



FARMWORKER JUSTICE NEWS

Farmworker Justice

www.farmworkerjustice.org

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Farmworker Justice Begins A Cultural Award Tradition

By Bruce Goldstein

FJ initiated the Farmworker Justice Cultural Award with a reception on July 10, 2006, to honor playwright/actor/director Luis Valdez. Mr. Valdez founded and is artistic director of El Teatro Campesino, a theater group that collaborated with Cesar Chavez and Dolores Huerta, beginning in the 1960's, to support striking workers and to build the United Farm Workers. Mr. Valdez's skits spoke to the farmworkers by involving them in art designed to help change the world.

Mr. Valdez later wrote and directed the play and 1982 film version of *Zoot Suit*. In a groundbreaking development for the Chicano community, the play went to Broadway. Several performers from the play and film helped us celebrate Mr. Valdez's substantial achievements. In addition to being the director of such films as *La Bamba*, he has written several books and served as a mentor and director to scores of actors through his Teatro in San Juan Bautista, California.

The reception occurred in the Los Angeles headquarters of the California Endowment, a foundation dedicated to improving the health of the state's residents, including farmworkers. Mayor Antonio Villaraigosa helped us present the award to Mr. Valdez, and also gave Farmworker Justice a plaque to celebrate FJ's 25th anniversary.

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FJ Efforts to Achieve Pesticide Reform: New Developments

By Shelley Davis

Case to Ban Use of Guthion and Phosmet

On January 13, 2004, Farmworker Justice (FJ), Earthjustice, the Natural Resources Defense Council (NRDC), and California Rural Legal Assistance (CRLA), filed suit on behalf of the United Farm Workers and others to challenge the U.S. Environmental Protection Agency's (EPA) decision to re-register the highly neurotoxic pesticides guthion and phosmet. (United Farm Workers of America v. Johnson, Case 2:04-cv-00099-RSM, W.D. WA). The plaintiffs contend that the risks from the use of these pesticides far exceed

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Bruce Goldstein, Dolores Huerta, Luis Valdez & Los Angeles Mayor Antonio Villaraigosa

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 1075. Thank you.

Cultural Awards Tradition

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Dolores Huerta, co-founder of the United Farm Workers, and actress Lupe Ontiveros (*Zoot Suit*, *Real Women Have Curves*, *Desperate Housewives*), spoke about Luis's contributions to the farmworker movement and to the performing arts in this country. Ms. Ontiveros brought along fellow *Zoot Suit* performer and actor/director Mike Gomez and actress/playwright/screenwriter (*Luminarias*) Evelina Fernandez.

Mr. Valdez, a thoughtful storyteller, spoke eloquently about his experiences as a child farmworker in the Coachella Valley and the impact it had on his artistic work as an adult. El Teatro Campesino sang two songs from the days of organizing in the fields. They

then put on a skit that used to be performed in the fields, "Las Dos Caras del Patroncito" (The Two Faces of the Bossman), a funny, poignant and instructive farce about a farmworker who changes places with his employer. After the skit, the troupe led the audience in singing two anthems of the farmworker movement, "De Colores" and "Solidarity Forever." The audience was noticeably moved.

The evening served as a wonderful initiation of a new tradition, an annual West Coast reception. We thank the California Endowment for hosting and sponsoring the event, as well as our other donors who make our work possible. We especially thank Dolores Huerta and Lupe Ontiveros, David Damian Figueroa for his generous help, and photographer Rick Nahmias. We also thank Armando Cepeda for his photographs of the reception, which can be seen on our website.

Most of all we thank Luis Valdez, who turned an evening designed to honor him into an event that reminded us of the human costs of the mistreatment of farmworkers and re-energized us in our efforts to help farmworkers achieve justice. •



Singing "De Colores"



Actor/Director Mike Gomez, Actress/Playwright/Screenwriter Evelina Fernandez, and Actress Lupe Ontiveros



El Campesino y El Patroncito (the farmworker & the bossman)



Farmworker Justice Redesigns Website

Farmworker Justice redesigned its website at the beginning of November.

