



Disproportionate Pesticide Harm Is Racial Injustice

DOCUMENTING VICTIMIZATION: STRUCTURAL RACISM

Disproportionate risk is ignored or downplayed in the regulation of pesticides, introducing racial injustice in the current allowance of harm set by the U.S. Environmental Protection Agency (EPA). This is a systemic failure that does not evaluate elevated toxic hazards to people of color communities (from occupational exposure, preexisting health conditions and comorbidities, to residential exposure in fence-line communities with exposure to chemical plants and disposal sites). Throughout 2021, the disproportionate effect of

Covid-19 deaths and morbidity were shown to disproportionately affect people of color because of their disproportionate employment as essential workers. By not considering disproportionate impacts of overall pesticide exposure, this horrific situation mimics the injustice of the pesticide registration and use process.

As EPA tinkers with risk mitigation measures, such as farmworker protection under the Worker Protection Standards, the U.S. General Accountability Office concluded early in 2021 that the standards fall short. While

a court blocked some of the provisions related to the application of exclusion zones and other elements, the approach to worker protection is still in need of dramatic overhaul.

Research establishes the link between elevated breast cancer rates among African American women and pesticides, with black women 40 percent more likely to die from the disease than any other race. And while environmental exposure is widely understood to be an underlying cause, even if there is a genetic component to diseases like cancer, it is incumbent upon the regulatory process to protect those at greatest risk from the introduction of foreign toxic substances that exacerbate risks and underlying conditions.

While an African American neighborhood contaminated by the toxic wood preservative creosote (linked to the death of a 13-year-old boy from leukemia in litigation) received a visit from EPA Administrator Michael Regan on his *Journey to Justice* tour, EPA had earlier proposed reregistration to allow continued use of creosote. This disconnect reflects EPA's failure to consider cradle-to-grave effects and disproportionate impacts on people of color when it registers a pesticide. Beyond Pesticides took the disproportionate risk argument with farmworker organizations to court, with Center for Food Safety as counsel, arguing that EPA's failure to regulate glyphosate for its cancer effects hurt farmworkers first and most.

In recognition of a history of mistreatment of Black farmers by government and others,

Congress passed and President Biden signed legislation that provides debt relief, grants, and loans to improve land acquisition and address heritable property issues, financial support for research, education and training, and the establishment of a racial equity commission. The administration earlier had set up the White House Environmental Justice Advisory Council, which issued a report with recommendations for systemic changes to "forward health, racial equity, and environmental justice." The President's Executive Memorandum on *Modernizing Regulatory Review* requires all agencies to "promote public health and safety, economic growth, social welfare, racial justice, environmental stewardship, human dignity, equity, and the interests of future generations." There is a steep road to climb in reversing and correcting the abuses that are inherent in EPA's risk calculations (risk assessments) that ignore high risk populations.

In 2021, the nation saw the reality of underlying vulnerabilities across different population groups and became sensitized, to some extent, to the groups of occupations that are at higher risk, both in the context of Covid-19. Now, it is time to apply that understanding to the daily evaluations that go into toxic chemical regulation in an effort to reform and replace the current regulatory decision-making process, which is empirically racist, with one that acknowledges and cares for those with the highest real-world vulnerabilities and exposure.

Federal Court Blocks EPA from Weakening Farmworker Protections

JANUARY 5, 2021 | In the waning days of 2020, a federal court provided a hint of hope that farmworkers will retain basic buffer zone protections from toxic

pesticides. The District Court for the Southern District of New York issued in late December a [temporary restraining order](#) against the U.S. Environmental Protection Agency (EPA), prohibiting the agency from implementing industry-friendly rules that weaken application exclusion zones (AEZs) for farmworkers. The ruling, a result of a lawsuit brought

