

March 31, 2018

The Honorable Scott Pruitt
Administrator
U.S. Environmental Protection Agency
William Jefferson Clinton Building
1200 Pennsylvania Ave., NW
Washington, DC 20460

Dear Administrator Pruitt:

The undersigned organizations write to oppose any changes by the Environmental Protection Agency (“EPA”) to the requirements in the Agricultural Worker Protection Standard (“WPS”) and Certification of Pesticide Applicators rule (CPA).¹

Over 15 years ago, an EPA report stated that “pesticide poisoning in the United States remains under-recognized and under-treated...despite the ubiquity of pesticides in our homes, workplaces, and communities, and despite the considerable potential for pesticide-related illnesses and injury.”² Farmworkers have one of the highest rates of chemical exposures among U.S. workers and they suffer acute pesticide poisoning every year through occupational exposures and pesticide drift. Studies have shown that agricultural workers suffer serious short- and long-term health effects from exposure to pesticides. The WPS and CPA rules provide vital protections from exposure to toxic pesticides for hired farmworkers, pesticide applicators, their families and the general public in communities across the United States. In revising these rules, the EPA recognized that the weight of evidence suggests that the new requirements, “will result in long-term health benefits to agricultural workers, pesticide handlers,”³ and “to certified and noncertified applicators, as well as to the public and the environment.”⁴

After more than a decade of stakeholder input and analysis, the EPA revised the WPS and CPA rule to prevent injury and illness to the children, women and men who work around pesticides in agriculture, or who come into contact with pesticides in other settings. EPA found that the new safeguards are necessary to address the known dangers associated with pesticide use. The WPS applies to hired workers and pesticide handlers who labor in farms, fields, nurseries, greenhouses and forests. The CPA rule governs the training and certification requirements of workers who apply Restricted Use Pesticides (“RUPs”) in a variety of settings, including homes, schools, hospitals, as well as agricultural and industrial establishments. RUPs are some of the most toxic and dangerous pesticides on the market.

We are concerned that the EPA may weaken critical safeguards meant to protect agricultural workers, the public, and the environment. Among the many important provisions in the rules, the Agency has stated its intent to reconsider the minimum age protections that prohibit children from applying pesticides, the right of farmworkers to access pesticide application information

¹ 82 Fed. Reg. 60, 195 (Dec. 19, 2017); 82 Fed. Reg. 60,576 (Dec. 21, 2017).

² National Pesticide Practice Skills Guidelines for Medical and Nursing Practice (January 2003). Available at

³ 80 Fed. Reg. 67,499 (Nov. 2, 2015)

⁴ 82 Fed. Reg. 957 (Jan. 4, 2017)

through a designated representative, and protections for bystanders through “application exclusion zones,” which require that an applicator suspend pesticide application if “an unprotected/non-trained person” enters the area around the application equipment.

Undermining these important protections cannot be justified. We urge you to preserve the existing protections and to move forward with full implementation and enforcement.

Respectfully,

Farmworker Justice
Advocates for Basic Legal Equality, Inc.
Alabama Association of Cooperatives
Alianza Nacional de Campesinas / National Farmworker Women Alliance
American Federation of Government Employees (AFL-CIO)
American Federation of Government Employees Local 3354
American Federation of Labor–Congress of Industrial Organizations (AFL-CIO)
Association of Farmworker Opportunity Programs
Azul
Beyond Pesticides
Beyond Toxics
Black Farmers & Agriculturalists Association
Black Mesa Water Coalition
Californians for Pesticide Reform
Calvario City Church
Cardinal Student/Farmworker Alliance
CATA - The Farmworker Support Committee
Central California Environmental Justice Network
Central Florida BREAD
Central Florida Jobs with Justice
Centro Campesino
Centro de los Derechos del Migrante, Inc.
Child Labor Coalition
Citizens Sustainability League of ND
Climate Justice Alliance
Coalition Advocating for Pesticide Safety
Columbia Legal Services
Coming Clean
Community Farm Alliance
CRLA Foundation
Earthjustice
El Pueblo, Inc.
Fair World Project
Fairtrade America
Family Farm Defenders
Farms Not Arms
Farmworker Association of Florida
Farmworker's Self-Help
First Unitarian Church of Orlando

