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# A Tribute to Shelley Davis, Farmworker Lawyer, 1952-2008

By Bruce Goldstein



Shelley Davis, Deputy Director of Farmworker Justice, died on December 12, 2008, at the age of 56, after a courageous battle against breast cancer. Shelley was a nationally recognized expert attorney for migrant farmworkers on immigration policy, occupational safety and health and labor rights. As you can read in this newsletter, she also established innovative programs to help community-based organizations reduce the incidence of HIV/AIDS, prevent pesticide poisoning and facilitate farmworkers' access to health care. Her advocacy and litigation for workers led to the recovery of millions of dollars in lost wages, the deterrence of illegal government policies, and strengthened worker safety protections.

Shelley was known as a vigorous, unrelenting advocate who did not complain about obstacles in her path but found ways to overcome them for the good of the people she served. Working for migrant farmworkers at a small not-for-profit organization, waging long, complex legal battles against the policies and practices of well-funded businesses and powerful government officials is difficult enough. But Shelley faced the additional difficulty of being legally blind, due to a progressive eye disease called retinitis pigmentosa.

Fortunately for our nation's farmworkers, Shelley continued to apply her remarkable intelligence, stamina and creativity to their cause. Her strength throughout her illness was inspiring. Shelley said many times, "It is a privilege to be able to do this work."

continued page 2

Una selección de las noticias de Justicia Campesina está disponible en español. ¡Busque adentro!

WHAT'S INSIDE	
A Tribute to Shelley Davis	1-2
Guest Columnist Amy Liebman: Carrying On The Good Fight	3
The Shelley Davis Memorial Fund	4
Meeting Unmet Needs in HIV Prevention	5
2009 Farmworker Justice Award Reception	6-7
Reforming Pesticide Policy Through Litigation and Advocacy	8
Advancing Occupational and Environmental Health Protections for Farmworkers	9
Giving a Voice to Indigenous Farmworkers in Oregon	10
H-2A Update: Stopping the Bush Administration Midnight Changes	on's 11

## **How You Can Help**

Farmworker Justice relies on the support of people like you. Together 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 online at www.farmworkeriustice.org.
- · Join the Harvesters 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 pledge regular monthly contributions of \$10 or more. Sustainers who donate \$70 or more a month receive a complimentary ticket to our annual award reception.

- Leave a legacy of farmworker justice.
   Consider Farmworker Justice when you prepare your will.
- Participate in our charity fundraising auctions.
   A fun and unique way to support FJ is by participating in one of our fundraiser charity auctions on eBay. Get cool stuff, help Farmworker Justice, all at the same time! See our website for

Please visit our website for more details on the variety of ways you can get involved.

#### **Tribute to Shelley Davis**

continued from page 1

Shelley graduated from Bryn Mawr College in 1973 and the Catholic University Columbus School of Law in 1978. Early in her career Shelley, as part of a legal team at the Political Rights Legal Defense Fund in New York, won a landmark lawsuit against the government for illegally spying on the Socialist Workers Party. She also worked, at two different times, at the Legal Assistance Foundation of Chicago representing poor people in disability rights, employment discrimination and other litigation. Due to her extensive volunteer work in the United States to end apartheid in South Africa, she met and received thanks from Nelson Mandela when he visited Washington, D.C. after apartheid ended.

Shelley began representing farmworkers in 1986 at Migrant Legal Action Program in Washington, D.C. I first met Shelley when I joined Farmworker Justice in 1988. She was a major strategist in successful lawsuits for guestworkers against their employers and developed complex litigation on behalf of farmworkers against the U.S. Department of Labor during the 1980's and early 1990's concerning policies under the nation's agricultural guestworker program.