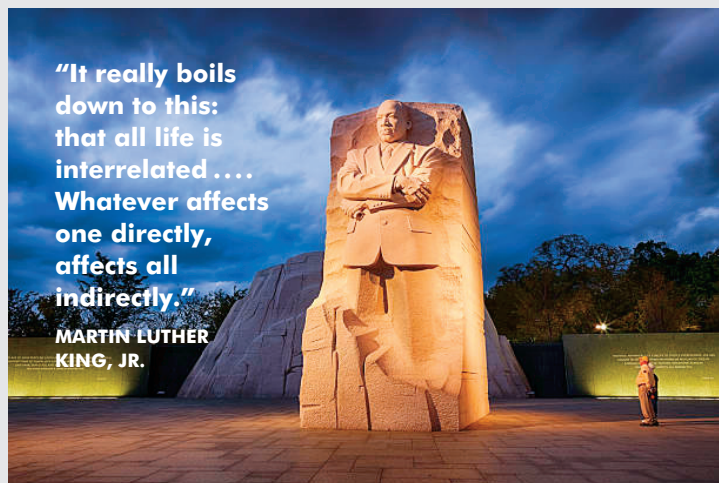
by groups Farmworker Justice and Earthjustice, puts the onus on the Biden administration to determine the fate of the rule. Application Exclusion Zones (AEZs) are buffer zones where individuals are not permitted to enter during a pesticide application, as doing so would put one at risk of dangerous exposure. EPA's proposal, pushed forward by

We Honor Martin Luther King Today

JANUARY 18, 2021 | We honor Martin Luther King, Jr. today on Martin Luther King Day—a day of national service with volunteer opportunities across the nation. During this day of reflection, consider reading Dr. King’s “[I Have a Dream Speech](#)” or [listening to it here](#). At Beyond Pesticides, our vision and work aligns with the vision Dr. King expressed—“Injustice anywhere is a threat to justice everywhere.” To that end, we seek to eliminate disproportionate risk, with elevated toxic hazards to people of color communities, with higher rates of [pesticide-induced diseases](#) among those who live in fenceline communities where chemicals are produced, among farmworkers who harvest the nation’s food, and among landscapers who manage our parks and children’s playing fields. We seek to transform national laws that allow risks under risk assessments that institutionalize environmental racism by allowing for this disproportionate risk. We seek to eliminate toxic pesticides production and use through the adoption of organic land management. To that end, we work with communities across the country to transition their land management to organic practices and we advance organic standards under the *Organic Foods Production Act* that have integrity and are fully enforced.

Eliminating Toxic Pesticides with Organic Transformation. Beyond Pesticides’ program reflects the thinking that this is not a time to tinker with reforms, thus the call for foundational change to policy and practice. The fact that racial disparities are integral to the way we regulate the production, transportation, use, and disposal of toxic pesticides and other chemicals means the toxic pesticide industry is unsustainable. The standards in the governing laws are fundamentally flawed, resulting in unnecessary use and unacceptable disease outcomes that are high generally, but even greater for people of color. Systemic change does not occur with improved “mitigation measures” that EPA manipulates unscientifically or the banning of some chemicals or some uses. Our strategy only calls out individual chemicals and their effects—like the herbicide dicamba causing crop damage and Roundup (glyphosate) causing non-Hodgkin lymphoma or neonicotinoid insecticides indiscriminately killing pollinators—as indicative of a failed statutory and regulatory system, not just bad actor chemicals.

Advancing Systemic Change. Our work to advance systemic change seeks to identify underlying policies that codify disproportionate harm, such as federal pesticide law that is built on a foundation that allows elevated and disproportionate risk to workers. Workers



are excluded from EPA’s cumulative risk assessment (under the *Food Quality Protection Act* amendments to the *Federal Food, Drug and Cosmetic Act* and the *Federal Insecticide, Fungicide, and Rodenticide Act*), which aggregates dietary and non-dietary, but explicitly not occupational, exposure to pesticides, while including a mandate to protect children. With this, the law effectively requires EPA to allow higher rates of harm for workers, particularly farmworkers, landscapers (workers who are disproportionately people of color), and others occupationally exposed to pesticides. In response, Beyond Pesticides is reimagining legislative proposals that effect a transformation to an organic society that eliminates toxic pesticides, respects the complexity of life and the ecosystems that sustain us, and put an end to institutional biases that codify environmental racism. The time for systemic change is now.

Call for Park Pesticide Ban Cites Environmental Racism. Beyond Pesticides is working with grassroots groups across the nation to ban toxic pesticides in city, town, and county parks, playgrounds, and playing fields, as part of an organic transition. We work with groups, like The Black Institute and other grassroots organizations, and elected officials to replace toxic pesticides with organic land management practices, recognizing that children and people of color face disproportionate harm from pesticide exposure. To make matters worse, the hazards associated with the toxic chemicals inflict multigenerational diseases like diabetes, asthma and respiratory illness, and learning disabilities. We join New York City Council Members Ben Kallos and Carlina Rivera in supporting organic parks legislation, citing in our press conference and testimony the wide use of the weed killer Roundup by city agencies—

“The use of this pesticide poses a health risk for anyone who frequents city parks and playgrounds, as well as city workers, including city parks employees who come into contact with glyphosate-containing chemicals while spraying.”

