United States
Environmental Protection
Agency

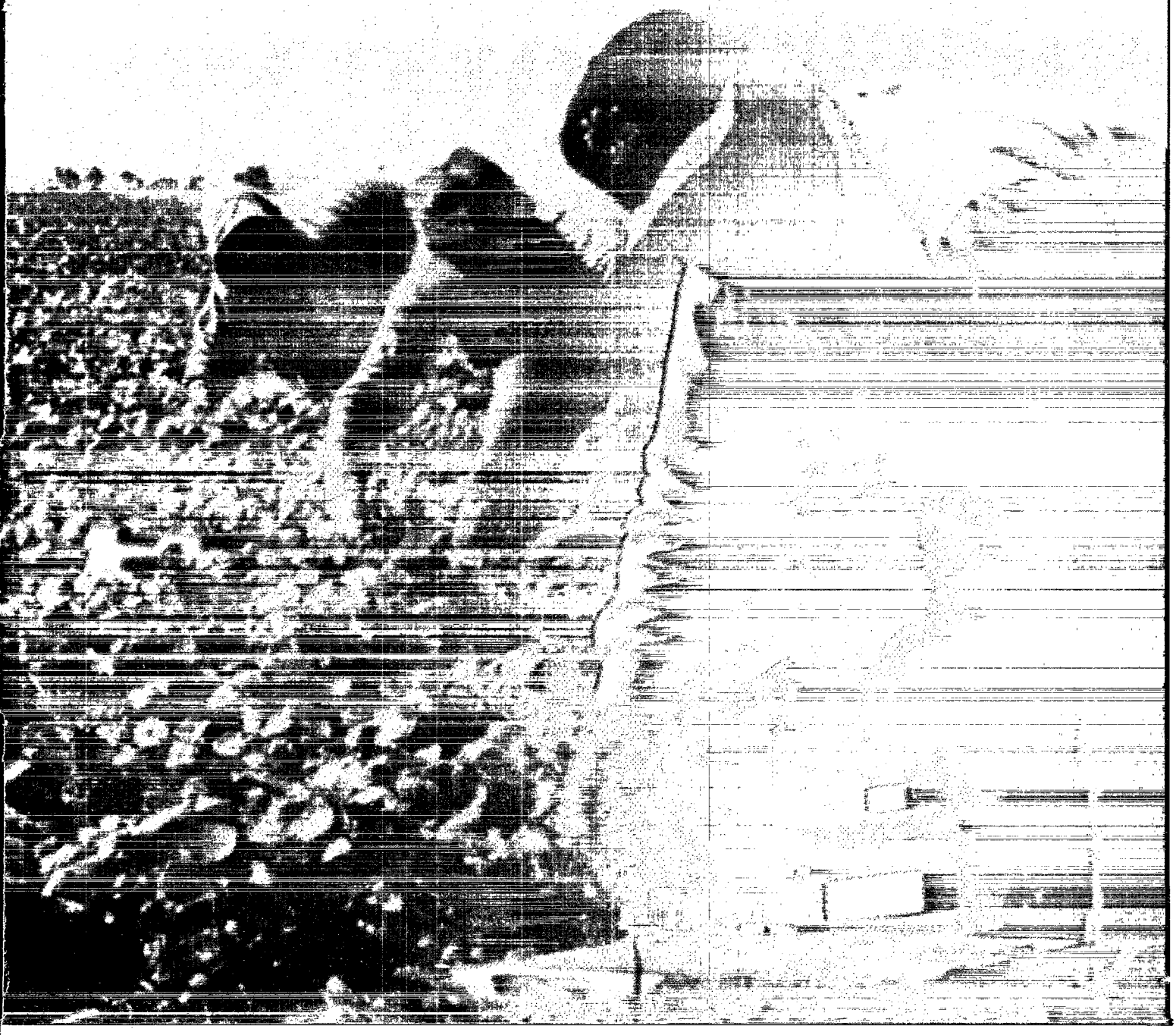
Prevention, Pesticides and
Toxic Substances
(7506C)

EPA 735-R97-001
March 1997

EPA

A National Dialogue on the Worker Protection Standard

Part I: Transcripts of the Public Meetings



A National Dialogue on the Worker Protection Standard

Part I: Transcripts of the Public Meetings

Office of Pesticides Programs
Office of Prevention, Pesticides and Toxic Substances
U.S. Environmental Protection Agency
March 1997

prepared by:
Gilah Langner
Stretton Associates, Inc.
under subcontract to EPA/USDA
Cooperative Agreement No. 58-0790-2-205

National Dialogue on the Worker Protection Standards
Location of Public Meetings, Feb. 22, 1996 – Aug. 21, 1996

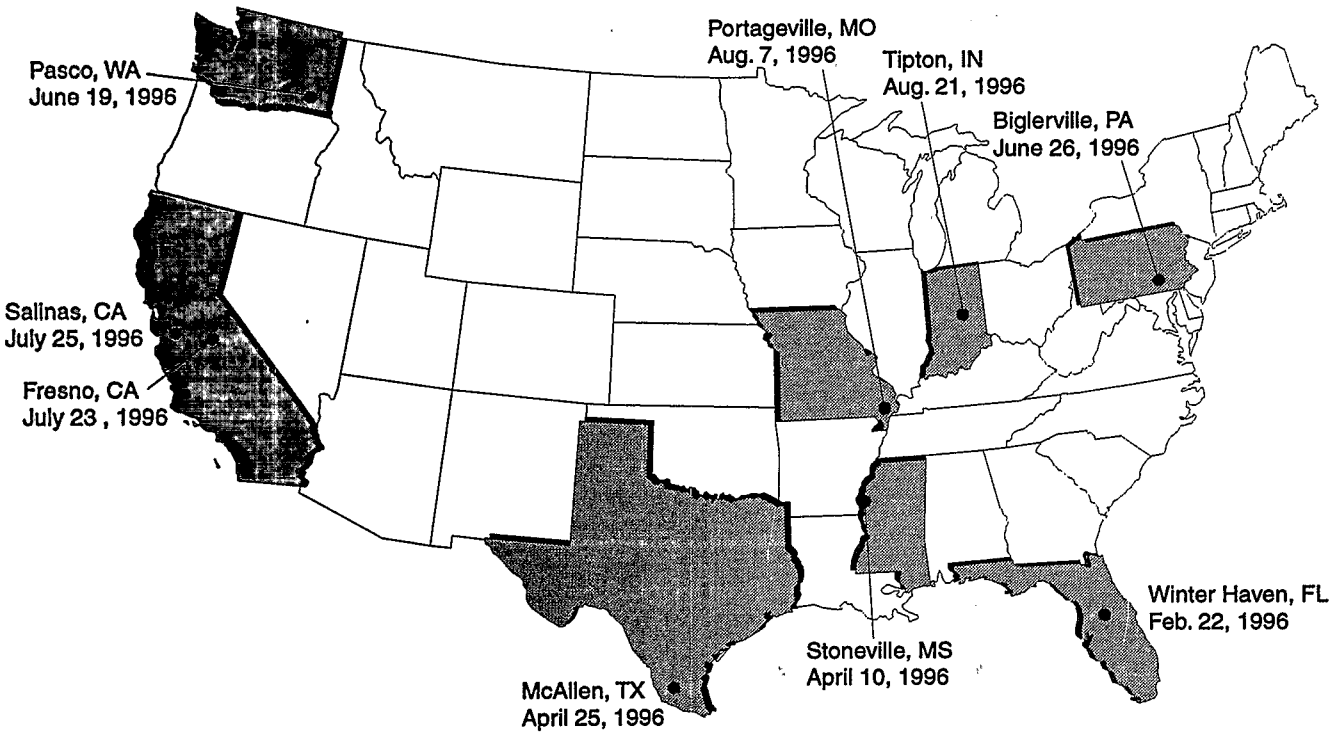


Table of Contents

Acknowledgments i

1. Introduction 1

2. Florida 5

Transcript of Public Meeting 6
Registered Participants in the Public Meeting 45
Site Visits and Small Group Discussions 49
Written Comments 52

3. Mississippi 53

Transcript of Public Meeting 54
Registered Participants in the Public Meeting 67
Site Visits and Small Group Discussions 69
Written Comments 72

4. Texas 73

Transcript of Public Meeting 75
Registered Participants in the Public Meeting 100
Site Visits and Small Group Discussions 102
Transcripts of Meetings with Farmworkers 105
Written Comments 121

5. Washington 123

Minutes of the Public Meeting 125
Registered Participants in the Public Meeting 130
Site Visits and Small Group Discussions 132
Transcript of Farmworker Meeting 136
Written Comments 146

6.	**Pennsylvania**	147
	Transcript of Public Meeting	148
	Registered Participants in the Public Meeting	183
	Site Visits and Small Group Discussions	186
	Written Comments	189
7.	**California**	191
	Transcript of the Fresno Public Meeting	193
	Registered Participants in the Fresno Public Meeting	211
	Transcript of the Salinas Public Meeting	213
	Registered Participants in the Salinas Public Meeting	238
	Site Visits and Small Group Discussions	241
	Transcripts of Site Visits	249
	Written Comments	289
8.	**Missouri**	291
	Transcript of Public Meeting	292
	Registered Participants in the Public Meeting	308
	Site Visits and Small Group Discussions	309
	Written Comments	311
9.	**Indiana**	313
	Transcript of Public Meeting	314
	Registered Participants in the Public Meeting	354
	Site Visits and Small Group Discussions	357
	Written Comments	360
EPA Participants		361
State Participants		363
For More Information		367

Acknowledgments

The Office of Pesticide Programs (OPP) and the EPA Regional Offices would like to acknowledge and thank the farmworkers, growers, industry and trade association representatives, public interest groups, labor representatives, health professionals, and others who took the time to participate in the public meetings and site visits around the country. Their in-depth comments and "frontline" observations provided us with important insights into the impact of the WPS on the agricultural community, successes and difficulties in implementing the standard, and recommendations for improvement.

We wish to acknowledge the efforts of our state and county extension partners for supporting this effort and for their invaluable help in identifying participants in outreach activities and site visits. We extend our gratitude to those who allowed state and federal officials to tour their facilities. These tours provided the regulatory community with an opportunity to observe and ask questions about WPS implementation in progress. Migrant health clinics, unions, and legal services graciously opened their offices and facilitated exchanges between the Agency and farmworkers. We appreciate the willingness of farmworkers to share their experiences, issues, and concerns during the after-work discussion sessions. We would especially like to recognize the following individuals for their outstanding contributions in making arrangements and facilitating discussions during the WPS National Dialogue:

FL: Dr. Mari Dugarte-Stavanja, Florida Department of Agricultural and Consumer Services; Dr. Marion Fuller, Bureau of Pesticides; O. Norman Nesheim, Florida State Cooperative Extension

MS: Robert McCarty, Mississippi Department of Agriculture; Charles Armstrong, Arkansas State Plant Board

TX: Randy Rivera and José Sánchez, Texas Department of Agriculture

WA: Anne Wick, Washington Department of Agriculture; Dr. Alice Larson, Work Group on Pesticide Health and Safety

PA: David Bingaman, the Pennsylvania Department of Agriculture; William Kleiner, Adams County Cooperative Extension

CA: Dan Lynch, California Department of Pesticide Regulation; Doug Edwards, Fresno Office of Agricultural Commissioner; Don Villarejo and Celia Prado, California Institute for Rural Studies, Luis Magaña, Organizacíon de Trabajadores Agrícolas de California; Francis Pabrua, Monterey Office of Agricultural Commissioner; Terry Gómez, Clínica de Salud del Valle de Salinas

MO: Paul Andre, Missouri Department of Agriculture; Pasquale Lombardo, Illinois Legal Services

IN: Joe Becovitz, Office of the Indiana State Chemist; Dr. Fred Whitford, Purdue University; Dr. James Wolf, Tipton County Extension Service; Ray Noble, Ray Brothers & Noble Canning Company, Inc.; Scott Smith, Sharpview Farms; and José Pérez, Indiana Health Centers, Inc.

A special note of thanks goes to Debbie Thomas of the EPA Federal Register Staff for her rapid response in publishing the public meeting notices; to the facilitators and interpreters at each of the public meetings; and to Gilah Langner for editorial services. To the many individuals at EPA Headquarters and Regional offices listed at the back of this document who provided support and time, we extend our sincere appreciation for their contributions to this important national effort.

1. Introduction

This document is the record of a National Dialogue of public meetings and site visits held during the spring and summer of 1996 on the Worker Protection Standard (WPS). The WPS is EPA's primary program to ensure that agricultural workers and employers have the information they need to protect workers from pesticide risks. The National Dialogue on the WPS represents EPA's first effort to assess the effectiveness of the revised standard, which took effect in 1995.

In 1992, EPA issued a major revision of the Worker Protection Standard, aimed at improving protection of employees on farms, forests, nurseries, and greenhouses from occupational pesticide risks. Implementation of the new WPS provisions was phased in over time, with the standard coming into full force in January 1995. After the first year of full implementation of the WPS, EPA conducted nine public meetings between February and September 1996, to evaluate progress and hear the experiences of the people most affected by the WPS.

In all, EPA met with over 1,000 people, including 560 who attended the public meetings and another 500 who met with EPA in 43 site visits at diverse locations, ranging from union meeting halls and crop fields to health clinics and processing plants. Participants included agricultural workers, pesticide handlers, farmers and growers, health professionals, representatives of agriculture and labor organizations, and a variety of other individuals.

The meetings are an initial step in EPA's ongoing effort to monitor and evaluate the performance of the WPS program. Meetings were held in the following states: Florida, Mississippi, Washington, Texas, Pennsylvania, California (two meetings), Missouri, and Indiana. The locations were selected to offer a wide representation of agricultural situations, and to involve frontline stakeholders with whom EPA in the past has had limited and less direct contact.

Background on the WPS

The 1992 Worker Protection Standard strengthens safeguards for over three and a half million people who work with pesticides at over 560,000 workplaces. The provisions of the Worker Protection Standard are directed toward the working conditions of two types of employees:

- **Pesticide handlers**--those who mix, load, or apply agricultural pesticides; clean or repair pesticide application equipment; or assist with the application of pesticides in any way.

- **Agricultural workers**--those who perform tasks related to the cultivation and harvesting of plants on farms or in greenhouses, nurseries, or forests.

The Worker Protection Standard

In 1992, EPA issued a final rule revising the Worker Protection Standard for agricultural pesticides. Implementation of the revised WPS was phased in, and the new standard came into full force on January 1, 1995. Its provisions are designed to achieve three basic goals:

Inform employees about the use and hazards of pesticides:

- Workers must be notified about treated areas so they may avoid inadvertent exposures to pesticides.
- Handlers and workers must be informed of pesticide safety requirements and information. Employers must post information about recent pesticide applications in a central location on the agricultural establishment.
- Training is required for handlers and workers who enter recently treated areas, and a pesticide safety poster must be displayed.

Eliminate or reduce exposure to pesticides:

- Handlers are prohibited from applying pesticides in ways that would result in unnecessary exposure of workers or other people. Agricultural workers are excluded from treated while pesticides are being applied.
- EPA-established restricted entry intervals (REIs) must be specified on all agricultural pesticide product labels. Workers are excluded from entering a pesticide-treated area during the restricted entry interval, except under certain conditions. REIs generally range from 12 to 72 hours, depending on the toxicity of the chemical.
- Personal protective equipment (PPE) must be provided and maintained for handlers and early-entry workers, as specified on the EPA-approved pesticide label.

Mitigate the effects of exposures that occur:

- Employers must make available to handlers and workers an ample supply of soap, water, and towels for routine washing and emergency decontamination.
- Employers must make transportation to a medical care facility available if a worker or handler may have been poisoned or injured. Information must be provided about the pesticide to which the person may have been exposed.

After a review of its existing standards in the early 1980s, EPA determined that they were inadequate to protect workers and handlers from pesticide risks. The revised regulations, developed over a ten-year period, are intended to reduce the risk of pesticide poisonings and injuries among agricultural workers and pesticide handlers through specific exposure reduction measures, training, and information (see box on previous page).

The National Dialogue Meetings

At each National Dialogue meeting, as a framework for discussion, EPA asked farm-workers, growers, and other attendees to address the following questions:

- What successes have you had in implementing the WPS requirements?

- What difficulties have you had, and how do you suggest EPA improve the program?

- How well did the assistance you have received so far (from EPA guidance, training materials, etc.) help you, and what additional assistance would you like in the future?

At each of the three-hour meetings, an EPA official opened the dialogue with brief introductory comments. Participants were asked to sign up to speak and were given five minutes or more to speak, depending on the number of speakers in the room. Open registration on the day of the meeting was done on a first come, first served basis. In the days before and after the public meetings, EPA staff made 43 site visits to farms, nurseries, farm labor camps, health clinics, and aerial applicators to obtain a close-up understanding of the issues and challenges involved in implementing the WPS.

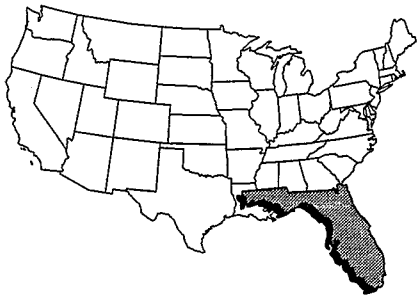
This report presents the transcripts from the nine public meetings, as well as a list of participants who registered at each meeting and a summary of the site visits made by EPA staff. In some cases, the transcripts are incomplete due to failures in tape recording equipment. In these instances, EPA prepared minutes of the meeting, which were reviewed and approved by the speakers. Where EPA had received permission to tape the site visits and small group discussions, transcripts of those meetings are included as well. Written comments submitted by participants in the public meetings are appended to each chapter.

