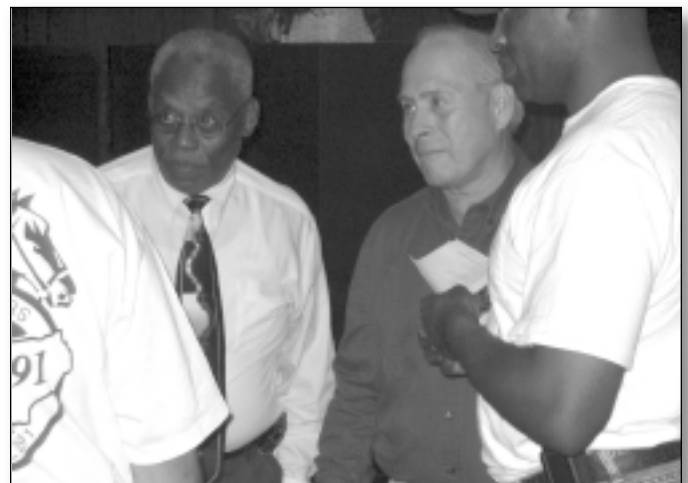
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Volunteer Attorney (part-time)



In late September, FJ's Bruce Goldstein was privileged to attend a kick-off for a corporate campaign by the Farm Labor Organizing Committee (FLOC) and AFL-CIO in Winston-Salem, North Carolina. FLOC, which has union contracts with numerous tobacco growers, is demanding that R.J. Reynolds Tobacco take responsibility for improving working conditions in the company's tobacco fields. Above, FLOC President Baldemar Velasquez and North Carolina AFL-CIO President James Andrews confer at the historic Lloyd Presbyterian Church, just up the street from Reynolds headquarters. Bruce spoke at the meeting, as did Virginia Nesmith, Executive Director of the National Farm Worker Ministry (who is also on FJ's Board of Directors). Several farmworkers also spoke but we are reluctant to post their photos for fear of retaliation against them.

Public Health Forum Held in California's Central Valley

By Miguel Vélez

Farmworker Justice, in conjunction with Centro Binacional para el Desarrollo Indígena Oaxaqueño (CBDIO), continued its efforts to improve the health of farmworkers near Fresno and Madera, California, by holding a one-day community health forum. Organized by FJ staff member Miguel Vélez and CBDIO's Rufino Dominguez for the Farmworker Justice Promotores de Salud HIV/AIDS prevention program, the event was held in Madera at the Capilla Santa Inés on Saturday, August 18, 2007, and was attended by approximately 60 community members. The event was covered by a local Spanish language newspaper, La Voz del Valle, and by the Spanish-language television station Univision. During the nine-hour forum, presenters discussed multiple topics including Mixteco language and culture, Mixteco natural medicine, child car seat safety, pesticide safety, tuberculosis, and HIV/AIDS. Agencies that presented on these topics included the Academia de Lengua Mixteca from Oaxaca, Mexico, the Madera County Health Department, the California Rural Legal Assistance, and the AIDS Project Los Angeles. In addition, free testing for tuberculosis and tetanus was provided for adults, and free child car safety seats and vaccines were offered for children. •



Farmworker Justice Testifies at House Hearing

On October 4, 2007, the House Agriculture Committee held a hearing on the labor needs of American agriculture. FJ's Executive Director, Bruce Goldstein, testified on behalf of farmworkers. He described the challenges faced by farmworkers and agricultural employers and urged members of Congress to support a fair, sensible solution to resolve the problem—the AgJOBS bill. Bruce's testimony can be found on our webpage: www.farmworkerjustice.org and click on Immigration/Labor Legislation News. •

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Settlement Secured for H-2 Guestworkers in Northern California

By Marni Willenson

In the Spring 2007 issue of this newsletter, we reported that Farmworker Justice had joined California Rural Legal Assistance (CRLA) as counsel in *Salines del Valle v. Sierra Cascade, Inc.* (SC CV 06 1378, Superior Court for the State of California, County of Siskiyou), representing dozens of H-2A guestworkers in litigation over wages and working conditions against a strawberry nursery in Northern California. In July, FJ and CRLA negotiated a settlement for the named plaintiffs and more than 150 other H-2A employees, who will recover their unpaid back wages, monetary damages for unlawful discharge, and additional penalties available under California wage and hour law, as well as attorneys' fees and costs. The workers also secured sweeping injunctive relief that will regulate virtually every aspect of the company's future employment of H-2A workers, providing judicial oversight of the employees' wages and working conditions. The terms of the stipulated injunction include a limitation on production requirements, provision of safe and sanitary housing facilities and nutritious meals, payment for travel time, and an end, generally, to the exploitative practices perpetrated on this employer's first group of H-2A employees. Its ongoing employment of H-2A workers is all but guaranteed, given current market conditions.