Disproportionate Harm from Coronavirus. As the coronavirus hit, the nation quickly saw disparities in who is at highest risk of infection, not just in age groups, but along racial lines. In every state, we see that people of color suffer higher rates of infection, illness, and death than their percentage of the population. Reporting recognized that this is occurring because those with the highest disease and death rates are disproportionately “essential workers,” delivering essential services with daily exposure to the virus. They are among the lowest income workers in society and, as a result, have medical comorbidities that elevate risk factors, and are most likely to have limited, if any, health insurance. For millions of people outside the black and brown community, this has raised a heightened awareness of societal inequities related to race—bringing into focus the disproportionate effect that pesticide exposure has by elevating risk factors for Covid-19.

Beyond Pesticides Statement in Support of Black Lives Matter (June 2020).

In demanding a future that transforms society to ensure equality of opportunity and respect for life, we support the leadership of Black Lives Matter in advancing systemic and institutional change in how we value each other. As an environmental and public health organization, Beyond Pesticides seeks to ensure that we put a stop to disproportionate harm to people of color because of racism and inequality. We strive for a sustainable world that, in a true sense, can only be achieved with foundational change to our social, economic, and environmental norms. In this context, we stand with those demanding an end to systemic racism, white supremacy, and violence in society, and call for a social structure and law enforcement system that honors this goal.

As Martin Luther King said in his speech, “[Where Do We Go From Here?](#),” to the Annual SCLC Convention in Atlanta, Georgia, August, 16, 1967: “[W]e must walk on in the days ahead with an audacious faith in the future.”



Administrator Andrew Wheeler and finalized in October 2020, included a number of changes to the way AEZs would be managed. Chemical-intensive farms would no longer be required to keep bystanders out of off-site spray areas, and pesticide applications could be restarted when an individual leaves an AEZ. Current rules require farms to keep individuals out of areas where pesticides are applied, both on and off-site, and require set safety requirements about when spraying can start and stop. The Trump administration’s proposal would have changed the way family members living on a farm are treated. While current rules incorporate protections for these family members, the changes would exempt immediate family members “from all aspects of the AEZ requirement,” according to EPA. As explained to the public, family members could remain inside while a pesticide spraying is occurring, “rather than compelling them to leave even when they feel safe remaining inside.” Health advocates indicate that such a proposal amounts to a dereliction of the agency’s duty to inform farmworkers and the general public about the inherent hazards of

pesticide use, as feeling safe and being safe are critically important distinctions when it comes to chemical exposure.

In an effort to stop implementation of the finalized rule, farmworker advocacy groups [filed suit in mid-December](#). “The AEZ was enacted by EPA to protect farmworkers and frontline communities from being poisoned by the drift of sprayed pesticides at the time of application,” the complaint reads. “The final rule’s erosion of this protection poses an unreasonable risk of harm to human health, in violation of the *Federal Insecticide, Fungicide, and Rodenticide Act*.” Shortly after the filing by advocacy groups, a coalition of five states, led by New York Attorney General (AG) Letitia James, filed a separate suit against Administrator Wheeler’s EPA. New York is joined by California, Illinois, Maryland, and Minnesota. “The Trump Administration’s decision to undercut existing public health protections for these workers is not only reprehensible—it’s illegal. We’re going to court to prove it,” California AG Xavier Becerra said in a press release. Maryland AG Frosh had similarly stark words for EPA. “It is EPA’s job to protect farmworkers, their families and

others who are exposed to pesticides,” Mr. Frosh said in a press release. “These regulations prioritize killing bugs over protecting people.”