Shelley originally joined Farmworker Justice in 1992. After a stint working for the Legal Assistance Foundation in Chicago, she returned to Washington D.C., and Farmworker Justice in 1996, where she shared with me the responsibility for building the organization. She also led our health promotion and occupational

Shelley's services were in constant demand from major farmworker organizations, including the United Farm Workers and the Farm Labor Organizing Committee, AFL-CIO. The President of the UFW, Arturo S. Rodriguez, wrote on a memorial website upon

learning of Shelley's illness:

safety work.

"She repeatedly identified ways in which we and other organizations who fight for farmworker rights around the country could get our voices heard, be it by joining conference calls with key agency personal, attending meetings, or even suing the agency and denouncing their failures in the media. She is driven by an intense desire to ensure that the people who harvest the food we eat not be forced to sacrifice their health in the process."

In 2008, Shelley won a lifetime achievement award, the Dragonfly Award, from Beyond Pesticides, the National Coalition Against the Misuse of Pesticides, on whose Board of Directors she served. Farmworker Justice won recognition in 2008 from *Organización de Lideres Campesinas de California*, a statewide farmworker women's organization, for Shelley's assistance on health promotion projects and women's leadership development in the farmworker community.



Shelley and Bruce with Dolores Huerta in 2002

In 2006, Shelley received a career achievement award, the Reginald Heber Smith Award, from the National Legal Aid and Defender Association for her effective legal representation of poor people. In 2000, due to Shelley's work, Farmworker Justice won the Business and Labor Award for HIV/AIDS prevention from the Centers for Disease Control and Prevention.

Our organization and the farmworker movement have lost an extraordinarily gifted, committed, and productive advocate, whose major contributions have been felt in the fields and communities where farmworkers work and live, in federal and state courts, in the halls of Congress, and in the policies of federal and state agencies. Her passing is a tremendous loss that we bear with great sadness. The Board of Directors and staff will do everything we can to ensure that her vital work continues.

Shelley's survivors include her husband Thomas Smith (who is Director of Finance and Administration at the National Senior Citizens Law Center in Washington, D.C.) and her son Nicholas Smith, who is a senior in high school, in Silver Spring, Maryland, her brothers Donald and Joel, and her mother Helen, as well as brothers-in-law, sisters-in-law, nieces, nephews, and cousins to whom she was close and beloved. •

## **Carrying On The Good Fight**

By Amy K. Liebman, Migrant Clinicians Network

It is hard for me and so many of us to carry on our work and not have Shelley Davis, our colleague, our mentor and our fighter, among us. How do we succeed without Shelley calling us into action to tell the powers that be when they are being unfair, when they are not protecting those whom they should protect and when they are failing to do what the law says they should do? Shelley's effect was like a strong magnet. She pulled us along and aligned those around her to fight the good fight.

Working as an advocate for migrant and seasonal farmworkers for more than 22 years was Shelley's life's passion. Shelley once said, "We have the rare privilege of living out our most deeply held principles, every single day. This is a privilege I would not give up for higher pay or more status – or frankly, anything."

Shelley's tireless advocacy and brilliance as a litigator led to strengthened worker safety protections for farmworkers and their families. While she advocated or litigated on behalf of farmworkers, she also worked with them, to give them a voice. Shelley developed award-winning health education programs to bring preventive health messages to thousands of farmworkers around the country by training lay health educators, or *promotores de salud*. It was in developing some of these programs that Shelley and I began our work together almost a decade ago. Shelley saw the strength of the *promotora* model and ran with it, helping empower thousands of workers.

Her efforts to give farmworkers a seat at the table did not stop with community education. She brought farmworkers to the halls of Congress and the EPA so they could testify first-hand about the conditions they endure. If she saw that farmworkers would be absent from meetings or conferences focusing on worker protection and safety, Shelley would push the organizers to change the agenda to include them so their voices could be heard.

Shelley spent countless hours working on behalf of farmworkers. While some of her work took place in the court room, most of it took place behind the scenes. Day in and day out, she consistently looked out for the interests of farmworkers.

