

**Congress of the United States**  
**Washington, DC 20515**

August 18, 2014

Dear Administrator McCarthy,

The Agricultural Worker Protection Standard (WPS) is the primary set of federal regulations that seeks to protect farmworkers from the hazards of working with pesticides. 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."<sup>[i]</sup> Although the EPA has not made meaningful updates to the WPS since 1992, we applaud the Agency for proposing improvements for workers, including more frequent and thorough training, emergency assistance and establishing restricting entry zones around recently-sprayed areas. However, serious flaws remain that perpetuate inequity and continue to leave the men, women, and children who produce our food less protected than other workers.

Every year, an estimated 1.1 billion pounds of pesticides are applied to agricultural crops in the United States.<sup>[ii]</sup> According to the EPA, ten to twenty thousand farmworkers suffer pesticide poisoning annually.<sup>[iii]</sup> Exposure to pesticides increases the risk of chronic health problems among adult and child farmworkers, such as cancer, infertility, neurological disorders, and respiratory conditions.<sup>[iv]</sup> There are approximately 500,000 child farmworkers in the U.S.,<sup>[v]</sup> farmworker children face increased risks of cancer and birth defects.<sup>[vi]</sup> Research also shows that both farmworkers and their children may suffer decreased intellectual functioning from even low levels of exposure to organophosphate insecticides, which are widely used in agriculture.<sup>[vii]</sup> To promote the health of rural communities and those who harvest the food for our constituents' tables, strong protections from pesticide exposure are urgently needed.

To prevent occupational illness and exposure from pesticides and provide effective protection for farmworkers, the revised WPS should include the following essential safeguards:

**1. Parity with other workers**

Due to an aberration in federal law, farm workers' are not safeguarded by OSHA for pesticide exposure. Instead, EPA is supposed to protect farm workers from pesticides. Under the WPS, even with the proposed updates, farm workers' protections are inferior to other workers' protections on matters such as personal protective equipment, the right to know about workplace chemicals, safety training, and emergency assistance. EPA has the authority and moral responsibility to correct this inequity for predominantly poor and minority farm workers.

**2. Protect children from high-exposure work**

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 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.

**3. Retain direct worker access to pesticide application information**

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.

#### **4. Anti-retaliation protections**

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.

#### **5. Protect workers 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. While this is a step in the right direction, emergency assistance should be immediate.

#### **6. Protect workers from pesticide drift**

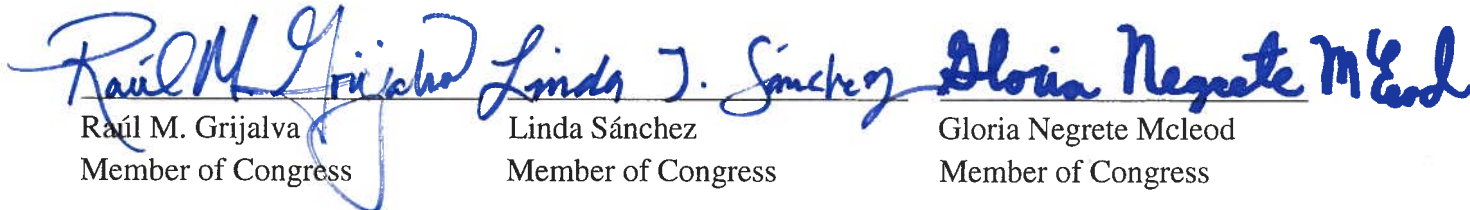
Pesticide drift due to sprayer's error, wind, and volatilization is a common source of farm worker exposure to pesticides. EPA proposes to address this danger by restricting entry into fields adjacent to treated areas. But, as proposed, these protections apply only to fields on the farm that was sprayed. 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.

#### **7. Protect workers who handle neurotoxic chemicals**

The EPA considered, but does 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.

These changes to the WPS provide the EPA with a timely opportunity to meaningfully protect a vulnerable segment of our workforce and to reject any efforts to undermine fundamental yet long overdue safeguards. We urge you to expeditiously finalize these revisions during fiscal year 2014 and implement these needed changes as soon as possible thereafter.