GAO Report Identifies Need for Improving EPA Protection of Farmworkers

JANUARY 29, 2021 | More oversight is needed to ensure farmworkers are protected from toxic pesticides, according to a [report published by the U.S. Government Accountability Office \(GAO\)](#) (the federal agency that provides auditing, evaluation, and investigative services for Congress). Revisions to the Worker Protection Standards (WPS) governing farmworker safety were updated by the Obama administration in 2015, but GAO identified a number of shortfalls in EPA’s administration of the changes. GAO focused its review on the implementation of the “designated representative” provision, which grants farmworkers the ability to task an individual they designate to request information on toxic pesticides from their employers. Providing farmworkers with a designated representative allows for the access of pesticide application and hazard information, so that they may take proper precautions or seek medical care. A farmworker may use this provision when they are no longer near the farm they worked on, or if there are language barriers. Without this provision, the information farmworkers receive would be at the whim of employers,

and [past incidents](#) show that lack of information can lead to hazardous, abusive conditions for workers. The protection of farmworkers from the threats of pesticide exposures has been the subject of multiple recent developments and actions by the U.S. Environmental Protection Agency (EPA), the federal court for the Southern District Court of New York (SDNY), GAO, advocacy groups, and a coalition of five states, led by the New York State Attorney General (AG). Those actions include, respectively, a finalized rollback of aspects of EPA’s pesticide Application Exclusion Zone (AEZ) rules; a temporary stay on implementation of those rule changes by SDNY; a set of recommendations from GAO to EPA; advocacy by Beyond Pesticides and others, including Farmworker Justice and Earthjustice; and litigation against EPA by the five-state coalition for the agency’s retrograde October 2020 rule on AEZs. Beyond Pesticides has called attention to the inadequate state of farmworker protections from pesticides and advocated for robust regulation to ensure the health of these essential workers, including extra protections during the Covid-19 pandemic. At the center of this flurry of activity are pesticide AEZs—essentially, buffer zones in which people (other than applicators) are prohibited during pesticide applications because of the health threats of exposures. The Obama administration made revisions, in 2015, to the larger EPA Worker Protection Standard for farmworkers, including some expansion of these no-entry buffer zones. Those changes aimed to improve farmworker and farm family protections, including from significant off-site drift of aerially sprayed pesticides. However, the agrochemical-industry-friendly (and regulation averse) Trump administration changed that trajectory when, in 2019, EPA proposed, and in October 2020, finalized, a rule change on AEZs that would functionally shrink the buffer zones, thus, putting farmworkers, their families, and farm owner families (and rural residents generally) at heightened risk for exposure to toxic chemicals.

Breast Cancer Rates Higher among African American Women from Disproportionate Chemical Exposure

FEBRUARY 5, 2021 | A University of Michigan study, published in [Toxicology](#), finds a link between elevated rates of breast cancer incidents and chemical exposure from pesticides among African American women. Breast cancer is the most common cancer among women, causing the second most cancer-related deaths in the United States. However, breast cancer outcomes differ significantly among women of various races/ethnicities, with African American women being [40 percent more likely](#) to die from breast cancer than women of any other race. Furthermore, incidences of triple-negative breast cancer (TNBC)—an aggressive breast cancer subtype lacking remediation—is approximately three-fold higher in non-Hispanic Black women (NHBW) compared to non-Hispanic White women (NHWW). Although past studies suggest genetic and environmental factors interact to produce these differences in breast cancer outcomes, genetic factors only play a minor role while disparities (differences) in external factors (i.e., chemical exposure) may play a more notable role. This study highlights the significance of understanding how chemical exposure drives disease outcomes and increases disease risk,



especially for more virulent diseases that disproportionately (unequally) impact specific communities. Prior research infers differences in chemical exposure may explain racial disparities for several illnesses, and growing evidence suggests common chemical exposure patterns influence the risk of breast cancer. Therefore, advocates point to the need for national policies to assess exposure hazards' involvement in disease development and diagnosis. The researchers in the study note, ". . . African American women are disproportionately exposed to chemicals with breast cancer-associated biological activity at doses relevant to human exposure. Future studies should aim to analyze pathways and genes identified as active at biologically relevant concentrations as more (EPA) [ToxCast](#) assay data becomes available. . . . These experiments will help to inform whether [the] integration of exposure data from NHANES (National Health and Nutrition Examination Survey) with biological activity data from ToxCast is a relevant methodology to identify hazardous chemicals that may be involved in the development and prognosis of breast cancer." [Polemi, Katelyn et al. Identifying the Link Between Chemical Exposures and Breast Cancer in African American Women via ToxCast High Throughput Screening Data. *Toxicology*. 463: 152964, 2021.]