Shelley was incredibly versatile. With ease and grace, she went from chatting with workers to taking on the head of a chemical company. She served on numerous government advisory committees. For the past several years, Shelley and I served on the same government pesticide committee. It was here that I so often had the honor of watching her in action. This is where I learned the most from Shelley and where I am so thankful to have had her as a mentor. She could cite policies, studies and regulations without a second thought. She used this encyclopedic knowledge to make her point. She knew what needed to be done and made sure those in power heard about it. It was hard to argue with Shelley. The thing about Shelley was that she was always so right. You



Amy K. Liebman, Migrant Clinicians Networl

knew that if Shelley was in a meeting with you, the right things would be said. And if you were co-signing a letter she had drafted, you knew before you read it, that it was right and that it needed to be written.

Shelley always looked forward. Her optimism and continued commitment never ceased. In accepting one of her many awards she said, "It is my great pleasure to accept this award on behalf of the farmworkers I represent, not because of any great accomplishments of the past, but as a commitment to fight this fight until we succeed."

So what are we to do without Shelley in our world? It's a hard question to ask, but we must ask it. We must ask what are we to do without our friend? Our mentor? Our colleague? Our fighter? We all have enormous shoes to fill. As we work on our worthwhile programs, or get up each day and care for one patient after the next, so many of us make our own mark in this world to help migrants. All of these efforts are needed and important. But we must also ask ourselves what we are doing to bring about change that will fundamentally and systematically improve people's lives. What are we doing in our daily efforts to affect policy change? It's hard to do when we're at the mill day after day. We need our Shelley Davis. We need that strong voice. We need our advocate. Now, it's our job to keep up the advocacy and bring about the policy and legal changes that are still so desperately needed. I know that we cannot replace Shelley, but we must look to Farmworker Justice and partner with them to carry on her legacy.

More than anything, I know Shelley wants us to keep up the fight and raise our voices for the farmworkers she was humbled to serve. We must do that for Shelley and we must do that for the farmworkers we serve. We must fight the good fight until we succeed! •

# Shelley Davis MEMORIAL FUND

When Shelley died, 2.5 million migrant and seasonal farmworkers lost one of the smartest, toughest and most effective advocates they have ever had. Shelley devoted more than 20 years, most of them at Farmworker Justice, to bettering the lot of perhaps this country's poorest and most overlooked workers.

Shelley's family and colleagues believe that the best way to honor her memory is to make sure her work continues. Thus we have created the Shelley Davis Memorial Fund, whose long-term goal is to endow a permanent attorney position at Farmworker Justice.

Shelley's thirty-year career as an attorney demonstrated her passionate belief in society's moral imperative to protect people whose civil and workplace rights are ignored or trampled on. No group of workers needs such protections more than farmworkers.

Shelley's brilliant legal, advocacy and leadership skills, her strategic sense, her expertise on issues affecting farmworkers, her tirelessness – all helped Farmworker Justice secure and then advance our national reputation for excellence and impact.

Even as we mourn Shelley, Farmworker Justice has renewed our commitment to the standard of excellence she displayed in all her efforts on behalf of farmworkers. That commitment includes developing the long-term financial stability required to attract attorneys of Shelley's caliber.

The Shelley Davis Memorial Fund is a vital element in this plan. The Memorial Fund's purpose is to continue, on a long-term basis, Shelley's high-impact legal advocacy on behalf of America's farmworkers.



We ask you to make a tax-deductible donation to the Shelley Davis Memorial Fund to carry on Shelley's work on behalf of the nation's farmworkers.



Shelley at an HIV/AIDS prevention training for health workers

Checks may be mailed to: Shelley Davis Memorial Fund Farmworker Justice 1126 16th Street, N.W. Suite 270 Washington, D.C. 20036

Farmworker Justice is a 501(c)(3) not-for-profit organization.

You may donate online with a credit card at www.farmworkerjustice.org, where you will find out more about Farmworker Justice and the Shelley Davis Memorial Fund.