FJ has also achieved several major victories in *Rosiles-Perez v. Superior Forestry Service* (Civil Action No. 1:06-CV-0006, United States District Court for the

Middle District of Tennessee), a class action filed on behalf of more than two thousand H-2B workers brought to the United States from Mexico and Guatemala to plant pine trees, spray chemicals and perform other arduous labor for the country's largest forestry labor contractor. In July, the district court certified the case as a collective action under the Fair Labor Standards Act, providing all workers with similar claims an opportunity to join the lawsuit to pursue the recovery of their unpaid minimum and overtime wages.

The court also invited plaintiffs to file their motion to certify their claims under the Migrant and Seasonal Agricultural Worker Protections Act as a class action, which was accomplished in August, with a decision expected in late October. This case, which is being litigated with the Southern Poverty Law Center's Immigrant Justice Project, represents a full-scale assault on the company's piece rate system of compensation, which they claim is "unique in the industry," and other unlawful pay practices, including the failure to reimburse the guestworkers' visa and transportation expenses, and pervasive hours shorting. As has been widely reported, the number of employers taking advantage of foreign labor certification is expected to grow very rapidly in response to stepped up border security and enforcement activities against undocumented workers, who make up a large percentage of the agricultural workforce. The representation of guestworkers will continue to be a focus of FJ's litigation efforts. •



FJ WELCOMES

Mateo Luca Gonzalez-DerVartanian,
who was born to Staff Attorney
Adrienne DerVartanian and her husband,
Edgar Gonzalez,
on May 4, 2007



FARMWORKER JUSTICE'S

6th Annual Socially Responsible Wine Tasting

***Thursday, December 6, 2007
6pm-8pm***

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FJ Monitoring DOL's Review of H-2A Program

By Virginia Ruiz

In light of Congress' difficulty in passing AgJOBS, agricultural employers are turning to the H-2A program to meet their labor needs. These employers are also pressuring the Bush Administration to make the H-2A program easier for them to use. On August 10, the White House announced its plan to improve border security and immigration within existing law. Included in that plan is a directive to the US Department of Labor (DOL) "to review the regulations implementing the H-2A program and to institute changes that will provide farmers with an orderly and timely flow of legal workers, while protecting the rights of laborers."

Farmworker Justice has met with officials from the DOL's Office of Foreign Labor Certification to discuss any changes that may occur. FJ is working closely with the United Farm Workers union and other farmworker advocates around the country to alert DOL to several issues that should be resolved in any review of the H-2A program.

In early October 2007, the Los Angeles Times obtained copies of letters sent by the National Council of



UFW President Arturo Rodriguez

Agricultural Employers (NCAE) to the Bush Administration demanding extensive changes to the H-2A program. FJ's Bruce Goldstein was quoted in the Los Angeles Times and the New York Times opposing the employers' demands for lowering H-2A wage rates and eliminating other labor protections. Despite the NCAE's demands for administrative reforms, the NCAE was continuing to press Congress to pass AgJOBS, which contains both an earned legalization program for undocumented workers and an acceptable compromise on H-2A reforms. •

Senator Sanders Introduces Legislation to Protect U.S. and H-2B Workers

The H-2B temporary foreign worker program allows employers to hire workers from other countries on temporary work permits to fill nonagricultural jobs that last less than one year. H-2B workers are commonly found in the landscaping, forestry, seafood processing, and hospitality industries. The H-2B program is rife with exploitation and abuse. As with all guestworkers, H-2B workers suffer from an imbalance of power with their employers because their temporary, non-immigrant status ties them to particular employers and makes their ability to obtain a visa dependent on the willingness of the employer to make a request to the U.S. government. H-2B workers lack many of the protections afforded to workers in the H-2A program.

