



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
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**OFFICE OF
THE ADMINISTRATOR**

**STATEMENT ON WORKER PROTECTION STANDARDS
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Administrator, U.S. Environmental Protection Agency
August 13, 1992**

I am pleased to announce that EPA's long effort to strengthen the protections afforded agricultural workers from the risks of pesticides has borne fruit. Today I have signed a major revision to the Worker Protection Standard for Agricultural Pesticides, which will require workplace practices that reduce the risks of exposure to pesticides. The final rule will apply to workers and pesticide handlers in nurseries, forests and greenhouses, farms, and employees who handle pesticides -- about 3.9 million people nationwide. This Standard will be directly enforceable under the Federal Insecticide, Fungicide, and Rodenticide Act.

The new rule is significant in several ways:

First, the labeling of all agricultural pesticides will be extensively revised to convey much stronger worker protection requirements -- including keeping workers out of recently treated areas and requiring use of equipment to protect handlers of pesticides and others.

Next, agricultural employers covered by this rule will be expected to follow new practices to protect their employees and, in some cases, themselves. These practices include safety training, warnings about pesticide treatments, provisions on washing facilities, and maintenance of protective equipment. We believe that many responsible employers may already provide some or all of these protections to their workers. We are persuaded, however, that such practices must be adopted more widely. We plan a wide variety of measures to explain the new requirements and to encourage and support employers' efforts to comply.

A final note: a significant fraction of our agricultural work force suffers disadvantages that most of us never face. When this rule is fully implemented, agricultural workers throughout America will not only benefit from specific work practices to reduce harm, but will have far greater opportunities to help protect their families and themselves.

These workers will know, often for the first time, when they are working in the presence of toxic pesticides, what risks these pesticides present, and they will also get basic safety instruction.

The proposed Worker Protection Standard was published in 1988. The hundreds of comments we received since that time were vital to our effort to craft a regulation that provides a safe work place for the agricultural work force while avoiding unnecessary costs on American agriculture. Striking such a balance is often difficult. This rule was certainly no exception. I believe, however, that the final product successfully achieves worker protection without imposing undue costs. While all of us would have preferred to have put these additional protections into place more quickly, I am proud of this product.

This rule, then, is a major strengthening of existing protections for agricultural workers. I believe that its implementation will significantly reduce poisonings among the agricultural work force.

8/13/92

WORKER PROTECTION STANDARD FOR AGRICULTURAL PESTICIDES

SUMMARY OF PROVISIONS

The Environmental Protection Agency has revised its Worker Protection Standard (WPS) dealing with the protection of agricultural workers from pesticide exposure (40 CFR Part 170). The new Worker Protection Standard contains requirements designed to reduce the risks of illness or injury resulting from pesticide handlers' and agricultural workers' occupational exposures and agricultural workers' and other persons' accidental exposures to pesticides used in the production of agricultural plants on farms, nurseries, greenhouses and forests. The following is a summary of the major provisions of this regulation.

A. GENERAL

SCOPE AND APPLICABILITY

--Pesticide uses included in the scope are those involved in the production of agricultural plants on farms, forests, nurseries, and greenhouses.

--Exceptions:

- Government-sponsored public pest control;
- Livestock uses;
- Habitations, gardens, lawns, etc.;
- Pasture/rangeland, rights-of-way and structures;
- Vertebrate pests;
- Attractants/repellents in traps;
- Post-harvest;
- Research uses of unregistered pesticides.

--Exemptions: Owner and immediate family exempt from generic provisions, principally training, notification, decontamination, and emergency assistance. They must comply with pesticide-specific requirements, such as personal protective equipment (PPE) and restricted-entry intervals (REI's).

RESPONSIBILITY

--Employers have the responsibility to make sure the protections of this standard are provided to agricultural workers and pesticide handlers.

--Employers may not prevent or discourage any agricultural worker or pesticide handler from complying with the standard and may not take retaliatory action against handlers or workers who attempt to comply.

KEY DEFINITIONS

--Agricultural employer:

- Hires or contracts for the services of agricultural workers OR
- Owns or is responsible for the management and condition of an agricultural establishment that uses such workers.

--Commercial pesticide handling establishment is any establishment other than an agricultural establishment (farm, forest, nursery, or greenhouse) that:

- Employs handlers to apply pesticides on agricultural establishments OR
- Employs persons to perform tasks as crop advisors on agricultural establishments.

--Handler:

- Mixes, loads, transfers, or applies pesticides;
- Disposes of pesticides or unrinsed containers;
- Handles opened containers;
- Flags;
- Cleans, adjusts, handles, or repairs contaminated equipment;
- Assists with application;
- Enters enclosed area after use of airborne pesticide before PEL or ventilation criteria are met;
- Enters area treated with soil fumigant to adjust or remove tarps;
- Performs tasks as a crop advisor during application or an REI.

--Worker: performs tasks (other than handler tasks) related to the production of agricultural plants on an agricultural establishment.

B. PROTECTIONS FOR ALL EMPLOYEES

Employers of pesticide handlers and agricultural workers must make sure the following protections are provided to workers/handlers in their employ.

CENTRALLY LOCATED INFORMATION

--If workers or handlers are employed on an agricultural establishment, the employer must establish a central location to:

- Display a poster containing WPS-specified information;
- List the location of the nearest emergency medical facility;
- Post information about each pesticide application on the establishment, including:
 - location and description of treated area;
 - product name, EPA registration number and active ingredient(s);
 - time and date of the application; and
 - restricted entry interval for the pesticide.

--The employer must also:

- Keep information about applications posted until at least 30 days after the REI expires; and
- Inform workers/handlers where the poster is located and allow them access.

EMERGENCY ASSISTANCE

--In the case of a suspected pesticide poisoning, the employer must make available prompt transportation to an appropriate medical facility.

--The employer must also provide the worker or handler or the treating medical personnel with information from the pesticide labeling and information about how the suspected exposure occurred.

DECONTAMINATION

--Employers must provide workers with a decontamination site while the workers are performing permitted activities in a treated area where an REI is in effect or performing any activities in a treated area where an REI has expired within the past 30 days.

--Employers must provide pesticide handlers with a decontamination site while handlers are performing handling activities.

--Supplies for washing pesticides from the skin and eyes must be provided within 1/4 mile of all workers/handlers, including:

- Enough water for washing (Water must be of a quality and temperature that will not cause illness or injury when it contacts the skin or eyes or if it is swallowed);
- Enough soap and single-use towels; and
- Clean coverall (at handler sites).

--Eyeflush water must be made immediately available to handlers and early-entry workers if they are required to wear protective eyewear.

INFORMATION EXCHANGE

--An agricultural employer must be informed when a pesticide is to be applied on the agricultural establishment by a commercial handler and must be provided the information needed to be posted at the central location plus:

- Whether both oral warnings and treated area posting are required; and
- Any other protection requirements on the label for workers or other people.

--A commercial handler employer must be informed of entry restrictions for and the location/description of any areas on the agricultural establishment that the commercial handler may be in (or within 1/4 mile of) which may be treated with a pesticide or be under an REI while the commercial handler is on the establishment. The commercial handler employer must provide this information to the commercial handler.

C. PROTECTIONS FOR WORKERS

APPLICATION RESTRICTIONS

--The employer must keep workers other than trained and protected pesticide handlers out of an area being treated.

--Under some application conditions, employers must keep nursery or greenhouse workers out of locations that are near an area being treated.

ENTRY RESTRICTIONS

--If contact with pesticides is possible, the employer must keep workers from entering a treated area until the REI is over.

--Exceptions:

- Non-hand labor tasks can take place up to 1 hour/worker/day;
- Tasks can take place if necessary due to a declared agricultural emergency; and
- Additional exceptions can be requested of EPA.

--Employers must protect early-entry workers by making sure of the following:

- No entry for the first 4 hours following the end of the application and until any label-specified inhalation exposure level or the WPS ventilation criteria have been met;
- Workers informed about health effects and safety information from pesticide labeling;
- PPE provided, cleaned, and maintained for the worker;
- Worker wears and uses PPE correctly;
- Workers instructed how to put on, use, and remove the PPE and about the importance of washing thoroughly after removing PPE;
- Workers provided a clean place to put on and take off PPE and to store personal clothing;
- Action taken, if necessary, to prevent heat-related illness while wearing PPE;
- Soap, towels, and water provided when PPE is removed; and
- Make sure no contaminated PPE worn home or taken home.

TRAINING FOR WORKERS

--Unless already a certified applicator or a trained handler, each early-entry worker must be trained before performing permitted tasks in a treated area which remains under an REI.

--Unless already a certified applicator or trained handler, workers must be trained before their 6th day of entry into treated areas on an agricultural establishment within 30 days of the REI expiration. (Until about October, 1997, workers must be trained before their 16th day of such entry.)

--The training must include written or audiovisual materials and be presented in a manner the worker can understand, using nontechnical terms.

--The trainer must be a certified applicator, a trainer of certified applicators, someone who has completed an approved train-the-trainer course, or a trained handler.

--The training program must contain the general pesticide safety information specified in the WPS.

NOTICE OF APPLICATIONS

--On farms, nurseries, and forests, each worker who might enter a treated area or walk within 1/4 mile of a treated area during application or an REI must be warned orally or by posting warning signs at the treated area.

--In greenhouses, each worker who might enter a greenhouse during an application or an REI must be warned by posted warning signs at entrances to treated areas.

--Some pesticides will have a statement on the product labeling requiring both posting of warning signs and oral warnings to workers.

--The posted warning sign must:

- Include the words: "Pesticides/Pesticidas Danger/Peligro - Keep Out/No Entre";
- Contain the WPS warning-sign symbol (a stern face and an upraised hand);
- Meet size and color requirements; and
- Be visible at all usual entrances to the treated area.

--The oral warning must:

- Give location and description of treated area;
- State the time during which entry is restricted; and
- Instruct workers not to enter the treated area until the REI is over.

D. PROTECTIONS FOR HANDLERS

APPLICATION RESTRICTIONS

--The employer and the handler must make sure that no pesticide is applied so as to contact, either directly or through drift, any person other than a trained and protected handler.

--The employer must make sure that any handler who is handling a pesticide with a skull and crossbones symbol on the label is monitored visually or by voice contact at least every 2 hours.

--The employer must make sure that any handler who is handling a fumigant in a greenhouse maintains continuous visual or voice contact with another handler.