Thank you.

## **Meeting Unmet Needs in HIV Prevention with Farmworkers**

One of Shelley Davis's greatest accomplishments at Farmworker Justice was her development of our HIV/AIDS prevention projects.

Through Shelley's hard work and determination, she was able to expand significantly our community health work and address emerging issues, particularly HIV/AIDS in migrant communities. Farmworker Justice now helps community based organizations and health departments reach farmworkers with effective HIV prevention messages by providing trainings, writing curricula for new programs, and developing individualized technical assistance plans. We are the only technical assistance provider sponsored by the Centers for Disease Control and Prevention (CDC) to do such work whose mission is focused exclusively on farmworkers.

Our role as a community partner in the CDC's HIV/AIDS prevention projects began in 2001. Through our "Lideres Campesinos Por La Salud" program, we worked with local community health groups to train individual farmworkers as lay health care promoters. Once trained, these bilingual promotores de salud help spread information about good HIV risk reduction practices within their communities. We provide the technical assistance and support agencies need and develop educational materials for these programs, such as flip charts for promotores to use while giving demonstrations in the field, evaluation tools, and fotonovelas (short, illustrated booklets about relevant health topics).

More recently, our HIV prevention activities have centered around promoting the use of programs that meet the strict requirements of the CDC's DEBI project, a national strategy to improve the quality and effectiveness of HIV prevention programs. We use two of these CDC-approved programs, Popular Opinion Leader (POL) and Mpowerment, with young Latino migrant men who have sex with men but may not identify as gay or bisexual. We also have taken the lead in developing materials for migrant-serving agencies interested in adapting the Community PROMISE model, a CDC-sponsored intervention which bears some resemblance to *promotores de salud* programs.

Under Shelly's leadership, FJ has been able to reach farmworker communities across the nation with a unique and tailored approach for delivering information on HIV/AIDS prevention. We are devoted to continuing Shelley's legacy of improving HIV/AIDS prevention programs for farmworkers and, with your help, will carry on her important work for many years to come. •



#### Find out more!

To learn more about farmworkers and HIV or to find out about our latest trainings and programs go to www.farmworkerjustice.org/HIVAIDS.htm

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## The 2009 Farmworker Justice Award Reception

Wednesday, May 6, 2009 • 6:00-8:30pm Washington D.C.

As we present:

### The Tenth Annual Farmworker Justice Award

(Recipient to be announced)

and

The Irma Flores Gonzales Award to Ellen Widess and the Rosenberg Foundation

Plus a special tribute to Shelley Davis



(from left to right) Former FJ Executive Director Michael Hancock, Former FJ health specialist Valerie Wilk, Shelley Davis and Bruce Goldstein



Linda Chavez-Thompson, 2008 Award Recipien

Farmworker Justice helps farmworkers develop effective agendas and speak with an effective voice in Congress, administrative agencies, the courts and the media.

Please become a sponsor of our 2009 award ceremony to help us honor people who have committed themselves to the fight for justice in the fields. Sponsorships categories are below.

Farmworker Justice is a 501(c)(3) tax-exempt organization and donations are tax deductible to the full extent of the law.

You may send a check to: Farmworker Justice 1126 16th Street N.W. Suite 270 Washington D.C. 20036

Or donate online at www.farmworkerjustice.org/SpecialEvents.htm

All timely sponsors will be recognized in the formal invitation and in the event program and will receive the appropriate number of tickets.

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	Advocates' Circle \$10,000 (12 tickets & special placement in event materials & website)
	Benefactor \$5,000 (10 tickets & prominent placement in written materials and website)
	Patron \$2,500 (8 tickets)
	Friend \$1,000 (5 tickets)
	Sponsor \$500 (3 tickets)
	Supporter \$250 (1 ticket)
	Individual tickets: \$80
	ilidividual tickets. \$60

## Reforming Pesticide Policy through Litigation and Advocacy

By Virginia Ruiz



A pesticide safety training in Woodburn, Oregon (Shelley Davis at lower right)

Shelley Davis was nationally known for her leadership in advocating for pesticide protections for agricultural workers. She successfully helped push for comprehensive safety standards to protect workers, and was also a key litigator in several winning challenges to improve working conditions in the fields.