On September 26, 2007, Senator Sanders (I-VT) introduced the Increasing American Wages and Benefits Act, S. 2094. The bill would reform the H-2B guestworker program to ensure the protection of US and foreign guestworkers by, for example, increasing



prevailing wage rates, emphasizing the recruitment of US workers, and authorizing the Legal Services Corporation to represent H-2B workers. Sen. Sanders' bill would also begin a process of regulating the international recruitment of guestworkers by labor contracting firms that are hired by employers in the United States. The guestworker recruitment system often enables the ultimate employers to escape responsibility for the mistreatment of the foreign citizens.

Currently, a legislative effort is underway to increase the cap on H-2B workers. In the context of this legislative push, Farmworker Justice and other labor and immigrant rights groups are advocating for an increase in worker protections. •

Farmworkers and the Farm Bill

By Bruce Goldstein



Farmworker Justice launched a campaign this year to incorporate immigrant farmworkers into the Farm Bill. Congress enacts a new Farm Bill about every five years to authorize numerous agricultural programs, including farm subsidies, as well as Food Stamps and other nutrition programs (see the Spring 2007 newsletter article).

We have focused our efforts on improving pesticide safety protections and expanding research to reduce farmworkers' exposure to toxic chemicals and to prevent unnecessary injuries and illnesses to workers in the fields and their family members in their communities.

The House of Representatives approved a Farm Bill on July 27 after a contentious debate concerning farm subsidies and environmental protection. Rep. Ron Kind (D.-WI) and Rep. Jeff Flake (R-AZ) introduced an alternative to the traditional subsidy-laden Farm Bill, which included pesticide safety and research provisions that Farmworker Justice proposed. A broad array of organizations, including many environmental, anti-hunger, religious, and business groups, supported the Kind-Flake alternative. We particularly appreciate the assistance of the Environmental Working Group and Oxfam America during that campaign. Unfortunately, the House defeated the Kind-Flake reform effort and approved the House Agriculture Committee's bill, which did not include our pesticide safety protections.

We have been working with Sen. Harkin, chair of the Senate Agriculture Committee, and others to include at least some additional pesticide safety protections in the Senate's Farm Bill and in the final version after a House-Senate Conference Committee. An impressive coalition of organizations supports our efforts.

We collaborated with Sen. Harkin's office to sponsor a briefing for Congressional staff on the Farm Bill, farmworkers and pesticides on June 5. We were very pleased to have Froy Martinez speak. Mr. Martinez is a long-time farmworker from Caldwell, Idaho, who was

permanently injured after entering a field that had been recently sprayed with a toxic pesticide. He spoke movingly about the impact on his life and the need for reforms and research to prevent such unnecessary exposure, improve medical responses to poisonings, and find safer alternatives.

Dan Christenson, a Senate Agriculture Committee Professional Staff Member, introduced the panel. Other speakers included Bruce Goldstein, Farmworker Justice Executive Director, and Shelley Davis, Deputy Director, who is an expert on pesticides. Dr. Dennis Penzell, MD, an expert on farmworker health who treated farmworkers several years ago after the largest mass pesticide poisoning in Florida, joined us. Andrew Yaffa, a Florida attorney for women farmworkers whose babies were born with severe deformities after working for Florida farm operation also participated and eloquently explained the need for government reforms. •



Meeting the Special Needs of Indigenous Farmworkers in Oregon

By Pamela Rao

The demographic composition of the migrant farmworker population in the US continues to evolve, with a growing proportion of the nation's farmworkers in recent years arriving from indigenous communities in Mexico. While the health of farmworkers in general in the United States is of major concern, indigenous farmworkers are even more vulnerable and under-served than their counterparts who are of Latino or other ethnicity. In common with other farmworkers, indigenous workers lack economic resources, have little formal education, work for short periods of time in any one locale, and suffer from linguistic, cultural and geographic isolation. But in addition to speaking one of many indigenous languages of the area (e.g., Mixteco, Zapotec, Triqui), they often speak little or no Spanish or English, and their cultural background is quite different from that of Latino Mexicans. As a result, programs and services developed to meet the needs of Spanish-speaking farmworkers are frequently culturally inappropriate or linguistically inaccessible. Furthermore, few agencies have acquired the language skills or cultural knowledge necessary to assist these workers. As a consequence, indigenous farmworkers have only limited awareness of the workplace hazards they face or of the health and social services that may be available to them.