Florida Abolitionist
Florida Center for Fiscal and Economic Policy
Florida Immigrant Coalition
Florida Legal Services, Inc.
Florida Organic Growers
Food Chain Workers Alliance
Friends of Broward Detainees
Friends of Miami-Dade Detainees
Friends of the Earth
Grassroots Global Justice Alliance
Green America
Greene County Democrat
GreenLatinos
GreenRoots
Healthy Building Network
Hispanic Federation
Hispanic National Bar Association
Human Rights Watch
Interfaith Movement for Immigrant Justice
Interfaith Worker Justice
International Labor Rights Forum
Johns Hopkins Center for a Livable Future
Justice in Motion
Labor Council for Latin American Advancement
LatinoJustice PRLDEF
Legal Aid Justice Center, Virginia
LiveWell Colorado
Lomakatsi Restoration Project
Los Jardines Institute
MANA, A National Latina Organization
Media Voices for Children
Migrant Clinicians Network
Migrant Legal Action Program
Mississippi Workers' Center for Human Rights
Nanas, Papas and Friends
National Consumers League
National COSH
National Employment Law Project
National Family Farm Coalition
National Farm Worker Ministry
National Farmworker Alliance
National Latina/o Psychological Association
National Latino Evangelical Coalition
National Latino Farmers & Ranchers Trade Association
National Migrant and Seasonal Headstart Association
New Jersey Coalition for Climate Justice
New Mexico Center on Law and Poverty
Nontoxic Certified

North Carolina Justice Center
Northeastern Environmental Justice Research Collaborative
Northwest Atlantic Marine Alliance
Northwest Center for Alternatives to Pesticides (NCAP)
Northwest Forest Worker Center
Northwest Workers' Justice Project
Oregon Interfaith Movement for Immigrant Justice
Organización en California de Lideres Campesinas, Inc.
Organize Florida
Park Lake Presbyterian Church
PCUN-Pineros y Campesinos Unidos del Noroeste
Peace Roots Alliance
Pesticide Action Network
PLBA Housing Development Corporation
Portland Jobs With Justice
Progressive Caucus Center
Public Citizen
Public Justice
QLatinx
Rural & Migrant Ministry
Rural Advancement Fund of the National Sharecroppers, Inc
Rural Coalition/Coalición Rural
SER Jobs for Progress National Inc.
Soul Fire Farm Institute
South Florida Interfaith Worker Justice
St. Luke's United Methodist Church, Orlando
The Common Market
UFW Foundation
Unite Oregon
United Farm Workers
United Migrant Opportunity Services/UMOS Inc.
University Lutheran Chapel of Berkeley
Voces
Voto Latino
Warehouse Worker Resource Center
WeCount!
Winrock International
Worker Justice Center of New York, Inc.
Workers' Center of Central New York

cc: Ryan Jackson, Chief of Staff, Office of the Administrator
Charlotte Bertrand, Acting Principal Deputy Assistant Administrator, Office of Chemical
Safety and Pollution Prevention
Rick Keigwin, Director, Office of Pesticide Programs
Kevin Keaney, Branch Chief, Field and External Affairs Division, Office of Pesticide
Programs

Farmworkers represent some of the most economically disadvantaged workers in the U.S. According to the most recent findings of the National Agricultural Workers Survey (NAWS), nearly three-quarters of U.S. farmworkers earn less than \$10,000 per year, and three out of five farmworker families have incomes below the poverty level. It is also estimated that there are over three million migrant and seasonal farmworkers (MSFWs) in the United States (Hansen and Donohoe 2003). In Oregon, there are an estimated 174,000 migrant and seasonal farmworkers (Farquhar, Samples, and Ventura et al. 2008).