Relief Bill Seeks To Correct Injustices for Black Farmers Historically and by Modern Day USDA

MARCH 12, 2021 | The [American Rescue Plan](#), legislation that will provide nearly \$2 trillion to help a broad variety of people, state and local governments, and businesses struggling with the huge and myriad impacts of the Covid pandemic, has a number of less-touted features embedded in it. One of those is that \$5.2 billion of the bill's funds will be directed to help disadvantaged farmers, 25% of whom are Black; thus,



approximately \$1.3 billion will directly support Black farmers. As reported by [The Washington Post](#) and other outlets, advocates are calling this "a step toward righting a wrong after a century of mistreatment of Black farmers by the government and others," and a boon to Black farmers not seen since the *Civil Rights Act of 1964*. The bill, passed by the U.S. Senate and House, was signed by President Biden on March 11. It will provide a menu of benefits to Black farmers, including: debt relief; grants and loans to improve land acquisition and address heritable property issues, such as when a farmer dies intestate (without a will) and land assets are to be allotted to legal heirs; financial support for research, and education and training programs, and; establishment of a racial equity commission to address systemic racism at USDA. Given the urgency of the need to transition to organic, regenerative agriculture, and to contend with the environmental injustices imposed on communities of color, the ability for Black farmers to thrive and participate fully in these issues is critical. Beyond Pesticides wrote, early in March, "The greatest impediment to entering organic farming is access to land. Since organic farming requires a long-term commitment to avoiding prohibited substances, building soil, and conserving biodiversity, it is difficult to manage on rented land or land farmed on 'shares.' Black, Indigenous, and other people of color are especially disadvantaged because of institutionalized racism embodied in U.S. policies, which has either prevented access or has undermined land ownership." The support for Black

farming housed within the *American Rescue Plan* has the potential to be a good beginning boost to the goals of thriving Black farmland ownership and production, and contributions to a less-toxic agricultural sector.

White House Environmental Justice Advisory Council Confronts Institutional Racism with Recommendations

JUNE 25, 2021 | A [consequential report](#) from the White House Environmental Justice Advisory Council (WHEJAC) sets out important and comprehensive recommendations that, if enacted, would put environmental justice on the front burner of national policy. The report spells out a multitude of challenges, and recommendations for addressing them, in service of advancing environmental justice (EJ) across federal agencies. Notably, the U.S. Environmental Protection Agency (EPA) is called out for, among other things, poor protection of farmworkers and their families, who



tend to be people of color, from pesticide risks. The report arises from President Biden's late January 2021 Executive Orders on: (1) [tackling the climate crisis](#) with a "whole of government" approach, with an explicit focus on EJ, and (2) recalibrating the functions of the [Office of Management and Budget](#) (OMB) to "forward health, racial equity, and environmental stewardship." That early 2021 Executive Order (EO) on climate

established the WHEJAC and the [Justice40 Initiative](#), the latter of which aims to direct 40% of some categories of federal investment to historically underserved communities. Those investments, as reported by [AgriPulse](#), would promote “clean energy and energy efficiency; clean transit; affordable and sustainable housing; training and workforce development; the remediation and reduction of legacy pollution; and the development of critical clean water infrastructure.” The Executive Order on the OMB charged the agency’s director with providing to the administration “concrete suggestions on how the regulatory review process can promote public health and safety, economic growth, social welfare, racial justice, environmental stewardship, human dignity, equity, and the interests of future generations. The recommendations should also include proposals that would ensure that regulatory review serves as a tool to affirmatively promote regulations that advance these values.” Of particular note is language, throughout the report, that acknowledges the role of historic and current systemic racism as it has manifested in “disproportionate harm from environmental contaminants and... disproportionate risks from climate change” for disadvantaged communities. It says plainly (in Section 101), “Historically, the Federal Government has taken actions that have perpetuated, institutionalized, or defended injustices that resulted in inequality in exposure to hazardous substances and unequal access to clean water, clean air, healthy food, safe housing, transportation, and other environmental benefits.”

Houston Residents Sue City, Railroad, for Poisoning and Contamination Caused by Creosote Wood Preservative