Sincerely,

  
Raúl M. Grijalva      Linda J. Sánchez      Gloria Negrete McLeod  
Member of Congress      Member of Congress      Member of Congress



Karen Bass  
Member of Congress



Earl Blumenauer  
Member of Congress



Suzanne Bonamici  
Member of Congress



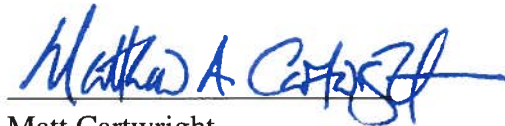
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Member of Congress



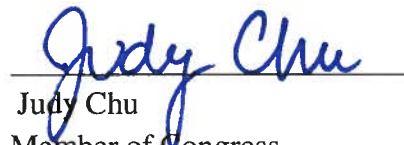
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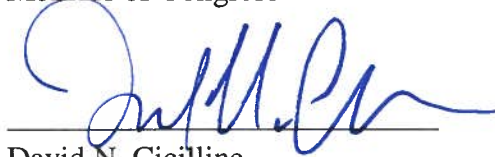
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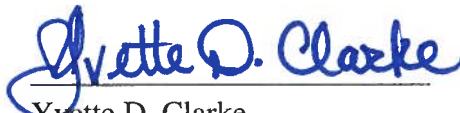
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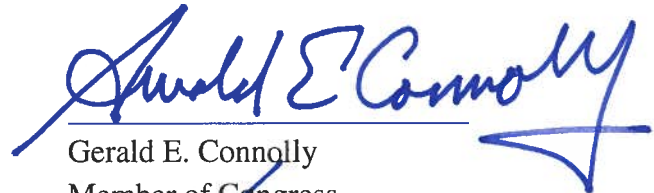
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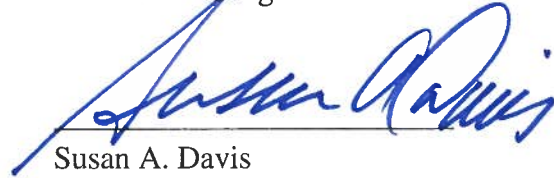
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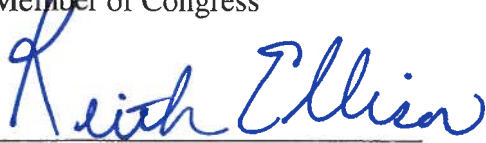
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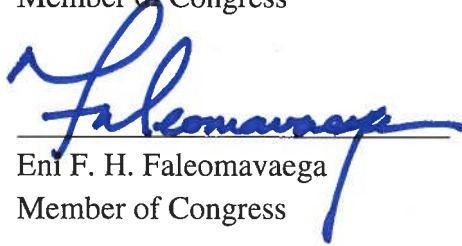
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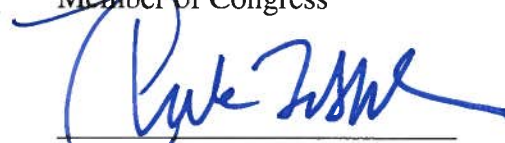
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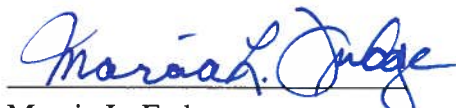
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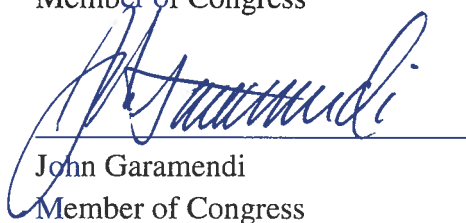
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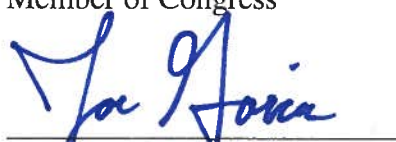
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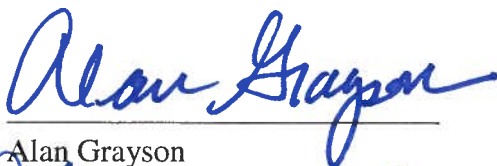
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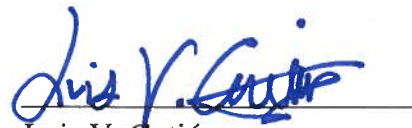
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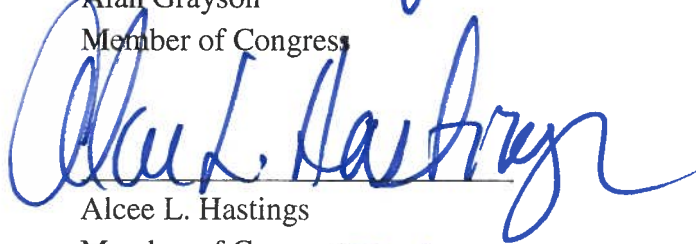
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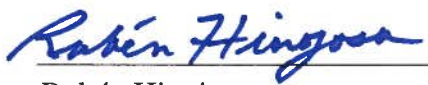
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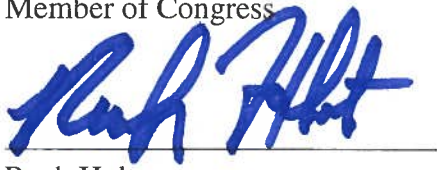
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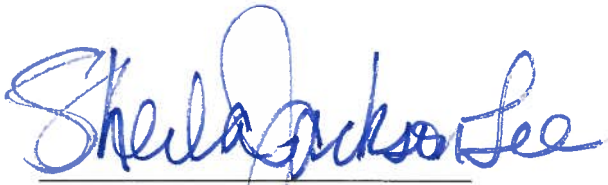
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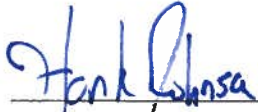
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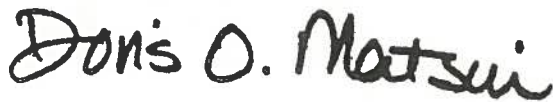
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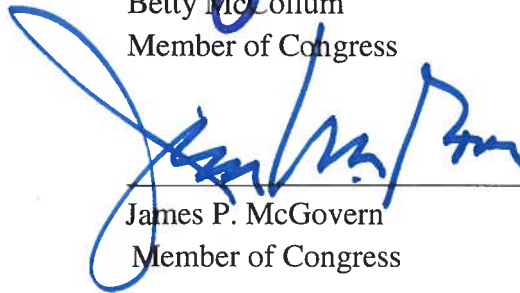
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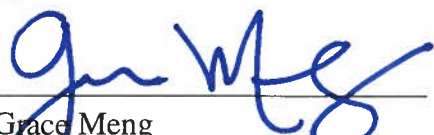
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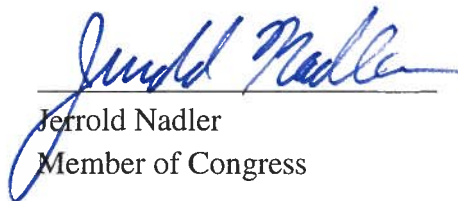
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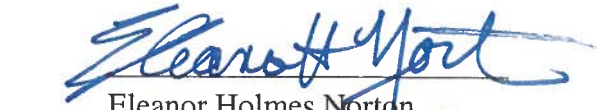
  
