

May 15, 2017

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On behalf of the undersigned organizations and our millions of members and supporters, the following comments are specific to the need to RETAIN and STRENGTHEN pesticide regulations to protect children, farmworker families, rural communities, consumers, and in doing so, promote a healthy environment and economy.

**PESTICIDE REGULATIONS SHOULD BE IMPLEMENTED TO BETTER PROTECT FARMWORKER FAMILIES, RURAL COMMUNITIES, GROUNDWATER, AIR, WILDLIFE AND OTHER RESOURCES.**

The first order of business is for the Agency to implement pesticide regulations to better protect farmworker families and rural communities, groundwater, air, wildlife and other resources. Over the past 20 years the EPA has devoted substantial resources to developing stronger pesticide safety regulations to protect farmworkers and the environment and requiring record-keeping to facilitate enforcement. These efforts involved extensive input from a full range of stakeholders through meetings and comment periods. Improving the protections, training and information available to workers will reduce human illness and protect wildlife and the environment. Improving farmworker health and safety will protect these vulnerable workers from needless suffering and injury and have far-reaching benefits by reducing healthcare costs and strains on our public health care system. It will also reduce instances where field work is disrupted or crops are damaged or contaminated from pesticide drift. It would be reckless and irresponsible to repeal any of these regulations.

Pesticides are inherently toxic substances-- they are developed and used to destroy or prevent growth or infestations of unwanted insects, plants, and other pests in agricultural, commercial, industrial, and household settings. Farmworkers' persistent exposure to harmful pesticides has resulted in an average of 57.6 out of every 100,000 agricultural workers reporting acute pesticide poisoning, illness or injury each year.<sup>i</sup> These numbers do not include many incidents that are not reported due to a number of factors including worker fear of reprisals. They also exclude the many workers who suffer chronic health problems as a result of pesticide exposures, and do not factor in the known under-reporting of pesticide poisonings and illnesses.

Agricultural workers are in great need of effective workplace protections because they represent some of the most economically- and educationally-disadvantaged people in the United States.<sup>ii</sup> According to the 2013-2014 National Agricultural Workers Survey (NAWS), 30% of farmworker families had total family income levels below the national poverty guidelines.<sup>iii</sup> In 2012, the median income for agricultural workers was a little more than half of the median income for all other workers in the United States.<sup>iv</sup> The 2013-2014 NAWS also indicates that 5% of agricultural workers identified as indigenous Mexicans or Central Americans and more than 50% spoke little to no English.<sup>v</sup>

The EPA has a legal obligation to ensure that agricultural workers share the same protections afforded to other workers including prohibiting minors from working with toxic substances, adequate respiratory protection, and anti-retaliation provisions. Recent revisions to the WPS and Certified Applicator

regulations address these discrepancies. By delaying implementation, the EPA is failing to meet legal obligations to ensure that agricultural workers have equitable protections. Establishing a lower level of protection for this vulnerable population also sets a troubling example of economic and racial injustice perpetuated by a government agency.

FIFRA, the Federal Insecticide, Fungicide, and Rodenticide Act, mandates that EPA protect the health of farmworkers. Indeed, the “entire purpose of the [1970 revisions to FIFRA, known as the Federal Environmental Pesticide Control Act (“FEPCA”)] is to protect man and the environment,” and farmers and farmworkers are “the most obvious object of th[at] bill’s protection.”<sup>vi</sup> At the time of FEPCA’s passage, one Senate Committee asserted that FEPCA “provides complete safeguards to protect farmers and others coming into contact with pesticides or residues.”<sup>vii</sup> EPA must strive to fulfill Congress’s intent that FEPCA/FIFRA provide “complete safeguards” to farmworkers. Delay of implementation or rollback of regulations would violate this intent.

We often hear that risks of pesticide exposure must be borne so we can feed the world. A recent report from the United Nations<sup>viii</sup> soundly debunks the myth that pesticides are necessary to feed the world and details the catastrophic impacts that pesticides have on the environment and human health including the disproportional impact on farmworkers and their families and rural communities.

Investment in health and safety protections contributes to a sound economy as documented in a recent study<sup>ix</sup> in the February 2017 issue of Journal of Accounting and Economics which documented lower profits and significantly higher workplace injury rates at businesses that increase workloads and scrimp on safety training, protective gear and other health and safety expenses.