In several lawsuits, she challenged the Environmental Protection Agency's (EPA) decisions about the legal use of pesticides that harm farmworkers and their families.

In 1990, as co-counsel for intervening parties in *Northwest Food Processors v. Reilly*, she played a significant role in persuading the court to reject an industry demand to overturn the government's decision to ban the toxic pesticide dinoseb. More recently, Farmworker Justice and a broad coalition of farmworker, public health and environmental groups filed five lawsuits against the EPA challenging its authorization to allow continued use of a number of highly toxic pesticides. The goal of the lawsuits is to protect children, farmworkers, and wildlife from the most dangerous pesticides and to reform the EPA's lackadaisical regulation of public and private health.

In 2006, the EPA proposed a human-testing regulation which would allow chemical companies to conduct pesticide toxicity studies by intentionally dosing human subjects. Shelley joined forces with farmworker, environmental, and health organizations to sue the EPA for adopting these unethical and unlawful regulations. The groups contend that the agency's rule violates a law passed by Congress in 2005 mandating strict ethical and scientific protections for pesticide testing on humans.

Shelley's tireless advocacy led to strengthened worker safety protections for farmworkers and their families. She always sought to include the voices of farmworkers themselves, either through their direct testimony or by recounting their stories. She also valued the importance of helping farmworkers to become better advocates on their own behalf, and developed workshops and training curricula to teach basic grassroots advocacy skills.

Shelley directed much of her advocacy on two important issues: improving the EPA Worker Protection Standard, and increasing the time and money spent on researching and monitoring the effects of pesticides on farmworker health.

In June 2007, Farmworker Justice sponsored a Congressional briefing to highlight the problems and solutions to farmworker pesticide poisoning and to push for greater funding for pesticide research. Shelley spoke at the briefing and invited an Idaho farmworker poisoned by pesticides to share his experience.

The 2008 Farm Bill includes a new pesticide safety research program that Shelley designed to study the relationship between pesticide exposure and cancer, with the goal of acquiring the data needed for better policies and health prevention programs for farmworkers. The new Farm Bill program also includes research to develop medical testing for farmworkers exposed to pesticides and new technology for testing pesticide residues in the fields to determine safe re-entry times. Now Congress must appropriate the funds for this research.

continued page 9

#### **Reforming Pesticide Policy**

continued from page 8

Shelley worked with other farmworker advocates, medical experts and community organizations to advocate for greater use of medical monitoring of farmworkers to help reduce pesticide poisoning. She was instrumental in helping Washington State farmworker advocates push for a cutting edge program that monitors enzyme levels of farmworkers who regularly handle organophosphate or carbamate pesticides in that state. Shelley co-wrote two reports that analyzed the findings of the Washington State program and called on the EPA to increase safeguards for farmworkers and to implement a national medical monitoring program.

Shelley's lasting legacy can be seen not only in the laws and regulations she helped to reform, but also in the countless individuals that she inspired to work for a better world for farmworkers. She influenced many fellow attorneys, students and farmworkers themselves. Mily Treviño-Sauceda, Executive Director of the farmworker women's organization *Lideres Campesinas* had this to say about Shelley's impact:

"Her words of encouragement, support, and guidance, personally gave me strength, hope and focus. She was a good mentor in many ways. This and many, many other things Shelley did for me and *Lideres Campesinas*. She gave us visibility. She will always be in our hearts and our memories. I know her spirit will always be around caring for all of us."