PERSONAL PROTECTIVE EQUIPMENT

--When personal protective equipment is required by the product labeling for the handling activity. The employer must:

- Provide the PPE to each pesticide handler;
- Clean and maintain the PPE correctly;
- Make sure that each handler wears and uses the PPE correctly;
- Provide each handler a clean place to put on and take off PPE and to store personal clothing;
- Take action, if necessary, to prevent heat-related illness while PPE is being worn;
- Provide soap, towels, and water to each handler at the end of the handling activity when PPE is removed; and
- Not allow any handler to wear home or take home PPE worn for handling activities.

KNOWLEDGE OF PESTICIDE LABELING

--The employer must make sure that each handler has either read the pesticide labeling or been informed of the information on the labeling.

--The pesticide product labeling must be accessible to the handler during the handling activity.

SAFE OPERATION OF EQUIPMENT

--The employer must make sure that each handler is instructed in the safe operation of handling equipment.

--The employer must make sure that all handling equipment is inspected and in good operating condition before each use.

TRAINING FOR HANDLERS

--Unless already a certified applicator or trained to use restricted-use pesticides, handlers must be trained before performing handler tasks.

--The training must include written or audiovisual materials and be presented in a manner the handler can understand.

--The trainer must be a certified applicator, a trainer of certified applicators, or someone who has completed an approved train-the-trainer course.

--The training program must contain the general pesticide safety and correct handling practice information specified in the WPS.

CLEANING AND MAINTAINING PPE

--The employer must make sure that anyone cleaning PPE is informed:

- That the PPE may have pesticides on it;
- Of the potentially harmful effects of pesticides; and
- Of the correct ways to handle and clean PPE.

--The employer must make sure that:

- PPE is inspected and repaired before each use;
- PPE is cleaned according to manufacturers' instructions or in detergent and hot water;
- PPE that cannot be cleaned is disposed of;
- Clothing drenched with concentrates of Danger or Warning pesticide are disposed of;
- PPE is kept, washed, and stored separately from personal clothing;
- Clean PPE is dried appropriately; and
- Respirator filters, cartridges, and canisters are replaced as often as required.

PPE SUBSTITUTIONS AND EXCEPTIONS

--Substitutions and exceptions to PPE are permitted when engineering controls are used.

--Pilots in open cockpits are exempted from any chemical-resistant footwear requirement; a helmet may be substituted for chemical-resistant headgear and a visor may be substituted for protective eyewear.

--Pilots in closed cockpits are exempted from all PPE requirements; long-sleeved shirt, long pants, shoes and socks are required.

--Handlers using closed systems for mixing and loading are exempted from all PPE except chemical-resistant gloves and apron; long-sleeved shirt, long pants, shoes, and socks are required. If the closed system is pressurized, protective eyewear is also required.

--Handlers using enclosed cabs are exempted from all PPE except for any respirator requirement; long-sleeved shirt, long pants, shoes, and socks are required. Respirators are waived if the enclosed cab offers respiratory protection equal or greater to the type of respirator specified.

--Handlers or early entry workers working with plants with sharp thorns may wear leather gloves over chemical-resistant glove liners.

--Handlers or early entry workers working in rough terrain may wear leather boots instead of chemical-resistant footwear.

E. REQUESTS FOR EXCEPTION TO REI

--Affected parties may request that EPA grant an exception to the prohibition of routine hand labor tasks during an REI.

--Exception request must include specified information about the need, nature, feasibility, and basis for the request.

--EPA will issue a notice that a request has been received and allow at least 30 days for public comment.

--EPA will publish a notice of its decision.

--If no decision is issued by 9 months after close of comment period, applicants may presume the request is denied, unless the deadline is extended due to the complexity of the request or the number of requests being reviewed.

--If a request is granted, employers must provide the early-entry workers with the protections required by the WPS for other early entry.

--EPA may withdraw exceptions to REI's if information indicates that the health risks to workers are unacceptable or if it is no longer needed. Affected parties may request a hearing when an exception is withdrawn.

--EPA is issuing a notice that it is considering granting an exception to REI's for the cut flower and cut fern industry.

WORKER PROTECTION STANDARD FOR AGRICULTURAL PESTICIDES

SUMMARY OF PROVISIONS--PESTICIDE LABELING CHANGES

The Environmental Protection Agency has revised 40 CFR Part 156 to prescribe Worker Protection Standard (WPS) statements that must be placed on pesticide product labeling and to establish interim restricted-entry intervals and personal protective equipment requirements.

COMPLIANCE DATES

--None of the provisions of the Worker Protection Standard are enforceable until specific worker protection requirements and statements referring to the WPS appear on pesticide labeling. Pesticides with the revised labeling may not be released for sale before about April 15, 1993.

--As soon as a product with revised labeling is used, the users must follow the specific product labeling requirements for PPE, application restrictions, restricted entry intervals and, if present, the requirement for both treated area posting and oral warnings.

--Users need not meet certain more generic requirements of the WPS until April 15, 1994. These include requirements for decontamination sites, training, cleaning and maintenance of PPE, emergency assistance, and displaying a pesticide safety poster and pesticide-specific information.

WPS REFERENCE STATEMENT

--The labeling of all affected agricultural pesticide products must include specific statements in an Agricultural-Use Requirements subsection near the beginning of the Directions For Use section. All product labeling must include standardized statements that reference the WPS and briefly list the major requirements of the WPS.

PROHIBITION STATEMENT

--All product labeling must include a statement prohibiting application of the product in a way that will contact workers or other persons directly or through drift.

STATE REQUIREMENTS

--All product labeling must include a statement advising users to contact their State pesticide agency for information about their State's pesticide requirements.

PRODUCT-TYPE IDENTIFICATION

--Any product that contains an organophosphate, n-methyl carbamate, or fumigant active ingredient must be identified as such on the label.

SPANISH LANGUAGE STATEMENT

--The label of any product in Toxicity Category I or II must have the signal word in Spanish and a sentence in Spanish directing users to have all labeling explained to them.

RESTRICTED-ENTRY INTERVALS (REI)

--All product labeling must include a statement prohibiting entry during the restricted-entry interval.

--All product labeling must specify a restricted entry interval(s). Minimum interim restricted entry intervals based on the acute toxicity of the active ingredient by the dermal, skin irritation and ocular routes of exposure are established.

--Previously established entry intervals will be retained if they are based on entry data that meets Agency guidelines. Any other previously established entry interval is "interim" and would only be retained if it is longer than the interim REI established by the WPS.

--A 48 hour REI is established for any product containing an active ingredient in Toxicity Category I (highly toxic). [The REI for organophosphates is extended to 72 hours if these products are applied outdoors in areas with less than 25 inches rainfall/year.]

--A 24 hour REI is established for any product containing an active ingredient in Toxicity Category II.

--A 12 hour REI is established for all other products.

NOTIFICATION TO WORKERS

--The labeling of any product containing an active ingredient that is in Toxicity Category I because of dermal toxicity or skin irritation potential and of any product that is a fumigant that may be applied in a greenhouse must have a statement requiring both posting of warning signs and oral warnings to workers.

PERSONAL PROTECTIVE EQUIPMENT

--All product labeling must specify required personal protective equipment (PPE). Minimum PPE and work clothing requirements for pesticide handlers and for early-entry workers are established. (Long-sleeved shirts, long pants, shoes, and socks are defined as work clothing and not PPE.)

--Minimum PPE requirements for handlers are based on the acute toxicity of the formulated pesticide product by dermal, ocular, and inhalation routes of entry.

■ **Ocular:** Protective eyewear is required for Toxicity Category I and II products.

■ **Inhalation:** A respirator is required for Toxicity I and II products. The labeling must specify whether the required respirator is a dust/mist filtering respirator, or organic-vapor-removing respirator with a dust/mist prefilter, or air-supplying respirator. Registrants must base this specification on the criteria in the WPS and in the guidance that will be issued to registrants.

■ **Dermal:**

--Chemical-resistant gloves are required for Toxicity I, II, and III products. The labeling must specify a particular type of chemical-resistant glove. Registrants must base this specification on the criteria in the WPS and in the guidance that will be issued to registrants.

--Chemical-resistant footwear and socks are required for Toxicity I and II products; shoes and socks are required for all other products.

--Coveralls worn over another layer of clothing are required for Toxicity I and II long-sleeved shirt and long pants are required for all other products.

■ **Additional PPE based on exposure pattern are specified:**

--Handlers and early entry workers with overhead exposure also must wear chemical-resistant headgear.

--Mixers, loaders, and equipment cleaners also must wear a chemical-resistant apron.

■ **Early Entry PPE requirements are the same as the PPE required for applicators, except any respirator requirement is waived and coveralls and chemical-resistant (or waterproof) gloves are the minimum allowed attire for early entry workers.**

WORKER PROTECTION STANDARD FOR AGRICULTURAL PESTICIDES

SUMMARY OF PROVISIONS--NOTICE OF PROPOSED RULEMAKING

HAZARD INFORMATION

The Environmental Protection Agency is issuing a notice of proposed rulemaking to add a provision to the newly revised Worker Protection Standard (WPS) for agricultural pesticides. It proposes to provide information to covered workers that is substantially equivalent to that required under the Hazard Communication Standard promulgated by the Occupational Safety and Health Administration (OSHA). This proposal would add a requirement that specific hazard information be made available to agricultural workers and pesticide handlers concerning the pesticides to which they are exposed. The hazard information would be in the form of fact sheets or Material Safety Data Sheets (MSDS's). The following is a summary of the major provisions of this regulation.

PROVIDING HAZARD INFORMATION

--The employer must provide hazard information to any worker who enters a pesticide-treated area on an agricultural establishment where, within the last 30 days a pesticide has been applied or a restricted-entry interval (REI) has been in effect.

-- The employer must provide hazard information to any handler of a pesticide that is being handled or that has been handled within the past 30 days.

--The employer must provide hazard information to any handler or worker who may be exposed to the pesticide during its normal conditions of use or in a foreseeable emergency.

--The information must be provided at a central location: accessible to workers and handlers during working hours and readily obtainable in an emergency.

--The information must be provided in written form within a reasonable amount of time, on request from the worker or handler, the worker's or handler's representative, or medical personnel treating the worker or handler.

FORMAT OF HAZARD INFORMATION

--Hazard information must be either:

- Material Safety Data Sheet for the product, or for each active and inert ingredient listed on the label of the product; or
- Fact sheet that has been prepared or approved by a State or Federal agency for the pesticide.

CONTENT OF FACT SHEETS

--Each fact sheet shall contain information, expressed in nontechnical terms, except for items specifically targeted towards medical personnel, such as antidotes or emergency treatment.