Please visit our new website at
www.farmworkerjustice.org
(also www.fwjustice.org and www.justiciacampesina.org).

Pesticide Update

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their benefits, so that the products are not eligible for re-registration in the United States under the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA). In its risk-benefit analysis, by contrast, the EPA quantified the benefits to growers in monetary terms, but made no effort to characterize the magnitude or severity of the risks to workers. It also ignored the risks to farmworker children, rural residents living in areas in which these pesticides are used, and endangered species whose habitat is contaminated by these products. Guthion, in particular, has caused hundreds of reported farmworker injuries and has been found in quantities of concern in the bodies of farmworker children who live close to apple orchards on which guthion is applied.



The parties agreed to a partial settlement of the case in the fall of 2005. Under this agreement, the EPA agreed to reconsider its licensing decisions and would issue new decisions in 2006. Should the plaintiffs be dissatisfied with the new decisions, they retained the right to reopen the case by October 30, 2006. On June 9, 2006, EPA proposed to phase-out all uses of guthion by 2010. It also proposed to extend restricted entry intervals (REI) for some uses of phosmet. A final decision is expected by November 22, 2006. Plaintiffs may return to court, if the ultimate decision is unsatisfactory.

Case to Rescind Alleged Agricultural Emergency in California

On October 26, 2006, FJ and CRLA filed suit against Mary-Ann Warmerdam, the Director of the California Department of Pesticide Regulation (DPR), to challenge her declaration of an agricultural emergency which reduced the REI for sulfur on table grapes, from three days to one day, for a 5-county area in California's Central Valley. By regulation, California table grape growers must keep fieldworkers out of vineyards treated with sulfur for three days, from May until the end of the harvest, which usually occurs in December. The state had established a three-day REI for sulfur in this area because there had been hundreds of eye, skin and respiratory injuries from exposure to sulfur in recent years. On several occasions, and most recently on October 2, 2006, the California Grape and Tree Fruit League (CGTFL), asked DPR to declare an agricultural emergency for a five county area to reduce the sulfur REI to one day, because of early and intermittent rain in that area. DPR responded on October 4, 2006 by declaring an agricultural emergency and reducing the REI to one day. On October 26, 2006, two grape workers, Hector Reynaga and Benito Hernandez, sought an emergency Writ of Mandate to force DPR to rescind its declaration. The next day, DPR, with the agreement of the CGTFL, agreed to do so. The lawsuit will continue, however, to challenge DPR's failure to comply with federal regulations, 40 CFR section 170.112(d), in determining the existence of agricultural emergencies.

Reforming the Worker Protection Standard

EPA is currently working on a proposal to improve the Worker Protection Standard. To ensure that the farmworkers' voices are heard in this process, Farmworker Justice is organizing a sign-on letter, which already has 30 signatories, to set forth in detail the reforms that are needed to provide adequate protections for fieldworkers and pesticide handlers. The sign-on letter is on FJ's website under the Health and Safety section. Additional endorsements are welcome. •



HIV/AIDS Forums Train Groups in Little Rock, AR and Harrisonburg, VA

By Myrtelina Gonzalez

Since Latinos, who comprise 14% of the U.S. population, account for 20% of all HIV/AIDS cases, Farmworker Justice (FJ) has sought to raise awareness of the risk of HIV/AIDS facing the migrant and immigrant communities. On September 14 and 19, 2006 respectively, FJ held one-day forums to promote HIV prevention in Harrisonburg, VA and Little Rock, AR. In both these host communities, there are large numbers of Latino migrants and immigrants, as well as a number of service providers which actively work or seek to work with these populations. In addition, both cities have active Promotores de Salud programs, willing to bring HIV/AIDS prevention messages to migrant farmworkers.