DECEMBER 2, 2021 | Thousands of residents in Houston, Texas are suing Union Pacific Railroad Company for contaminating their properties with



highly hazardous creosote wood preservatives. One of these lawsuits comes from Latonya Payne, legal guardian of [Corinthian Giles](#), a 13-year-old boy who died of leukemia after a five-year battle with the disease. A recent report found that the community is in the midst of a [childhood leukemia cancer cluster](#), with disease rates five times the national average. Late last month, U.S. Environmental Protection Agency (EPA) Administrator Michael Regan toured the area as part of his *Journey to Justice* tour. However, while Administrator Regan vows federal assistance with the clean-up of these long-lived chemicals, EPA is currently in the process of [reauthorizing creosote](#) use for another 15 years with the knowledge that it is virtually impossible to produce and use without causing contamination and poisoning. Some environmental advocates are suggesting that Administrator Regan take a tour of EPA’s pesticide registration program and stop the unnecessary poisoning that disproportionately affects people of color and those with vulnerabilities or preexisting medical conditions that increase their vulnerability to toxic chemical exposure. While advocates say that cleaning up EPA’s mess in communities is critical, they insist that it is just as important to prevent future harm by keeping hazardous chemicals out of the market. Creosote was used to treat and extend the life of railroad ties at a location in Houston’s Greater Fifth Ward up until 1984, but since that time a plume of contamination in the soil has slowly worked its way through the low-income, predominantly black community currently living near the old site.

Creosote is a complex mixture of approximately 150 to 200 chemicals derived from coal. Chemical analysis of creosote shows that it is composed of approximately 85 percent polycyclic aromatic hydrocarbons (PAHs), 10 percent phenolic compounds, and five percent nitrogen-, sulfur-, or oxygen-containing heterocyclic compounds. PAHs are hazardous environmental pollutants and are well-known carcinogens and mutagens with endocrine-disrupting properties that pose a serious threat to human health. The [International Agency for Research on Cancer](#) lists creosote as a probable carcinogen (group 2A) with sufficient evidence of carcinogenicity based on animal studies. Creosote is still registered for use on railroad ties and utility poles.

Farmworkers and Conservationists Ask Court To Remove Monsanto’s Roundup From the Market

DECEMBER 22, 2021 | [Opening arguments and evidence](#) were filed by a coalition of farmworkers, farmers, and conservationists last week in litigation challenging the U.S. Environmental Protection Agency’s (EPA) reapproval of [glyphosate](#), best known as the active ingredient in Monsanto’s “Roundup” pesticides. The lawsuit charges that the Trump administration unlawfully ignored cancer risks and ecological damage of glyphosate.

Represented by the Center for Food Safety (CFS), plaintiffs, including the





Rural Coalition, Farmworker Association of Florida, Organización en California de Lideres Campesinas, and Beyond Pesticides, filed the [federal lawsuit](#) in the Ninth Circuit Court of Appeals in March. The groups seek to have the pesticide prohibited from use or sale because of its unlawful approval.

“Farmworkers are on the frontlines of nearly every health and environmental crisis, from the Covid-19 pandemic to climate change, and are particularly at risk of health impacts from pesticide spraying,” said Amy van Saun, senior attorney at CFS. “EPA failed these essential workers. It rejected evidence that glyphosate causes cancer and entirely failed to assess the main way people are exposed at work, through their skin.” The court filing includes volumes of evidence showing how EPA ignored glyphosate’s health risks, including cancer risks, to farmworkers and farmers exposed during spraying. The evidence filed also shows how EPA disregarded glyphosate’s ecological impacts and that EPA failed to account for the costs to farmers from glyphosate-resistant “superweeds” and off-field drift damage. “Farmworkers and farmers are the backbone of our food system. As we demonstrate in this filing, they are the first—but not the last—to bear the huge costs of EPA’s deeply flawed and unlawful reapproval of glyphosate, while corporate shareholders of Monsanto-Bayer benefit,” said John Zippert, chairperson of the Rural Coalition, the lead petitioner in the case.



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Support National Reckoning To Bridge Racial Divides with Meaningful Action

MARCH 1, 2021 | The greatest impediment to entering organic farming is access to land. Since organic farming requires a long-term commitment to avoiding prohibited substances, building soil, and conserving biodiversity, it is difficult to manage on rented land or land farmed on “shares.” Black, Indigenous, and other people of color are especially disadvantaged because of institutionalized racism embodied in U.S. policies, which has either prevented access or has undermined land ownership. With deep reflection into the injustice associated with past policies, from pioneers to slaveholders, members of Congress are elevating the national discussion of policy changes and reparations to address a past of racial injustice. This discussion has taken on greater general public understanding since the killing of George Floyd, as there is more national awareness of systemic racial injustice and the deep adverse impact that it has on all aspects of life. One of those institutional effects to Indigenous, Black, and other people of color is the taking away or denying access to land ownership.