--Fact sheet information must be accurate and updated as necessary.

--The information shall include:

- Typical brand name(s) of the pesticide, and the chemical name and common name of the pesticide;
- Information on the physical characteristics of the pesticide;
- Information on the comparative toxicity of the pesticide, including acute, allergic, chronic, and delayed-onset effects;
- Information on any special protection needed in handling the product;
- Information on spill or leak cleanup procedures and disposal methods for excess chemical and for containers;
- The date the fact sheet was prepared or revised to its present form;
- The telephone number of the National Pesticide Telecommunication Network and the name, address, and telephone number of any responsible party who could provide more information about the product or ingredients or about emergency procedures;
- If certain information is not obtainable, the fact sheet shall so indicate.

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FACT SHEET

WORKER PROTECTION STANDARD FOR AGRICULTURAL PESTICIDES

The Environmental Protection Agency (EPA) is issuing final revisions to its regulations governing the protection of workers from agricultural pesticides. These revised regulations expand the scope of the standard to include not only workers performing hand labor operations in fields treated with pesticides, but employees in forests, nurseries, and greenhouses, and employees who handle (mix, load, apply, etc.) pesticides for use in these locations. The regulations expand requirements for warnings about applications, use of personal protective equipment, and restrictions on entry to treated areas, and add new provisions for decontamination, emergency assistance, maintaining contact with handlers of highly toxic pesticides, and pesticide safety training. Pesticide registrants are required to add appropriate labeling statements referencing these regulations and specifying application restrictions, restricted-entry intervals (REI's), personal protective equipment (PPE), and notification to workers of pesticide applications. EPA has determined that its present regulations are inadequate to protect agricultural workers and pesticide handlers who are occupationally exposed to pesticides. The revised regulations are intended to reduce the risk of pesticide poisonings and injuries among agricultural workers and pesticide handlers through implementation of appropriate exposure reduction measures.

The provisions in the revised Worker Protection Standard are directed toward the working conditions of two types of employees:

- **pesticide handlers** -- those who handle agricultural pesticides (mix, load, apply, clean or repair equipment, act as flaggers, etc.), and
- **agricultural workers** -- those who perform tasks related to the cultivation and harvesting of plants on farms or in greenhouses, nurseries, or forests.

There are three types of provisions intended to:

- (1) eliminate or reduce exposure to pesticides,
- (2) mitigate exposures that occur, and
- (3) inform employees about the hazards of pesticides.

1. Provisions to eliminate or reduce pesticide exposures -- This final rule limits pesticide exposures by establishing restricted-entry intervals (REI's) for all pesticide products which are used in the production of agricultural plants and for which REI's have not been set according to current standards. The REI is a period of time after application of a pesticide during which worker entry to the treated area is restricted.

- **Previously established REI's** -- will be retained if they are based on entry data that meet Agency guidelines. Any other previously established entry interval is considered to be "interim" and will be retained only if it is longer than the REI established by Part 170.
- **48-hour REI** -- is established for any product that is highly toxic because of dermal toxicity or skin or eye irritation. (The REI is extended to 72 hours in arid areas if the product is an organophosphate and is applied outdoors.)
- **24-hour REI** -- is established for any product that is moderately toxic because of dermal toxicity or skin or eye irritation.
- **12-hour REI** -- is established for all other products.

Overall exposure to pesticides is reduced in this final rule by:

- prohibiting handlers from applying a pesticide in a way that will expose workers or other persons,
- excluding workers from areas being treated with pesticides,
- excluding workers from areas that remain under an REI, with narrow exceptions.
- protecting early-entry workers who are performing permitted activities in treated areas during an REI, including special instructions and duties related to correct use of PPE,
- notifying workers about treated areas so they can avoid inadvertent exposures, and
- protecting handlers during handling activities, including monitoring while handling highly toxic pesticides and duties related to correct use of PPE.

2. Provisions to mitigate exposure -- Exposure to pesticides is mitigated in this final rule by:

- **Decontamination supplies** -- providing handlers and workers an ample supply of water, soap, and towels for routine washing and emergency decontamination,
- **Emergency assistance** -- making transportation available to a medical care facility if an agricultural worker or handler may have been poisoned or injured by a pesticide, and providing information about the pesticide(s) to which the worker or handler may have been exposed.

3. Provisions to inform employees about pesticide hazards -- This final rule provides information about pesticide hazards through:

- **Pesticide safety training** -- requiring training for workers and handlers,
- **Pesticide safety poster** -- requiring the posting of a pesticide safety poster,
- **Access to labeling information** -- requiring that pesticide handlers and early-entry workers are informed of pesticide label safety information, and
- **Access to specific information** -- requiring a centrally located listing of pesticide treatments on the establishment.



FOR YOUR INFORMATION

Worker Protection Standard for Agricultural Pesticides

Key Features

The U.S. Environmental Protection Agency (EPA) has issued *final regulations governing the protection of employees on farms, forests, nurseries, and greenhouses from occupational exposures to agricultural pesticides. The new Worker Protection Standard covers both workers in areas treated with pesticides, and employees who handle (mix, load, apply, etc.) pesticides for use in these areas.*

EPA determined that its previous regulations were inadequate to protect agricultural workers and pesticide handlers who are occupationally exposed to pesticides. The revised regulations are intended to reduce the risk of pesticide poisonings and injuries among agricultural workers and pesticide handlers through appropriate exposure reduction measures.

The regulations expand the requirements for issuing warnings about pesticide applications, use of personal protective equipment, and restrictions on entry to treated areas. New requirements are added for decontamination, emergency assistance, maintaining contact with handlers of highly toxic pesticides, and pesticide safety training.

Pesticide registrants are required to add appropriate labeling statements referencing these regulations and specifying application restrictions and other requirements.



Affected Employees

The provisions in the revised Worker Protection Standard are directed toward the working conditions of two types of employees:

- **agricultural workers** -- those who perform tasks related to the cultivation and harvesting of plants on farms or in greenhouses, nurseries, or forests, and
- **pesticide handlers** -- those who handle agricultural pesticides (mix, load, apply, clean or repair equipment, act as flaggers, etc.).

WPS Provisions

The provisions of the new Worker Protection Standard are intended to:

- (1) eliminate exposure to pesticides,
- (2) mitigate exposures that occur, and
- (3) inform employees about the hazards of pesticides.

1. Eliminate Pesticide Exposure

The final rule reduces pesticide exposure through several requirements:

- **Protection during applications** -- Handlers are prohibited from applying a pesticide in a way that will expose workers or other persons; workers are excluded from areas while they are being treated with pesticides.
- **Restricted-entry intervals (REIs)** -- REIs are established for all pesticides used in the production of agricultural plants, ranging from 12 to 72 hours depending on toxicity. Workers are excluded from areas under an REI, with only narrow exceptions.

- **Personal protective equipment (PPE)** -- the regulation mandates providing and maintaining PPE for handlers and early-entry workers.
- **Notification of workers** -- workers must be notified about treated areas so they can avoid inadvertent exposures.

2. **Mitigate Pesticide Exposure**

Exposure to pesticides is mitigated in the final rule through the following provisions:

- **Decontamination supplies** -- providing handlers and workers an ample supply of water, soap, and towels for routine washing and emergency decontamination,
- **Emergency assistance** -- making transportation available to a medical care facility if an agricultural worker or handler may have been poisoned or injured by a pesticide, and providing information about the pesticide(s) to which the worker or handler may have been exposed.

3. **Inform Employees about Pesticide Hazards**

The final rule provides information about pesticide hazards through the following requirements:

- **Pesticide safety training** -- requiring training for all workers and handlers,
- **Pesticide safety poster** -- requiring the posting of a pesticide safety poster,
- **Access to labeling information** -- requiring that pesticide handlers and early-entry workers are informed of pesticide label safety information, and
- **Access to specific information** -- requiring a centrally located listing of recent pesticide treatments on the establishment.

Implementation Schedule

The implementation schedule for the Worker Protection Standard is designed to implement the most crucial provisions as quickly as possible, and allow time for EPA and cooperating organizations to develop and distribute training and instructional materials.

Pesticide Users' Compliance Schedule

EPA is implementing the Worker Protection Standard for pesticide users in two phases:

- Product-specific requirements -- PPE, REI's, and the requirement on some products to both orally warn and post treated areas -- are enforceable when a pesticide with WPS labeling is used: **no sooner than April 21, 1993.**
- Generic WPS requirements -- training, decontamination, duties related to PPE, general notification, emergency assistance, etc. -- are enforceable when a pesticide with WPS labeling is used: **on or after April 15, 1994.**

Registrants' Implementation Schedule

EPA has established the following schedule for registrants to make the required alterations to their pesticide product labels:

- **No labeling with the WPS-required statements may be sold or distributed before April 21, 1993.** This 8-month period allows EPA to inform users about the meaning of the revised labeling.
- **No labeling without the WPS-required statements may be sold or distributed by registrants after April 21, 1994.**
- **No labeling without the WPS-required statements may be sold or distributed by anyone after October 23, 1995.**



FOR YOUR INFORMATION

Worker Protection Standard for Agricultural Pesticides

Implementation Plans

The U.S. Environmental Protection Agency (EPA) is developing a comprehensive plan for implementing the new Worker Protection Standard for agricultural pesticides. The regulation, issued in August 1992, protects employees on farms, forests, nurseries, and greenhouses from occupational exposures to agricultural pesticides. The regulations cover both workers in areas treated with pesticides, and employees who handle (mix, load, apply, etc.) pesticides. Implementation efforts are underway in the following specific areas:

Pesticide Label Alterations

Affected pesticide products must be labeled with statements requiring pesticide users to comply with the Worker Protection Standard (WPS). Other required pesticide label changes include changes in restricted-entry intervals (REIs), personal protective equipment (PPE), and special notification statements. These changes depend on the characteristics of individual pesticide products and require knowledge about the product's toxicity characteristics, uses, and formulation. The Agency estimates that approximately 8,000 product labels will have to be altered and approximately 800 registrants will be affected.



To facilitate implementing the labeling requirements, EPA is undertaking the following activities:

- Developing and distributing a detailed guidance document (PR Notice) to registrants.
- Providing registrant assistance.

Agricultural Employer Training

A critical goal in implementing the WPS is notifying affected pesticide users, particularly employers of agricultural workers and pesticide handlers, of the existence of the WPS and what they must do to comply with the new standard.