AIDS Ribbon in Lights Promoting Annual Latino AIDS Awareness Day, Little Rock, AR

The focus of these forums was the pressing need to improve HIV/AIDS prevention services for local migrant and seasonal farmworkers and other immigrants. In both cities, FJ sought to link up local and statewide service providers and promotores groups to facilitate migrants' and immigrants' access to HIV prevention efforts. The Arkansas forum, held at the University of Arkansas in Little Rock, was co-sponsored by the Arkansas Human Development Corporation, Arkansas Department of Health and Human Services, Arkansas AIDS Foundation and the Little Rock HIV Prevention Community Planning Council. The Harrisonburg forum, held at James Madison University, was co-sponsored by Valley Migrant Education Program, Blue Ridge AHEC Promotores de Salud Project, and Valley AIDS Network. Both forums had two tracks, one aimed at agency staff and the other designed for promotores/community health workers. The forums' sessions included: Cultural Competency, HIV/AIDS Facts and Fiction, Overcoming Cultural and Communication Barriers, Adapting/Tailoring Science-based Interventions, and HIV/AIDS Stigma and Access to Care.

As an immediate follow-up activity, groups in both cities worked together to promote the Third Annual Latino AIDS Awareness Day. On October 15, 2006, for example, the Arkansas Human Development Corporation, Arkansas Department of Health and Human Services, Arkansas AIDS Foundation, Jefferson Comprehensive System and La Casa Health Network combined their efforts and resources to provide the Latinos in Little Rock and adjacent areas with the opportunity to engage in community dialogue, commemorate those lost, and advocate for increased services. •

FJ Adapts AIDS Curriculum

By Jennifer Freeman

Farmworker Justice has continued its partnership with the Centers for Disease Control (CDC) to develop a curriculum and disseminate the Popular Opinion Leader (POL) behavioral intervention to health departments, community organizations, and other capacity building assistance providers. POL is a community-level intervention designed to reduce the spread of HIV by using local trendsetters to endorse new, safer social norms. Steve Diaz and Jennifer Freeman have led monthly POL trainings in cities across the country.

While the English-language version of the training curriculum for general audiences is nearly complete, work has just begun on creating a Latino module for POL. Successful adaptations of behavioral interventions for Latinos must take into account not only the language preferences and language varieties spoken, but also must consider cultural differences that may impact how an intervention is received. Other factors to be considered in a Latino adaptation include national origin, levels of assimilation or acculturation, beliefs and knowledge about disease and disease prevention, and so on. In the case of migrants, issues such as seasonal employment, migration patterns, and immigration status can also impact a person's access to and desire to participate in such an intervention.

Farmworker Justice has also received assistance from University of California, Berkeley professor Kurt Organista in the creation of the Latino POL module. •

Farmworker Justice Welcomes New Staff Members

Marni Willenson joined FJ on November 1, 2006, to fill the new position of Staff Attorney/Litigation Coordinator. Marni has extensive litigation experience and excellent credentials. She graduated from Brown University and went on to University of Chicago Law School, where she graduated with honors in 1996. Marni has handled numerous civil rights cases and class actions. She worked for the Chicago Lawyers' Committee for Civil Rights Under Law and subsequently joined a highly-regarded plaintiffs' firm, Miner Barnhill & Galland, where she became a partner. Later she opened her own practice. She has been litigating farmworker, forestry-worker and other low-wage immigrant worker cases throughout the country.

Marni's presence will expand our ability to use the courts to remedy and deter systemic violations of farmworkers rights by agricultural employers and government agencies. Marni will be filing high-impact litigation, particularly on labor and immigration/guestworker issues, and will also assist on our pesticide policy cases. We look forward to collaborating with attorneys and farmworker organizations around the country to expand our use of the courts to bring justice to farmworkers.

Pamela Rao, Ph.D., will be joining FJ in December as our new migrant health specialist and research analyst. Pamela is a cultural/medical anthropologist with a wealth of experience addressing farmworker issues, including by conducting research with migrant and seasonal farmworkers and by managing a federally funded farmworker health program. Before coming to FJ, she served as Project Director for *¡La Familia!*, a study to develop, implement and evaluate a pesticide safety program for farmworker families. Pamela has also published numerous articles on farmworker health topics in peer-reviewed journals.

Pamela will work to expand FJ's current research and writing on farmworker health issues, and will work with researchers to translate their findings into practice suggestions. She also will help us to develop and maintain on-going relationships with community-based organizations and migrant health clinics by providing them with technical assistance. We are delighted to have a scholar and farmworker activist of Pamela's caliber join our staff.