Next Steps

Agricultural workers, growers, pesticide handlers, health professionals, and others who participated in the National Dialogue meetings provided unique insights into the effects of the WPS requirements. The input received thus far will be supplemented by data generated from additional, ongoing outreach efforts during the course of EPA's longer-term evaluation effort.

This document is the first of two reports on the National Dialogue outreach effort, and is intended to present a strictly factual account of the meetings. An analysis of the feedback received on implementation of the WPS and a discussion of next steps will be the focus of a subsequent report.

2. Florida



Public Meeting:

Winter Haven, FL

- February 22, 1996, 7:00 p.m.
- 85 participants (82 registered), including 26 speakers

Site Visits and Small Group Discussions:

Farmworkers, Citrus Orchards, Hillsborough County, FL

- February 23, 1996, 5:00 a.m.
- EPA staff met with citrus workers as they harvested oranges, accompanied by Fernando Cuevas, Sr. and Jr., of the Farm Labor Organizing Committee (FLOC)/AFL-CIO.

Alcoma Citrus Packing & Processing Company, Lake Wales, FL

- February 23, 1996, 9:00 a.m.
- Tour of large citrus growing and processing operations.
- EPA staff met with Bob McKown of Florida Citrus Mutual; Phillip Herndon and family of Alcoma Citrus.

Fancy Farms Strawberry Production, Plant City, FL

- February 23, 1996, 1:00 p.m.
- Tour of medium-sized strawberry production facility.
- EPA staff met with Carl Grooms, manager/owner of Fancy Farms; Chip Hinton of Florida Strawberry Growers Association; Fernando Cuevas, Sr. and Jr. of FLOC (AFL-CIO).

Migrant Housing, Lake Apopka, FL

- February 23, 1996, 5:00 p.m.
- Tour of migrant housing.

Farmworkers, Apopka, FL

- February 23, 1996, 6:00 p.m.
- EPA staff met with seasonal and migrant farmworkers; Tirso Moreno and staff of the Farm Workers Association of Florida.

Transcript of Public Meeting
Winter Haven, Florida
February 22, 1996

Steve Rutz: I'd like to thank our working representatives, as well as our grower and rural representatives, for attending this evening's first meeting on worker protection being hosted by the Environmental Protection Agency (EPA). My name is Steve Rutz. I'm the Division Director for the Division of Ag and Environmental Services for the Florida Department of Agricultural Consumer Services (DACS). I'd also like to thank the EPA, in particular Dr. Goldman, for coming down this evening and showing and expressing the interest that she has in learning more about how the worker protection program is working here in Florida as well as some of the problems and obstacles that you see in terms of its successful implementation.

I'd like to go across the table and real briefly just make a couple of introductions. Dr. Marion Fuller, Chief of the Bureau of Pesticides for the Florida Department of Agricultural Consumer Services, Dr. Norm Nesheim, Pesticide Information Coordinator for the University of Florida Institute of Agricultural Sciences, and Dr. Lynn Goldman. Lynn is the Assistant Administrator for the EPA Office for the Preventions of Pesticides and Toxic Substances. We also have Mr. Jesse Baskerville, Director of the EPA Office of Regulatory Enforcement in Compliance Assurance, and Mr. Dale Dobberly, Chief of the Bureau of Compliance Monitoring for Agriculture and Consumer Services.

Again, Dr. Goldman, I want to thank you for being here. Just as a matter of protocol this evening, Dr. Marion Fuller will be serving as our workshop facilitator here. She's going to be sort of a traffic cop who deals with time allowance issues and things like that. So if you see Marion standing up and waving her hands acting like she's in some sort of a panic, that means that probably she wants to try to move on to buy time for each speaker to cover the topic they want to cover. And with that, I'd like to introduce Dr. Goldman and ask that she make some introductory remarks to the group.

Dr. Lynn Goldman: What I'm going to do is, given the size of the room and the size of the crowd, I thought I'd move down a little closer to all of you and maybe do this a little bit less formally. I do want to welcome you all here and wish you a good evening. I and my colleagues, the EPA with the Florida State Department of Agriculture, are here to listen to all of you about your experiences with the implementation of the Worker Protection Standards [WPS]. And I should say that this is, I think, a very important thing that we're doing here tonight. Too frequently in the government we put into play new regulations

and measures and then we don't evaluate how effective those measures are. I think it's part of our effort to evaluate how well the standard is working. I also think that too often we in Washington are the nameless and faceless ones, the people whose names you see but think you don't have a chance to meet with and speak with. Much of the purpose of this whole meeting is to maintain that face-to-face interaction--communication that you need to have to really be able to understand what's going on.

The Worker Protection Standard is a very basic set of protections for workers that work with pesticides. It informs the employees about the hazards of pesticides, eliminates exposures to the pesticides, and helps us to mitigate the exposures when they do occur and to treat the exposures when they do occur. It does represent a major strengthening of the standards that are on the books on the federal level compared to what existed in the past. And, I should say that it's taken well over a decade to achieve the strengthening.

It was not an easy contest within the EPA, and within our country, to develop the regulations. When I joined EPA two and one-half years ago, the regulations had already been enacted but I had the job of making sure that we could implement the regulations. I must say that, just as the development of the regulations was not easy, the implementation likewise was complicated and has required a lot of effort. We estimate there are 3.5 million people (farmworkers and other pesticide handlers) who receive protection today because of the regulations. So that is a very important group people whom we wish to protect. The implementation efforts, in my opinion, have been one of the most extensive sets of efforts that we have ever done. We have produced and distributed a very large number of training materials, some of which are available out in the lobby today. We have supported educational efforts. We have supported state efforts. We have also needed to respond to some specific concerns that have been raised both by farmworkers and by agricultural groups in the process of implementation. And, I have to say that not every situation that occurs in agriculture is foreseen by the people who write the rules. Also, many specific questions have come up that actually were covered by the rules but that needed interpretation so that everybody could understand exactly how to carry out the rules. When you think about it, that's inevitable--when you have a process that requires the act of cooperation of so many people in this country, and so many people involved in it--not only every single worker but all of the farmers and the pesticide workers--that's a complex process.

Some of the amendments that we made: We accelerated the transition from 15 days to five days for the training grace period and also required that employers assure that untrained workers receive basic pesticide safety information before they enter the working area. We exempted qualified crop advisors from some requirements. We allowed early entry into pesticide treated areas to perform certain limited contact and irrigation activities. And we established criteria that would allow us to establish a class of low toxicity pesticides that can qualify for reduced restricted entry

intervals (REIs) of 12 to 24 hours. As a result of the 1995 changes, training is now required within five days of employment on an establishment if the workers will be entering recently treated areas. Basic pesticide safety information must be provided before untrained workers enter a treated area; and critical irrigation and certain limited contact tasks can now be conducted during the restricted entry intervals. Nearly 80 low toxicity end-use products have received the 4-hour REIs. We have some actions in place to add to the list some other low toxicity pesticides under the new criteria.

As we work to carry out this program, we will continue to work closely with those of you who are affected by it to address and identify new issues of concern. We don't believe that the work we've done over the last couple of years is the end, in terms of our understanding the full impacts of the bill and what we need to do to make it work for all of you. I know that many of you have concerns about the requirement--about the costs of complying with the requirement, about the enforcement of the standard, and probably other issues. Really, tonight's the night for those of you who have concerns to talk and for those us who work for the EPA and for the state, for listening. So I really do want to take the time to hear it straight from you--your thoughts about worker protection and/or what is working and what is not working.

I want to close by saying that we have a very strong commitment to making this program work, in a way that protects the health of the public in that it lessens risks while providing flexibility. We have to find concrete ways to achieve our goals and that has been our approach over the last few years. I'm looking forward to hearing all your comments and I want to thank you all for being here tonight. I'm now going to turn things over to Marion Fuller who is our facilitator.

Dr. Marion Fuller: I'll be serving as facilitator and sort of a timekeeper to make sure that everyone who signed up has an opportunity to be heard. It's very important for us tonight to hear what everyone has to say. What we're doing is taking each speaker in the order of which you signed up (and that's been provided to me right here). I'll call your number and that person having that number (and, everybody has your card?) should come up here and speak. You'll be given about five minutes and as your five minutes is coming to an end, I'll stand up and if you'll just take that as a signal to wrap it up, I think we can keep things moving rather well. For those speakers who do not speak English, we do have both a Spanish and Creole translator here at our table. They will translate for us so you don't need to be too concerned about our understanding. If you're more comfortable speaking in Spanish or Creole, feel free to do so and pause every two sentences so that they can translate that for us. And, if you'll work with them, I think that we'll move along fairly smoothly. With that, we'll take our first speaker, number 26, I believe that's Charlie Matthews.

Charlie Matthews: Good evening, my name is Charlie Matthews and I'm with the

Florida Fruit and Vegetable Association. FFVA is a voluntary association and represents the majority of the fruits and vegetable growers in the state. FFVA has been working with WPS--more than 10 years were the original negotiations--and has been involved in the process throughout, and currently we are providing a training service for our rural members. So we're well familiar with WPS and I think that some of our comments will reflect on what our growers are telling us. We sincerely appreciate you folks being here this evening, particularly the people from Washington--that you support us, that you hear us, and we're glad that you're here and take the time. I'd also like to congratulate our Department of Agriculture and tell you and Dr. Goldman that the people in Florida, in my opinion, have been doing a yeoman's job in handling this very difficult regulation.

I want to cover five quick things and I believe we have about a half of a minute for each. The first thing is the regulation is extremely complicated. If you'll remember a year ago this was the Worker Protection Standard: When you talk about the basics, these are the basics--about spraying people, about violating the entry intervals--those types of things that are easy to remember and provide Florida with a great deal of protection for our workers. Since that time, and I want to give you a quick example, this is a dual or split label, a widely used product in the state. The label is 71 pages long. So if I'm going to make an application, I, of course, read my label. The next thing I do is refer to the Worker Protection Standard and that's 65 pages long. If I don't understand that, I move to the abbreviated version of the "How to Comply" manual and that's 149 pages long. Then, in 1995, we added some revisions to WPS, a 33-page *Federal Register* notice. Then in September of 1995, we had another addition to WPS and that would have been 10 pages. And then, if you have any questions about this, yes, there are almost a hundred Q&As and that's 114 pages long. If you're making a recording, that's a total of 442 pages that we must know and comprehend in order to make a legal pesticide application in the state. In my opinion, that is extremely complicated and how we ever went from one page to 442 pages, I don't quite understand. Complicated!

The next thing, the decontamination unit: We added the "plus thirty" days right at the last minute when the WPS was finally passed. The decontamination facilities are very expensive for our growers. They don't mind--I don't think they mind--providing decontamination facilities for mixer loaders and within the restricted entry intervals. But to add another 30 days, I think, is very erroneous, particularly when you think about some of our cultivation and low contact activities that currently are now exempted from the regulations. The decontamination, at least the "plus thirty" days, is a real burden here in Florida. And the "plus thirty" days got slipped in right at the end. Over nine years nobody had ever talked about the "plus thirty" days, but then right at the last minute, at least from what I'm aware of, the "plus thirty" days got slipped in. The reason it was put in there was, at least the way it's been explained to me, is California data--there were instances where they were having worker exposure and toxicity

problems for the workers that would go in beyond the re-entry interval. If you talk with our compliance people over the last ten years, or as long as they've been keeping records, we have never had this problem in Florida where workers have entered fields beyond the restricted entry intervals. We have had problems with misuses and those type of things but never have we had a toxicity problem beyond re-entry. Correct?

So decontamination. The next thing is about [Inaudible]... in Florida. We have a complicated system for storing both fruits and vegetables. The WPS is meant to cover everybody all the way from the worker to the owner. In more simple terms, soybean fields and those types of things, it's two people. In Florida, you go from the owner that's living in Wisconsin, that's living in Nebraska, back down to the caretaker who's doing the day-to-day business, back through the processor or packer who's actually calling the shots, all the way through to the workers, and it's very complicated. Then add that to the exchange of information--who tells who what they've done, who's liable.

Finally, the restricted entry intervals. The EPA has placed a tremendous burden on the producer community. They have not placed the burden on the manufacturers. EPA asked the manufacturers to place certain REIs on the chemicals. Well, it's real easy to slap it on the label and then walk away from it. And I can't really blame a manufacturer for doing that. In Florida, we have several problems when we have to send hand labor into those fields. Our hand labor is extremely important to us, extremely. If we don't have hand labor, we don't grow certain crops in the state of Florida. With these re-entry intervals that have been reduced, things have gone from "dust has settled and sprays have dried," to "48 hours" for elemental compounds like copper, sulphur, and some of other basics. This has caused an extreme burden for our scheduling and how we can harvest crops.

Those are five things we'd like you to look at and if the EPA would like us to give a little detail in written comments we will be happy to provide them. Thanks again for coming to Florida. Glad we had good weather for you. Hope it will remain the same over the next couple of days.

Dr. Marion Fuller: EPA has requested that speakers provide their comments in writing to make sure that the points you wish to make are made and are a part of the record. Keep that in mind and provide them.

Perry Sparkman: Good evening. I want to speak with two voices tonight. First, as chairman of the Pesticide Review Council, which is a statutory council, whose mission is to review all activities on pesticides in the state of Florida and make recommendations to the Commissioner of Agriculture and other agencies and to the University of Florida as needed. We were involved from the very beginning in the implementation of the WPS, and every meeting from the past whenever we started, we've either had Norm Nesheim or somebody from DACS giving us an update, input, and the implementation process. As we went through this it seemed to me that, as complicated as this WPS was, the major

problem the state people were encountering was trying to get replies back from the EPA on interpretations of the rules. And this, I think, held up the state effort more than anything else. Just to close on that, I think that DACS and CES and the growers have made very admirable progress in implementing, given the time that was allotted to get this thing going.

As a small grower, there's two things that really bother me. One is, I do some of my own spraying. The other is done by a caretaker. As a small operator, I'm now required to wear the same PPE as a worker. I resent this. It is a big brother telling me what I should do for my own health. I see no difference from telling overweight people that they have to lose so many pounds or they are going to be fined and penalized. Ironically, as an owner, if I was caught by Dale's enforcement group not wearing this PPE, I could be fined and penalized for this. Yet a worker who has been trained by a grower, given the PPE, is not required or would not be penalized if he did not wear, or follow the instructions that he's been given. I find this sort of ironic that I can be penalized regarding my own health and yet a worker can ignore everything that he's been told.

The other thing that I object very strenuously against is, as the owner of the property I am liable, regardless of the circumstances of the workers who come on my field. We have a peculiar situation in Florida (it may be in other fruit growing areas, I don't know), but where I sell my fruit to a contractor, I have absolutely no control over the workers that come into my groves to harvest the fruits. Yet according to all the legal advice we've gotten, I am still liable for any actions that might occur if that worker has not been trained or if something happens to him. Now this is not true in any other type of business in the United States. It only applies to agriculture and I feel this is certainly a situation which should not occur. Along those lines of trying to work something out, we came up with the idea (and a number of people were involved in putting this together) of a checklist to be used by a grower, a caretaker, and a harvester. The Farm Bureau, USDA, Dale Dobberly's office, Norm's offices, and the grower--we had a grower meeting here in Winter Haven--we came up with a form that could be used, where each person would check what his responsibility would be on the WPS. I feel that if we could get some legal interpretation, that if the grower does this, and he has done everything within his power to see that everybody is meeting the WPS--the caretaker, the harvester that come in his operation--then he should be cleared of any liability in court. Thank you, that's all I have to say.

Tommy Smith: I would like to say that I'm glad that you all took the opportunity and that I got the privilege to come down here and meet with you all. I do think I could find something I'd rather be doing than meeting here but.. I want to add to something that Charlie said a minute ago on this maze of 400-and-some pages of stuff just dealing with this--because that doesn't take into consideration OHSA requirements, requirements of the Department of Health Administration,

migrant requirements, state environmental requirements dealing with the restricted type registrations, and the Right-to-Know (and you could stack them up out here and the books would be way above this podium)--that people in agriculture are responsible for knowing everything! And the human mind actually can really just go so far and this is really just pushing it.

Ms. Goldman, could you tell me how may people were injured last year by pesticides in this country?

Dr. Lynn Goldman: Our latest estimates for the number of people who have had pesticide-related illnesses are not from last year. They're from several years back from when we did the standard. And, correct me if I'm wrong, Cathy and Kevin, but I think that the number for people actually becoming ill was something like 10,000 people. But last year, we're hopeful, it was far fewer than that because the standard was going into place. One of the things that we are doing, not in Florida but in some other states, we have what we call surveillance going on, to actually count how may illnesses there are and see if the numbers are going down. There's some states that have tracked them over the years. Unfortunately, in Florida, we have not tracked them.

Tommy Smith: Do you know how many people might have been killed?

Dr. Lynn Goldman: The numbers of deaths that we had on record in the '80s have never been more than something like 10 a year.

Tommy Smith: Well, actually what I'm trying to get to--I'm not trying to pick on you at all--but there were in excess of 50,000 killed in automobiles. It's been said that over 400,000 were killed on the highways. Now we haven't stopped driving automobiles and we haven't stopped smoking cigarettes.

Dr. Lynn Goldman: I should say that although we haven't stopped driving automobiles, we have done a lot of things to make the highways safer and the cars safer and I don't think that we're saying, stop using pesticides. We're trying to make the use of pesticides safer in a very cost-effective away. And I think part of what we're here tonight to talk about is that we want to do this for the good of public health but we want to do this in the way that uses common sense and that is cost-effective.