Key implementation strategies EPA is undertaking include:

- Developing a manual on how to comply with the WPS. The manual will explain to agricultural employers how to comply with the regulation without needing to read the actual regulatory language.
- Developing a pesticide safety poster that meets the criteria in the regulation.
- Developing a sign for posting in treated areas. The completed design has already been provided to organizations that will make the sign available commercially.
- Conducting workshops to train people about the WPS requirements so that they may, in turn, train agricultural employers to comply. EPA plans a series of workshops at EPA regional offices for State personnel and others.
- Providing WPS-assistance information by telephone and fact sheets.

- Establishing a mechanism for ordering all EPA-developed WPS training and instructional materials, including printed manuals, brochures, and audiovisual aids.

Worker and Handler Training

The WPS requires training for agricultural workers and pesticide handlers to help them understand the reasons for the required protective measures and to encourage them to become active participants in protecting themselves and others working nearby.

Key implementation efforts EPA is undertaking include:

- Developing training materials for agricultural workers and pesticide handlers that meet the requirements established by the WPS. The initial products will be training handbooks for workers and handlers. EPA also plans to develop slide sets, videotapes, and flip-charts to supplement the training handbooks.
- Conducting "train-the-trainer" workshops for people who will be training agricultural workers and pesticide handlers.
- Establishing a mechanism for verifying which workers and handlers have received WPS training.

Enforcement Inspector Training

A significant component of the Agency's implementation plan is offering training for State, territorial, and tribal enforcement inspectors. These officials will need in-depth knowledge of the requirements of the WPS in order to determine compliance and, when necessary, to initiate enforcement. In addition, these inspectors are expected to play a key role in WPS outreach. The inspectors will help to instruct agricultural employers, workers, and handlers as well as pesticide registrants on the

requirements of the WPS and how to comply with those requirements.

Key implementation activities being undertaken include:

- Developing a compliance monitoring checklist for enforcement inspectors.
- Developing a WPS chapter in the manual for enforcement inspectors.
- Conducting workshops to train enforcement inspectors.

Implementation Schedule

The WPS implementation schedule is designed to implement the most crucial provisions of the standard as quickly as possible, and allow time for EPA and cooperating organizations to develop and distribute training and instructional materials.

Pesticide Users' Compliance Schedule

EPA is implementing the Worker Protection Standard for pesticide users in two phases:

1. **Label-specific WPS requirements** will be enforceable when they appear on pesticide labels (no sooner than April 21, 1993). Label-specific WPS requirements include:
 - using label-specified personal protective equipment (PPE),
 - obeying label-specified restrictions on entry to treated areas during restricted-entry intervals (REIs) and
 - obeying the requirement on some labels to provide oral warnings AND treated-area posting.

2. **Generic WPS requirements will be enforceable on and after April 15, 1994. Generic WPS requirements include:**
- providing decontamination supplies,
 - training of workers and handlers,
 - providing certain notification and information,
 - cleaning, inspecting, and maintaining PPE, and
 - emergency assistance.

Registrants' Implementation Schedule

EPA has established the following schedule for registrants to make the WPS-required alterations to their pesticide product labels:

- **No labeling with the WPS-required statements may be sold or distributed before April 21, 1993. This 8-month period allows EPA to inform registrants how to revise their labels correctly and inform users about the label-specific requirements with which they must immediately comply.**
- **No labeling without the WPS-required statements may be sold or distributed by registrants after April 21, 1994.**
- **No labeling without the WPS-required statements may be sold or distributed by anyone after October 23, 1995.**

APPENDIX 4. Briefing Three and Four: Families, Children, Education

**ASSOCIATION OF FARMWORKER OPPORTUNITY
PROGRAMS' TESTIMONY BEFORE THE COMMISSION ON
SECURITY AND COOPERATION IN EUROPE**

**Broken Covenant: The Future of Migrant Farmworker Children and
Families in the United States**

**Presented by:
Lynda Diane Mull
AFOP Executive Director**

February 19, 1993

Broken Covenant: The Future of Migrant Farmworker Children and Families in the United States

Good morning. I want to thank you for the opportunity to speak about the migrant and seasonal farmworker population in the United States. My name is Diane Mull, Executive Director of the Association of Farmworker Opportunity Programs. AFOP is a national federation of farmworker employment, training, and support service organizations serving migrant and seasonal farmworkers through 450 field offices located in 49 states and Puerto Rico.

I have been asked to address labor standard issues as they relate to migrant farmworker families, and especially migrant farmworker children in the United States. The comments I am going to make today are fairly unsettling and may make some people very uncomfortable. This is not the first time that these statements have been made for the record, and unfortunately, will likely not be the last.

I am here to tell you, as countless others have before me through the years, that the migrant and seasonal farmworker population's health and well-being are at risk and that this population is more vulnerable than any other occupational group to exploitation and abuse. There are few labor standard protections for workers in agriculture, and even less protection for the children, which leads to greater chance of their exploitation and abuse.

Broken Covenant

Children are a significant part of the agricultural workforce. Although accurate counts of the farmworker population continues to evade even the best statisticians, United Farmworkers

Union estimates that as many as 800,000 children work in agriculture. The National Association of Community Health Centers reported in 1991 that 38 percent of farmworkers consist of women and children under the age of 14. But whether a farmworker is an adult or a child or a migrant or a seasonal worker, I know of no other people in our society who work harder, with as little protection from exploitation, in return for so few opportunities or benefits. The migrant farmworker adult and child make tremendous sacrifices in health, education, housing, and financial security in order to help provide the abundant supply of low-cost food which we as a nation take for granted.

Towards the beginning of this century, we saw a shift in our societal values, which led to the passage of child labor laws. In earlier decades, society decided that it would no longer accept the notion that the need for cheap labor by business was a valid reason for subjecting workers to hazardous and exploitative working or economic conditions. Although children had been a good source of cheap labor, over time, our society has committed itself to protecting children from neglect, abuse, and exploitation. Equally as important, our society has gone a step further and committed its resources to offering a fair deal for its children: the opportunity for a brighter future, including the right to a decent education, safe housing, health care, and economic security. In this great country of ours, we view our children as the future of our country, not a cheap, easily exploited source of labor. Unless, of course, we are talking about children born into a migrant farmworker family.

How different is it for the migrant farmworker child than for other children?

- A migrant farmworker child can be employed in agriculture even if younger than 10 years of age. No other child can.

- Even without parental consent, 10- and 11-year-old migrant farmworker children can be used as hand-harvesters if the farm gets a waiver from DOL. No other child can.
- A migrant farmworker child under the age of 12 can be employed on a farm that does not pay the minimum wage if the child has written consent from his or her parents. No other child can.
- A migrant farmworker child can work in agriculture more than forty-hours a week, even during the school term. No other child can.
- A migrant farmworker child or adult can work more than forty-hours a week but is not eligible to receive overtime pay. No other child can.
- A migrant farmworker child can work an unlimited number of hours performing agricultural services before school. No other child can.
- A migrant farmworker child 14 or younger, can use knives, machetes, operate machinery, and be exposed to dangerous pesticides. No other child can.

Children who work in agriculture often work long hours in the fields before, during, and after school hours, risking exposure to dangerous pesticides, and even earning income for which they may never be credited. These children, like their parents, are often exempt from unemployment compensation, worker's compensation, overtime, and federal minimum wage—benefits that most Americans take for granted.

What impact have years of exploitation and abuse had on farmworkers?

Hired farmworker children are beset by an overwhelming array of education and health problems, which are exacerbated by the weaknesses of the current laws.

Children who work in the fields often work during school hours, which deprives them of their right to an education. Because of this disruption in their education, farmworker children usually are forced to remain in farmwork, enduring the same substandard working conditions as their parents and grandparents. A typical work day for many hired farmworker children begins before sunrise and ends after sunset, even on school days. *Children of the Field*, a film by Peter Monahan, documents the wide anecdotal evidence that many farmworker children work 8 hours per day during the school week, and that many work as much as 4 hours before the school day starts.

Farmworker children have a difficult time keeping up with their classmates, suffering extreme fatigue and poor nutrition. The children do struggle—at least for a short while. Eventually, long hours and strenuous work take their toll, causing excessive absenteeism. This often results in their being held back, getting discouraged with school, and usually, dropping out, which almost certainly condemns them to the strain and poverty of agricultural or other menial labor for the rest of their lives.

With no before- and after-school work hour restrictions, hired farmworker children work hours before school begins, forcing them to arrive late. Exhausted from waking up so early and doing heavy manual labor, they sleep most of the day at school, only to return home to find several more hours of work awaiting them.

Migration from one agricultural work area to another also compounds the problems for the migrant farmworker family. Constant moving, short periods of employment, longer periods of unemployment, income fluctuations dependent upon the crop and crop conditions, and annual

disasters all play a part in the disruption of education and economic stability of the migrant farmworker family.

Impact on Education

The following statistics demonstrate the price farmworker children pay in part because no laws restrict their working before and after school hours when school is in session:

- The rate of school enrollment for farmworker children is lower than for any other group in this country [*Migrant Education: A Consolidated View*, Interstate Migrant Education Council, 1987].
- The dropout rate for migrants is 45 percent. For the rest of America, the rate is 25% [Migrant Attrition Project, Testimony before the National Commission on Migrant Education, February 1991].
- Migrant Education programs, K-12 lose approximately half their initial enrollments by the 9th grade. One in ten completes the 12th grade [U.S. Department of Education, Office of Vocational and Adult Education, *The Education of Adult Migrant Farmworkers*, Vol. 2, January, 1991].
- 80% of the adult migrant farmworker population is considered educationally disadvantaged, i.e., functioning at a 5th grade literacy level or less [U.S. Department of Education, Office of Vocational and Adult Education, *The Education of Adult Migrant Farmworkers*, Vol. 2, January, 1991].