To begin to address this problem, Farmworker Justice has partnered with the Oregon Law Center, researchers from Portland State University and University of Pennsylvania, the workers' union *Pineros y Campesinos Unidos del Noroeste*, and *Salud Medical Center* in Woodburn, OR, to develop programs to improve workers' awareness of the hazards associated with agricultural work and to increase their access to economic, health, and social services. The four-year project, funded by the National Institute for Occupational Safety & Health, is currently completing its third year. During the first two years, the partners conducted outreach to the community to investigate the needs of farmworkers speaking indigenous languages, and of health providers and other stakeholders serving this community, in order to identify priorities for workplace education and intervention. (Some of the findings from this formative research can be found in the Fall 2005 issue of

Farmworker Justice News, available at www.farmworker-justice.org – click on “Resources.”) This information was used to develop and implement a culturally and linguistically appropriate *promotores de salud* program to disseminate occupational health and safety information.



Promotores practice pesticide safety education training for indigenous farmworkers in Oregon

Activities during the third year of the project included two-day workshops on environmental health and on grassroots advocacy. Each session was attended by more than 15 *promotores* who participated in a variety of educational activities to learn about pesticide safety, heat stress and workers rights. These *promotores* returned to their communities to convey these important messages to their farmworker families and neighbors. Following the two-day training on advocacy, the *promotores* immediately went into action. They had a two-hour

meeting with Michael Wood, Head of Oregon OSHA, during which they explained many of the workplace safety problems indigenous farmworkers encounter in agriculture. In addition, one of the *promotores* joined a team from Oregon Law Center, PCUN and FJ to speak at a national pesticide worker safety forum, sponsored by EPA and held in Washington, DC in October.

In the fourth and final year of the project, we will evaluate the results of the program to determine what was learned, what worked, and what needs to be changed to improve the efficacy of the program for future implementation. •



Participant in environmental health training session for *promotores de salud* program in Woodburn, OR



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We encourage you to join an important group of Farmworker Justice supporters: contributors in our monthly sustainer program. Your regular contribution will help provide us with the resources we need to respond promptly to farmworkers' most pressing needs.

Consider making a donation of \$50 per month – the cost of a daily cup of coffee – or \$25 per month or \$15. Sustainers who donate at least \$70 per month for a year will receive a complimentary ticket to our annual award reception. All Sustainers will be listed in our publications and on our website, unless they

prefer to be anonymous. The minimum monthly contribution for the sustainers program is \$10.

Becoming a Sustainer is easy, safe and secure. You may mail a check to FJ each month, or order a check each month if you have online banking. You may make a monthly payment from your credit card by signing up on our website, www.farmworkerjustice.org, and clicking on the icon for Network for Good. Just choose the monthly option and select the dollar amount. You may cancel at any time.

Donations are tax-deductible to the full extent of the law as Farmworker Justice is a not-for-profit 501(c)(3), tax-exempt organization. You will receive receipts for your tax returns.

Help us build an even brighter future for farmworkers in the coming years by becoming a Sustainer. For further information, please contact Office Manager Lorna Baez at lbaz@nclr.org or 202-293-5420.

And thanks very much to our current sustainers for leading the way! •

Farmworker Health Forum in Woodburn, OR

By Jennifer Freeman

On September 27, 2007, Farmworker Justice and Oregon Law Center presented a farmworker health forum in Woodburn, Oregon, to a group of 30 promotores de salud and other community members. The agenda included bilingual sessions on HIV/AIDS in the Latino community, sexual assault and harassment in the workplace, the role of language interpreters in healthcare settings, and pesticides and farmworkers. The community forum received high praise from participants, who said they hoped to attend similar informational events in the future.

This forum was a collaborative effort of Farmworker Justice, the Oregon Law Center, Cascade AIDS Project, Tuality Community Hospital, Portland Community College, Virginia Garcia Memorial Health Center and Salud Medical Center, made possible with funding from the Office of Minority Health/AIDS. •



Group discussion during the Farmworker Health Forum in Woodburn, OR



Farmworker Justice plays a leadership role in advocacy for migrant and seasonal farmworkers in the nation's capital. For twenty-six 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.

Please help Farmworker Justice continue and expand its work by making a financial contribution to our work.

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