In June 2006, **America Rojas** joined FJ as an administrative assistant. As an administrative assistant, she helps all of the staff accomplish their projects and works to keep the office running smoothly. America was born in California, but was raised in Mexico, where she was trained as a physical therapist. She returned to the United States about ten years ago and has been working in a variety of positions, including therapeutic massage and as an office assistant in several different offices. •



Shelley Davis Receives Award from NLADA

Shelley Davis is the recipient of the 2006 Reginald Heber Smith Award from the National Legal Aid and Defender Association (NLADA). NLADA presented her with the award on November 10 at the annual awards luncheon during the NLADA national conference, in Charlotte, North Carolina.

The Reginald Heber Smith Award, given annually, recognizes the dedicated services and outstanding achievements of a civil legal aid attorney or an indigent defense attorney while employed by an organization supporting such services. The "Reggie" is named for a former counsel at the Boston Legal Aid Society and the author of Justice and the Poor, published by the Carnegie Foundation in 1919.

Congratulations to Shelley, who richly deserves this award for years of creative, dedicated, diligent, high-quality, high-

AgJOBS Sponsors Continue to Push for Passage of Bill

By Adrienne DerVartanian

Senators Larry Craig (R-Idaho), Dianne Feinstein (D-Cal.), and Edward Kennedy (D-Mass), continue to advocate for the passage of the farmworker immigration compromise known as "AgJOBS." Last May, farmworkers achieved a major victory with the inclusion of AgJOBS in the Senate comprehensive immigration bill. Progress on immigration reform has stalled, however, because the House leadership refused to try to resolve differences between the House and Senate immigration bills. Instead, House leaders staged a series of one-sided "hearings" on immigration reform throughout the country during the August recess.

In September, the House ignored the need for comprehensive immigration reform, choosing to focus on a few isolated border security and enforcement issues. One such bill was the Secure Fence Act, HR 6061, which authorized 700 miles of fencing along the US-Mexican border (this bill passed and was signed into law). During the Senate debate on the Secure Fence Act, Senators Feinstein and Craig urged Senate Majority Leader Frist to allow AgJOBS to be offered as an amendment to the bill, but were unsuccessful. Senators Feinstein, Craig, Kennedy, and Boxer did, however, use this opportunity to speak on the Senate floor about the importance of passing AgJOBS to address the

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5th Annual Socially-Responsible Wine Tasting

The fifth annual Farmworker Justice Socially Responsible Wine Tasting is scheduled for Tuesday evening, December 5. Michael Franz, an entertaining wine expert, once again agreed to lead the event. As in the past, the AFL-CIO is hosting the wine tasting in the perfect setting, the Samuel Gompers hall.

This event informs consumers about vineyards that respect the rights of farmworkers by offering decent wages, benefits and working conditions, and by enabling farmworkers to have a meaningful voice at work through collective bargaining agreements. The wine tasting also teaches companies that decent treatment of farmworkers is good business.

The event is great fun for everyone. Novices learn some basics about wine and connoisseurs try wines that could gain a place in their wine cellar. People on all budgets find choices for everyday drinking and for those splurges on special occasions. Some of the unionized wineries – all of which produce very fine wine at affordable prices – include Gallo of Sonoma, Frei Brothers, Rancho Zabaco, St. Supery, Chateau St. Michelle, and Columbia Crest.

The wine tasting is also an opportunity to support financially the important work of Farmworker Justice. Visit our website to see our generous sponsors.

The United Farm Workers has asked consumers to boycott Charles Krug and C.K. Mondavi wines for turning against workers after a collective bargaining agreement expired. Our wine tasting honors such boycotts and we hope you will too. •



Chile Cook-Off Benefits Farmworker Justice

The Eleventh Annual El Quemoso Chile Cook-Off occurred on Saturday, October 7, 2006, near Phoenix, at the home of Farmworker Justice Board member Grizelle Apodaca and “El Quemoso” himself, Gil Apodaca. Grizelle Apodaca is CEO of Eslabon & Associates, an organizational development consulting firm. Gil, who still consults, retired several years ago as the National Monitor Advocate for Migrant and Seasonal Farmworkers in the U.S. Department of Labor. The money raised during the annual event, almost \$3,000 in donations and proceeds from a silent auction, was donated to Farmworker Justice.