Impact on Health

Even though farmworker children often lose educational opportunities through working in the fields, those problems pale in comparison to the physical dangers they face. The *Wall Street Journal* reported on July 20, 1989 that 300 children die from farm-related accidents each year, and that more than 23,500 are injured. Additional tragic health statistics about migrant farmworker children include:

- The infant mortality rate for migrants is 25% higher than the national average [Interstate Migrant Task Force: Migrant Health, 1979].
- The rate of parasitic infection among migrants is estimated to be 11 to 59 times higher than that of the general U.S. population [Ortez, J.S., *"Composite Summary and Analysis of Hearing Held by the Department of Labor, OSHA on Field Sanitation for Migrant Farmworkers,"* Docket No. H308, 1984].
- A recent study found that 48% of farmworker children working in the fields had been sprayed with pesticides ["The Hidden Cost of Child Labor," *Family Circle*, March 12, 1991].
- Two studies have linked childhood brain tumors and leukemia to pesticide exposure [*The Occupational Health of Migrant and Seasonal Farmworkers in the United States*, Farmworker Justice Fund, 1988].
- A recent study found that in California from 1982 to 1990 there were an average of 1,173 reported illnesses annually related to pesticide exposure. During the same time period, there were a total of 50 fatalities that were classified as being definitely, probably, or possibly related to pesticides [*UC Agricultural Health and Safety Center News*, University of California, Health and Safety Center, at Davis, California, Winter 1993].
- At least forty-two children under the age of 15 died as a result of farm-related accidents in California between 1980 and 1989, with approximately four death per year for the ten year period. An evaluation of deaths among children not noted as occurring on farms suggested that the actual number of farm related deaths among children may be 25% greater than was observed [*UC Agricultural Health and Safety Center News*, University of California, Health and Safety Center, at Davis, California, Winter 1993].
- The life expectancy for the migrant worker is 49 years, compared to 73 years for the general U.S. population [Center for Disease Control, 1988].

Impact on Economic Stability

Lack of strong and equal federal protections sends a clear message to states. As a result, 16 states still do not have labor standards specifically protecting farmworker children. Since farmworker children can be hired as employees in agriculture at the age of 10, and sometimes younger, those labor protection standards that apply—or more accurately, do not apply—to adult farmworkers also apply to farmworker children. Hired children in agriculture who are functioning as adult workers experience the same economic instability as the adult farmworker.

- The average income for a farmworker family is less than \$6,000 per year compared to more than \$28,000 for the average American family [Center for Disease Control, National Center for Health Statistics, 1988].
- Agriculture was classified as the most dangerous occupation in the country [National Safety Council, *Accident Facts*, 1989]
- Only 36% of farm labor is guaranteed the right to drinking water, handwashing water, and access to toilet facilities in the fields [*Migrant Health Clinical Supplement*, May/June 1990, National Migrant Resource Program].
- Because of the 500-man-day exemption in the Fair Labor Standards Act (FLSA), only about half of all migrant and seasonal farmworkers-children and adults- are entitled to a minimum wage [*Migrant Health Clinical Supplement*, May/June 1990, National Migrant Resource Program].
- Only 14 states provide full worker's compensation coverage for farmworkers—adults or children—and in 19 states, worker's compensation does not apply to agricultural workers at all [*Federal and State Employment Standards and U.S. Farm Labor: A Reference Guide to Labor Protective Laws and Their Applicability in the Agricultural Workplace*, Austin, Texas, 1988].
- In 15 states, there are no job safety standards applicable to agriculture [*Federal and State Employment Standards and U.S. Farm Labor: A*

Reference Guide to Labor Protective Laws and Their Applicability in the Agricultural Workplace, Austin, Texas, 1988].

Only 4 states provide full unemployment insurance coverage for farmworkers [*Federal and State Employment Standards and U.S. Farm Labor: A Reference Guide to Labor Protective Laws and Their Applicability in the Agricultural Workplace, Austin, Texas, 1988].*

Why Do Farmworker Children Work?

The U.S. Departments of Labor and Agriculture found that there is no shortage of adult farm labor in the U.S. In fact, the National Agricultural Workers Survey indicated that there has been an increase in the farm labor population since 1986. With an abundant supply of adult workers, why are children needed and why do farmworker parents allow their children to work in the fields? The answer is simple. It is a basic matter of survival for the farmworker family, because the adult farmworker is not adequately compensated and does not have the same basic labor standard protections that are afforded all other workers.

Farmworkers are the lowest-paid occupational group in America. Farmworker children work out of necessity in order to help supplement their family's limited income. They work in the fields illegally to help increase the productivity of the adult workers. Entire families must work because adult farmworkers receive extremely low wages and sporadic, seasonal employment, which results in annual incomes well below the poverty line.

Often, adult farmworkers are paid under the piece-rate system rather than receiving an hourly wage or being paid for overtime. Children help increase the piece-rate wages their family can earn by performing such tasks as picking crops and carrying heavy bushel baskets to and from the loading trucks.

Many farmworkers come from families who have been agricultural workers for generations. Because farmworker children often miss school in order to work, they have limited educational opportunities, and few skills transferable to other occupations. This in turn keeps them in farmwork, and perpetuates the cycle of poverty.

Why are exemptions under the law allowed for agricultural industry when no other industry is exempt? What justification by an industry group warrants exploitation and discrimination?

A good part of the responsibility for this situation rests with the Congress and their lack of will to stand up to powerful agricultural and related industry lobbyists. By allowing these exemptions, Congress has perpetuated the outdated, abhorrent concept that the need for a cheap and readily available supply of labor justifies the exploitation of millions of children and adults. Congress has bought into agricultural industry's argument that higher farm wages would drastically increase food prices or would drive them out of business.

But Philip Martin, Agricultural Economist at the University of California at Davis, believes that "farm wages account for less than 10 percent of the retail price of a head of lettuce or a pound of apples." Farmworker wages only account for a very small portion of the consumer's price for food. The costs that society now has to pay to remedy problems created by farmworker poverty far exceed any such minor increases that would occur in retail food prices. This is not a recommendation to eliminate current farmworker support programs, but an argument for the use of modern labor management practices in agriculture.

Questions about the conditions of farmworkers concern me every day. Why does society condone the conditions under which farmworkers and their families toil? Why does Congress

regularly exempt them from the basic workplace protections offered to the rest of society? Can anyone here truly believe that the child of a farmworker has no need of the laws that protect the child of the autoworker, schoolteacher, store clerk, bank teller, secretary, or congressional representative? Also, can anyone here truly believe that the adult farmworker has no need of the laws that protect the autoworker, schoolteacher, store clerk, bank teller, secretary, or congressional representative?

If it is true, as President Clinton has said, "that we don't have a person to spare," then why is this population expendable and why is there no commitment to the future of these children?

Recommendations for Improving Migrant Farmworkers' Future in the U.S.

Hired workers in agriculture, both children and adults, need representation at the national level to address their needs and concerns to ensure for them an equal chance to achieve the American dream. As the silent, national citizenry, they have for too long been overlooked during the legislative process—both with deliberately avoiding their issues and trading off their interests for the sake of other more visible and powerful groups. To amend the years of discrimination and exploitation of this population, we urge the adoption of the following recommendations:

- Eliminate all farm labor exemptions in the Fair Labor Standards Act and DOL regulations, including: 1) child labor, 2) minimum wage, and 3) overtime pay
- Eliminate farm labor exemptions under the National Labor Relations Act
- Do not continue to pass the annual rider to OSHA appropriations bill that prevents OSHA from enforcing field sanitation laws on farms with 10 or fewer workers

- Provide full funding for programs that provide child care, health services, education, and job training for migrant and seasonal farmworkers
- Provide for the protection of and services to farmworkers who may be negatively impacted due to the North American Free Trade Agreement
- Support the enforcement of the current regulations and levy stiffer civil fines and criminal penalties for violations
- Support the full implementation of the EPA Worker Protection Standards and ensure that agricultural workers and handlers are afforded complete educational opportunities geared to their needs
- Encourage the use of integrated pest management practices as an alternative to the use of pesticides
- Establish a nationwide database to match farmworkers to available far jobs and reduce the need to import H-2A workers
- Encourage innovative labor-management practices in agriculture
- Mandate colleges that issue degrees in agriculture and which receive federal funds to require training in labor management practices for all their future graduates
- Make the DOL Child Labor Advisory Committee a permanent committee with representation on behalf of hired farmworker children through the Association of Farmworker Opportunity Programs (AFOP)

- Increase health education and outreach to promote good nutrition and healthy lifestyles for migrant farmworker children and families
- Increase the field sanitation regulations in labor camps and enforce their implementation through periodic inspections to insure proper sewage, running water, electricity, and general safety and hygiene in the migrant camps
- Ensure that assistance is provided for migrant and seasonal farmworkers during times of natural or economic disasters and other agricultural emergencies
- Direct the Census Bureau to modify their long form questionnaire in order to improve the 75% undercount of the farmworker population
- Facilitate increased coordination among the programs that provide services to farmworkers

I applaud the Commission for its efforts in their area. It is difficult for any nation to criticize itself when in full view of other nations and when so often we are seen as the "champion" of human rights. This is, however, clearly one of those cases where the United States needs to "sweep its own doorstep" before helping another nation sweep theirs!

What is AFOP?

Now celebrating its twenty-first anniversary, AFOP is the national association that represents farmworker organizations and state agencies operating JTPA Title IV §402 grants.

AFOP's fifty-three member organizations in forty-nine states and Puerto Rico provide disadvantaged farmworkers with education, training, and employment opportunities both within and outside of agriculture. AFOP in turn serves as a national advocate for both farmworkers and its member organizations.

AFOP has helped farmworkers in many ways. AFOP's educational efforts on Capitol Hill have reaped several important rewards, including gaining a \$20 million emergency aid provision for farmworkers in the 1990 Farm Bill, protecting farmworker children under child labor legislation, and exempting farmworker youth from the sub-minimum wage legislation. During the IRCA legalization program, AFOP served as an INS National Coordinating Agency and was the third largest producer of legalization applications in the country. AFOP represents farmworker concerns on a number of national advisory groups, ranging from child labor to immigration to health to the U.S. Census.

AFOP also helps its members to work more effectively on behalf of farmworkers in a variety of ways. AFOP has provided information to the Department of Labor and members of Congress on the merits of the §402 programs, thereby assisting to increase the program's appropriations each year. To inform its members on the latest legislative and regulatory issues affecting the farmworker community, AFOP publishes the *AFOP Washington Newslines*, a monthly newsletter now in its twelfth year of distribution. AFOP also sponsors several training conferences and provides direct technical assistance to its members each year.

In addition to these activities, AFOP has prepared several special reports and publications of tremendous value to the farmworker employment and training community and the public at large, including *Building Educational Foundations: A Survey of the Literacy Initiatives Undertaken by the JTPA Title IV §402 Grantees*, *Partnerships: Helping Migrant Farmworkers Help Themselves*, and *Coordination Achieved by the JTPA Title IV §402 Grantees*.

And AFOP is moving into new areas. The Farmworker Pesticide Safety Project is a cooperative effort between the Environmental Protection Agency and AFOP to develop a national pesticide safety program for agriculture program for farmworkers and pesticide handlers. By using a "train the trainer" curriculum, organizations can establish their own programs and train other farmworker personnel, workers, and volunteers to deliver pesticide training within their own states. For the Health and Nutrition Project, AFOP joins forces with the Department of Health and Human Services to improve the access of migrant and seasonal farmworkers to nutrition programs and to nutrition-related health education. Nutrition training and coordination will take place at the 1993 National Joint Farmworker Conference in May.