#### Find out more!

To learn more about pesticides go to www.farmworkerjustice.org/Health&Safety/Pesticides.htm

# Advocating for Occupational and Environmental Health Protections for Farmworkers

By Pamela Rao, PhD

Farmworkers are engaged in one of the country's most hazardous occupations, yet they are excluded from many of the workplace safety protections provided to workers in other industries. Shelley Davis worked tirelessly to change this situation by fighting for increased workplace protections and improved safety training for farmworkers. She was particularly concerned about pesticide exposure, and took a leading role in the promulgation of the Worker Protection Standard, which requires employers to take actions to reduce workers' pesticide exposure. The standard is currently being revised, and Farmworker Justice is strongly advocating for increased protections in the new standard, expected to be published in 2010.

Shelley constantly sought creative ways to provide farmworkers with health and safety information. She implemented many *promotores de salud* programs to take the information directly to workers in the fields on pesticide safety and other topics including asthma, drinking water safety and sanitation, lead poisoning, and grassroots advocacy. These projects were funded by a variety of agencies such as the Environmental Protection Agency and the National Institutes of Health, and took place in Arizona, Oregon, California, Texas and other states.

Since 1984, Farmworker Justice has worked with the federally-funded Migrant Health Program to improve

access to and quality of care for farmworkers. Shelley worked hard to ensure that health care service providers were aware of the many hazards farmworkers face in the field, especially pesticide exposure, as well as about their rights under the law.

We are currently developing projects to continue this work, including evaluation of new methods of testing for pesticide exposure, pesticide safety training for indigenous farmworkers, and a collaboration with worker advocates, growers and regulators to improve pesticide safety training in Florida. We will continue to provide technical assistance to migrant health centers on occupational and environmental health policy, as well as work at the forefront of efforts to reform pesticide policy. •

"We owe it to farmworkers and their families today, and the memory of Cesar Chavez, to change the law and change the reality on the ground....

As activists, we can make a difference!"

- Shelley Davis, 1952-2008

## Giving a Voice to Indigenous Farmworkers in Oregon

By Pamela Rao, PhD

A growing number of farmworkers in the US speak one of the many indigenous languages of Mexico, such as Mixteco, Zapoteco, and Triqui. Many speak Spanish only as a second language, and most no English at all. Since 2004, Shelley Davis and Farmworker Justice have worked with Oregon Law Center, Pineros y Campesinos Unidos del Noreste, Portland State University, and Salud Medical Center to identify and address the occupational health and safety education needs of indigenous farmworkers in the Willamette Valley. The project, *Promoting the Occupational Health of Indigenous Farmworkers*, led to the development of a *promotores de salud* program to raise these workers' awareness of workplace hazards and inform them of practical steps to address them.

The project began with intensive discussions with indigenous farmworkers to identify their needs and concerns. Two overarching issues were uncovered. First, workers felt discriminated against or dismissed because of linguistic and cultural barriers. Second, workers knew they were being exposed to pesticides and other workplace

hazards, but were not receiving adequate training to address them because virtually no health and safety materials or training are available in indigenous languages. Concern about losing their jobs inhibited them from taking action to improve their working conditions.

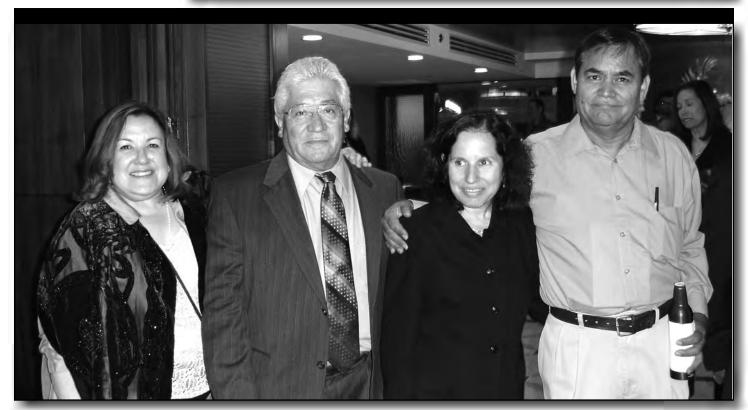
Based on the results of this initial research, Shelley and the other project members developed a program to train *promotores* who are bilingual in Spanish and an indigenous language to educate their coworkers on pesticide safety and grassroots advocacy. Participants of the training met with Oregon's Occupational Safety and Health Administration and spoke at a national pesticide worker safety forum sponsored by the Environmental Protection Agency.