Tommy Smith: All right, let me say first of all, that I am a consumer as much as I am a farmer. I don't know why the American Medical Association could encourage people to eat fresh fruits and vegetables if all we're doing is poisoning the people. My feelings towards these regulations--and I do not say for one minute we should not have some controls on how these things are used--but I feel that you've got an overkill situation on it. These regulations are cumbersome, burdensome, unrealistic, impossible to comply with. I had two people yesterday, that are not active in using these materials, tell me that

they could go through that book and they could come to my farm and they could penalize me for something. Now laws like that should not be on the books if it's impossible for me to comply with it and I have people telling me that they could come in and find things wrong. I mean, no tractor manufacturer in this world makes a tractor cab that will comply with the requirements.

Dr. Lynn Goldman: What I can say is specifically for pesticide regulations, the Worker Protection Standards, is that if there are aspects that you simply can't comply with, those specifics, those particulars, that's what we need to hear, that's why we're here because that doesn't make sense. I agree with you. We cannot have a regulation on the books that you simply cannot comply with, so if you want to write it down that would be very helpful.

Tommy Smith: Well, there's no need in a group of laws making criminals out of people who are basically honest and quite proud of it. And that's my biggest concern. I look at re-entry intervals that absolutely make no sense because there's no scientific data available that states that this level of [Inaudible]...is at such a point after 24 hours after use but therein you have a 48-hour re-entry. Scientific data is what we need. Thank you.

Bert McKee: I just generally would like to make some observations that I made during my [Inaudible]... and preface that with my qualifications for having made those observations. I spent 13 years as the Deputy Chief, Hazards Materials and Manager, in this county. During that time I wore a patch that said Emergency Medical Technician and I was also a volunteer fire-fighter for this county. At no time during that time did I transport someone that had been poisoned with pesticides. During this time, I also served as the Chairman for the Local Emergency Planning Committee for these five counties. I also served this state as a member of the State Emergency Response Commission and I'm able to review data of chemical releases that occur in the state. For the last six and one-half years, I have worked with farms and farmers, not only in Florida but across most of the states. I have conducted training sessions for 20 years teaching people from pre-school ages to senior citizens--all languages and all nationalities. These were fire-fighters, professionals, farmers, nursery workers, and I've come to the conclusion that the people in Florida are doing a real good job at trying to implement this law. Apparently there are some laws that haven't worked out but I would like to say that the American farmer does find a way to do this. You'll find poster boards when you go out, central poster boards that are excellent, and some of those have been in place way before the Worker Protection Standard ever started because they had OSHA posters, and migrant posters, and other posters out there. I would like to encourage growers to continue doing the good job that they have, but keep in mind that slips and falls on the farms are the ways the people many times are going to get hurt. Tractor injuries, forklifts, general safety dealing with lightning and other issues--there are

many things out there that can influence worker comp rates. And, while I think we've looked at pesticides as a way that a person can be injured, there are certainly many things on a farm that we need to address anyway to make protective and safer.

James Yowell: I'd like to thank you for the opportunity to speak to you. I represent Griffin Corporation and tonight I'm representing two of my major competitors. If this is a "consortium," then the three of us are consorting. [Laughter]

The Worker Protection Standard requires all copper hydroxide products, regardless of toxicity, to have a 48-hour restricted REI. The 48-hour interval is unnecessary and unjustified given the safety characteristics of copper hydroxide and its long history of use in the fields of Florida. We know of no incident ever occurring in Florida with skin irritation of any kind. It is our understanding that EPA based this 48-hour re-entry interval on California incident monitoring data instead of the toxicity data that companies are required to supply. EPA has ample toxicity data and we've had experts review this data, and we've had experts outside EPA review this data showing that all of the copper compounds are basically identical toxicologically. And yet the different forms of copper have REIs from 12 hours to 24 hours to 48 hours. It makes no sense. There are a number of other coppers being used--copper oxychloride, copper count-N, and tribasic copper--all replacing copper hydroxide in the field. They all have a 24 hour re-entry interval and copper hydroxide has 48. These farmers have to get in to their fields. They can't wait 48 hours to pick their tomatoes, to stake their tomatoes, to tie their tomatoes and their other vegetables. EPA should be more even-handed in instituting these REIs.

In addition to that, these other copper compounds, such as oxychloride, require a larger amount of copper per acre to be effective--more applications, and they're more water-soluble and less effective than copper hydroxide products. So you're creating an environmental loading of more coppers. Copper hydroxide is a necessary tool in the production of millions of crops grown here in Florida. EPA should reduce the copper hydroxide REI to that of other copper compounds so the growers can choose the most efficient management tool based on field conditions and not on an arbitrary REI. We feel that the REI for copper...and there's a proposal before the Agency for all copper products to be 24 hours until the data is complete from the task force. Industry has put lots of money forward and we're producing a lot of data for the Agency including field worker safety data. That data is 18 months away and we have two more growing seasons to go before that data shows up. The market is switching to less efficient coppers and less environmentally-sound coppers. My company in particular makes all of these so we sell one or we sell the other, but it just makes no sense to use a less efficient product. We would prefer to market the best product to the grower. Griffin Corporation, Agtrol Corporation, and Cuproquim Corporation--three biggest manufacturers in the country--and the Florida

Fruit and Vegetable Association have offered to meet at EPA with Bill Jordan who is currently working on our requests. It's been at the Agency for over a year. This matter needs to be resolved. We'll be coming up on another growing season and we're going to have much less efficient coppers going out, we're going to have more copper in the environment than is necessary, and we'd like to see EPA take a reasonable stance here--issue us an interim 24-hour REI for all copper products pending the completion of the data from the copper task force.

Dr. Lynn Goldman: I thought that the application that we had was for a 4-hour REI?

James Yowell: No, we had submitted two applications. Before the 4-hour application came out, we had requested that the Agency review the toxicity data.

Dr. Lynn Goldman: I'm sorry, I'm not really up-to-date with this but my understanding was that it was for a 4-hour REI, that we did review the data, and that we had some concern about eye and skin irritation for the 4-hour REIs. This is the first time I've heard about this request for an interim 24-hour REI, but we will certainly look at that and ask people to look at that quickly because I think that this is an equity issue. But as I said before, this is the first time that I have been aware that we were asked for this interim.

James Yowell: The interim REI was requested this week from Bill Jordan. Over a year ago, before the 4-hour notice came out on EPA, we had asked the Agency to look at the data. We had been requesting the Agency to look at the data and set a fair REI for this product, or reduce it. The specific 24-hour, we feel, is a good compromise. I think when the data comes out you're going to have less than that justified.

Dr. Lynn Goldman: We will look at that. It does make sense.

James Yowell: But I think we need a level playing field on compounds that have equal toxicity. They all need to be at least the same so they can choose the chemical not based on the REI.

Dr. Lynn Goldman: The others are 24 hours.

James Yowell: Copper oxide is 12 hours. A number of them are 24 hours. Hydroxide is the only one that's 48. It's the most used pesticide in the copper line and the reason it's the most used is it's the best one.

Dr. Lynn Goldman: We will look at that. We sure appreciate that.

James Yowell: Thank you.

Chip Hinton: My name is Chip Hinton and I'm Executive Director of the Florida Strawberry Growers Association, and unlike many of the specialists that you had the honor of hearing earlier, I am a generalist. Our entire membership is enrolled in the Florida

Fruit and Vegetable Association. And since Charlie Matthews was making his statements with a lot of input from the Florida Strawberry Growers Association, I'll limit my technical presentation to some brief comments that will be followed with a written record of this presentation.

There are a couple of things I would like to say. First of all, we rely heavily on others to assist us in doing what is right. We have one reason we are here: to make sure we have a safe work-place for our workers. We want to do that and at the same time we want to produce safe, nutritious food. We have relied very heavily on people like Norm, who has done an excellent job at educating; people like Steve, who has done an excellent job--with a fair and expeditious manner--with the implementation of this particular program. We've heard some frustrations and I won't say that we're exempt from them. But I think that this and the myriad of other convoluted issues and problems are not as difficult as some others. There's some concerns that this will be a foot in the door and that this will be a continuing process soon in other areas where it becomes "the tail wagging the dog." There are additional programs, additional problems, additional time, additional costs that are not based on science that have occurred--some of those concerns...

And I want to thank you for being here tonight. It's a very good sign--the fact that you are here, that you are listening, and that we are here for the same reasons. There are a couple of things that we'd like to say. Number one, a few years ago we received a request from the state Department of Safety to inspect our strawberry industry as relates to their activities and they requested a training session with us. Because I knew of our record, I asked them if in fact they would not be better served if they choose someone with a lot more problems in the safety area. Based on the workers comp information we provided them, they agreed with me and went to another commodity area.

Based upon our workers compensation for the past five years, our workers comp payback was averaging less than 4%. We have one of the lowest areas of incidents or problems of any work force of any type. There are several reasons for that. One is that the strawberry industry is one of the last "ma and pa" operations that you're going to find. Our average farm size is 19 acres. I have two people tonight with me (we're right in the middle of our production and it's difficult to break people away to get here) but my president and vice president are here. My President, Mike Watt, if you were to stumble off of his back steps, you'd probably hit a rain bird. My Vice President is Billy Simmons, if you go 64 feet out his front door you're going to be in the second row of the strawberries. Our workers live with us, live out the back door. Our kids play together. We are in that same environment that we're talking about. We are typically the person who's doing all the mixing, loading, spraying. Who's the owner? He's our grower. We want to make sure that everything is done right according to specifications and we are extremely concerned about that.

I want to thank you for this opportunity. I'd like to thank you also for the time that

you're going to be taking tomorrow to see where it stands on the situation and I look forward to that opportunity. Thank you.

Baldemar Velázquez: My name is Baldemar Velázquez, I'm President of the Farm Labor Organizing Committee (FLOC). Although we're a union in the State of...By the way, I walked onto the Spring training site of the great Cleveland Indians! [Laughter] Had to get that in, it's my team! Although we're a union from Ohio, the workers that we represent, the majority of them migrate back to Florida during the winter time and are employed with the various crops throughout the state of Florida--strawberries, citrus, vegetables, and the like.

It's surprising to me that I'm hearing some of the comments that's been made by the speakers before me, that I'm sitting here agreeing with these guys. It's very interesting. You see, we represent, I think, now close to 6,000 workers under collective bargaining agreements in the States of Ohio and Michigan on about 125 individual family farms. These are collective bargaining agreements where we have engaged the exclusive buyers of the crop--the big food companies like Campbell's Soup, Heinz USA, Aunt Jane, Green Bay Foods, Dean Foods Corporation--to sit at a bargaining table with us and with the "ma and pa" growers who grow the pickling cucumbers, tomatoes, and the like. And what we learned from this experience is that a lot of the questions in terms of farmworkers' safety that we're seeing now, because we're trying to administrer agreements and we're trying to make production work for the benefit not only of the growers and the companies but for the benefit of our people--because the more productive our people are, the more money we make--and we're coming up against some of the "irregulations" that are overburdensome to the small operators on the farm. So we're finding ways in which to elaborate and overcome some of these issues in training workers on the Worker Protection Standard.

EPA needs to hear from us how to resolve some of these problems--instead of somebody thinking up in Washington, "Well, how can we fix it, we'll just make up this law and tell these guys to do it." Then when you try to implement it, you figure out it doesn't work, because agriculture is different all over the country. In Ohio it's like here: a lot of the people who are the driving initiators of an industry aren't the growers. I mean these are the big food processing companies--the fruit, oranges, big multinational corporations--and they're partially invested in this and partially invested in many other things.

So what I'm getting at is that there is a great dysfunction within the industry because there is not the negotiating collaboration. I think the negotiating rule-making that began 10 years ago which we were part of (I was in those meetings) didn't work because there was no collaboration, there was no meeting of the minds, there was no forum for people within that industry to sit down at one table and try to sort out what could be done and what was realistic and what wasn't. Because all of us have the same desire to see a healthy, vibrant industry that we make a living in. Whether it's the corporations, whether it's the growers, or

whether it's the farmworkers, we all want to support [Inaudible]... That's really the bottom line.

Now I found some of the areas in which EPA can focus on (and I'm part of the National Environmental Justice Advisory Council and I'm the Chair of the International Subcommittee)... The thing that interests me more on how to support industry in this country is, are you applying the same standards that you're applying to the growers in the industry in this country to make the environment safe for our people, to competing fruit that comes from other countries. You know because of NAFTA and free trade that maybe you're tearing down the tariffs for tomatoes, for citrus, and for everything else. But are you requiring them to have the same Worker Protection Standard in their country as you're requiring from us--because that involves cost, that involves an advancement, that involves a whole lot of things? And, I'm going to be pushing through NEJAC, through that council, to make sure that EPA does something incollaboration with USDA, with DOL, with the integrated government bodies,to be able to do that to make our growers competitive here.

I find it interesting that I'm defending these growers because, hey, this is where our people come and make a living and we've got to keep the work site whole so it becomes a job security issue for us. So if our jobs are being threatened by competition overseas or other places...which these same food companies buy all over the world. You take a corporation like Campbell's Soup--well, they buy tomatoes in Brazil, in Mexico, they have their operations in Europe. I mean in today's transportation system, fruit is moved around the world like nothing. And I'm telling you that EPA has got to focus its attention on seeing how whole industries are integrated--whether it's oranges, whether it's tomatoes--you got to break it down little by little, crop by crop, product by product and see where you make the best influence at keeping this industry whole.

The one last recommendation I want to make is what I touched on in terms of EPA integrating with the Department of Labor, the Department of Agriculture, in terms of the concerns that overlap. There has to be a collective effort so that these rules don't fall all over each other. There are among the growers, those 120-some growers that we represent the workers on those farms...many of those small growers have problems meeting all of the standards of all the regulations that have come down combined on a particular farm. There is no grower in Ohio that is not in violation of some regulation. And if the force would be 100 percent implemented, everyone of our farmers would be in jail! Which is a ridiculous thought. So we have to do something to keep out EPA, USDA, and come to some kind of forum to see what can be massaged in that situation to create the dialogue that needs to take place on the ground between workers, between growers, to offer up some solutions to some of these real problems.

Thank you very much. Oh, incidentally, I got some cards, if any of you guys would like to talk to me at some point down the road, I'd

really like to talk to some of you guys! [Laughter and applause]

Fernando Cuevas: My name is Fernando Cuevas from the Farm Labor United Committee. I'm the First Vice President, National FLOC, but I live here in Florida. I've been calling Florida my home state for 33 years but I migrate every summer with the workers to Ohio, to Michigan, to North Carolina, wherever we need to go for my work as an organizer. I want to be able to be active with these regulations, directly with the workers but with no interferences from the workers or the growers. It seems to me that every time there is an accident out in the fields, the workers call upon myself or my staff and the growers get angry. I don't think you should get angry. I think that you should be cooperative to see how we can work together resolving the accident that happened. Most of the time it is not intentional but it's an accident and the workers are always in fear of what to do. And one of the main reasons they're in fear is they don't know what's happening to them, they don't understand what's happening to them.

A perfect example was in 1989, in the Goodsome Farm, an accident that happened here in Baalm, Florida. It was sad when I interviewed some of those workers and them telling me that they thought they were getting sick because of the breakfast they had that morning. They kept working until they dropped. Other ones, because they had just peeled an orange and started eating it, that's why they thought they were feeling dizzy, nausea, and almost ready to drop. And on and on, more stories that they told me. I went there because the workers called me the night after the incident. The same night that they called me, I heard it from the workers that called me and I heard it from the media, but I didn't hear anybody else trying to be concerned about what to do for those workers. Fortunately, the week before, the Farm Labor Organizing Committee had put a tour to bring Dr. Marion Moses to give some orientation and training to the committee staff to be able to deal with incidents like that. Otherwise, I don't know what would have happened if the local doctors and nurses didn't know the symptoms of OP [organophosphate] poisoning and what to do to handle a severe incident and accident like that. All of them ended up in intensive care. Some of them are still permanently damaged. But again, I don't see enough involvement in looking out for those folks and seeing how they can be helped.

Of that incident that happened, for the first time I can say there's some data about it (because when I first presented in 1986 on the rule-making, the first thing that everybody used to tell me on any panel was, "Fernando, where's the data?"). Well, there's some data there--1989 incident on the Goodsome Farm in Baalm, Florida--but what is being done by EPA or the industries to help those workers that are affected permanently because of that accident? We have to start paying attention to that so that all growers or all industries in the state don't get the finger pointed that they're all bad. They're not all bad. There's just a few that are delinquent and not facing the

responsibilities of the problems that create accidents like that.

We need to work jointly to take care of the accidents, to see to the needs of those workers that got affected and damaged from those kind of accidents. They'll be damaged for the rest of their lives and some of them do not understand why they got damaged because they never got explained that those *medicinas* [medicines] that they're putting in the crops are very dangerous, very toxic, and you should stay away from them. They should explain to them, it's better for everybody. If you have a gun loaded, laying around, you're going to tell somebody, "Don't touch that gun because that bullet can go off." Well, don't touch that field of pesticides because that bullet of a chemical is going to go off. And that's what we need to tell those workers before they enter into the field.

I would appreciate if we can work together in making sure that all of those workers are well aware of the dangers when there are toxic chemicals used on any crop in the state. We are from the state and we are the ones who harvest the crops so we should be also the ones that know what that label says. Not only the ones that mix it and apply it but also the ones that harvest the fruit should also be aware of what that label says, of when it's re-entry time or when it's safe to go in there, or if we need protective clothing or not. We should be told that. And we're more than happy to facilitate and make sure, you let us know and we'll communicate it to the workers if for some reason you're not doing it. We want to do that.

The other thing is that I got firsthand experience in participating in some of the so-called trainings that are being done because of this 1995 regulation that says that all farmworkers should be trained before they go into the work site. It's a joke. To me, it's a joke, some of those "trainings." They do it in 15 minutes, rushing through there and flipping the chart at the same time. I grant you, they are doing it in Spanish, but Castilliano Español, and we don't understand a lot of the words that they're using because it's not typical Spanish that we speak out in the fields, it's Castillian. That means it's the kind of language that we don't even know what they're talking about, a lot of those words. And the other thing is that while they're flipping that chart and throwing it out in Spanish, somebody else is over there bothering me: "What's your name, what's your address, where did you come from?" So how can I pay attention in a 15-minute session? I could go on and on but she stood up, so thank you very much.