Tell your U.S. Senators and U.S. Representative to support increased equity for Black, Indigenous, and other people of color in farming. Holistic systemic change is needed to restore relationships between members of society and with the Earth. The greatest source of wisdom about living sustainably (with decisions based on their impacts on seven generations to come) on this continent—Turtle Island (as named by Native Americans and First Nations People)—has been all but eradicated through past policies of land theft and genocide. From the birth of our country to today, the United States government seized 1.5 billion acres of native land. The loss of tribal lands and mixed ownership patterns within reservation boundaries pose serious challenges to the sovereignty and self-determination of Native American nations. The three pieces of legislation in this action relate to disenfranchisement of African Americans and other people of color as the struggle continues for Native American and tribal rights to land taken from them by the U.S. government. There are several bills in Congress, which are not included in this action, to put certain lands into trust or transfer land for the benefit of various Native American tribes. The undermining of land ownership in the Black community has not been widely recognized by the general public. In 1910, one in seven farmers was African American, who held titles to approximately 16 to 19 million acres of farmland. Over the next century, 98% of Black farmers were dispossessed through discriminatory practices at the U.S. Department of Agriculture (USDA) and various federal programs.

Stop EPA's Racist Policies that Disproportionately Harm Farmworker Children's Brains: Ban Chlorpyrifos

MAY 17, 2021 | The U.S. Environmental Protection Agency (EPA) has less than two months to decide whether to cancel or modify its registration of the brain-damaging organophosphate insecticide chlorpyrifos, following a decision from a federal appeals court. The ruling comes after more than



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a decade of delay from the federal agency tasked with protecting public health and the environment from the hazards of chemicals like chlorpyrifos. The decision now falls to the Biden administration's EPA Administrator Michael Regan, after the previous administration reversed a proposal to ban agricultural uses of chlorpyrifos in 2017. Most residential uses of the chemical were banned in 2000.

Tell EPA to ban chlorpyrifos and other neurotoxic pesticides. The target of action by which chlorpyrifos and many other pesticides kill is the nervous system. It is not surprising, then, that pesticides also target the nervous system in humans. They are particularly hazardous to children, who take in greater amounts of pesticides relative to their body weight than adults, and whose developing organ systems are typically more sensitive to toxic exposures.

The body of evidence in the scientific literature shows that pesticide exposure can adversely affect a child's neurological, respiratory, immune, and endocrine systems, even at low exposure levels. Several pesticide families, such as synthetic pyrethroids, organophosphates, and carbamates, are also known to cause or exacerbate respiratory symptoms like asthma. The American Academy of Pediatrics wrote, "Epidemiologic evidence demonstrates associations between early life exposure to pesticides and pediatric cancers, decreased cognitive function, and behavioral problems."

On August 18, 2021, EPA announced that it was stopping agricultural use of chlorpyrifos in response to a federal court decision. Certain nonfood uses, excluding residential use, will be allowed to continue. (See p. 19.)



After EPA Administrator Tours People of Color Community Poisoned by Creosote Wood Preservative, A Call To Ban It

DECEMBER 20, 2021 | Despite a high-profile tour of communities affected by toxic chemicals by EPA Administrator Michael Regan, the agency still fails to make connections that could help protect against poisoning of workers, fenceline communities, and others. For example, as Mr. Regan, in November, visited Houston, Texas, where thousands of residents are suing Union Pacific Railroad Company for contaminating their properties with highly hazardous creosote wood preservatives, EPA is in the process of reauthorizing creosote use for another 15 years with the knowledge that it is virtually impossible to produce and use without causing contamination and poisoning.

Tell EPA to truly integrate environmental justice into all of its programs. Environmental justice issues arise at every stage of the cradle-to-grave life cycle of toxic chemicals, from production, transportation, handling, and use, to disposal. Petroleum refineries are likely to be sited near low-income communities composed of people of color. Mines contaminate tribal lands and poor rural communities. Manufacturing facilities are also located near low-income neighborhoods, employing their inhabitants in hazardous jobs. Pesticides are applied by farmworkers whose housing is surrounded by poisoned fields. And, coming full circle, hazardous waste "disposal" sites are surrounded by low-income communities. In April, Mr. Regan directed all EPA offices to clearly integrate environmental justice considerations into their plans and actions, saying, "Too many communities whose residents are predominantly of color, Indigenous, or low-income continue to suffer from disproportionately high pollution levels and the resulting adverse health and environmental impacts. We must do better. This will be one of my top priorities as Administrator, and I expect it to be one of yours as well." This effort follows President Biden's Executive Order, *Modernizing Regulatory Review* (January 20, 2021), which mandates the adoption of agency policy across government to seriously and with urgency confront disproportionate harm to people of color communities (environmental racism) with the directive to "forward health, racial equity, and environmental stewardship."