In the future, AFOP will continue to provide information, education, and support on farmworker issues to its members, federal agencies, members of Congress, and private coalitions to improve the lives of all migrant and seasonal agricultural workers in the United States.

TESTIMONY of

DR. FRANK CORRIGAN
Director: Office of Migrant Education
U.S. Department of Education

before the
COMMISSION ON SECURITY AND COOPERATION IN EUROPE

Briefing on Migrant Farmworker Children

February 19, 1993

These records contain academic, health and related data on each student. The MSRTS central site computing and data storage facility has been based in Little Rock, Arkansas for 20 years. There are 230 MSRTS data-entry/retrieval terminals throughout the United States, generally in areas with high concentrations of migrant workers and their families.

The basic purpose of MSRTS is to assist migratory children with their education, by quickly transferring these students' up-to-date academic and health records from school to school as the children migrate with their parents who are seeking work.

In addition, MSRTS provides student full-time-equivalent counts which are used in determining State funding allocations.

The second 1203 mandated activity is the National Project for Secondary Credit Exchange and Accrual. As they travel with their parents, migrant students attend many different schools, and often have difficulty meeting graduation requirements and receiving a high school diploma in a reasonable time. The ultimate goal of this three year credit exchange project is to develop a system in collaboration with individual States, schools and national education organizations, that allows migrant students to retain and accrue credits that they have earned.

Other projects under section 1203 are the Stopover Site and the Program Coordination Centers. The mission of the Migrant Education Stopover Site is the enhancement of inter- and intra-state coordination among migrant education programs. Main



**Testimony of John D. Perry
Senior Project Consultant
Interstate Migrant Education Council**

**Before the
Commission on Security and Cooperation in Europe
February 19, 1993**

STRUCTURE OF THE INTERSTATE MIGRANT EDUCATION COUNCIL

The Interstate Migrant Education Council (IMEC) is a consortium of eighteen states representing over 80% of the migrant youth eligible for supplemental education services funded by the federal government. The goals of IMEC are to develop awareness of the unique needs of migrant students and to promote intergovernmental, interagency, interstate and public-private collaboration on behalf of migrant families.

Each member state's chief state school officers appoints either three or four members to IMEC. (The number depends on the size of the state). IMEC is chaired by Congressman William Ford, Michigan.

IMEC does not deliver services. Instead it identifies critical issues facing migrant students in their pursuit of an education and utilizes the expertise of its Council members to develop strategies to solve problems. IMEC's primary focus is on education, but because learning is a combination of life style circumstances, IMEC is ultimately interested in all services that may better prepare a child to learn.

Education Programs there would be minimal special services for this population. meaningful.

MIGRANT EDUCATION: A NATIONAL MODEL

The tragedy of the significant decline in funding is that the programs that have been developed by migrant educators should be models for the rest of the nation in dealing with disadvantaged children. Before the reform movements in American education were talking about such things migrant educators were providing services to the whole child (health, clothing, nutrition); providing services in early morning, late afternoon, evenings, weekends and in summer; actively involving parents in the learning process; applying technology to track students; and actively espousing the philosophy that all children can learn. Migrant educators, to a person, believe that if there is a lack of achievement by a migrant student it is not due to the student's failure but rather to the school's failure to respond to the unique needs of migrant children.

An example of the success of the migrant education program is the decrease in the dropout rate. The best evidence available is that in the mid 1970's, 90% of migrant students did not complete high school. Currently the evidence indicates that between 45% and 50% do not complete high school. Too many are dropping out, but the curve is going in the right direction.

Still, there are many critical problems facing migrant students, such as:

1. health services,
2. housing,
3. pesticides, sanitation, clean drinking water,
4. delays in starting school at the same time as their peers,
5. intermittent attendance,
6. lack of English proficiency,

minority within a minority. All evidence indicates migrant youth are far underrepresented in special education services.

Services from birth to five are now justly receiving their proper attention, especially for low income families. However, it is only on rare occasions that Migrant Head Start and Migrant Education work closely together. (A breakthrough in this area may develop because of a recent meeting between the two groups).

The Commission has received extensive testimony about the difficulty of migrants receiving adequate health services. Migrant educators want to do everything possible to help in this regard, but different jurisdictions often make this impossible.

IMEC has recently received testimony about the horrendous conditions of migrants who are recent immigrants, living on the border of Mexico and the United States in Texas, New Mexico and Arizona. This may be the best example of the need for coordination because the circumstances that affect the lives of these people are under the multiple jurisdiction of the United States and Mexico and the various border states in both nations. In the United States the problems of the border residents also fall under the jurisdiction of several departments; Education, Health and Human Services, and Labor. No one seems in charge!

I would recommend to the Commission a close examination of the April 1992 report of the Administrative Conference of the United States (ACUS). It discusses in detail the four major programs for migrants, education, health, Head Start and labor and the six minor programs. It documents the different definitions, eligibility requirements, administrative structures, philosophies, legislative background and department jurisdictions. All the programs are trying their best to do their job; they are sometimes talking to each other; but again, just as in border issues on international migrancy, no one is in charge!

Because of the lack of a common definition and different eligibilities, different agencies

APPENDIX 5. Briefing Five: Solutions and Strategies

Presentation before the Helsinki Commission
Washington , D.C.

by

Arcadio Viveros, Mayor of Parlier
Chief Executive Officer of United Health Centers of the San
Joaquin Valley, Inc.

April 8, 1993

Mr. Chairman and Honorable members of this great Commission. My name is Arcadio Viveros, Mayor of the City of Parlier California and Chief Executive Officer of United Health Centers of the San Joaquin Valley, Inc. My involment as an advocate of farworker and migrant needs has brought me here before you in a very humble way to participate with you finding solutions to improve the health and living conditions of migrant farmworkers.

I am member of the National Advisory Council on Migrant Health that advises Department of Health and Human Services Secretary Donna Shalala on issues affecting the health of migrants and seasonal farmworkers. I am also in the Executive Committee and founding member of the National Hispanic Housing Council. The Council is working with Secretary Henry Cisneros of the Department of Housing and Urban Development (HUD) to implement policies that would assist with the housing needs of migrants.

First of all I will like to thank you for inviting me to testify on finding solutions to assist the migrants when they arrive to a community like mine. In a very humble way I will like to share with you my experiences working with this population. I hope that the solutions which I am presenting can be acceptable so they can be replicated in other parts of this country - wherever farmwrkers may live,

First, let me qualify my statements by sharing with you little of my life which illustrates perhaps the lives of other migrants. I arrived in this country on June 20, 1961, I came, along with my mother and four brothers and sisters to join my father who had been in this country, practically most of my life. Ever since 1944 my father was away working in the United States as part of the Bracero Program. As you can imagine having grown up without a father, I was very happy that all of us would live together as a family. This happiness did not last long, for just after two weeks of our arrival in the US, my family separated again. My older sister, a younger brother and I immediately became migrant farworkers. Leaving half of our family, we began following the crops and migrated from southern California to the Central San Joaquin Valley in California. I have worked in the fields laboring in all aspects of the labor intensive crops of sugar beats, lettuce, carrots, peaches, plums,

A typical example would be if a housing development cost 5 million dollars the Agency is expected to earn \$700,000 of tax increments during the next 20 years. The Agency can negotiate with the developer the Agency's participation in the construction of sidewalks, streets, or other infrastructure in exchange for a cost reduction in the prize of the home. Therefore making the houses affordable. In one housing project we were able to infuse dollars from state, federal, local government, and private donations.

In addition the Parlier City Council had to incorporate as a charitable non-profit cooperation known as the Parlier Housing Corporation. The purpose of this organization is to assist farmworker families to provide them with the required downpayment so they can move into their new home. So often farmworker families lack any type of savings. Families receiving this type of assistance are required to reimburse the city in volunteer hours. They have two years to pay back.

I feel proud to report that through this program, over 500 families now own their home. In addition, over 200 apartments are for rent and the majority are providing rental assistance. We have executed contracts to review their books for assurances that rental discounts are being provided.

It is my strong believe that this can be duplicated in other rural or urban communities.

We should not become callous to hear the clamors of many migrants yearning for justice to have a humble shelter over their head. The testimony I herd on April 4, 1992 during the hearings of the National Advisory Council on Migrant Health, a reverend working in the San Diego area said it so well. He said, that much of his life he had worked in the Fabelas of Brazil and as horrible as they may be, he had never seen worst living conditions until he saw it in the San Diego canyons. I was able to witness similar conditions in Monterey County where migrants were living in caves with the backdrop of million dollar homes.

I proposed that in addition to the recommendations which were developed by the National Hispanic Housing Council. See Attachment "A". A special office be established to assist Cities, Farmworker clinics, and other community organizations to become involve in providing housing opportunities to farmworkers.

Farmworkers work hard, long hours, get paid very little, thus provides the population with inexpensive food to you and I. Therefore why can the American consumer contribute to a national fund to build housing for Farmworkers. This can be done by assessing 25¢ per produce box sold in the market. The farmers will love it and the consumers will hardly feel it in their pockets.

require class action.

WORK INJURY PREVENTION:

We are working with farmers and farm interest groups to reduce the incidence of agricultural work injuries in the California farms. With a W.K. Kellogg grant and linking two clinic association we are working in the high migrant impact areas of the Central San Joaquin Valley, North San Joaquin Valley, and the Salinas Valley. We are members of California Ag-Safe an advocacy group of industry representatives, university, health advocates, insurance companies, migrant clinics, and farmer organizations.

OTHER:

In addition to the above we have participated with the National Water Demonstration Project on strategies to clean the water systems. In Parlier we were able to leverage 2 million dollars in State funds to clean the municipal water from DBCP a carcinogen which has contaminated the underground water. Four new water wells were constructed.

Sincerely;

Arcadio Viveros

15. HUD and every agency should establish a permanent user friendly disaster relief program to assist Farmworkers and low income people. Disasters need to be defined so there are no delays in providing assistance.
16. Promote and publicize better utilization of the single family inventory housing program for access to Farmworker (FMHA 4,800 units/yr). Establish a national registry.
17. Expand the definition of "homeless" to include Migrant Farmworkers.
18. Similar to the USDA's marketing, order a per box of produce be taxed to create a national fund to finance housing for Migrant and Seasonal Farmworkers.
19. When code enforcement activities displace Farmworkers, HUD and states must provide relocation housing assistance.

succeed. At Ringgold Elementary everything revolves around this philosophy. All students will be treated with dignity and respect, and no student will ever be humiliated or embarrassed. All of our staff has also adopted this philosophy because they are also treated this way. The more success they experience the better their self-concepts.