Starting in the spring of 2009, Farmworker Justice will be partnering with groups in Oregon on another project to assess whether an enhanced pesticide safety education curriculum for indigenous workers reduces their exposure to pesticides, and ultimately, their risk for long-term health effects. •



#### Find out more!

To learn the latest on the new regulations, go to www.farmworkerjustice.org/Health&Safety/indigenous.htm



(from left to right) FJ Board Vice-chair Grizelle Apodaca, board member Gene Ortega, Shelley Davis and Former FJ Board Chair Domingo Gonzalez

## Farmworker Justice Fighting to Stop Bush Administration's Midnight Guestworker Changes

Shortly before leaving office, the Bush Administration finalized changes to the H-2A agricultural guestworker program. The changes, which went into effect on January 17, 2009, are devastating for farmworkers and contravene our nation's most basic labor and immigration policy concepts.

The H-2A guestworker program is intended to allow agricultural employers to hire temporary workers from abroad only if they can prove there is not a sufficient supply of U.S. workers, and that the wages and working conditions they are offering will not adversely impact U.S. workers. These safeguards are necessary to keep wages from sliding downward, and to protect foreign workers, who, out of desperation, may be willing to accept substandard wages and working conditions that U.S. workers would be unable to accept. Now, the Bush Administration's midnight changes to the H-2A program regulations reduce these worker protections, slash farmworker wages, limit the ability of U.S. farmworkers to obtain needed jobs, permit the discriminatory treatment of U.S. farmworkers in wages and benefits, and dramatically reduce government oversight and enforcement.

Farmworker Justice has joined efforts led by the United Farm Workers to overturn these regulations. We have been working to educate Congress, the Obama Administration and the public about these devastating changes to the program and we are urging immediate repeal of the new regulations.

In addition to our advocacy and lobbying efforts, Farmworker Justice filed major litigation to set aside the new regulations. The three major farmworker unions – United Farm Workers, *Pineros y Campesinos Unidos del Noroeste* (PCUN), and the Farm Labor Organizing Committee (FLOC) – are plaintiffs in the lawsuit, along with eight individual U.S. and H-2A workers. Florida Legal Services, the Marcos Camacho Law Offices, and the Washington D.C. law firm WilmerHale are co-counseling the litigation with Farmworker Justice. We thank the WilmerHale team for their pro bono services on this important farmworker litigation. •

#### **Farmworker Justice Staff**

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LORNA N. BAEZ Office Manager

ADRIENNE DERVARTANIAN, Esq. Staff Attorney/Policy Analyst

**JENNIFER MARIA FREEMAN, PhD**Capacity Building Assistance Coordinator

KATTRINA HANCY, M.P.H. HIV/AIDS Specialist

**BARB HOWE, M.A.**Communications Coordinator

PAMELA RAO, PhD Migrant Health Specialist/Research Analyst

AMERICA ROJAS
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STEVEN MOORE SANCHEZ, M.A. Development Coordinator

MIGUEL VÉLEZ, M.A.
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MARNI WILLENSON, Esq. Staff Attorney/Litigation Coordinator

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#### Find out more!

Updated information about the H-2A regulations is available on our websites To learn the latest, go to www.farmworkerjustice.org/Immigration\_Labor/h2anews.htm

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.

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

#### Thank you very much.



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