### **PESTICIDE REGULATIONS ARE IMPORTANT TO PREVENT PESTICIDE POISONINGS, INJURY, ILLNESS, DEATH AND THE SOCIAL AND ECONOMIC BURDEN THESE PREVENTABLE INCIDENTS PLACE ON THE PUBLIC AND PRIVATE SECTOR.**

Pesticide regulations are important to prevent pesticide poisonings, injury, illness, death and the social and economic burden these preventable incidents and tragedies place on children, workers, employers, regulatory agencies and service providers at the local, state and federal level. For over 20 years, the EPA has worked with various stakeholders, including farmers, state departments of agriculture and other state enforcement agencies, land grant colleges’ agricultural extension offices and agents, agricultural communities, farmworkers, farmworker advocates, health care providers in rural communities and health care agencies, and others to identify the inadequacies in the EPA’s Worker Protection Standard that was promulgated in 1992 and implemented in 1995. Over two decades of work reviewing the scientific literature and farmworker pesticide exposure incident data, convening regional and local meetings to gather stakeholder input, opening the rule for comprehensive public comment, and conducting extensive analysis of all the information and comments resulted in an updated Worker Protection Standard for farmworkers in 2015. All stakeholders had sufficient and adequate opportunity to participate in the process of drafting the new rule.

When workers are not provided with the basic information needed to protect themselves from the pesticides applied in their workplaces or to help them respond appropriately in the event of an accidental poisoning, it places a burden on the employer, on the workplace, on production, on the regulatory agencies charged with enforcing the regulations, on local health care clinics, on our health care system, and on the taxpayer. A safer agricultural workplace is in everyone’s best interest - growers, rural economies, consumers, the environment and especially farmworkers & their families.

Stakeholders received sufficient notification of the timeline for implementation of the new WPS, and several provisions were slated for 2018 for full implementation to give business and government adequate time to implement the provisions. The fact that implementation is well underway in a significant number of agricultural states, including California, North Carolina and Florida, is indication of minimal or lack of burden on small business, state, local and/or tribal governments. A greater burden falls on all stakeholders through any further delay of a regulation that has been 20 years in the making.

**EPA MUST ADOPT, NOT STREAMLINE PESTICIDE REPORTING REQUIREMENTS.**

EPA needs to adopt, not streamline reporting requirements in order to better track trends in use, emissions and releases of toxic substances. Pesticide reporting requirements ultimately result in a decreased burden to business, state enforcement agencies, health care providers and farmworkers. Documentation of pesticide use assists health care providers in being able to appropriately diagnose and treat pesticide-related illness, thus, reducing the short-term and long-term costs to our health care system. Accurate use reporting reduces the burden of time and expense on regulatory agencies that are tasked with identifying an offending pesticide exposure incident and addressing the cause. For business, pesticide use reporting reduces the burden of addressing workplace incidents that can affect workers health and productivity, as well as the health of the plants in production. For workers, the benefit of use reporting is directly related to their ability to protect themselves and to seek treatment in exposure cases. We urge EPA to establish a national pesticide incident reporting system. In order for EPA to fulfill their mandate to avert “unreasonable risk” to farmers, farmworkers, and rural communities, it can only do so if it has complete information on when, where and why illnesses due to pesticide exposures are occurring. A national mandatory pesticide incident reporting system would help to ensure that such data are captured in a comprehensive manner, ensuring that EPA can take appropriate action to address pesticides that pose unreasonable risks to the public.

Respectfully,

Alaska Community Action on Toxics  
American Friends Immigrant Services  
Ashtabula, Geauga, Lake Counties Farmers Union (Ohio)  
Azul  
Beyond OSHA Project  
California Rural Legal Assistance Foundation  
CATA - The Farmworker Support Committee  
Center for Food Safety  
Clean and Healthy New York  
Climate Justice Alliance  
Coming Clean  
Comité de Apoyo a los Trabajadores Agrícolas (CATA)/Farmworker Support Committee  
Community to Community  
Dayspring Permaculture Project  
Down Under Yoga  
Earthjustice  
Eastern Panhandle Central Labor Council  
Fair World Project, Inc.  
Family Farm Defenders  
Farmworker Association of Florida, Inc.  
Farmworker Justice  
Florida Center for Fiscal and Economic Policy