I am the principal of the same elementary I attended as a fifth grader. As a matter of fact, my fifth grade teacher was still teaching at this school when I became principal last year. It felt strange to have to supervise and evaluate her. She retired at the end of last year. My office is located right under my fifth grade classroom, and I would never have imagined that I would become the principal here.

Migrant children and those who live in poverty have special needs which need to be specifically addressed. However, these children are human beings just like all the other children. They have the same basic needs. These children need to feel loved and wanted like all other children. They also want to be treated fairly, with respect and dignity and not to be made to feel inferior for their uniqueness. We have a very successful program, and many people have called me to ask if our program design is in writing. They are looking for something that can be easily replicated and implemented. My response to them was that what we do here is not something that can be put on a piece of paper and done on a step by step basis. What we do here is from the heart, all children respond to this whether they are migrant or not.

Our program has been successful because we genuinely care about

journeys to this country. She told me how Dad came to the United States as a young man in search of adventure when he was a teenager. This was long before he married her. When they were married, my Dad held a job as a busboy at the famous Ancira Hotel in Monterrey, Mexico (this hotel is still very prestigious). Needless to say, he was earning meager wages. Soon after they got married, he again made his way back to this country alone. This time he came to familiarize himself first and earn "dolares" to bring his family later. He left his wife and children in Mexico the first few times he came here. It was not long before my mother, who is a very strong headed woman, refused to stay behind in Mexico. She packed what little belongings they possessed and followed him to what was to be their home for the rest of their lives. My mother assures me that they had no idea they would never return to live in Mexico, to them it was just a temporary situation.

My mother never includes me in her accounts of their trips back and forth to this country. However, I have this strong feeling that I also came across the river illegally many a dark nights. There were many dangers to be encountered, the river was unpredictable, there was border patrol, river bandits and always the possibility of getting lost. With tears in her eyes, Mom talks about experiences which are still very vivid in her mind. Once, she said, we were ready to cross the river and my older brother and sister were terrified and scared of the water. She said my brother and sister refused to cross unless they built a dike or a path across the wide Rio Grande River. There were several times when they encountered the river

Even though I was born in the United States, I know I also had to endure the hardships that my older siblings experienced. My father worked hard to support his family and quickly earned the respect of the farmer. My mother never worked in the fields alongside my father, but she too worked hard to earn and save as much money as possible. She cooked and washed clothes for the single males in the camp, and sometimes she made more money than Dad did weekly. Mother took care of the money, was in charge of the family budget and she was really good at it.

It was not long before the farmer realized that my father was really valuable to his farm. He went out of his way to help him gain legal entry into this country. He wrote countless letters of recommendation and personally drove him back and forth to Mexico to look for the necessary documents. Soon after he was legally documented, the farmer made him foreman of the farm. It was a really difficult decision because he was going to replace a friend of his who was his "compadre." Dad held this job for about 30 years until 1979 when he died. Dad was really good at his job. With no formal education, he ran a major operation. Many a times, neighboring farm owners who had studied agriculture at the universities (or their sons), asked him for advise. My father was always willing to share his on the job expertise. My Mom says he made a living working the land, but working the land also brought him his death. He died of lung cancer probably from constant exposure to the polluted environment he worked in.

My parents had little if any formal education, Mom finished fourth grade and Dad said he started second grade but did not finish it. They

their best to frighten us. They were very successful because several kids ran home and refused to go to school. Even though I felt anxious and fearful, the long awaited day had finally arrived and I thought I was ready. I do not remember who fixed our breakfast that morning, but it must have been my older brother and sister since Dad was long gone to work. Finally we were washed and dressed. We had to walk about a quarter mile to catch the bus. I can still smell the fresh morning air scented by the willow trees along the narrow path which led to the highway. I have gone back to that path several times, and the willow trees still provide that special smell which brings back so many memories. Someone always takes our place, there are children living in that camp who still follow that path to school.

School was not as bad as the older kids had said it was going to be. The most difficult thing was not speaking English. The school's secretary (Sofie) was really nice and understanding. Later when I became a counselor at Jr. High, Sofie was my secretary for awhile. Once while on recess, I had to kneel down against a tree for speaking Spanish on the playground. It was quite embarrassing to be punished this way. It still hurts and brings back painful memories when I think of this. The really bad thing was that an older student safety patrol (an Anglo student) was the one who administered this punishment. These kinds of experiences subconsciously made us feel that it was inferior to be Hispanic or to speak Spanish. For all practical purposes, we might as well have been mute because we did not speak English and Spanish was not allowed. According to the teacher, we were very "good" students because we were always so quiet. I

STATEMENT OF ROBERT A. WILLIAMS
FLORIDA RURAL LEGAL SERVICES, INC.
TO THE COMMISSION ON SECURITY
AND COOPERATION IN EUROPE

April 8, 1993

Introduction

For the last 17 years, I have worked as an attorney for Florida Rural Legal Services, a federally funded legal services program which provides free legal advice to farmworkers and other poor people in a thirteen county area in south-central Florida. During my years as a legal services attorney, I have seen many instances in which our legal system has successfully responded to the plight of migrant farmworkers. I have also seen many examples of widespread disobedience to legislative and judicial decisions, cynical nonenforcement of protective legislation, and the domination of the legal and administrative process by special interest groups. When one examines the United States' policies toward migrant farmworkers, it is clear that the protections which our laws provide are more theoretical than real. We have many laws and regulations which are supposedly for the protection of migrant workers, but the reality of the fields is something entirely different.

Today, I wish to discuss how the United States might better live up to its obligation under the Helsinki Accords to promote "equality of opportunity in respect of working conditions . . . for lawfully residing and working migrant workers." Initially, I would like to focus on a relatively small subset of the farmworker population of the United States -- the foreign workers who enter each year under the H-2A program -- and then speak more generally about the situation of migrant workers throughout the United States.

stoppage. The police were called and K-9 dogs were used to roust the workers from their barracks. 353 workers were immediately repatriated without any hearing or process. Subsequently, DOL Wage and Hour investigators found that the workers' hours of work had been seriously under-reported and that as much as \$1,000,000 in back wages was owed the workers. However, DOL took no action and kept its investigation secret. In 1989, the Secretary of Labor informed the House Education and Labor Committee that no violation had been found. DOL acted only after the investigative report was brought to light by the House Education & Labor Committee. Six years after the event, DOL began an enforcement action which a DOL administrative law judge recently dismissed as untimely. Thus, our government utterly failed to protect these workers' rights. This is not an isolated instance. Over two years ago, I filed a complaint regarding a serious violation of an H-2A worker's contract with DOL and still no action has been taken even though I understand that the investigation substantiated the complaint. DOL has yet to take any enforcement action to recover hundreds of thousands of dollars in unreimbursed transportation expenses which it has known about since 1989 despite the prompting of both the House Education & Labor Committee and the GAO.

Where DOL is unwilling or incapable of protecting workers, it becomes all the more important that the workers have access to the courts to redress their grievances. The Migrant and Seasonal Agricultural Workers Protection Act does provide that workers may enforce their working arrangements with their employers; however, H-2A workers are specifically excluded from its protections. In the case I described, a U.S. District Court subsequently ruled that while U.S. workers may have an implied cause of action to enforce the DOL regulations which protect both

Eventually Congress may wish to consider giving resident status to H-2A workers who have worked a certain number of years in the United States. The Helsinki Accords state that the participating countries will take effective measures to promote equality of opportunity and "adopt appropriate measures that would enable migrant workers to participate in the life of society of the participating States." I think Congress sought to do just that by creating the Special Agricultural Worker ("SAW") program as part of the Immigration Reform and Control Act of 1986 which legalized over 1,000,000 foreign agricultural workers. One group of workers- the H-2 sugar cane cutters- were excluded from the program, not by Congress, but by a decision of the Department of Agriculture. Over 8,000 workers who applied under the SAW program were thus deprived of their dream of becoming U.S. residents. I strongly concur in the recommendation of the Commission on Agricultural Workers that these workers be given resident status.

The Need for Increased Enforcement

Turning to the question of the general situation of migrant farmworkers in the U.S., one cannot overemphasize the findings of the Commission on Agricultural Workers that for many workers, real earnings and working conditions have deteriorated since the passage of IRCA.

It is time to end the exclusion of farmworkers from the protection of our labor laws. Sometimes, as is the case with collective bargaining and the fundamental right to engage in concerted activity, that exclusion is explicit; in other instances, such as the case of AWPA and

their services. I believe the past twenty years have abundantly demonstrated the futility of attempting to secure basic job rights for farmworkers by regulating the activities of thousands of individuals who in most cases are poorly educated, ill-informed about their responsibilities and financially irresponsible. In Florida, there are nearly 5,000 labor contractors, with a 20% turnover every year. It is unrealistic to think that revoking 20 or so licenses a year has any effect on a system when at the same time, 1,000 new contractors are entering the labor market.

In order to change a culture which seeks to put the blame for every problem on the crewleader, any change in policy must send a clear message that the grower is now to be held accountable. For this reason, I fully support the approach taken in the Miller bill which proposes to hold the growers strictly responsible for the actions of their labor contractors. The goal is not more fines, regulations, and litigation, but a fundamental change in behavior. We want agricultural employers to take the responsibility for the day-to-day management of their workforce away from the crewleaders, majordomos, and contractistas and see themselves and not the crewleaders as primarily responsible for ensuring that their workers received all the protections and benefits mandated by law. The present approach based on the joint-employer concept does not go far enough; the use of labor contractors is becoming more, not less, frequent. A clear statement of national policy is needed.. If we can close the crewleader loophole, we will have taken a major step toward securing equal employment rights for this nation's migrant farmworkers.

Cooperative Extension Service, however, does not see labor issues as a priority. Their mission is to provide information on agricultural production.

The larger agricultural employers are able to hire human resources professionals to keep track of the myriad of labor laws which apply to agriculture. The smaller employers cannot, and, therefore, have to fight an uphill battle to be kept up to date on not only all aspects of production, marketing, distribution and trade issues, but also their obligations under the labor laws and regulations. These growers would greatly benefit, and farmworkers through them would benefit, from an orchestrated effort at the federal level to keep growers abreast of these statutory requirements. An educational grant program such as DOJ's IRCA project would go far to insuring that growers are in compliance. Enforcement actions are only effective after the harm has been done. Educational efforts would help to prevent the harm in the first place.