While injuries occur because of the type of hand labor that farmworkers perform, pesticide related illnesses affect a large quantity of workers each year. According to Hansen (2003), farmworkers suffer from the highest rates in toxic chemical injuries of any group of workers in the United States.

Pesticide Exposure

- The use of pesticides is known to have some effects on the human body, and have numerous health conditions that are associated with pesticide exposure. (McCauley, Anger, Keifer. et al 2006. pg. 953)
- Even though many dangerous pesticides are not used in the U.S., farmworkers are still exposed to pesticides that cause birth defects. (McCauley, Anger, Keifer, et al 2006. pg. 953-954)
- Farmworkers have more skin disorders than other employee in any other industry. (Hansen and Donohoe 2003. pg. 157)
- Pesticide exposure can cause blurred vision, nausea, vomiting, abdominal cramps, cough, wheezing, and sweating. (Hansen and Donohoe, 2003. pg. 157)
- The long term exposure to pesticides can cause permanent damage to the nervous system. (Hansen and Donohoe 2003. pg. 157)
- It is known that pesticide related incidents are underreported for several reasons:
 - Farmworker does not seek medical attention or the cost is a barrier that greatly affects that issue.
 - Farmworker does not have any transportation.
 - Surely there are other reasons, but these are some of the few.()

Working and Living conditions

- Farmworkers have to labor throughout the entire year. (Hansen and Donohoe 2003. pg. 155)
- This includes working in any weather, from extreme heat, rain, cold, and the bright sun. (Hansen and Donohoe 2003. pg. 155)
- Farmworkers are required to lift heavy loads, and work among heavy machinery that leads them to have chronic back pain. (Hansen and Donohoe 2003. pg. 155)
- The lack of adequate protective equipment such as masks, helmets, gloves, and coveralls are sometimes not given to the farmworkers. (Farquhar, Samples, Ventura et al. 2008. pg. 277)
- 20% of farmworkers live in employer provided housing, while 58% rent from someone else that is not their employer. Others live in fields, or in unsanitary and overcrowded conditions. (Farquhar, Samples, Ventura et al. 2008. pg. 270)
- These living conditions can lead to the spread of infectious diseases such as tuberculosis. (Farquhar, Samples, Ventura et al. 2008. pg. 270)

Heat Stress

- According to the CDC (Centers for Disease Control and Prevention), workers who are exposed to extreme heat or who work in hot environments may be at risk of heat stress. ()
- Long hours of work in the sun with little breaks from the heat, and not having portable water to drink are some of the factors that contribute to heat stress. (Hansen and Donohoe 2003)
- Farmworkers are at a greater risk to suffer heat stress. (Hansen and Donohoe 2003)

Respiratory Conditions

- Farmworkers are greatly exposed to many dangerous chemicals (herbicides, fuels, welding fumes, and others) that in the long run have a negative effect on their mucous membranes. (Larson, A. 2001)
- These chemicals can have tremendous effects that cause:
 - Asthma
 - Allergies
 - Emphysema