Florida Council of Churches  
Florida Immigrant Coalition, Inc. (FLIC)  
Food & Water Watch  
Food Chain Workers Alliance  
FOOD JUSTICE- Washington State University Jefferson County Extension  
Friends of the MST  
Friends of the Earth  
Glynn Environmental Coalition  
GreenLatinos  
Guatemalan Maya Center  
Headwater LLC  
Hermit Creek farm  
International Mayan League  
League of United Latin American Citizens (LULAC)  
League of United Latin American Citizens (LULAC)- Miami FL  
League of United Latin American Citizens (LULAC)- Tampa, FL  
Letterbox Farm  
Los Jardines Institute  
Migrant Clinicians Network  
National Employment Law Project  
National Family Farm Coalition  
National Family Farmers Coalition  
National Farm Worker Ministry  
New Mexico Environmental Law Center  
Northwest Atlantic Marine Alliance (NAMA)  
Occupational Health and Safety Section of the American Public Health Association  
Palm Beach County Coalition for Immigrant Rights (PBCCIR)  
People Concerned About Chemical Safety  
Pesticide Action Network North America  
Pinos y Campesinos Unidos del Noroeste (PCUN)  
Regeneration Massachusetts  
SafeWork Washington  
Science and Environmental Health Network  
Sierra Club  
Soul Fire Farm  
SustainUS  
Texas Campaign for the Environment  
The City Project  
Toxic Free NC  
Union of Concerned Scientists  
Unitarian Universalists of Clearwater  
United Farm Workers of America  
University of Washington DEOHS Continuing Education Programs  
Verde  
Voces Verdes  
WeCount!  
Worksafe

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<sup>i</sup> Geoffrey M. Calvert et al. (2008). Acute pesticide poisoning among agricultural workers in the United States, 1998 – 2005, [AM. J. INDUS. MED.](#) 883, 890

<sup>ii</sup> Carroll, Daniel, Georges, Annie and Saltz, Russell. Changing Characteristics of U.S. Farm Workers: 21 Years of Findings from the National Agricultural Workers Survey (presentation, Immigration Reform and Agriculture Conference: Implications for Farmers, Farm Workers and Communities, Washington D.C., May 12, 2011), on the Internet at: <https://migrationfiles.ucdavis.edu/uploads/cf/files/2011-may/carroll-changing-characteristics.pdf> (visited July 8, 2014).

<sup>iii</sup> Bureau of Labor Statistics, U.S. Department of Labor, *Findings from the National Agricultural Workers Survey (NAWS) 2013-2014*. Accessed on May 15, 2017

from [https://www.doleta.gov/agworker/pdf/NAWS\\_Research\\_Report\\_12\\_Final\\_508\\_Compliant.pdf](https://www.doleta.gov/agworker/pdf/NAWS_Research_Report_12_Final_508_Compliant.pdf)

<sup>iv</sup> Bureau of Labor Statistics, U.S. Department of Labor, *Occupational Outlook Handbook, 2014-15 Edition*, Agricultural Workers, on the Internet at <http://www.bls.gov/ooh/farming-fishing-and-forestry/agricultural-workers.htm> (visited **July 08, 2014**).

<sup>v</sup> Carroll, Daniel, Georges, Annie and Saltz, Russell. Changing Characteristics of U.S. Farm Workers: 21 Years of Findings from the National Agricultural Workers Survey (presentation, Immigration Reform and Agriculture Conference: Implications for Farmers, Farm Workers and Communities, Washington D.C., May 12, 2011), on the Internet at: <https://migrationfiles.ucdavis.edu/uploads/cf/files/2011-may/carroll-changing-characteristics.pdf> (visited July 8, 2014).

<sup>vi</sup> *Organized Migrants in Community Action, Inc. v. Brennan*, 520 F.2d 1161, 1168-69 (D.C. Cir. 1975), quoting S. Rep. No. 92-838, at 43, 44 (1972), reprinted in 1972 U.S.C.C.A.N. at 4063.

<sup>vii</sup> *Id.* at 1168, quoting S. Rep. No. 92-838, at 43-44 (1972), reprinted in 1972 U.S.C.C.A.N. at 4063. See also *id.* at 1169 (“If there is any question as to whether [farmers and farmworkers] are fully protected, we do not know what it could be.”), quoting S. Rep. No. 92-838, at 44 (1972), reprinted in 1972 U.S.C.C.A.N. at 4063.

<sup>viii</sup> *United Nations (January 24, 2017) Report of the United Nations Special Rapporteur on the Right to Food*. Accessed on May 15, 2017 from <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G17/017/85/PDF/G1701785.pdf>

<sup>ix</sup> Caskey J and Ozel NB. (2017) Earning expectations and employee safety. *Journal of Accounting and Economics*. 63(1):121-141.