Kevin Morgan: As I mentioned before, I do appreciate the opportunity for you all to come down and hear what we have to say. My name is Kevin Morgan and I represent the Florida Farm Bureau Federation. We are a membership organization with 110,000 families here in the state of Florida. This is a problem for a large portion of that membership. During the 12 years that I've been with Farm Bureau, few of the rules have caused the magnitude of problems that this one regulation has. Most of the people that know me would say that I'm a pretty positive

person, but when I sat down and tried to follow your guidelines on implementation of the thing, I really had problems finding something positive with it because there's not a lot of positives to this Worker Protection Standard. I will say that the goal of protection for workers, for farm families, is quite noble, but as someone said, I think we had that before, before these standards came into effect.

As you well know--on to the implementation part--when everything happened, when the changes were made back in '95, there was not material available. It was quite a while before anything drifted down. I know we worked with Marion, we worked with Norm, we worked with EPA trying to develop some materials. The Farm Bureau was instrumental in coming up with some things that I think helped. They didn't do as much we would have liked to but we did have some success with a record book, we had some success with citrus duties and responsibilities forms. We worked on a worker protection compliance kit and tried to disburse a few of them and it's gone a long way. And I think that you would have to say by the number of inspections that have been done in this state recently (we learned that back in June, I think)--the Department of Agriculture completed a two and a half month check where Dale and them did, I think, 500-some inspections--there were almost 200 partial non-compliance areas. Of those, 100 of them were just basic "signage" problems and real small things that were easily corrected within a day or two. This is an excellent... the farmers have done an outstanding job in trying to comply with a very, very difficult standard. But even though they've done this, there's still some problems here.

One positive that I did see in the way things are being done here in Florida is I'm glad of the enforcement system that has been put in place. In other words, I don't think that agencies that are seeking compliance, they shouldn't become addicted to a system that's built around the immediate ladling of expenses or excessive monetary penalties for non-compliance. These agencies that issue these types of high fines sometimes find themselves in the position of negotiating the amounts of settlements with the full knowledge that the penalized parties are going to be apt to settle because those same penalties are a lot cheaper than going to court. And this current system is working much better than that and I'm glad that's the one that you all used.

Even though the farmers are making this great effort to comply, they're not in compliance yet. They still have a long way to go and it has been said that maybe they can't--there are some things in this standard that you just cannot comply with. The complexity of the standard has already been mentioned--the 141 pages, the 85, and you know, I hear that every day! But when you want to get to the real problem of it, you take that tremendous volume of literature and then you mesh it with about 200 different crops we grow here in Florida, and each of those crops has a different chemical and a management practice that go along with it, when you try to mesh those requirements with those crops, then you got a lot more problems added on to it. Then you go to the OSHA requirements and on and

on and on. And although this is [just] one thing, it's a lot. One of our real fears--and to my knowledge this hasn't happened yet, but it is a big concern of ours--is that the inability of every farmer to comply with every aspect of the Worker Protection Standard could provide advocates with technicalities that could be used to launch legal battles against growers. And in doing so it would make attorneys become the actual enforcement arm of the Worker Protection Standard, and that's something I don't think you intended to do and that's something that I don't think we can live with. Thank you.

Monty Knox: Good evening. Thanks for allowing me to speak and thank you for coming down here. My name is Monty Knox, I am a greenhouse grower in the Orlando, Florida area. I've got 300,000 square foot under irrigation.

The Worker Protection Standard is a good thing. It has brought the growers kicking and screaming into the late twentieth century. Thank you, we needed you! But, there are a few things that the greenhouse is really having a tremendous problem with. One of the major ones is the re-entry periods for non-pesticide nursery chemicals--things that are not toxic. The re-entry period for the non-pesticide nursery chemicals such as growth regulators is basically my major problem in the nursery, the total 24-hour re-entry period for chemicals that, after drying, the only way to get a negative reaction would be to ingest it by mouth, or stick it in your eye, or stick in your nose, or cut yourself and stick it on your skin for a few minutes. These things, if we saw someone doing that, they wouldn't be employed very long. And we don't have people doing that.

Unfortunately, one of the side effects of the overly stringent REIs is something I'm sure no one ever thought of, but here in Florida it has reduced our spray times to after 3:00 on Friday afternoons when it cools off here in the State of Florida to (during the summer) 8:00--that's five hours. And we get from sunup till about 10:30 or 11:00 on a Saturday morning because of the 48 hours, sometimes the 24 hours. And unfortunately, one of the things that could possibly happen (and I have seen happen in other nurseries) is that they're doing all of their spraying in that period of time, and if they're not careful they're going create a toxic cocktail--not in the spray release but in the actual greenhouse, because the previous chemical that has been sprayed could still be wet. And there are some fungicides that cannot go out on a spreader/mixer and if it hits that plant it's going to burn it.

One of the other things that came up, as soon as we got the Worker Protection Standards, I handed them to our attorneys and I said, "What is this going to do to our hiring practices?" Because one of the codicils in there is that we must communicate with our employees and if we don't, we are liable for any accidents. Well, I don't speak Korean, I don't speak Creole. I'm lucky enough to have a grower who does speak Creole but how can I communicate with a person who doesn't speak English? I could have signs in every language on the face of the earth. Unfortunately, it has really cramped my ability

to hire immigrants. You know, it came down to, "Who do we want to face?" Do we want to face the EPA for Worker Protection Standards or do we want to face the Department of Justice? I appreciate the opportunity to talk. Thank you.

Steve Rogers: I would like to welcome the panel here to central Florida. We've had some great weather and it's nice to be able to participate in meetings like this when the weather is nice, too. My name is Steve Rogers and I wear three hats in the agricultural industry: I'm a grower, I'm a crop consultant, and I'm a scientist. I work in all of the areas of harvesting and production with my family, and I have been for about eight years or so, so I'm familiar with the practical aspects of dealing with the WPS logistics. I'm also on the research staff at the University of Florida where my publications and research are in the area of micro encapsulation. So I also have my hand in the academic aspects of all this.

But I'm primarily talking today as a crop consultant. I handed out to you a recent reprint of an article on plant disease which describes the role of crop consultants in the agricultural industry. Certainly there aren't very many details to the aspects of our business, but our goal is to work with both producers and workers in helping the world sustain a safer but affordable food supply. When the Administration and the United States Department of Agriculture approved the National IPM Initiative, we found that was a very positive thing in our industry. The key to helping the world sustain these goods through food supply is IPM, and for the benefit of the people who might not understand the acronym, IPM is integrated pest management. The brief definition is: you use pesticides only when they're needed. As a crop consultant, I'm often called out to review agricultural producers' production operations and, critically, the decision process is [Inaudible]... to use pesticides in the first place. I think we would all agree that the best way to reduce pesticide exposure is to not use pesticides in the first place. But what we're finding is that when growers are tied down with regulatory and administrative issues, they're being pulled out of the field. And if you look on page 8 of my reprint, the core foundation of a sound IPM decision process is the survey--what's going on out there in the crops, you got to know. What's happening is that this survey is suffering because growers are in their offices managing paper work. And my point is this: as you deal with the logistics of a WPS, please consider the IPM process and please understand that farmers have to be out in the fields a good part of the day to make the right IPM decisions. Thank you very much.

Pat MacMartin: Thank you. I appreciate the opportunity to speak this evening. A couple of the items that were listed or that you wanted some input on: implementation and how local and government agencies have helped. The local county extension offices throughout the state should be commended for their assistance in helping growers get education about this WPS. Also, Dr. Norm Nesheim here probably helped more people than any other single individual in the industry

in spreading information about the law. Of course, the interpretations of the law have been very diverse. For example, one of the best questions I ever hear is, "Where's the entrance to a grove?" The implementation of this law has been accomplished through trial and error. Training is done mostly (from what I understand) through the use of [Inaudible]... First, we thought we were going to do it with flip charts and the flip charts kind of flopped. The posting requirements are being done in the barns, in the crew leader's van, and this type of thing.

The most difficult aspect in my opinion is the decontamination of supplies and maintaining that day-to-day--you know, where is your soap and where your paper towels are --they tend to disappear, the water frequently you'll find stale in the containers that you put it in. So that's something that's just a daily maintenance that's hard to keep up with, especially when you're talking about a 30-day period in a field or in a grove.

Back to the training real quick. The documentation of who's been trained for employers in agriculture who have a stable work force is not that big of an issue because you document that they're trained once every five years and you're pretty much done. Although you repeat that once a year again, the same thing for your hazard communications, for the Right-to-Know law and under the DACS you do it every time you apply a pesticide because, of course, the label is the law. The other side of the coin is when you have transient or migrant labor, I think what you'll find the majority of the time is that the employers, or the growers, the owners, are relying on the crew leaders or the contract labor foremen to supply them with documentation that the employees have been trained. Therefore, I think a lot of emphasis needs to be placed on the migrant labor contractors to ensure that they are complying with their end of this law and not relying on the growers to do that because the growers are relying on them to that.

Also, as far as notification as to when applications are made, I don't think that that's a big issue because I feel that that's what's being done anyway. So that's just putting in writing that you will tell people when you've been spraying, you know, that's part of the law I think has always been met.

The re-entry periods (as you've heard many times and I've heard) are way out of line. They're just not reasonable. Thank you very much.

Jim Hinkle: Good evening. My name is Jim Hinkle. I'm the Safety Director for a family-owned citrus organization in central Florida, in Highlandstown. I was also asked tonight to represent the Highlands County Citrus Growers Association which has over 100 growers in it. I can't say, in fact I can't say it as well Charlie, Terry, Tommy, and the rest of them have, the problems...I know this, I've heard them from day one...I did write a letter so I don't even want to go over the re-entries and so forth. I would like to say a couple of things, though. I'm a positive person also, and a bright spot in this, and just to show that it can be done, I believe I was the first or the second company inspected in Highlands County. I don't know why small growers

usually draw people to them. Elaine was there, spent an hour, and left with zero problems found. And I feel that it should be noted that it can be done. The problem is not every organization is fortunate enough to have a person hired as a full-time safety director and I can tell you that as a person in that position, I do spend a lot time. It is a full-time job just trying to comply with all the rules on what can and can't be done.

I would like to note, specifically, the harvesting part. I think training our own employees, our own handlers, and so forth has never been a problem. Our own central posting and all that has never been a problem. But it's an absolute nightmare when it comes to the harvesting. We have groves in three counties that stretch (I'm guessing) 120 miles, 100 miles. We don't have the crews that come to our barn everyday from without, or from another county or something. The central posting area is a real problem. I've even gone so far as to put them on the bathrooms. I figure everybody's going to go by there. That's where I put my central posting. I'm not sure if that's even legal, which brings up a point: I don't know, except for it says "any central position," that it really says where to put the central posting, so that's where I put mine.

The other area I had a little problem understanding is decontamination. I've seen people with five-gallon buckets and two-quart containers, and bring paper towels, and a partridge in a pear tree and all that, just the bare necessities. And I've seen people with $150.00 five-gallon containers with all kinds of stuff put in the middle of them and so forth. I'd like to see somebody really specify...I mean, we know the amount, we know the water amount, but when you're talking about several people and so many gallons a person, I don't think anybody's really visualizing where you put that, or how you put that. I would like to see a little more emphasis put on the decontamination area.

The only other thing that I really had a question about was the cost involved. Is it five minutes already? Well, maybe I should run for politics, I thought this was a tough job. [Laughter] The cost: A lot of people can't afford it. I mean, we spent $7000 on computers, computer programs, videos, everything, I mean everything, decontamination kits. And I don't know whether every organization can afford to spend $7,000. So I'd like to see maybe some help in that area. Thanks again for coming. I wish that there were more people from Highlands County here. Thank you.

Silvester Rodríguez: My name is Silvester Rodríguez. I'm what they call here in Florida a crew leader, a citrus crew leader. My problem is not pesticides, or any other thing like that. With the crew leaders, the problem is faulty equipment. The company that I work for has a lot of faulty equipment. It's a lot like pesticides, you know, a lot of smoke--you know what they call in citrus the "fruit loader." This company I work for has got a lot of problems with its equipment and it's killing me. It's a lot of smoke from the pipes and it's not any help not to stop all day when I'm out there driving that thing. Now, how come we don't get any protection or we don't

get any help from the EPA when it comes to that? I really wish we would for the future. But that's about all I got to say. I wish we could get some kind of help. A lot of people they just don't want to talk about that, they just don't want to worry about it. I do. That's about all I got to say. I wish we could get some action on this matter. Thanks a lot.

Israel Báez: Good evening. First of all, I'd like to welcome you all to central Florida. I'm out of south Florida. The weather's been a little bit prettier than in south Florida. I'm Israel Báez and I'm manager of labor relations for Duda and Sons, a family-owned agricultural company that probably employs over 3,000 seasonal employees to cultivate, not just cultivate, to harvest our vegetable and citrus crops. And like Mr. Velázquez stated earlier, I think people are the main part of our business and the Duda family like many other agricultural families have known that, and safety practices and procedures were probably in place prior to the WPS coming into effect in 1995. Realistically, with the experience that I've had in the 19 years that I've been with Duda, we've had zero accidents that I know of that have been chemically-related.

Now what has WPS done to a company like Duda? To me, it's given me a lot of gray hairs. I used to have jet black hair and a nice black beard and it's changed--not just WPS, but many of the other regulations. But what's it's done is changed a lot of the focus of our department in Personnel Human Resources to become more trainers, not only with our field workers, but also with our supervisors. It's been a major task for a company our size to make sure that we stay in compliance, not only with in-house training, but with training that's been provided by IFAS, FFVA, and many of the other associations. But, fortunately, Duda is large enough to be able to realize or to afford a support staff. I'm not just talking about myself, there's about four or five like me--there's training directors, safety directors, and an R&D department that's quite large and quite expensive. Unfortunately, the smaller growers don't have that luxury or cannot afford it. And to a point, I don't know how much longer Ed Duda and Sons will be able to afford to keep on paying our salaries as a support staff to keep up with standard compliance. But we have managed to do a good job, a fair job, primarily where worker safety comes into play. Like any other organization, you come through there with a fine-tooth comb and I'm sure you're going to find some minor violations. It's impossible for anybody to be 100 percent clean. You know, like the OSHA inspector comes in to inspect our housing, he says, "If I'm going to write you up because you got a little tear in your screen and that's the only thing I can find wrong, they think I'm not doing my job."

In managing the WPS, we are experiencing some problems. The training of the workers has not been too serious of a problem because most of our operations are centered at a personnel office in their location. We've been fortunate enough to not have a lot of contractors that develop a lot of monitoring problems in making sure that the people that work with them are properly trained. But those contractors that we do have, they go through services that are provided by FFVA

to make sure that their people are properly trained.

The training of the mixer/loaders has been in existence for years and we've been doing that as far back as I can remember. The WPS was not really needed for that--the safekeeping of the employees. Again, larger companies, larger growers have always had the employees' safety in mind. The posting requirements, that's simple, because like the gentleman who spoke before said, the best place to post any information at all in the field in on the portable toilets. Even though we have centrally located bulletin boards, we also post them in the "little white offices" that you see out in the field.

The decontamination creates a major nightmare. An example is the location where my office, where my desk is located in Belleglade, we peak out at about 800 to 1,000 seasonal workers. You know, decontamination, to provide that for that number of people for a 30-day period--that realistically has not been proven to be needed because maybe an incident took place in California. You know, it hasn't happened. Our records show that. It is a nightmare.

The other nightmare is required posting of the pesticides that are used on a daily basis on the crops. I don't know how many of you all are familiar with vegetable crops. Vegetable crops require numerous sprays. And, some crops are not entered by any people until ready to be harvested, but we have to post it. In Belleglade, we have a room that's designated because we have so many crops--we got radishes, celery, all your leaf items, corn, sugarcane, it takes a room to put the required posting.

And, oops my time's up--that's that Latin blood in me, I like to talk. But one of the things that realistically (to cut the moment short) needs to be looked at and changed is the paper trail that WPS has created. The gentleman before spoke about the time that it takes supervision to do this paper work--and it's not only with WPS, it's many other regulations that have to do with a lot of paper work--that keeps them out of the fields. The other thing is re-entry periods. Re-entry periods are a nightmare when it comes to perishable commodities such as vegetables they sell in Florida where Mother Nature is very unpredictable and there are times when you have to reenter a field after a two-inch rain, or three days later you got to go in there and spray it, maybe you have to send a weed crew. You know, I think the practical side is using common sense. And, most of the growers that I've dealt with in my 19 years of experience in agriculture do have that kind of common sense... [Taping suspended momentarily]...the right to go in and keeping the people out when the conditions are not safe enough. Again, I would like to thank you all for taking you all's time to meet with us and I look forward to talking to you all again.

Dr. Marion Fuller: We're going to be taking a short break, but before we do Lynn Goldman would like to have the opportunity to say a few things here first.

Dr. Lynn Goldman: I think we still have some 20 people who are going to speak and

so I would ask all of you to stick around if you can. I think that this is an opportunity. What I'm seeing here is, not only for those of us at EPA and the state Agriculture Department to hear from all of you, but also for some of you to hear from each other and hopefully some of the things that you're hearing are new and as informative to all of you as they are to us.

There were a few specific things that I wanted to respond to that were raised and, you know, instead of waiting until the very, very end to respond to everything, I thought I might take this opportunity. One is, in terms of what I believe the farmers need to know in order to be able to implement the Worker Protection Standard (and it certainly isn't all of those 446 pages): I don't have expectations that farmers will have read and memorized all of those pages. There will not be a quiz at the end of this meeting on those pages! But you do need to understand that we have a tension between--I think we heard some of it here today--on the one hand, wanting to put in all on a page (which we have done, we have the one-page version) and on the other hand, a lot of people (and sometimes even their attorneys) wanting the specific details.