The Chile Cook-Off brings together old friends, neighbors, and new participants for a fiery evening of fierce competition and chile. Whether you enjoy your chile (some of us spell it “chili,” but when in the midst of these competitors,

you do what they say) green or red, spicy or extremely spicy, with beans or without, meaty or not, you’ll find something to like (o.k., if you really like only mild food, you’ll be left eating the tortillas).

Bruce Goldstein, FJ’s Executive Director, and his wife, Robin Talbert, were able to attend the event and had a great time. Many thanks to three generations of the Apodaca family for their extraordinary hospitality and generosity. We are grateful to the attendees who donated money and silent auction items, some of whom are listed in this newsletter. We thank you very much for making it possible to advance the cause of farmworker justice. •



Our Wonderful Donors and Special Thanks to the Rosenberg Foundation

We take this opportunity, as we complete our 25th year, to express special thanks to the Rosenberg Foundation, which is based in San Francisco, California, and is a small but creative, path-breaking, high-impact philanthropy (take a look at www.rosenfound.org). The Rosenberg Foundation has supported Farmworker Justice since 1982, the second year of our existence. At times, the Rosenberg Foundation was our only supporter among foundations. It was willing to take a risk on some dedicated farmworker advocates whose advocacy skills clearly outweighed their fundraising abilities. Kirke Wilson, the retired former President of the Rosenberg Foundation, is a well-informed advocate for farmworkers whose guidance has been invaluable. Its new President, Ben Jealous, has been a strong supporter of enhancing the capacity of FJ and other farmworker advocates at this critical juncture. We feel a special debt to Senior Program Officer Ellen Widess, who has been a vigorous advocate for our organization inside and outside the Foundation, a catalyst for new collaborations, and a talented individual who has placed farmworker justice among her top priorities throughout her career. To the Board of Directors of the Rosenberg Foundation, we say thank you for your willingness over so many years to support farmworkers in their quest for justice.

Bruce Goldstein
Executive Director

Recent Donors to Farmworker Justice

The list below contains recent donors to Farmworker Justice. We thank them for their support, as we could not carry out our mission without it.

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United Mine Workers of America
Gilbert Valadez and Diane Valadez



Child of farmworkers on the Eastern Shore of Virginia

New Publication

FJ's Steven Diaz and Shelley Davis, along with Gerlinda Gallegos Somerville, Kimberly D. Coleman and Samuel Taveras, co-authored an article, recently published in the peer-reviewed journal *AIDS Education and Prevention*. The article, "Adapting the Popular Opinion Leader Intervention for Latino Young Migrant Men Who Have Sex With Men," describes how capacity building assistance strategies can enhance the effectiveness and sustainability of HIV prevention programs such as Farmworker Justice's Young Latino Promotores project. The article also highlights FJ's success in adapting and tailoring the Popular Opinion Leader Model, which it implemented for young Latino, migrant men who have sex with men, in collaboration with Vista Community Clinic in Vista, CA and the Valley AIDS Council in McAllen, TX. •

Outreach Trip Highlights Challenges Facing Farmworkers

By Sarah Rempel

As a National Lawyers Guild Haywood Burns Memorial Fellow at Farmworker Justice in the summer of 2006, I had the opportunity to conduct outreach to farmworkers. Farmworker Justice partnered with the Virginia Justice Center and Central Virginia Legal Aid Society to conduct outreach to farmworkers on Virginia's Eastern Shore. The purpose of our outreach was to educate farmworkers on the AgJOBS farmworker immigration proposal and on health and safety concerns, such as pesticide exposure. In addition, as a national advocacy organization, we wanted to connect to the people we serve to maintain an awareness of the challenges they face.

We visited labor camps that ranged from an old farmhouse to large barracks-style lodging that housed as many as 500 workers. During the outreach trip, I was struck by the isolation of the farmworkers in rural areas, by the exploitation they experienced at the hands of their employers, and by the poverty-stricken circumstances of the children who live and travel with their families.