But, while improvements can be achieved through programs and efforts such as all of those mentioned above, these efforts only treat the symptoms of the core problem. To get at the core problem, we must have improved job placement across state lines to afford workers longer and more stable employment. Either through improving the existing federal employment service, as was done in Texas, or by instituting new job placement services through the 402 farmworker opportunity programs, farmworkers need to be better matched with available jobs. Many of the improvements A. Duda and Sons was able to provide for its employees are a result of their effort to introduce their crew leaders to reputable employers in other parts of the country. These growers now utilize the crews during Duda's off-season. The workers have more continuous employment and Duda and the other growers are assured of a more experienced, dependable labor pool.

We can continue to improve migrant services.

We need to improve data collection at the federal level in order to properly direct funds and enforcement efforts.

We need to educate all growers on their responsibilities under existing labor laws and regulations.

We need to end the adversarial relationship between growers and farmworker advocates.

But, all of these things will not bring stability and appreciable change to the farmworkers until we begin to better match jobs to workers through an effective employment service.

Thank you again for the opportunity to speak to you this morning. I will be happy to answer your questions or provide you with any additional information you may need.

Video

Audio

In addition, the Migrant and Seasonal Agricultural Worker Protection Act (MISPA) strictly regulates those in agriculture who employ migrant workers. The penalties for noncompliance with these federal regulations are severe, and in some cases criminal.

Today's migrant worker finds much better working conditions and housing in Florida than did his 1960s counterpart, plus more daycare, and educational opportunities than ever before. But don't take our word for it. See for yourself.

"Tell us, there's some straw over there, what's it for?" "Well, that's what they bring us to sleep on."
"Weren't mattresses supplied here?" "They used to be, but they ain't now." "Mrs. Blakely, where's the water supply over here?" "Right there." "For how many people?" "This and that over yonder...we all use the same." "Well, how many bathrooms are there here?" "Nary a one." "Where do you use the bathroom? Where are the facilities?" "We don't have one."

"And what kind of house do you have here?" "What kind of house? We have a good house.. we have a fine house. Anytime anyone wants to go out there they can go out there. The best thing... you don't have no water bill and no rent to pay. It's a fine place."

"I live in one of the company houses here, in one of the block homes. It's very comfortable and, you know, and no shacks here. If there were, you know, I wouldn't be here. At least not 21 years."

Those migrants who live in housing provided by the agriculture industry enjoy clean, comfortable accommodations which routinely pass all regulatory inspections.

"It's a beautiful place to live."

"And what kind of housing is available?"

"Well, there are one-bedroom, two-bedroom and three-bedroom apartments And they have everything in it."

"Completely furnished?"

"Completely furnished."

"And how much was rent for something like that?"

Video

Today, migrant parents receive a lot more than just "babysitting services" for their children. Numerous daycare facilities have been established in conjunction with the Federal Head Start Program aimed at giving children most at risk a "head start" toward an education.

"The big thing nowadays in education is drop-out prevention. And more and more we realize, that more and more the time to prevent drop-outs is at pre-K level."

"We've seen a lot of progress in these children that we have in our program. Because we have, we think kids going real low and their grades, but we get the report cards again and some have really improved in which parents are really greatful they have this extra help for their kids and uh, they've seen a lot of progress."

"Like, the scholarship program with the company helped my daughter in school, you know, the scholarship plan."

"So as a company, why is it important for you to have a good relationship with your employees?"

"Look, we're like any employer, and if our workers don't want to work here, they can go somewhere else, and we've got a task to get done. "We've got to plant and to grow and to harvest, and we need them to be here, you know, we need workers available when those times come, and hopefully they want to be here, so we want to treat them the way we want to be treated. I don't think the company would run very well if we decided to walk off three days before harvest either, so we want them to be happy here and hope it's a good place to work. As long as they're doing their job and doing it well we want to stay out of their face. Just do your job and we won't hassle you."

"So as a business man, why is a good relationship with your employees important?"

"Well, just like any other business, you have to have a good relationship with your employees because you have to have the availability of the workers, and it's better for them as well, because we're providing a very nice place for them to stay at a low cost."

industry, I think we're competitive with them. I don't think we're all that unusual. I think we're a little unusual in that we have an owner with a little bit broader base that all their land isn't here in Ruskin or even here in Florida. From that standpoint we're a little bit more diverse and stable financially. But in terms of what we're doing versus other people in the community, I think that the trend is more toward what we're doing not away from it."

The past 30 years of migrant housing...daycare...and education have not been another "Harvest of Shame" but a "Harvest of Gain" for Florida migrant workers and the Florida agriculture industry.

This message brought to you by the Ag Institute of Florida.

**Chip Hinton, Executive Director
Florida Strawberry Growers Association
Plant City**

**Ken Keys, Administrator for Indian River Education Program
SunAg Corp.
Fellsmere**

**Patrick Leary, President and General Manager
SunAg Corp.
Fellsmere**

**Tom Morgan, Director of Communications
A. Duda & Sons, Inc.
Oviedo**

**Edward R. Murrow, Commentator
"Harvest of Shame" 1960 Production
CBS**

**David Rodriguez, Personnel Director
South Bay Growers
Belle Glade**

**Jim Sheffield, Citrus and Harvest Manager
SunAg Corp.
Fellsmere**

**Don Sleight, General Manager
Deseret Farms
Ruskin**

**Guyla Wise, State Director for Health
Redlands Christian Migrant Association
Immokalee**

**Dillon Productions
Ocala**

that took place early morning Nov. 5, 1992. The raid was conducted by the INS and local Farmersville police in houses that were predominately farmworkers, Mexican, Mexticos and families. Since Dec. 22, 1992, the comite has had dialogue with the Farmersville Human Relations Commission to try to reach a resolution on the affects such raids have on the community. On Monday the tree was beginning to bend, the dialogue stopped and the comite walked out because the HRC was recommending to the city council that the use of local police force should be allowed to cooperated with the INS in investigations. When asked what is the difference between an investigation and a raid, one commissioner stated it was a personal perference of words.

Now I ask myself, what empowerment did the comite accomplished after four months of endless meetings? The answer clearly was not the creation of a local ordinance to stop the local police from cooperating with INS, no, the answer was that out of the original six members, two saw the light and voted for resolution. Now if we can change two persons feelings, there is hope that others who live in Farmersville will come around. The tree will grow straight!

In 1979, I visited the community of Kettleman City. While conducting outreach, I learned that a toxic waste dump had been allowed to be placed in the hills near Kettleman City and the campesinos did not know what it was. I arranged for a field trip on a Sunday and went into the waste land as a translator for the community residents mostly campesinos and their families, who wished to go on the field trip. It was an eye opener. We learned that the company was literally making hills from burying toxic waste from all over the United States. We also learned then, that the company had all of its paperwork in order and we couldn't do anything to stop them, then.

The seed was planted in 1979, I left and forgot about the waste land. But the residents did not! When the company desired to set up an incinerator to burn the toxics, the community reacted! CRLA answered by filing a lawsuit and so far has managed to hold back the incinerator from being build. The tree has grown!

Recently the latest project I am currently involved in is helping campesinas organized a historical event. Several of us mujeres community workers are getting campesinas elect a representative to a campesina gathering we will be holding this summer in Fresno. The project's focus is to bring campesinas we have gotten to meet over the years together and help them share their leadership skills with each other.

I have always admired the leadership las campesinas have demonstrated over the years to me. I mean, how many women do you know can take a budget of about \$5,000 to \$7,000 a year, feed, clothe and house a family and still have money to travel! If that ain't knowledge what is? No seriously, the women have always had to offer something. And now it is a matter of getting to share it with other campesinas. We hope that at the gathering, the women

THE FARMERSVILLE CITY COUNCIL RESOLUTION
URGES RESTRAINT BY THE FARMERSVILLE
POLICE DEPARTMENT IN ASSISTING
THE IMMIGRATION AND NATURALIZATION SERVICE

1. WHEREAS, The United States supported the United Nations' adoption of the Universal Declaration of Human Rights, which commits member countries to recognize and observe basic human rights; and,

2. WHEREAS, The United States Senate in 1992 ratified the International Covenant on Civil and Political Rights implementing the Universal declaration of Human Rights, which reaffirms the right to liberty and security of persons and that no one shall be subjected to arbitrary arrest or detention: and,

3. WHEREAS, the City of Farmersville has a diverse cultural heritage and multi-national population of which the City is proud, and has historically welcomed newcomers; and,

4. WHEREAS, Hundreds of Hispanics and Indigenous families have settled in Farmersville and are making significant contributions to the well being of our City; and,

5. WHEREAS, the City believes that all persons, regardless of sex, race, age, religion, color, citizenship and immigration status, or disability should have the right to protection and service by the Farmersville Police Department; and,

6. WHEREAS, in the past the Immigration and Naturalization Service (INS) has conducted broad scale sweeps without specific warrants, through communities or parts of communities, often with

12. WHEREAS, the City does not want any of its residents to fear contacting the Police Department when they report or witness crimes because they fear being reported to the INS; and,

13. WHEREAS, the City Council wishes to declare their desire not to expend limited City resources in gathering or disseminating information concerning the immigration or citizenship status of those residing in the City of Farmersville nor to assist in the investigation of alleged civil violations of the federal immigration law;

14. BE IT RESOLVED the Farmersville City Council declares it to be the policy of the City of Farmersville that no department or employee of the City will assist or cooperate with any INS investigation, arrest or, detain, public or clandestine, relating to the alleged violation of the civil provisions of the immigration laws; and be it further;

15. RESOLVED, that No city department or employee, will request or disseminate information concerning the immigration status of any individual seeking or using city services or benefits or condition the provision of City services or benefits upon immigration status unless required to do so by statute, federal regulation or court decision; and be it further;

16. RESOLVED, that all applications, questionnaires and interview forms used in relation to City of Farmersville benefits, opportunities or services shall be promptly reviewed and any question regarding immigration or citizenship status or other than those required by statute, federal regulation or court decision,

The Human Relations Commission would recommend that our City Council, with the advice of our City Attorney, ~~would~~ write an ordinance that would give equal protection to all who live here without fear of INS investigation, but that does allow our local Police Department to assist in proper legal, INS investigations.

↓
COUNCIL

Civil
(Commission)
& Family Unit

Comite asstnd for →

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