My approach to this is the one-page-version, the core of it, and using common sense. We shouldn't have to write interpretive guidance that says, yes, you can put it on the door of the bathroom if that's a central location. Of course, being a regulatory agency we could specify exactly what kind of portable toilet--if it's a white one, if it's a yellow one, you know we could get into infinite detail on this. And there may be people who have questions like that for us.

The interpretive guidance that we put out was simply in response to those kinds of questions that we got which are legitimate questions, and because many of you do have attorneys who are going to say, "You need to clarify this," and we do consider it our job to do that. But just because we've done that doesn't mean that everybody else is obligated to read through all of that and memorize it. That's something that I just wanted to make clear to all of you, that although I think it is our job to give that clarification, it is not my expectation that those are things that will be read and memorized by everybody. It should just be viewed as a tool for you--if you have a question, you can look it up and get the answer. So if that is helpful at all--I'd hope that it would be.

I would say that I do think that in this area, along with so many of the things that we do, that it is the excessive reliance on the law and the whole system and a lack of reliance on common sense that has brought us to some of the places that we are today. We do not want to be a part of encouraging that. I think that that has been one of the problems in our system. The other issue that has come up that is very much related is the issue of liability. The question was raised by several people that, regardless of the circumstances, even if you don't have any control over the people that are using the pesticides, the truth is strictly, legally, in the strictest, legal interpretation of the law, everybody with an interest--the owner, the contractors, and so forth--is liable. However, it's also true that

EPA's enforcement policy (and I know the philosophy of the State of Florida, because I've talked to these folks) is that the people who we are interested in are the people who actually have control over how the pesticide is used, and not only who are legally responsible, but are responsible in fact. Those are the people we are interested in working with to ensure compliance. And those are the people who we will be interested in also making sure that there is enforcement if they are failing to do their job, which, thank goodness, is a rarity.

Someone raised the issue of the United States and our trading partners and on that issue I think all of you do need to pay attention to that--hold our feet to the fire on the agreements that we have made. We made some very strong agreements under the NAFTA. There are side agreements on labor and side agreements on the environment, but I will tell you that the way the government works, that if you're interested in making sure the side agreements are strictly adhered to, you need to pay attention to it. The government does respond to the "squeaky wheel" in the system and there are those who would push that we not very strictly comply with those. There needs to be people who are making sure we are accountable to them. My personal belief is that the GATT is not as strong as it could have been in this area. There are some provisions in the GATT that could serve as leverage but there was also a commitment to move forward in this area by all of the countries and that's another place that the United States government and other governments are going to need to be held accountable to the agreements that we all made when we completed the GATT.

I heard one idea (and I realize that I'm jumping from topic to topic) but I heard one idea and I thought it was a great idea. It was the idea of the EPA, the Department of Labor, and the USDA getting together to look at the regulations that we all have created--the standards that we have created, the paperwork burden that we have created for the farmers, and I think this is an excellent idea. I think the time has come. And, I also think that this is an idea that the President, President Clinton and the Vice-President, with the reinventing government initiative, would really like. I guess I should say that in our second term, this would be a good one for us to address. It would be right in line with some of the other things that we have been doing. We have been working with the Department of Labor on the asbestos regulations and it is the same kind of issue where the same people are impinged upon by the DOL regulations and our regulations. And we really can bring them together and we're working with them to do that. I think we ought to be able to do that with the farming issue as well.

In closing before the break, I want to reiterate how much I appreciate all of you being here tonight. I know that you've taken time away from your families and work day and you could have been doing a lot of other different things. I am learning a lot and I'm looking forward to the things that we're going to hear in the second half of this. I am hearing, or beginning to hear, something which is very exciting to me, which is a dialogue, not only between us and you, but

perhaps between some of you. I actually heard things in common between people in this room who I thought would be more at odds with each other. You know, the farmworkers, the farmers, the industry, the pesticide industry, you all have a prominent interest in a healthy and vibrant agricultural economy, safe work places and reducing liability, and safe foods. I am very hopeful that maybe one result of the discussion that we're having here tonight is that we can all identify that common ground and continue to work together.

So, we need to be back here in what--10 minutes? Ten minutes if we can do that. Take a stretch. Thank you all.

[10 minute break]

Dr. Marion Fuller: OK. To send your written comments to EPA, it's EPA (7506 C), 401 M Street SW, Washington, DC, 20460. Address your comments to Public Docket #OPP-00427. And, if anybody needs that again, it will be available here at the table.

Andrew Esposito: I just want to mention a few points that are somewhat bothersome to us. The first one is the labels. We try to teach, or tell, our handlers that the label is the law--don't just read the label but know the label (although some of the labels could be written better). This one comes from PPE provisions. We had one recently where a few owners familiar with the closed systems...[Inaudible]... decides what we're supposed to have and then it goes on to say, "If it's an enclosed system then the PPE requirements are reduced." And I've done this annually--you have to go to the office, get the book, get a copy of it and show the handler what these provisions are, and to me if it could just be on the label to begin with...I don't see the reason it's set up the way it is. It makes it awfully confusing for a lot of people.

The second thing: oral notification. I see some problems with the actual enforcement of that or compliance where [Inaudible]... myself have gotten on a bus at a pick-up point, ridden with the crew; when the bus stops, the crew leader reads information about the price, productivity, production, and the pesticides. Now, whoever gets off the bus...Two to three hours later, I'll go back and start asking people, "What did they tell you? What were we told before we got off the bus?" "Well, I don't know. Well, I was told $7.00 a tub." "What else?" "Well, I don't remember, I wasn't paying attention." I mean, you have a situation where an inspector comes in--now this is what I worry about--where we've done everything else and he asks those questions of people and they don't remember anything about pesticides. Well, we told them, but were they notified or were they not notified? Are we going to be fined because there's two or three people out of 30 or 40 that didn't hear the notification? I mean, were they notified? I don't know. I never told them, they didn't hear, or maybe they were notified. It's something that bothers me and it hasn't happened yet but I can just see it occurring if you had a very zealous or very picky inspector. And I just don't think if we

do everything else right that we should be held accountable for that.

One last thing. We feel that some of the 30-day decontamination requirements can be very burdensome. In our situation, we have over 10,000 acres of groves, we'll have our central location, we'll have a map, we'll have this and that, we'll have all kinds of particularities, but if you're not the average worker you may have some trouble picking which block out of that 10,000 in that particular area has been sprayed. It can be rather burdensome. And after the REI is over and the signs are taken down, well, which one out of all of those blocks has actually been treated? It can be somewhat burdensome and very difficult to understand for the average worker. That's all I think I wanted to say.

Miguel Montalvo: I'm an attorney with Florida Rural Legal Services and I just want talk about the fact that we are having a problem with pesticides enforcement in Florida even though there are not a lot of cases reported. I see people in my office come and in and say that they were exposed to pesticides and they suffered all of the symptoms clearly of pesticides. But most of the time, by the time that they go to my office, usually most of their sickness seems to have gone.

I remember before I was in this business I was a farmworker and I used to pick tomatoes. We would pick them during the day and at night we'd have this rash like when you have food poisoning and then in the morning it was gone. I heard a farmer last week saying that the condition is caused by some fluid in the plant and it causes the rash when it gets together this way, but the fact of the matter is that, through my own personal experience, I notice that when the plane was spraying near us in the fields we used to suffer the symptoms, or when the fields were actually wet with pesticides. So, the farmers follow the rules and everything--probably they're not liable for the chemicals because they follow the rules and everything. The problem is I'm talking about obvious violations. So we have problems in some areas.

I have problems filing my cases on pesticides because it's very difficult to prove it in court, because by the time we go to court it's not like you had an accident where you have the scars, or a missing arm, or whatever. I'm here to suggest that maybe we should do like they do in California. In California, even the doctors know who has been exposed to pesticides and we know there's some mandatory requirement that they report these cases. The law doesn't have to fight--I mean, in California if they don't do that, if they don't report it, they're criminally liable. But not in Florida, and we would like to have something like that. Florida will have more cases reported because compared to California there's four or five here in Florida and thousands of them in California even though we're using as many, or maybe as much, pesticide as they use. The way people talk, when the workers come and tell me that they have problems, they talk a lot about being in the fields--those applying the pesticides, tractors with no coverings, spraying the fields, all the wind going...they get completely wet,

completely wet with pesticides. And a lot of the workers I know don't have documents and they don't want to say anything because they're afraid of Immigration. But that's what I want to say.

I was reading some material--they said that they were testing this pesticide and they had 400 tests to test how the pesticides affected the leaf or the plant, but they didn't have a single test to see how they affect the farmworker, or the one who picked the fruit, or the one who applied the pesticide. Thank you.

Sharon Bigger: Good evening. I'd like to welcome you all to central Florida again. I'm not from Florida, I work with an organization called East Coast Migrant Health Project. We are an organization committed to improving the health of migrant farmworkers and I might say that we're called East Coast Migrant Health Project because we work with farmworkers and we, ourselves, are migrant as well. For example, last season I spent in South Carolina, and I'm here for the orange season, and next season I'll go somewhere else up north. I see a great difference between the application of the Worker Protection Standard in South Carolina as compared to Florida. In South Carolina I spoke with crew leaders and mentioned the words "soap and water" and they said, "No, no, no one's going to use it, why should we put it out there?" And when I talked to the workers they said, "What? Washing hands?" When I came to Florida, as I drove down the roads, I saw toilets (porta-johns) in the fields and I saw water on the back of the trucks. I said, "Wonderful, this is great." And as I go on learning and talking with farmworkers and crew leaders and growers as well, I'm learning more about the acceptance of the Worker Protection Standard and its acceptance here in Florida.

As I said, I work with an organization called East Coast Migrant Health Project and our board of directors is made up of farmworkers, of growers, of health professionals, and of independent citizens. And I guess that would be my main point or suggestion to growers (small growers and large growers): to include farmworkers, as well as growers, as well as crew leaders in the process of health education, in the process of teaching health education better. Acknowledge that farmworkers' experiences are valid, that their experiences with pesticides are true and real, and also that the growers have an interest to maintain as well. I think the growers--like someone said before--the growers and the farmworkers pretty much have the same interests: protection as well as profit. I think we need to keep both of those in mind.

I guess what I'm suggesting to EPA is creating an inspection evaluation tool of the educational process because as of now, as some people said, we started with flip charts and they flopped and now we're on to the video. And I talk with people in Florida: "Yeah, yeah, I've seen the video. Don't talk to me anymore about it." But what I would suggest is that we create an inspection evaluation tool to see if this is really effective. Because it's very common that I'll talk to a farmworker [for whom] itching is a daily fact of life. Skin itching is a fact, so much so that it's almost not even an issue anymore.

Random rashes are just a fact of life for farmworkers, from what I have learned, from what I have seen. So my main suggestion to EPA would be to create an effective evaluation tool on the educational process for teaching the Worker Protection Standard, and to the companies to include everybody in the process of teaching and protecting. Because it should not just be the grower's responsibility, it should not just be the farmworker's responsibility. I think it needs to be all of our responsibility in protecting one another. Thank you.

Román Rodríguez: Buenos noches. I'm very concerned about the time. Some of our brothers and sisters are here who only understand one language so I don't know how long I'm going to have, but I really would like to speak in Spanish for them. [Speaking in Spanish with English interpreter]: He's going to talk in Spanish but he also wants some time for the translation. He has been working for at least 12 years on the coast. He has followed all of the harvestings. He is the coordinator here in Florida of the Worker Association for Florida. A coordinator who not only has experience as a new coordinator but also as a worker. He had been...[Interpreter is interrupted by Román Rodríguez who continues]:]

About six months ago, I had a family experience where my mom and my sister were so swollen, coming running from the fields, and they were intoxicated from the chemicals. And that's just one of the ones that I had in my family. But that's just to tell you that I had that experience in my hands. When I'm talking about pesticides, I might not be able to prove it with papers and numbers and all of that, but I can tell you how it feels to be in the field and feel the pressure of pesticides.

[Speaking in Spanish with English interpreter]: As coordinator, one of my responsibilities is to coordinate the trainings. We are being approved by EPA as trainers. I, myself, am a master trainer so I can train trainers to train the workers. And we have come across all different kinds of trainings. There are trainings that are not as effective as the ones...well, I don't like to talk about me as an example, but I have seen a big difference between the trainings that we give and the trainings that are given around by video. Even though some of them are well-explained and well-meaning, some of them are even in Spanish, but as the brother here was saying, some of the words are not like the Mexicans, like the Puerto Ricans use. Even though you've been sitting there for the 15, 20 minutes, as long as the training takes, then you don't get as much. One of the things that you don't get is where to comply with the law--who is going to be responsible, you don't have nobody to report to, the workers to file complaints to follow-up on things that are happening.

I have heard and I've seen some of the cards that are not EPA exactly, the EPA official cards. There are some places where the official cards have been sold, so this isn't any joke. I mean, we are not concerned about giving the people the card. To me, myself, I don't care to give you the card or not, what I care, or our main concern, is that people learn.

Another thing that we have faced, and it is a very sad experience myself: I have taken some workers to the doctors and health providers and different places. And one of the brothers was saying before (I think Miguel) that even though some doctors are willing to help, they don't have any experience. They honestly tell you, "You came to the wrong person. Even if I wanted to help, I can't help, I cannot help." On the other hand, I think six cases last year were reported to Tallahassee. I have seen six cases within a single day. Horrible.

OK, about the accidents. As an experience, I really haven't seen a good case where an accident happened and a good follow-up was done. I've been part of various complaints and most of those complaints I haven't seen a good response from DACS. It was a big case in [Inaudible] ...on a big ranch where over 200 workers were undirected. They were using the tractors and the air was blowing the pesticides and suddenly the people started bleeding and falling down, passing away, and nothing was done. Rural Legal Services complained about it and--I don't have the facts right here with me--but it was a joke. Even though it was many people falling down in fields as they were spraying, I believe they said they could not prove it because the workers didn't know what kind of chemicals they were exposed to. Plus, nobody knows, you know, they get confused who has the responsibility--should they follow the contractor, crew leader, or the farmer?

So one of the things we would really like to ask you to turn attention to is where we complain. I myself put in a set of complaints on a few companies from Broward County and a representative from the state came and talked to me. I was very upset when I heard what he had to say to me. And I have those documents, I have this letter here telling me the requirements for a farmworker to file a complaint. He wanted to get a picture (and I have it in writing here), he wanted to get a picture of who complained, he wanted to get an affidavit, he wanted to get a state legal ID, and I think that's it. That's enough! Is this really willing to help? You know I wasn't scared, I was very upset. So it helped, I wrote a letter later on and I very strongly disagreed and it did help. Now, you know, we're working better.

But how it helps to have these laws if we have to really face these people, to force them to do the job? This is not human for people to be exposed to chemicals. We're not asking anybody not to use chemicals, but what we're asking them is to use them properly. That's all we're asking for, that's all I have to say. Thanks for the time you allowed me to be a translator.

Luckner Millien: Hi, my name is Luckner Millien and I'm representing the Farm Worker Association. I'm coming from Broward County. It's about three hours and a half driving to here and one thing that I would like to suggest is that the next time you have something like this make it for, especially for, Broward County. In Broward County, there are over 7,000 farmworkers and they are very interested in hearing all these opinions that everybody is giving.

I think the Worker Protection Standard is a good thing. It's something that farmworkers have been asking for many years. And one thing that I'm talking about is Right-to-Know pesticides. It's helping farmworkers to be concerned more about pesticides. But I would like to make a specific issue. I don't know if the Labor Department and the Agriculture Department are here or not. The reason I'm saying this is because there are many regulations that are not in effect. For example, in Broward County it's hard for us to see as farmworkers the posted warning signs when...[Inaudible] And I believe that the farmworkers aren't the only ones who are having contact with pesticides every day, every single minute and every single hour until they finish the day of work. In many companies we don't see the access to central information from the companies. And if there is this access to information, the growers will not tell the farmworkers what is this information.

Related to the re-entry times, we feel that there have been violations, especially with the small growers. Why? Because sometimes they have small acres, or a farm, or other fruits, and they apply the chemicals for one day and the next day the farmworkers are picking these fruits. In Broward County it's very normal to see, especially in the community where it is very easy to see, many farmworkers with swollen hands. Román, my friend Román, was telling you about pesticide symptoms. There are a lot of farmworkers that have been working for over 50 years and right now we can identify very easily farmworkers with long term symptoms, as he was mentioning.

For me it's a new word--decontamination sites. We don't know if they will exist or not. It's something that I haven't seen yet, a decontamination site in Broward County. I believe that, not only as Román was mentioning, we are registered to be a pesticide training site by EPA, and believe more in safety education--as Fernando Cuevas and Román Rodríguez mentioned, the Spanish is different from the workers.' Sometimes there are many of them that don't know how to read. A lot of pesticide training is given to the farmworkers in English and they don't know how to read it, and writing in Spanish is hard for them too, and so is to understand English. The solution that many of the trainers have given to farmworkers on pesticides, they just put a video in English and that's it--they don't even ask questions of the farmworkers, they don't even ask how the farmworkers are feeling about the symptoms. So I feel there has to be special training for the growers and crew leaders--they are the ones who are dealing with farmworkers and they have to have a more specialized training so they can do more education about pesticides.

There is much lack of enforcement about this regulation, so I would like to see the Labor Department deal better with this Worker Protection Standard regulation. I hope they can go to Broward County. We have a lot of documenting on companies, we could show it to them so they could go in and start doing their job. Thank you, and excuse my English.