Tell EPA To Protect Farmworkers Now; Hear Directly from Farmworker Community Members

JUNE 1, 2021 | (Farmworkers are at greatest risk from pesticides. EPA's policies toward farmworkers comprise a blatant example of systemic racism. Although everyone suffers from pesticide poisoning, farmworkers and their families shoulder a disproportionate burden of the hazards. Agricultural justice demands that we ensure a workplace with fair wages and benefits, no discrimination or coercion, and protection from hazards, such as harmful chemicals, including pesticides. Acknowledging, respecting, and sustaining the workers who plant, cultivate, and harvest our food is central to the basic values and principles that advance sustainable practices.

Tell EPA to protect farmworkers from pesticides. Worker Protection Standards Are Inadequate To Protect Farmworkers. Worker protection standards are set by the U.S. Environmental Protection Agency (EPA) under the *Federal Insecticide Fungicide and Rodenticide Act* (FIFRA). The original standard was developed after field hearings in which EPA heard from growers, but not farmworkers. With the threat of litigation from the National Association of Farmworker Organizations and Migrant Legal Action Program looming in the late 1970s, the Carter Administration funded an effort, conducted by Beyond Pesticides' executive director, to reach out to workers and collect data on their experiences with pesticide exposure and poisoning in the fields.

Through a series of field hearings in collaboration with the nongovernmental organization Rural America, and EPA's Office of Pesticide Programs, federal and state agencies heard directly from farmworkers. Although EPA concluded in 1983 that the regulations were inadequate to protect agricultural workers, it took until 1992 to update the Agricultural Worker Protection Standards (WPS).

Those 1992 updates to the WPS were intended to eliminate or reduce exposure to pesticides, mitigate exposures that occur, and inform employees about the hazards of pesticides. Despite these intentions, the updated WPS still did not adequately protect farmworkers. These standards have been notoriously difficult to enforce and require no record keeping documenting whether the rules have been implemented and only minimal training—all of which can threaten farmworkers and their families.

On September 28, 2015, EPA finally released its new regulation regarding farmworker pesticide safety, revising the WPS, which had not been updated for more than 20 years.

Systemic Racism Is Embodied in EPA's Risk Assessments. Exposure assessments inevitably discount the impact on workers, people of color, and those with preexisting health conditions or comorbidities. For example, EPA routinely calculates worker exposure separately from other exposures. In applying aggregate exposure assessments of pesticides, EPA does not include worker exposure. Risk assessments do not include exposures to multiple chemicals—and such exposures that routinely occur to fenceline communities, farmworkers, and factory workers.

In the past, EPA has admitted that even with maximum feasible personal protective equipment (PPE) and engineering controls, including all provisions required by the WPS, risks to workers still exceed EPA's levels of concern. A 2008 study analyzing poisonings of pesticide workers between 1998 and 2005 concluded that in 30% of the cases of high levels of pesticide exposure, all labeling requirements, including those involving reentry and PPE, had been followed—clearly demonstrating that the WPS and/or labeling requirements are inadequate.

Farm work is demanding and dangerous physical labor. As the scientific literature confirms, farmworkers, their families, and their communities face extraordinary risks from pesticide exposures. Pesticide application and drift result in dermal, inhalation, and oral exposures that are typically underestimated. A 2004 study detected agricultural pesticides in homes near to agricultural fields. According to a 2010 study, workers experience repeated exposures to the same pesticides, evidenced by multiple pesticides routinely detected in their bodies. As a result of cumulative long-term exposures, farmworkers and their children, who often also work on the farms, are at risk of developing serious chronic health problems such as cancer, neurological impairments, and Parkinson's disease. Children, according to an American Academy of Pediatrics (AAP) report (2012), face even greater health risks compared to adults when exposed to pesticides.

What We Can Do. Our food choices have a direct effect on those who, around the world, grow and harvest what we eat. This is why food labeled organic is the right choice. In addition to serious health questions linked to actual residues of toxic pesticides on the food we eat, our food buying decisions support or reject hazardous agricultural practices and the protection of farmworkers and farm families. See Beyond Pesticides' guide to [Eating with a Conscience](#) to see how your food choices can protect farmworkers.