



League of United Latin American Citizens

RESOLUTION IN SUPPORT OF THE PROTECTION OF FARMWORKERS

WHEREAS, 86 years ago, the founders of the League of Latin American Citizens, (LULAC) joined together to establish an organization that would become the largest, oldest and most successful Hispanic civil rights and service organization in the United States, and

WHEREAS, nearly 3 million farmworkers, including approximately 500,000 children, are exposed to pesticides in fields, nurseries and greenhouses across the United States and the Commonwealth of Puerto Rico, and

WHEREAS, more than 1.1 billion pounds of pesticides are applied to America's farmlands every year. These pesticides kill weeds and damaging insects, but they also affect humans. According to the federal government, there are approximately 20,000 reported acute pesticide poisonings among agricultural workers every year, and

WHEREAS, the actual number of poisonings goes largely unreported since over 80 percent of farmworkers are Latino, 1 in 2 is undocumented and nearly 90 percent have limited English proficiency. Under-reporting, in part due to fear of retaliation, makes it impossible to know how many farmworkers are poisoned by pesticides, and

WHEREAS, farmworkers who are exposed to pesticides suffer rashes, blisters, nausea, headaches, respiratory issues, and stinging eyes. Exposure to pesticides increases the risk of chronic health problems among adult and child farmworkers, such as cancer, infertility, neurological disorders, and respiratory conditions, and

WHEREAS, protections from chemical exposure provided by the U.S. Department of Labor do not apply to farmworkers and for protection from pesticides, farmworkers must look to standards provided by the U.S. Environmental Protection Agency under the 1992 Agricultural Worker Protection Standard, and

WHEREAS, the 1992 Agricultural Worker Protection Standard (WPS) is the primary set of federal regulations that seeks to protect farmworkers from the hazards of working with pesticides is widely recognized to be woefully outdated and inadequate. The current regulations are not effective in preventing workers' exposures to toxic chemicals in the fields. Over a decade ago, the EPA stated that even when there is full compliance with the WPS, "risks to workers still exceed EPA's level of concern, and

WHEREAS, When it comes to preventing children from handling pesticides, issues like personal protective equipment, the right to know about workplace chemicals, safety training and emergency assistance, farmworker protection remains dangerously inadequate, and

WHEREAS, the proposal by the EPA to revise the Agricultural Worker Protection Standard represents a genuine improvement, but falls short of giving farm workers the same sort of workplace protection afforded to other American workers who deal with dangerous chemicals, and

WHEREAS, LULAC National, as a member of the National Hispanic Leadership Agenda (NHLA) has endorsed efforts calling for stronger protections for farm workers from pesticide exposure and reminding the EPA that it has the authority and moral responsibility to correct the inequity that leaves predominantly low-income and minority farm workers less protected from toxic chemicals than other workers, and

WHEREAS, In August 18, 2014, 71 members of Congress led by Representatives Raul Grijalva, Linda Sanchez and Gloria Negrete McLeod, submitted comments to Environmental Protection Agency (EPA) Administrator Gina McCarthy, providing recommended changes to the Agricultural Worker Protection Standard (WPS) to safeguard the men, women and children who produce our food from the harmful effects of pesticides, and

WHEREAS, Although federal rules applicable to other industries set the minimum age for high-hazard work at 18, EPA has proposed a minimum age of 16 to work as a pesticide "handler" (someone who sprays, mixes or loads pesticides). The EPA proposal would also allow minors to enter treated fields shortly after spraying, despite high exposure risks. EPA should not allow children to endure high-exposure work in order to satisfy demands for cheaper child labor. Eighteen should be the minimum age for undertaking such high exposure activities, and

WHEREAS, EPA is proposing to eliminate one of the most effective ways for workers to protect themselves from pesticide exposures --the requirement that growers centrally post records of recent pesticide applications. Instead, EPA proposes that workers can obtain this information from their employers "upon request." Farm workers are often afraid to request this kind of information because they don't want to be labeled as troublemakers. EPA should retain central posting and, if it does not think this mode of communication is sufficient, it should supplement it with additional ways for workers to obtain this critical information, and

WHEREAS, Farm workers are afraid to report pesticide violations because they fear the loss of their jobs or other forms of retaliation. EPA only proposes training on retaliation in its proposed rule. EPA should, in consultation with the Department of Labor's Office of Whistleblower Protection, broaden the scope of protected activity under the EPA's existing anti-retaliation rule so that farmworkers can receive similar protections, due process and remedies that are enjoyed under whistleblower statutes covering workers under other statutes administered by the EPA, and

WHEREAS, in emergency situations, EPA is proposing to require employers to transport workers to a medical facility within 30 minutes of learning of a pesticide exposure rather than requiring that emergency assistance be immediate. EPA should, in consultation with the Department of Labor's Office of Whistleblower Protection, broaden the scope of protected activity under the EPA's existing anti-retaliation rule so that farmworkers can receive similar protections, due process and remedies that are enjoyed under whistleblower statutes covering workers under other statutes administered by the EPA, and

WHEREAS, Pesticide drift due to sprayer's error, wind, and volatilization is a common source of farm worker exposure to pesticides. EPA proposes to address this danger by restricting entry into fields adjacent to treated areas. But, as proposed, these protections apply only to fields on the farm that was sprayed. This safeguard should extend to workers in harm's way who work at a neighboring establishment. Currently, federal and state laws provide substantial buffer zones to protect vineyards, greenhouses and salmon habitat from pesticide drift. Effective buffer zones are needed for farm workers as well, and

WHEREAS, The EPA considered, but did not propose, medical monitoring for workers who handle neurotoxic pesticides. California and Washington State have longstanding monitoring programs that have been effective in reducing

exposure to, and illnesses from, neurotoxic pesticides. USDA too requires this protection for employees exposed to neurotoxic pesticides. OSHA requires medical monitoring for workers who handle a wide range of toxic substances. Medical monitoring should be included in the WPS; farm workers who handle these dangerous neurotoxins deserve no less.

THEREFORE BE IT RESOLVED, LULAC calls on the EPA to correct the inequity that leaves farmworkers less protected than other workers from chemical exposure

BE IT FURTHER RESOLVED, LULAC calls on the EPA to provide effective protection for farmworkers and their families from pesticide exposure and pesticide poisoning by expeditiously finalizing the Agricultural Worker Protection Standard in fiscal year 2015.

BE IT FURTHER RESOLVED, LULAC calls on Congress to oppose any legislative efforts to attack the Agricultural Worker Protection Standard.

BE IT FINALLY RESOLVED, The delegates of the 2015 LULAC National Convention affirm this resolution as national LULAC policy.

Voted and approved at the 2015 National LULAC Convention - July 11, 2015.

Roger C. Rocha, Jr.
LULAC National President