Cruz Cabrera: Good evening, everybody. Welcome to Florida. My name is Cruz

Cabrera and I work for the Farm Workers Association in Florida. And before I went to work for the Farm Workers Association I used to work in the fields doing all kinds of work--picking oranges, vegetables, and so forth. I used to work for two different places in this country. This time I want to tell something about my work in Apopka. I call myself a community worker because I work with the community. In Apopka, I am also the employer because I sometimes try to convince the employees to receive our pesticide training and sometimes they are afraid to receive it because they don't want to lose their job. And when I talk to employers I receive a lot of complaints. These are their complaints, sometimes they are the appliers--they apply pesticides without license, without understanding the idiom, the English.

So my point is the employers are really sending the employees directly to danger because they don't know why to apply it, and they don't know for what it is, how bad it can be, and how it can affect their health. And I noticed times when I tried to talk to employers about offering our pesticide training to the workers, they said, "I gave some information to my employees." So they don't know what I say, what I am doing, but I didn't see any sign in their label and their nursery to say why it is that way, a sign that says why apply this kind of chemical in this area. I did not see nothing like that. So really I think that from EPA we need more enforcement in those areas because I noticed times when there were some employers who told me, "I don't know nothing about EPA." I think they ought to know because they are the persons who have the workers. There is nothing wrong to try to give the pesticide training to labor workers because that helps the employees and that helps the employers, too. The worker can work safely and without problems.

Another tough situation I used to find is someone from my company, or as we say in Spanish, my co-workers, sometimes...[Taping suspended while tape was changed]...and they continued with the same symptoms because I know some people cannot breathe very good because their noses are covered. I know some people who have problems with swelling when they go to their work. And that is because of the pesticides. But also, I guess some of them don't know about pesticides. So I think one of the things we need to tell the doctors is how to detect the pesticide symptoms, so when one worker goes to see the doctor, they can find if this is caused by a different disease or caused by pesticides. And we need some lawyers too, because we need some lawyers to cover these cases. Some people, they lose their jobs, they cannot work, and they don't have unemployment, they don't have any kind of benefits. So what can we do? That is my worry. We need to be more careful in these situations because it makes me sad when I try to teach the people about pesticides, how to be safe, and then when they have problems and they come to me...really, there is not a lot of help I can offer to them. So, that is all I can say. I don't have a lot of English to speak because I only use a little of it. So that is one part of my methods on this, so thank you very much.

Orlando Yanez [Speaking in Spanish with English interpreter]: My name is Orlando Yanez. I'm coming from Dade county. This is a very long and hard trip to do. We have a very big interest in giving our opinions with this matter. For the farmworkers, ourselves, the implementation of WPS is very important. It's very important for us. Some people might say that this is working for us. It's not working. I want to mention a couple of comments, specific examples, for the reason that I'm saying this.

I know places where the bottles, the containers, of pesticides are being burned in the open air. And since we are working and living very close to these places, the smoke is coming all over our places. I myself live in this town where over 200 families live, which is very close to this place where they use airplanes to apply the chemicals. They often burn the containers, so when the air is blowing through our community, it smells very bad, because all of the containers are burning and it comes to our houses. As a worker I have the experience of going to these public, portable toilets. As a worker and an organizer, I have the experience of feeling the symptoms, or what it feels like, of going to these restrooms that haven't been cleaned for more than a week.

Another joke that I found is that some of the farmers that are supposed to be responsible to train their workers, instead of training them, they force them to be trained somewhere. If they don't get trained, they deduct more than one dollar out of their paycheck--$1.25/hour is deducted from the worker that doesn't get trained. A clear example is on this ranch where the workers who are getting trained are getting $5.25, while the others who aren't being trained are getting $1.35 less.

To explain this, you have to believe that the farmers don't really understand that they can really get into a big problem because they could really kill people. In many cases (especially the avocados and the mangos) there have been cases where [Inaudible] ...has been picking and has been sprayed directly with chemicals, without knowing what kind of chemicals. I was mentioning those two types of crops, but you could see it on all the different crops--squash, tomatoes, chili, hot pepper. To mention one of the cases that happened in the last four months, where 10 workers were exposed to chemicals, all of them got symptoms but one of them died. The results from the doctor were that he died from a heart attack or something. Well, I would say that we cannot prove that but it was scary, very scary. For us, there are so many problems and we could go on and on all night long. We really hope that by doing this the laws could be really enforced. A very good night to all of you.

Tirso Moreno: All of us who work at the organization, we have experience as farmworkers. I guess that's one of the things that makes us effective in what we're doing. I worked from 1971 to 1983 full-time as a farmworker, picking many fruits and vegetables. My family and my wife still work in an orchard. After we stopped picking fruit, she worked for nine years for [Inaudible] and Sons. Me and my wife, we had experiences

that were the effect of pesticides which we did not recognize right away until years later. And doctors and people did not tell us nothing until years later when we could do nothing. It is also very hard to cope--the relationship between the pesticides and the dangerous health problems. But we had a lot of people who suffered. As my co-workers who were talking about people who suffered immediate symptoms, or immediate problems, people who truly got chronic health problems. I witness a lot of that in our community and I get a lot of reports from my co-workers about what's happening in the fields, what's happening to our people.

So, I just want to say that I think that having the Worker Protection Standard is progress. I think it's good. We have a lot to improve on those Worker Protection Standards. It will take a long time to get them improved. And I mean, I think it's good. I think probably it's going to take a long time also to put them in practice. They're not completely good. There are improvements and you know what those improvements are. And we point out those things that make the Worker Protection Standard not effective enough. In putting them to practice, I know it's going to take time. I think we need collaboration from the employers, especially the employers' agents such as crew leaders, labor contractors. I think the heads of the agricultural companies...what they say is one thing and what they're representing because their agents are saying it, is another thing. When we bring a case to the company, what we're saying, and what workers say, and what the company agent is saying--they go by what the company agent is saying. That's very true. It's their agent, it's their people, and they go by what they're saying. They don't believe in the workers and that is the problem.

And I think practice has to change. The crew leaders and the labor contractors have to help. They have to tell the workers of the dangers of the pesticides, the danger of exposure, and the consequences in the time after the exposure. If they don't start saying that to the workers, it's going to be very hard. It doesn't matter how much we tell them. I mean, if they don't do it, we're going to make complaints. I think it's important to make complaints and I think it's important that EPA, that the Department of Agriculture, that the Department of Labor go and do inspections. We have to work on some problems that we had in terms of having inspections because, as you know, some of the vegetable workers move around too much, and then by the time the inspectors come it's very hard to find proof of what has happened. So I don't know how we're going to work those problems but we have to work those problems because otherwise it's not going to be possible to take care of the inspections or to enforce the regulation.

We do trainings. We do a lot of trainings. And I give credit to my co-workers for doing good, effective trainings. Out of those trainings we get people's information so we can put complaints. I think it's very hard for workers to protect themselves. First, they don't know...if they're not well-trained, they're not going to recognize the violations that are there. First, they have to be trained. Second, somebody else has to make the complaint for

them. It's not easy for them to complain, they are afraid of the company agents, and I've been a worker and I know how you feel to put in danger a job that you need to support your family. So we are making complaints. I'm not afraid to say it, especially with those employers who are not helping in enforcing the WPS, we're going to have to make complaints.

The last thing I want to say is that we have applied for funding from the original office of EPA to do education (and that education is a form of training) and we have been denied funding. The funding, I think is for environmental justice purposes and I want you to think it out, because we need more money so we can do more work. We can prove that the work we're doing is effective work. So, I think we qualify. I don't know where the funding is going-- to rich and poor, but I think the farmworkers also have problem of environmental justice because we are what people call a "minority" and we have environmental problems at work. Thank you.

Sergio Durán [Speaking in Spanish with English interpreter]: A good night to everyone and my name is Sergio Durán (and he has asked me to be his helper). I am coming from Homestead, Florida--it's just about a five-hour drive. This is a big issue so I'm hoping that whatever I speak will be heard. I have been trained and I have seen many things that are not the way they are supposed to be--the way I was trained--they are not legal. Many times when we are working with the tomatoes, the sprayers come in and spray us without asking us to leave the place. It's not only that they spray it on directly, but we have to keep having contact with the plants. I know about re-entry time and nothing is being done about that. All of them, they don't announce anything at all when they apply chemicals.

On one of these occasions, one of my co-workers started feeling diarrhea, sweating, and stomach ache a lot and the workers said that it was related. So when the crew leader asked the farmer to take this person to the doctor, that it was the farmer's responsibility, his response was, "You should go to a particular doctor, I shouldn't have anything to do with it, it's not related to the chemicals." Being afraid of losing our job, we sort of gained confidence among ourselves and we told the farmer that he had to do something about this, knowing that he could fire us. We pushed him that he had to take this person to the doctor. In the beginning, he started laughing at us, saying that he had enough money to erase us from the earth. Afterwards, I think he started really thinking about the words that we told him and he sent a crew leader to look for this person, finally to take this person to the farmer's doctor. And the diagnosis from this doctor was saying, "Yeah, the crew was trying to catch this person."

I would really like to see more people involved and coming to our area of Homestead--to check people for not being trained and for those cards we are supposed to have. It has been a good while since the law has been in operation, and I've been working for a long time and I've never seen any inspector coming around, checking to see

how things are. I want to thank you all for listening to me.

Domingo Gómez [Speaking in Spanish with English interpreter]: Good night. First of all, my name is Domingo Gómez. I'm here as a member of the Farm Workers Association and we're based in Homestead. I'm also here as a farmworker with experience as a farmworker in the field. I have a very good example that I would like you all to hear. I was working for this farmer who was paying $5.50 per hour. At that moment, I did not have my EPA card. So because I didn't have it, and I didn't have a way to get a copy of it, I started getting only $4.25 an hour. It happened only two weeks ago. I'd really like to see something done about this. We are used like a negotiation, like a tool for the farmers. I feel like this is discrimination that they're doing against us.

I want to make this clear--that this was a farmer doing this and that I was part of that process, that action. He gathered all the workers and he stepped on his truck. The only words that he mentioned--while everybody was working and he called everybody from the fields, standing on his truck--he said, "Everybody should take showers and wash when they get home. I don't want anybody touching their babies as you're coming from the fields. What I'm saying here is in case somebody comes and investigates me. So you better understand what I'm saying. I don't want to get in any trouble so you better understand what I'm saying. Now that you understood what I meant, sign here for my protection." To defend himself he made us sign this paper for him to use whenever he needed it. I understand about the training and I understand how they need to be done. I mean, that's nothing in comparison to what he did--to say just take a shower and don't touch your baby.

In the field where we work there are many, many violations. I have been myself a farmworker for 10 years. I have many cases of experience that I could mention. Last year I was tying the tomato up on a stake so it wouldn't break and the sprayer was on top of me.

I drove five hours from Homestead with some other co-workers. This is not a joke for us--to drive five hours one way and to go back another five hours--it's not easy. I would really like to see that all of the farmworkers as we work we'd really be protected. We really wish that you see that the laws are really complied. In the name of the Farm Workers Association, I want to thank you for all of your attention.

Alfonso Serno: My name is Serno and I am with the Farm Workers Association of Florida. I have been listening to all of these things that people had to say about the situation out there and I hope that you paid good attention to them--to listen to what they said and also to take important notes about that. Many things that I have been thinking about, especially the kind of training owners are giving to people, you know it's a kind of training that's like, "Well, since you have to get a card, let's give you a 10-minute training, or 15 minutes, or a 20-minute training and then

get rid of this situation." And I hope that you really pay attention to that because when it's time to train people about pesticides, I don't think that it's 10 minutes, 15 minutes, 20 minutes--I think it takes a good amount of time to have a really good training and understanding of the situation. So that's one thing--while I was listening to some people which I never had much chance before tonight--it's something that I see every day.

And even in listening to my people in my area who are working in that particular field [Inaudible]... in that section, in that area, and not far from you the airplane is passing right there and spraying while you are in the field. And this is something that's happening every day, always happening out there. Because like me who is from Apopka ... I think you EPA people ... Apopka is famous for being the capital [Inaudible] ...of the world, but don't forget there is a big farm operation in Apopka. Me, I remember one day when I was in the field, and that day it was about 90 degrees high, and then the airplane was coming back and people had to run away fast, I mean run real fast in order to escape this way. Could you imagine, I mean the airplane is passing in the air and then the wind is blowing, when it's passing by and spraying, the wind just takes it right on you. So this is really a direct spray on people.

And my question, for EPA especially is, how do things like that keep happening? You know how it's happening? Because I remember (when was that, Sunday) I was out visiting people in my neighborhood, and there is a group of people who live in an apartment complex which I am very friendly with, and they told me, "You know, it's been happening to us with the airplanes. If the airplane is still spraying, why are we working?" And the question which came in my mind was, how do things like that happen anyway? I mean, how can growers, farmers, whoever they are--why are people out working for you in the field and having the airplanes spraying at the same time? I am sure it's not happening in every area. I am sure it's not happening in every state. But it's happening all over Florida wherever there are farms, wherever they are farming. The people, while our people are working the fields, they are spraying, OK? Pesticides are being used.

And so are the greenhouses. There are cases in the greenhouses where people are being used to spray, people who don't know nothing about pesticides, I mean nothing, OK? You can have someone from Haiti--last week it happened--and he was being used as a sprayer with no training. It is happening. Maybe you don't know it. Maybe you have not seen it. Do you know why? Because maybe you are not really out there. But people like me who are out there every day, in different fields, in greenhouses, I know it's happening because I have seen it. And you could be a fool if you think people are not concerned about it, especially the Haitian people I know. When I talk to them they are very concerned about it--they are thinking about it, they are talking about it. So, I think it's a big, big, big mistake when we are talking about the WPS and then here we are working in the fields and having the airplanes spraying not too far, you know just a few feet. And then when you are working in the field, I

mean no matter what kind of distance the airplane is from you, the wind can easily take the spray and drop it on you.

So if we are talking about the worker's protection safety, we need to know...I think EPA has a responsibility to let the growers, nursery owners, whoever they are, know: I mean business! I mean business, OK? Because pesticides, no matter what kind, they are poison. They are poisons. I mean, human beings and pesticides don't mix. They cannot be mixed, you know? Because no matter who they are, no matter where they are from, rich or poor, they are human beings because God used his precious hands to create them. And then therefore everybody has the duty to respect people as human beings no matter who they are. Thank you.

Dr. Marion Fuller: That wraps up our speakers and I'll turn it over to Lynn in just a second. I'd like to express my appreciation to all of you for observing the time (the few times I had to stand up) and I do appreciate it. And I think I speak for all of us when I say thank you for bringing a whole number of things to our attention and I'll let Lynn take it over from here.

Dr. Lynn Goldman: OK, I'm going to make it brief but I wanted to repeat some of the things that I've heard here, partly to let you know that we were listening to what you had to say. First, I want to start out though by acknowledging the excellent work that I think has been done here in Florida to comply with the Worker Protection Standard. And I think that some of the things that I have heard here today are testament to that--that the state has worked very hard at this, that we have here in Florida farmers who are aware of the requirements of this standard and are trying their best to comply. Many of them are complying very successfully and that was heartening. And we have far more workers who understand the standard--understand the standard well enough to know what their rights are. I think that is very important. And so, I believe that over the last year--really it's been just in the last year that we've had full implementation-that a lot of progress has been made here and I feel good about that.

I hear some issues that I believe EPA needs to address--probably the state, probably all of us are going to need to work on. There is one issue that is clearly an issue for the EPA, and was raised by a number of the growers here tonight, that has to do with the issue of decontamination equipment and how we deal with that. That is something that we are working on right now in the EPA in terms of clarifying that and seeing if there is some room for reducing some of the burden--if there are some common sense changes that we can make.

The second issue has to do with the 48-hour re-entry interval. I have a couple of things that I want to say to those of you who are left here. First, to say that the low-risk pesticides for which we provided a shorter REI, the 4-hour REI, we did that using what I would say was a very blunt tool. I wanted to very quickly shave off the ones that were clearly low-risk so that we were not doing an absurd thing like having a 48-hour REI for a pheromone or some very low risk thing. But

we recognize that there are some pesticides that also belong in that category that also don't require a 48-hour REI. We did use science to make that cut. We did use science. And we do have a lot of scientific data for each and every pesticide registered in the United States. But to cut other ones out, we're going to have to do a much more time-consuming, a lengthier, more difficult, scientific analysis than we did on that initial cut. And we will be looking to, in some instances, the registrants to make the case for these shorter REIs. Because this is going to be a case-by-case examination and there will be some responsibility on the part of the registrants. I'm sure in some instances the growers will want to help with that.

There were many comments about the Worker Protection Standard training and the need to evaluate the training and we do agree with that. We do have some efforts underway to do that. I too am concerned about some of the specific issues that people have raised, such as the language, the materials, and the issue of literacy of the training. These are very challenging issues. These are not questions where there are simple "cut and dried" answers. And I think we are going to have to all work together in order to find the right way to do the training in the future. The evaluations will help. I think also meetings like this help. It helps to hear from everybody about how it's going.

The issue of implementation of enforcement was raised by several people, especially many of the farmworkers, and we too are concerned about this. It's probably true that the standard has not totally penetrated into all of the agricultural sector yet. Some growers are doing all of the things that they should be doing--some probably were doing them before we did the standard (and we understand that), some are doing more today than they were before, some have not yet adopted all of the provisions of the standard, and I think we realize that. And I think that there is work underway. I think that the state is doing a good job in trying to address that. One thing that may have happened here tonight is that perhaps they have learned about some specific areas where they're going to need to concentrate their efforts. That's useful to hear about. Some of the issues like posting the central signs are important components of the standard and are going to have to be dealt with. One that was very tough, and I don't know the answer to, but I think is going to have to be worked out, is how do you deal with complaints? What is the appropriate way for a complaint to be filed and how do you deal with that? And how do you deal with the possibility of fear of retaliation because of a complaint? This is a very serious problem and one that I would encourage all of you to work together on. I don't think that we should necessarily dictate everything about how the procedures are done from Washington. On the other hand, in terms of the credibility of the process, it is very important to us that there be a guide to deal with problems if they do arise.