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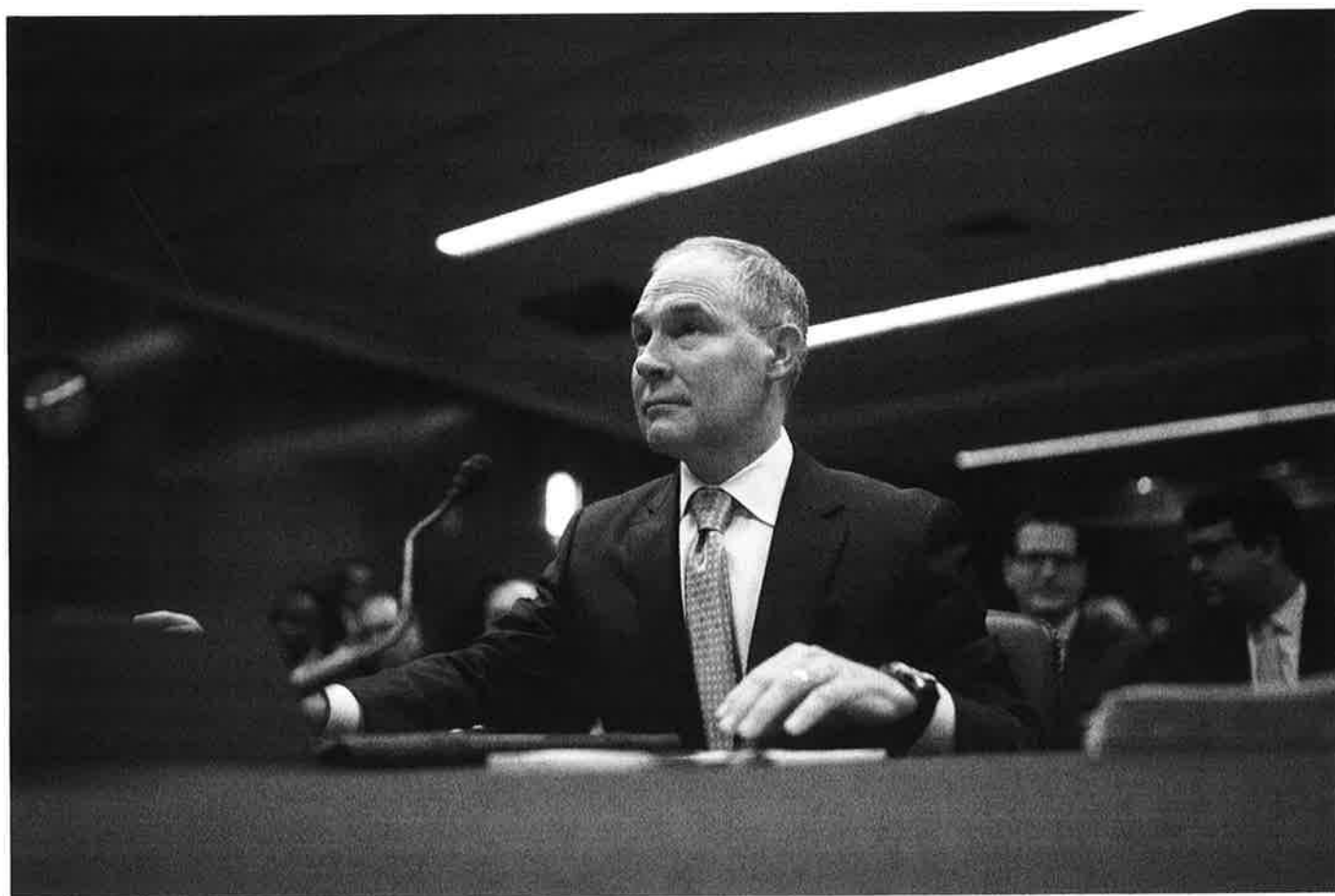
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Court Orders E.P.A. to Ban Chlorpyrifos, Pesticide Tied to Children's Health Problems

Aug. 9, 2018

Scott Pruitt, just a month after he was confirmed as the Environmental Protection Agency's administrator, rejected a petition by health and environmental groups to ban chlorpyrifos. Tom Brenner/The New York Times



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WASHINGTON — A federal appeals court ordered the Environmental

Protection Agency on Thursday to bar within 60 days a widely used pesticide associated with developmental disabilities and other health problems in children, dealing the industry a major blow after it had successfully lobbied the Trump administration to reject a ban.

The order by the United States Court of Appeals for the Ninth Circuit came after a decade-long effort by environmental and public health groups to get the pesticide, chlorpyrifos, removed from the market. The product is used in more than 50 fruit, nut, cereal and vegetable crops including apples, almonds, oranges and broccoli, with more than 640,000 acres treated in California alone in 2016, the most recent year data is available.