Through this outreach trip, I realized the importance of Farmworker Justice's work. By partnering with direct service providers, Farmworker Justice brings the voice and concerns of farmworkers out of isolation and to the national level, where FJ seeks positive changes for farmworkers and their children.

Sarah Rempel is a third year law student at American University law school focusing on immigration and labor law, and the intersection of law and poverty. This past summer Sarah interned for Farmworker Justice as a National Lawyers Guild Haywood Burns Memorial Fellow. FJ thanks Sarah for her work and the National Lawyers Guild for the funding that made Sarah's internship possible. •

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Lawsuit against California H-2A Employer

By Virginia Ruiz



Earlier this year, FJ and California Rural Legal Assistance (CRLA) filed a lawsuit against Fresh Harvest, Inc. (FHI) of Salinas, California, for violating state and federal labor laws. The lawsuit was filed on behalf of Roberto Acuña, a U.S. citizen and farmworker who applied for a lettuce harvesting job with FHI that was posted with the California Employment Development Department (EDD). FHI had applied for H-2A guestworkers, and the EDD job posting is required under the H-2A regulations in order to recruit U.S. farmworkers. FHI had to offer U.S. workers the same wages and benefits as it offered to guestworkers (in this case, an hourly wage of \$8.56, free housing, and meals for approximately \$9 per day).

Although Mr. Acuña lived 200 miles away from Salinas, he applied for the job. FHI promised him work from March 15 through November 15, 2006. But after moving to Salinas, FHI rescinded its offer, telling him that work might be available in April, not March, at a lower wage rate and that there would be no housing or meals provided. FHI alleged that it had withdrawn its application for H-2A workers from the US Department of Labor, and therefore had no obligation towards Mr. Acuña.

In July, CRLA and FJ filed a lawsuit on behalf of Mr. Acuña for breach of contract and misrepresentation. FHI settled with Mr. Acuña for lost wages and housing costs. •

Farmworker Justice Is Relocating

In December, Farmworker Justice is moving its offices several blocks to accommodate the expansion of its staff and projects. FJ will lease space in the building recently purchased by the National Council of La Raza (NCLR), where NCLR now has its headquarters and is leasing space to both nonprofit and profit organizations. The new address is 1126 16th Street, N.W., Suite 270, Washington, D.C. 20036.

The relocation will enable FJ and NCLR to work more closely together on several issues, including immigration policy and public health. Since 1996, FJ has been a subsidiary of NCLR, operating under an independent board of directors, budget and management. From 1996 to 2001, FJ was housed at NCLR's former offices, and enjoyed the opportunity to interact regularly with NCLR's great staff, but relocated in 2001 to obtain additional space. FJ appreciates the help of NCLR, Hogar Hispano, and Fomento Firme in arranging this change and is looking forward to moving to the new building. •

AgJOBS Push for Passage of Bill

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needs of employers and workers. Their effort to have AgJOBS offered as an amendment to the Secure Fence Act demonstrates their ongoing commitment to AgJOBS and could build momentum for passing AgJOBS during the "lame duck" session. Also, media attention during this time, including an article in *The New York Times*, highlighted growers' allegations of difficulty finding sufficient agricultural labor due to undocumented workers' fear of deportation amid increased immigration enforcement and noted growers' support for AgJOBS as a solution to this problem.

AgJOBS must be passed as soon as possible to give undocumented workers the chance to come out of the shadows and earn legal immigration status. The ability to legalize immigration status is key to enabling farmworkers to bargain for better working and living conditions. If AgJOBS does not pass this Congress, it likely will be introduced again next Congress.

Farmworker Justice continues to advocate for the passage of AgJOBS by educating Congressional staff, the media, and the public about AgJOBS. More information is available on our website under "Immigration and Labor" at www.farmworkerjustice.org. •



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

Thank you very much.

I would like to support Farmworker Justice in its work to help migrant & seasonal farmworkers.

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

Name: _____

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You may donate with a credit card online at www.farmworkerjustice.org or send a check to:
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