The issue of poisoning was another one that came up. I am a doctor myself and I do know that the training that doctors receive in the area of pesticide poisoning is not what I would like it to be. I think that doctors do

need to have better recognition of poisonings. There were some comments made about reportings and I think that is something that the state can certainly look at. I will tell you that I worked in the State of California, and even there with the law, many times the doctors do not report the illnesses. But at least there is some reporting; And it is useful having the reporting. But I think there are many reasons that they fail to report.

At EPA there are a couple of things that we are doing that I wanted to mention that I think are important tools. We do have...[Taping suspended while tape was changed] ...The other thing that we have, that I think is a very wonderful resource, is a hotline (I don't have the phone number, I think it is on some of our literature out there). It is an 800 number and it takes you to Oregon State University, where some of the top experts on pesticides in the country are in terms of understanding the toxicology. And that's available to any doctor in the country who has a question and needs to consult with somebody who's really an expert.

We are doing some work on the problem of spray drift--that was raised by some of the workers. We are doing what we call a "data call-in" with the pesticide registrants to get a better handle and they have been very cooperative with us. It is a problem and we need to have the proper science in hand to solve the problem and that's how we are approaching it.

In closing, I want to say that we take the responsibility to protect workers from pesticides very seriously and that's why we're out here tonight. I should have said at the beginning that this is the first of a number of these meetings that we're holding across the country. This is really a national dialogue on pesticides--we hope to learn something about your region but we will be out in other regions of the country as well. We do believe in continuous improvement. We want to make the standard work and in order to do that we need to get the feedback that we got tonight. And I do again want to thank all of you for coming here and doing that. This has been very helpful. Thank you. Bye.

Dr. Marion Fuller: Thank you all. [Applause]

[Meeting adjourned]

Registered Participants in the Public Meeting

Osiel Aguirre
Farmworker

Ben Albritton, Jr.
Florida Agriculture Spray Technology

Scott Almon
Florida Dept. of Labor

Raynaldo Ávilas Contraras
Farmworker

Israel Báez, Jr.
A. Duda & Sons, Inc.

Alfredo Bahena
Farm Workers Association of Florida

Kathie Barghad
Alcoma Packing Co. Inc.

Sharon Bigger
East Coast Migrant Health Project, Inc.

Ramón Bueno
Farm Labor Organizing Committee

Cruz & Alfredo Cabrera
Asociación Campesina de Florida

Chad Chandler
ISK Biosciences

W.P. Cockrell
Florida Farm Bureau

Ray Crawford
Florida Farm Bureau

Fernando Cuevas, Jr.
Farm Labor Organizing Committee

Fernando Cuevas, Sr.
Farm Labor Organizing Committee

Richard Dole
Bowen Brothers Fruit Company, Inc.

Ricky Dorman
ISK Biosciences

Frank S. Dowdle
Southern Gardens Groves Corporation

Sergio Durán
Farm Workers Association of Florida

John C. Durkin
Orange-Co Inc. & Subsidiaries

Margarita Espinoza
Turner Foods Corp.

Tina Espiricueta
Farm Labor Organizing Committee

Andrew Esposito
U.S. Sugar Corporation

José Esquível
Farm Labor Organizing Committee

Raphord Farmington
Grower

Gary Fish
Cargill

Dominique Gómez
Farm Workers Association of Florida

Felipe González
Farm Workers Association of Florida

Strick Gresham
HESCO

Mary Hartney
Polk County Farm Bureau

Al Helm
Florida Fruit & Vegetable Association

Ronald Hill
The Agricultural and Labor Program

James T. Hinkle
Smoak Groves, Inc. &
Highlands County Citrus Grove Association

Chip Hinton
Florida Strawberry Growers Association

Nate Jameson
Grower

Monty Knox
Knox Nursery Inc.

Mike Lott
FSGA

Mac Martin
Peace River Citrus Products

Alberto Mata
Farm Labor Organizing Committee

Juan Mato
Farm Labor Organizing Committee

Charles Matthews
Florida Fruit & Vegetable Assocation

Burt McKee
United Agri Products

Bobby F. McKown
Florida Citrus Mutual

Juan A. Méndez
Cargill Juice

Jesús Méndez
Turner Foods Corp.

Florencio Mendoza
Farmworker

Luckner Millien
Farmworker Assocation of Florida

Miguel A. Montalvo
Florida Rural Legal Services

Tirso Moreno
Farm Workers Association of Florida

Kevin Morgan
Florida Farm Bureau

O.N. Nesheim
University of Florida
Pesticide Information Office

Epifanio Peña
Farmworker

Benite Plillien
Farm Workers Association of Florida

Pepe Porro
U.S. Sugar Corporation

Román Rodríguez
Farmworker Association of Florida

Silvestre M. Rodríguez
Farm Labor Organizing Committee

Reyes T. Rodríguez
Farm Labor Organizing Committee

Clementina Rodríguez
Farm Labor Organizing Committee

Sementero Rodríguez
Farm Labor Organizing Committee

Rosa Rodríguez
Farm Labor Organizing Committee

Steven Rogers, Ph.D.
Ecostat, Inc.

Juan Sánchez
Farmworker

Guillermo Sánchez
Farm Labor Organizing Committee

Florence Sergile
Florida Museum of Natural History-
University of Florida

Alfonso Serno
Farm Workers Association of Florida

Bill Simmone
FSGA

Darin Simmons
Lykes Bros. Inc.

Thomas B. Smith
Thomas B. Smith Farms

Perry L. Sparkman
Pesticide Review Council & Citrus Growers

John Stephens, Jr.
John Stephens Inc.

Robert Swanson
Florida Dept. of Labor

Julian Tentes
Farm Labor Organizing Committee

Larry Tiner
Grower

Laura Vásquez
Florida Rural Legal Services

Jovier Velázquez
Farm Workers Association of Florida

Marta Velázquez
Farm Workers Association of Florida

Baldemar Velázquez
Farm Labor Organizing Committee

Charles Wilson
United States Sugar Corporation

Travis Wise
Cargill Citro

Lucy Wood
Florida Legal Services

Orlando Yanez
Farm Workers Association of Florida

James Yowell
Griffin Corporation

Site Visits and Small Group Discussions

Farmworkers, Hillsborough County, FL

- February 23, 1996, 5:00 a.m.
- Meeting with citrus workers in Hillsborough County, Florida as the workers were entering citrus orchards to glean fallen fruit.
- EPA staff, accompanied by Fernando Cuevas, Sr. and Fernando Cuevas, Jr. of the Farm Labor Organizing Committee (AFL-CIO), spoke with the workers about their awareness of safety training and other WPS provisions.
- Among the issues discussed at the meeting were:

  — AFL-CIO representatives noted what they saw as a recent trend among Florida growers of hiring independent contractors and expecting them to assume responsibilities for WPS training and other labor requirements.

  — Concerns were expressed about child labor issues, including very young children (possibly under 10 years old) working in the fields.

  — When asked, some workers said they had not received any pesticide safety training. Others had received training, in some cases in other states, such as Michigan and New Jersey. Those who said they had been trained were knowledgeable of the basic safety concepts, such as washing clothes separately, washing hands before eating, etc.

  — Most of the workers, including those who had received pesticide safety training, were unaware that a regulation existed specifically to protect them from pesticide exposure and risks.

Alcoma Citrus Packing & Processing Company, Lake Wales, FL

- February 23, 1996, 9:00 a.m.
- EPA staff, accompanied by Bob McKown of Florida Citrus Mutual, and Phillip Herndon of Alcoma Citrus, toured Alcoma's growing and processing operations.
- Among the issues and observations raised at the meeting were:

  — Visitors observed the control of pesticide mixing, loading and application operation for citrus products. Alcoma representative stressed the engineering controls used to maintain a safe mixing and loading operation.

- Alcoma representative stated that there was a need for safety training for pesticide handlers. Training was considered neither disruptive nor problematic; handlers are permanent employees.

- Training large numbers of seasonal/migrant farmworkers was seen as problematic by grower because of language differences, time pressures to harvest, etc.

Fancy Farms Strawberry Production

- February 23, 1996, 1:00 p.m.
- Tour of medium-sized strawberry production facility in Plant City, FL.
- EPA staff met with Chip Hinton of Florida Strawberry Growers Association; Carl Grooms, manager/owner of Fancy Farms; Fernando Cuevas, Sr. and Jr. of FLOC/AFL-CIO.
- Among the issues discussed at the meeting were:

  - Concerns about REIs interfering with continuous harvesting of strawberries.

  - Concerns about liability and nuisance suits. Recent experiences with inspections by other federal agencies focused on issues perceived by growers as minor rather than focusing on major issues or problems.

  - Grower's observation that workers seem disinterested in training and central posting of pesticide application information. Central posting in particular is burdensome to maintain, especially when it appears not to be used by workers.

Migrant Housing, Lake Apopka, FL

- February 23, 1996, 5:00 p.m.
- EPA staff, accompanied by Tirso Moreno, Farm Workers Association of Florida, toured migrant housing.
- Among the issues discussed at the meeting was the concern raised by Tirso Moreno and others that the housing situation was overcrowded and substandard.
-

Farmworkers, Apopka, FL

- February 23, 1996, 6:00 p.m.
- EPA staff, accompanied by Tirso Moreno of the Farm Workers Association of Florida, met with seasonal and migrant farmworkers at the union hall in Apopka, Florida.
- Among the issues discussed at the meeting were:

- Concerns expressed about spraying when workers are in the fields; potential exposure risks for fern workers; greenhouse workers' exposure to wet pesticide residues on foliage; growers ordering workers to enter fields shortly after spraying; confusion regarding rights and protections provided by WPS.

- Farm Workers Association of Florida representative proposed that farmworker organizations be allowed to act as enforcement agents and take action against violators.

- Concerns that doctors are misdiagnosing pesticide-related injuries and illnesses.

- Questioning of the Agency's commitment to follow through on the information gained from these meetings, and a general plea for better working conditions.

Written Comments

"EPA Must Reduce Copper Hydroxide's Unnecessary Restricted-Entry-Interval"

Bobby F. McKown
Florida Citrus Mutual

Kevin Morgan
Florida Farm Bureau Federation (2)

Charles H. Matthews, Jr.
Florida Fruit & Vegetable Association

W. Gregg Hartt
Highlands County Citrus Growers Association, Inc.

Smith & Johns, Inc.

James T. Hinkle, Sr.
Smoak Groves, Inc.

Robert R. Roberson
Tran Trex Foliage

RECEIVED 03/ OPP#00427
MAR 8 1996
OPP PUBLIC DOCKET

(1-P)

EPA Must Reduce Copper Hydroxide's Unnecessary Restricted-Entry-Interval

- The WPS requires all copper hydroxide products, regardless of documented toxicity, to have a 48-hour restricted-entry-interval (REI).

- A 48-hour REI is unnecessary and unjustified given the safety characteristics of copper hydroxide and its long history of use in the field without incident in Florida.

- EPA says it based the 48-hour REI on California incident monitoring data. However, dried copper hydroxide has posed no known hazard to agricultural workers entering treated fields over many years of use in Florida.

- All other copper compounds have lower REI's than copper hydroxide while data on file with the Agency demonstrate nearly identical toxicity.

- The other copper compounds being used instead of copper hydroxide, solely because of the unreasonable REI established by the WPS (copper oxychloride, copper count-N, and tribasic copper), all have comparable safety risks but are less effective and require higher overall application rates to obtain equivalent disease control.

- Copper hydroxide is a necessary tool in the efficient production of many crops grown in Florida.

- EPA should reduce the copper hydroxide REI to that of the other copper compounds so growers can choose the most efficient management tool based upon field conditions, not on an arbitrary REI.

- The copper hydroxide REI should be no more than 24 hours.

- Griffin, Agtrol, Cuproquim, and the Florida Fruit and Vegetable Association have offered to meet with EPA's Bill Jordan, in Washington, to express the urgent need to reduce the copper hydroxide REI. This matter needs to be resolved immediately. Copper hydroxide is a very valuable tool that has become unusable for growers because of the unnecessary and arbitrary REI established by EPA in the WPS.

Florida Citrus Mutual
TELEPHONE (813) 682-1111 · P. O. BOX 89 · LAKELAND, FLORIDA 33802

BOBBY F. McKOWN
EXECUTIVE VICE PRESIDENT
AND
GENERAL MANAGER

February 23, 1996

Ms. Lynn R. Goldman, M.D.
U.S. Environmental Protection Agency
401 "M" Street S.W.
Washington, DC 20460

Dear Dr. Goldman:

It was indeed a pleasure to have you and other members of your EPA team visit Florida for the purpose of conducting a workshop on the Federal EPA Worker's Protection Standards.

Florida Citrus Mutual, a voluntary cooperative association whose active membership consists of 11,867 Florida citrus growers, advances its comments relative to the Workers Protection Standard meeting held at the Noro Mayo Citrus Building, Winter Haven, Florida on February 22, 1996 at 7:00 p.m.

Florida Citrus Mutual respectfully requests that the Environmental Protection Agency give serious consideration to the idea of amending the Worker's Protection Standards in two instances in particular.

The two instances are: Restricted entry intervals (REI) and the time frames related to decontamination. Florida Citrus Mutual believes that climatic conditions has a significant impact on time of re-entry, and that data should indicate and demonstrate that restricted entry intervals could be reduced substantially for Florida citrus. Florida Citrus Mutual further believes that timely decontamination time frames in most instances could coincide with the restricted entry intervals.

We are hopeful that you and your staff found the tour of the Alcoma Packing, Inc. facility to be informative and demonstrated the significant progress the Florida citrus growing industry has made in its use and handling of pesticides and its processing of quality citrus juices.

Telefax (813) 682-1074

If I can be of any additional assistance, do not hesitate to call this office. Warm regards.

Sincerely,

Bobby F. McKown
Executive Vice President/CEO

McK/erc

#OPP-00427

Florida Fruit & Vegetable Association

4401 E. Colonial Drive
Post Office Box 140155
Orlando, Florida 32814-0155
(407) 894-1351 • Fax (407) 894-7840

John C. Norris, President
Glenn R. Rogers, Vice President
Michael J. Stuart, Executive Vice President

March 11, 1996

Ms. Jeanne Heying
Field Operations Division (7506C)
Environmental Protection Agency
401 M Street, SW
Washington, DC 20460

Re: National Dialogue on the Worker Protection Standard (WPS) - - - Written Comments from Florida Meeting

Dear Ms. Heying:

The Florida Fruit & Vegetable Association (FFVA) appreciates the opportunity to comment on the WPS. The WPS is a far-reaching new regulation which has added a significant burden on Florida's fruit and vegetable growers.

FFVA is a voluntary grower association which represents the majority of Florida's fruit (including citrus), vegetable and sugar cane production. All totaled, these three industries represented over $3.5 billion in farmgate value during 1995.

FFVA has been involved in the re-write of EPA's WPS since the negotiated rule making approximately 10 years ago. FFVA also provided detailed comments on the proposed rule. FFVA has provided numerous educational opportunities for Florida's agricultural industry over the past 7 years. FFVA responds to grower WPS questions on almost a daily basis. Finally, FFVA offers an EPA approved worker training program for the membership's growers.

There are five general areas in which we would like to comment. These general areas have been identified based upon grower comments over the last two years. The five areas include:

1) Extremely complicated rule that is difficult to comprehend and comply with;

2) Providing decontamination facilities for 30 days beyond an expired Restricted Entry Interval (REI) is expensive and unnecessary based upon Florida environmental conditions and Florida's history of pesticide exposure incidences;

3) Liability chain from the farm worker to the owner;

4) Confusion regarding the responsibility in the exchange of information; and,

5) Impact of REI extensions for extremely important pesticides.

The following summarizes our grower's problems with each area. A proposed change to correct these problems is also provided.

Extremely Complicated Rule that is Difficult to Comprehend and Comply

Previous to the new WPS regulations, WPS involved four important and easy to understand provisions which were printed on <u>one</u> page of the Code of Federal Regulations. Today a grower must read and comprehend approximately 442 pages. This large number of pages consist of the following:

Pesticide label (Metolachlor as an example, EPA Reg. No. 100-673)	71 pages
WPS (August 21, 1992)	64 pages
How to Comply Manual (July 1993)	149 pages
WPS Revision (January 11, 1995)	33 pages
WPS Revision (September 29, 1995)	10 pages
EPA WPS Question and Answer (March 15, 1995)	144 pages
GRAND TOTAL	441 pages

The statement that growers do not need to comprehend all 441 pages is not correct. In order to comply with WPS growers must comprehend all 441 pages because an inspector or a worker's lawyer will hold the grower responsible for all 441 pages.

Because of the voluminous pages of WPS regulations, the WPS is extremely complicated. This complication makes the WPS not only difficult to comprehend, but also difficult to comply with.

An indication of the difficulty growers are experiencing with the complexity of WPS is the amount of time growers are having to set aside in order to comply with WPS. Larger farms must designate at least one employee to handle WPS compliance. Smaller farms have noted that 25% to 50% of a manager's time is spent complying with WPS regulations. As Florida growers are "price takers" and not "price setters" for the products that they grow, WPS is having a negative impact on our growers' bottom line. Employees who are responsible for WPS are not assisting in producing the crop, but, are considered overhead that U.S. farms must absorb which makes our grower less competitive in a global market.

Recommendation #1: Revise WPS to remove complexity and boil down into six to twelve easy to understand rules.