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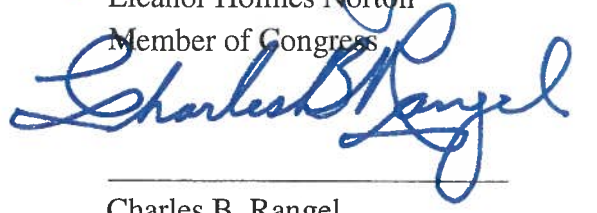
  
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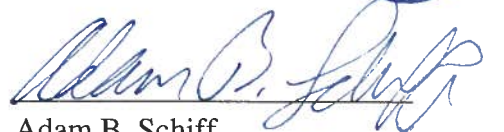
  
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CC:

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Cecilia Munoz, Director, White House Domestic Policy Council  
Michael Boots, Acting Chair, White House Council on Environmental Quality

[i] See U.S. Environmental Protection Agency. (2000, Sept. 29). Pesticide Registration Notice 2000-9, p.3. Retrieved from [http://www.epa.gov/PR\\_Notices/pr2000-9.pdf](http://www.epa.gov/PR_Notices/pr2000-9.pdf)

[ii] See U.S. EPA. 2011. Pesticides Industry Sales and Usage 2006 and 2007 Market Estimates. <http://www.epa.gov/opp00001/pestsales/>

[iii] See U.S. EPA. (1992). Regulatory impact analysis of Worker Protection Standard for agricultural pesticides. Washington, DC: U.S. Environmental Protection Agency, Office of Pesticide Programs.

[iv] See Sanborn, M., Cole, D., Kerr, K., Vakil, C., Sanin, L.H., & Bassil, K. (2004). Pesticides literature review. Retrieved from <http://www.bvsde.paho.org/bvstox/fulltext/rpesticides.pdf>.

[v] See Association of Farmworker Opportunity Programs. (2007). Children in the Fields, An American Problem. Retrieved from <http://afop.org/wp-content/uploads/2010/07/Children-in-the-Fields-Report-2007.pdf>.

[vi] See Sanborn, M., Cole, D., Kerr, K., Vakil, C., Sanin, L.H., & Bassil, K. (2004). Pesticides literature review. Retrieved from <http://www.bvsde.paho.org/bvstox/fulltext/rpesticides.pdf>.

[vii] See Environmental Health Perspectives. (2006, June). Studying Health Outcomes in Farmworker Populations Exposed to Pesticides. P 953-960. Retrieved from <http://www.ncbi.nlm.nih.gov/pmc/articles/PMC1480483/>.