In March 2017, just a month after he was confirmed as the agency's administrator, Scott Pruitt rejected a petition by the health and environmental groups to ban the pesticide. He did so even though the agency's own staff scientists had recommended that chlorpyrifos be removed from the market, based on health studies that had suggested it was harming children, particularly among farmworker families.

A three-judge panel, on a 2-to-1 vote, gave the agency two months to finalize the ban on the product, whose leading manufacturer is DowDuPont. The company, along with others in the pesticide and agriculture industry, had intensely lobbied the E.P.A. and Mr. Pruitt, who resigned under a cloud of ethics scandals last month.

The agency offered no clear response on Thursday when asked how it would respond to the order, other than to point to what it said were remaining questions about one of the studies cited in support of the ban, a Columbia University examination of health effects on children in New York City when the pesticide was used to combat insects in apartment buildings.

That and two other studies mentioned in the agency staff recommendation

examined the development of children whose mothers had been exposed to chlorpyrifos during pregnancy, either in apartments in New York or in agricultural communities where the pesticide is used in California. The effects on children included lower birth weight and reduced I.Q., with farmworkers also reporting loss of working memory and other health consequences that at times resulted in hospital admissions.

“E.P.A. is reviewing the decision,” said Michael Abboud, an agency spokesman. “The Columbia center’s data underlying the court’s assumptions remains inaccessible and has hindered the agency’s ongoing process to fully evaluate the pesticide using the best available, transparent science.”

The agency could ask the full Ninth Circuit to reconsider the ruling or appeal it to the Supreme Court, while perhaps asking for a delay in the order that it ban the pesticide. Alternatively, the agency could move ahead with the ban.

The court ruled that there was “no justification for the E.P.A.’s decision in its 2017 order to maintain a tolerance for chlorpyrifos in the face of scientific evidence that its residue on food causes neurodevelopmental damage to children,” referring to the formal agency process of banning a pesticide. Judge Jed S. Rakoff of the United States District Court for the Southern District of New York wrote the majority opinion, as he was sitting on the Ninth Circuit for the case.

[\[Read the court's order here.\]](#)

Environmentalists and public health advocates celebrated the ruling, which came in response to a lawsuit they filed last year after Mr. Pruitt rejected the ban, a decade after they had first filed a petition with the agency calling for chlorpyrifos to be removed from the market. The court had earlier set a March 2017 deadline for the agency to act, but it had not previously ordered any specific outcome by the agency, a move it has now taken.

The pesticide had previously been banned from most commercial uses in households as an insecticide, but was still legally used to combat insects on farms.

“Finally, decades of poisonous exposures and harm to children and farmworkers will end,” said Marisa Ordonia, a lawyer at Earthjustice, an environmental group that handled the legal work on the lawsuit. “E.P.A.’s shameful history of putting industry cronies before the people they are supposed to protect is over.”

Erik Nicholson, the national vice president of United Farm Workers of America, said the court order would mean better protection for farmworkers from California to Florida.

“The E.P.A. has put the women and men who harvest the food we eat every day in harm’s way too long by allowing the continued use of this dangerous neurotoxin,” Mr. Nicholson said in a statement. “We commend the court for doing what E.P.A. should have done years ago. The people who feed us deserve a safe and healthy workplace.”

DowDuPont and CropLife, the pesticide industry’s leading trade organization, have both disputed that chlorpyrifos, if used properly, poses any health threat to farmworkers, their families or consumers eating fruits and vegetables onto which it is sprayed.

“Chlorpyrifos is a critical pest management tool used by growers around the world to manage a large number of pests, and regulatory bodies in 79 countries have looked at the science, carefully evaluated the product and its significant benefits, and continued to approve its use,” Gregg Schmidt, a spokesman for DowDuPont, said in a statement on Thursday. “We expect that all appellate options to challenge the majority’s decision will be considered. We will continue to support the growers who need this important product.”