Not Necessary to Provide Decontamination Facilities Beyond REI

WPS requires that employers provide decontamination facilities for 30 days after the expiration of an REI. Under Florida's growing conditions, this 30 day requirement is unnecessary for several reasons. First, Florida climate is considered semi-tropical. This means that our temperature and rainfall are relatively high as compared to the rest of the country. In fact, Florida annually receives between 55 to 65 inches of rainfall. Also, almost every day the relative humidity reaches 100%. These environmental conditions results in the rapid breakdown of pesticides. Second, FDACS has reviewed their data base on pesticide exposures incidences and they have told FFVA that there are no pesticide related cases of human illnesses after the expiration of an REI. The only problems associated with worker exposure have been when workers re-enter a field before the expiration of an REI. This was the case in the highly publicized Goodson Farms incident.

Many people suggest that the reason Florida's human exposure incidents are low is because Florida does not have a good reporting system. This is not true! Physicians are required by law to report all potential pesticide exposures to the state. Most physicians are aware of this law as FDACS has many times mailed out this information and FDACS employees regularly give educational presentations to state-wide meetings regarding the reporting law.

It is our understanding that the "plus 30 days" provisions were added to WPS as a result of the review of California data. FLORIDA IS NOT CALIFORNIA. If California has problems dealing with worker exposure to pesticides for 30 days beyond the REI, then deal with California. The rest of the country, in particular states with humid climates like Florida, should not have to be burdened with additional regulations because there have been reports of pesticide poisonings in an arid state like California.

Decontamination facilities are expensive, particularly when they must be provided for 30 days beyond an expired REI. The way this part of the regulation is worded, all employees who work in a field must be provided with a decontamination facility. This means that all cultivation tractors, all worker vehicles, and/or all fields must have an operational decontamination facility throughout the production season. Estimates from some of Florida's larger farms for decontamination facilities is $70,000 annually.

Recommendation #2: Eliminate requirement for decontamination facilities beyond the expiration of an REI.

Liability Chain From the Farm Worker to the Owner is Too Broad

The notion that the owner of a farming enterprise is ultimately responsible for WPS compliance does not provide responsibility in the appropriate place. Also, in many instances, the owner has no control over the day to day operation of the farm. There are numerous instances in Florida where the owner resides in another state. In many instances the owner is unaware what pesticides are used, when pesticides are used, and when workers are in the field. It is not fair to place WPS responsibility on owners unless they are involved in the day to day activities of the farming operation.

Since the beginning of FIFRA, the burden of responsibility has been on the applicator of the pesticide. The person who makes the pesticide application or oversees the pesticide application knows what pesticide is used, what are the pesticide label restrictions, and when/where the pesticide was used. The applicator is the individual who is knowledgeable about pesticide use and, therefore, should be responsible for WPS since WPS is a label-drive regulation.

Workers also have an important role, if not the most important role, in WPS compliance. All the training, knowledge of WPS, providing PPE, etc. can not result in the worker being any safer unless the worker takes on the responsibility. As a policeman gives a speeding ticket to the person driving the car and not to the person who taught him how to drive, so must WPS enforcement apply responsibility to workers if all provisions of the law are provided by the grower.

Recommendation #3: Better define responsibility to the pesticide applicator or the person overseeing day to day operation of the farm and provide more incentive to workers to demonstrate their responsibility.

Confusion Regarding the Responsibility in the Exchange of Information

The responsibility in the exchange or flow of information is somewhat related to the previous issue. WPS requires that several different people on a farm communicate with each other. In some instances, these people have had very little contact with each other. Applicators must comprehend the pesticide label's WPS information (REI, notification, etc.), then relay this information to the farm workers.

As is the case with liability, exchange of information is difficult for absentee owners or farm managers who have little day to day interaction with the farm. Also, if information is made available, is it the responsibility of the applicator to see that all farm workers have this information? Again, farm workers must take on some responsibility in the exchange of information. It is practically impossible for owners, pesticide applicators, etc. to be personally responsible for making sure that every farm worker knows about every pesticide application. If owners or applicators make information available, then the farm worker should have the responsibility to obtain and use this information.

Recommendation #4 Better define each parties responsibility in the exchange of information.

REI Extensions Impacting Production

During WPS's most recent revision (Part 170), very little attention was provided to Part 156 because it primarily was written for registrants to review and comment. Many of the sections in Part 156 were extremely technical to the extent that most people outside of the registrant community understood the potential impact of the revisions. Also, even if growers understood Part 156, growers did not have the basic pesticide data to determine the impact on the end use restrictions to be placed on the label. In fact, EPA could not even tell us which or how many pesticides would have increased REI's.

Part 156 had very little impact on registrants in terms of economic impact. While all labels had to be revised, all a registrant had to do was add the generic WPS statement and follow Part 156's "decision tree" in regard to PPE, REI, etc. After the labels were updated, the registrants' responsibility was achieved.

Significantly different from the registrant's responsibility, growers must comply every working day with the use restrictions on the label. Some of the changed use restrictions have had a significant impact on growers effecting every working day. For example, FFVA submitted data and information for an exception to the federal label REI restrictions for chlorothanonil and copper hydroxide on several vegetable crops to reduce the REI from 48 hours to 24 hours. EPA denied this request. Some crops must be harvested on a regular basis at the height of their maturity in order to be shipped across the country. Also, many crops require other types of hand labor (hoeing, etc.) at regular intervals. As high pest pressure and adverse weather conditions are added to this dilemma yields are lost just because of an increased REI.

One way growers are coping with the increased REI's is to apply additional pesticides. In cases where scouting, pest pressure, beneficial populations, etc. were all important factors in determining whether or not to apply pesticides, the increased REI's causes growers not to risk losses due to pests and go ahead and apply additional pesticides. For example, a pest is present in the field and the harvest data or cultural practice (hoeing, etc.) date is approaching where the use of a reduced rate could possibly control the pest. However, with a 48 hour REI the grower can no longer risk not controlling the pest. The increased REI's are having the opposite effect that EPA had intended in that in certain instances more pesticides are being used as a result of the revised WPS.

Recommendation #4: Reduce REI's, particularly for labor intensive crops, and/or approve new products which control hard to control pests with shorter REI's.

FFVA appreciates EPA's willingness to review the WPS. With only a few minor changes, EPA can make WPS more efficient for growers while maintaining the same high standard for worker protection.

As a side note, FFVA has a subsidiary which offers Florida growers worker compensation insurance. In fact, FFVA's worker compensation company is Florida's largest provider of agricultural workers compensation. When one inquires what types of hazards they are concerned about, pesticides fall to the lowest priority. Important hazards to farm workers are accidents, back injuries, etc. There are very, very few chemical exposure cases that have even been reported over the last ten years. Based upon their data and FDACS reporting data, worker exposure to pesticides is not an important worker hazard in Florida. Part of this excellent record is the value employers place on their employees and the excellent educational opportunities available from the University of Florida and FDACS. With such a positive pesticide exposure record, our growers became extremely frustrated trying to comply with such a complicated regulation. Any efforts EPA can provide to streamline WPS will enable growers to spend more resources on more important work place hazards, reduce pesticide use, and allow growers to remain competitive in a global market.

Florida Fruit & Vegetable Association
4401 E. Colonial Drive P.O. Box 140155, Orlando, Fla., 32814

Again, thank you for seriously considering our comments and if you have any questions or if we can be of any assistance, please do not hesitate to call.

Sincerely,

Charles H. Matthews, Jr.
Assistant Director
Environmental and Pest Management Division

CHM/eag

Florida Fruit & Vegetable Association
4401 E. Colonial Drive P.O. Box 140155, Orlando, Fla., 32814

07/ OPP #00427

(2PP)

FLORIDA FARM BUREAU FEDERATION

P. O. Box 147030, Gainesville, Florida 32614-7030 Telephone (904) 378-1321

February 19, 1996

Ms. Jeanne Heying
Field Operations Division
Office of Pesticide Programs (7506c)
Environmental Protection Agency
401 "M" Street, SW
Washington, DC 20460

RECEIVED
MAR 8 1996

OPP PUBLIC DOCKET

Dear Ms. Heying:

Thank you for the opportunity to comment on the Worker Protection Standard (WPS) and its implementation. During my twelve years with the Florida Farm Bureau Federation, I have seen few rules that have created the magnitude of problems for growers that the WPS has. I'm sure you will hear, and receive by mail, many personal examples of how WPS has affected individual growers.

As you well know, when the new requirements of the WPS went into place there was no information available for several months. This caused delays in farmers' efforts to educate themselves about the WPS and to decide how to implement the requirements into their specific operations. Florida Farm Bureau Federation was very concerned with the lack of materials and joined forces with The Florida Department of Agriculture and Consumer Services (FDACS), the University of Florida/Institute of Food and Agricultural Sciences (IFAS) and Extension to create and distribute various materials that would help growers in their efforts to comply. Materials that have proven to be the most popular are the Florida Farm Bureau Record Keeping Booklet (with over 5,000 copies sold), the WPS Compliance Kit, and the WPS Inspection form. Growers really like the inspection form because it's the same one used by FDACS inspectors and can be used as a checklist when preparing for a compliance inspection. The Pesticide Review Council asked us to create a WPS "Duties and Responsibilities Form" for citrus growers that would allow them to formally divide WPS responsibilities among the many people involved in the production of citrus. As other materials were made available by EPA, FDACS and others made every effort to distribute materials and begin the education process. It is still a slow process, especially for training materials. One reason is because of the sheer number of farm workers and the volume of materials needed to train them.

Even though we are not pleased with many of the requirements of the WPS, I believe the current system of enforcement is an excellent example of how government agencies should operate when seeking compliance; agencies should not become addicted to a system built around the immediate levying of excessive monetary penalties for noncompliance. Agencies that issue excessive fines sometimes find themselves trying to negotiate amounts of settlements with full knowledge that the penalized party will be inclined to settle because a settlement is often less expensive than a trial. I understand that under the current system, FDACS conducted 518 inspections in a two and a half month period last spring. Only 196

had partial non-compliance areas. One hundred of these 196 were general posting errors, which were easily corrected within a few days. Considering the difficulties mentioned above, this is an outstanding effort that we are proud of: 62% compliance the very first year.

Farmers are making valiant efforts to comply with the WPS; but the complexity of the standard has overwhelmed them in Florida and across the nation. Not only were we required to learn the contents of a 141 page "How to Comply" manual and a 85 page interpretive guide, we had to mesh these requirements with a variety of crop and chemical management practices for over 200 crops grown in this state. The expenses and disruption caused by these changes are still causing major problems. Common sense tells me that if this much paperwork is needed to explain what is required of growers, then it's too complicated. One of my greatest concerns is that even though compliance efforts are currently going well, the inability of every farmer to comply with every aspect of the WPS may provide advocates with technicalities that could be used to launch civil suits against growers, and in doing so become the enforcement arm of the Worker Protection Standard.

Sincerely,

Kevin Morgan

Kevin Morgan
Asst. Director
Agricultural Policy

KM:cl

#OPP00427 (13)

FLORIDA FARM BUREAU FEDERATION

P. O. Box 147030, Gainesville, Florida 32614-7030 Telephone (904) 378-1321

March 13, 1996

Dr. Lynn Goldman, Asst. Administrator
Office of Prevention, Pesticides and Toxic Substances
U. S Environmental Protection Agency
401 M Street, SW
Washington, DC 20460

RECEIVED
OPP COSB
3/20/96

Dear Dr. Goldman:

Thank you for holding the public comment forum on the Worker Protection Standard, February 22 in Winter Haven, Florida. It is vitally important that all parties effected by this rule have an opportunity to express concerns and identify problem areas. Due to time requirements, we limited our comments on the Worker Protection Standard and would like to submit the following into the record.

During the meeting, questions were raised about the accuracy of the number of pesticide-related illnesses reported by physicians in Florida. Enclosed is a copy of Florida Statute/Chapter 487 (2) that states **"It is also the express intent of this section to require all physicians to report all pesticide-related illnesses or injuries to the nearest county health department."** I believe we do the medical profession a disservice by questioning their willingness to report pesticide related illnesses. They have taken an oath to provide medical care to all and would be remiss if they neglected reporting symptoms of pesticide exposure. Dr. Roger Inman, Director of Environmental Toxicology/Department of Health and Rehabilitative Services (HRS), assured me that HRS has been providing physician training throughout the state to increase awareness of pesticide-related illness and injury. Dr. Inman has confirmed that reporting of pesticide exposures is taking place and he attributes the small number of reports to the increased knowledge users of pesticides have these days. The fact that there are few reports is good news! The low number of pesticide related illness reports indicates that farmers and their employees are using pesticides safely.

A reference was made regarding the Goodson Farms incident in 1989. This particular incident shocked and amazed the agricultural community because of the flagrant disregard for workers health and compliance with the existing rules. The Florida agricultural industry initiated and passed legislation that amended our existing pesticide law. This amendment provides for administrative fines for up to $10,000 per violation. Chapter 487.175 (1)(e) is enclosed for your information. For the farmworker advocates to continue to use the Goodson Farms incident as a current example is inaccurate. Just as children should not have to pay for the sins of the parents, Florida agriculture should not have to pay for one non-typical action seven years ago.

The issuance, maintenance and use of appropriate Personal Protective Equipment (PPE) are also concerns. All responsibility for PPE currently resides with the farmer. Growers must issue the appropriate safety equipment, train workers in its use, maintain the equipment and enforce its use by the employee. Part of this responsibility should be shared by the workers themselves. When farmers follow label requirements and issue appropriate PPE, employees should at least be required to use it properly, as they were trained. If a grower issues an employee a respirator and trains him in its use, why shouldn't that employee bear the responsibility of wearing it? Farmers should not be put in the position of being the enforcement arm of this rule.

Another concern for growers is the procedure for requesting modifications to the rule. When farmers identify specific areas within the WPS that need adjustment they must work through the WPS working group, the body responsible for sending recommendations for revisions to the EPA. This process is quite long and cumbersome. Decisions by the working group on simple changes like the size of warning signs took over six months. By the time final decisions are made, the growing season has passed and farmers have already lost time and money.

You identified another area that needs attention; consistency of REIs for similar compounds. An example of this inconsistency is Kocide and Copper. Kocide is a common fungicide used in the production of numerous vegetable crops. Its main ingredient is copper hydroxide and it has a 48-hour REI. Basic copper, with the same active ingredient, has a 12-hour REI. These products should both have no more than a 12-hour REI. Nutritional coppers (very similar compounds) have no REI. We need consistent REIs for similar products to maintain the creditability of the rule and the Agency.

The time requirements for field decontamination sites are also a problem. Worker employers must provide decontamination sites for 30 days after the REI, and if there is no REI for 30 days after the application. Under these requirements you could have decontamination sites throughout a field where the crops have already been harvested. It is also unnecessary to maintain decontamination sites for 30 days after the REI for many low toxicity pesticides. EPA should coordinate with other agencies to achieve consistency between agencies who require field sanitation. Farmers are being confused by the duplication!

Florida was one of many states that submitted a request for a reduction of the 48-hour REI to a 24-hour REI for Chlorothalonil. We were denied. I understand that EPA is considering increasing the REI for chlorothalonil to 96 hours. If this happens, EPA will be promoting a *de facto* cancellation of chlorothalonil. Such a decision would put growers in a tough position. They would be forced to decide between using the product outside the label in order to save their crops or go out of business. Either way they stand to lose. I encourage you not to push for extended REIs without reliable, scientific research to warrant the increase.

Thank you for the opportunity to express our concerns. Any consideration you could provide would be most appreciated.

Sincerely,

Kevin D. Morgan

Kevin Morgan, Asst. Director
Agricultural Policy

KM:cl

Enclosures

History.—s. 22, ch. 84-338; ss. 25, 37, ch. 92-115.

487.156 Governmental agencies. - All governmental agencies shall be subject to the provisions of this chapter and rules adopted under this part. Public applicators using or supervising the use of restricted-use pesticides shall be subject to examination as provided in s. 487.044.

History.—s. 7, ch. 74-247; s. 11, ch. 79-210; s. 2, ch. 81-318; ss. 6, 14, 15, ch. 82-167; ss. 26, 37, ch. 92-115.

487.1585 Duties of licensee with respect to unlicensed applicators and mixer-loaders and field workers. -

(1) Each licensed applicator shall provide to each unlicensed applicator or mixer-loader working under his direct supervision adequate instruction and training so that the applicator or mixer-loader understands the safety procedures required for the pesticides that will be used. The applicator or mixer-loader shall be given this training before handling restricted-use pesticides. This training shall be set forth by the department by rule and shall include, but not be limited to, the safety procedures to be followed as specified on the label; the safety clothing and equipment to be worn; the common symptoms of pesticide poisoning; the dangers of eating, drinking, or smoking while handling pesticides; and where to obtain emergency medical treatment. No licensee shall be permitted to provide direct supervision to more than 15 unlicensed applicators or mixer-loaders at any given time.

(2) Prior to the entry of workers into a field, it shall be the responsibility of the licensed applicator to assure that the worker's direct supervisor provides an oral statement to the workers, in language understood by the workers, of the warning contained on the pesticide label with respect to any pesticides that have been used within a 48-hour period.

History.—ss. 5, 15, ch. 82-167; ss. 27, 37, ch. 92-115.

487.159 Damage or injury to property, animal, or person; mandatory report of damage or injury; time for filing; failure to file. -

(1) The person claiming damage or injury to property, animal, or human beings from application of a pesticide shall file with the department a written statement claiming damages, on a form prescribed by the department, within 48 hours after the damage or injury becomes apparent. The statement shall contain, but shall not be limited to, the name of the person responsible for the application of the pesticide, the name of the owner or lessee of the land on which the crop is grown and for which the damages are claimed, and the date on which it is alleged that the damages occurred. The department shall investigate the alleged damages and notify all concerned parties of its findings. If the findings reveal a violation of the provisions of this part, the department shall determine an appropriate penalty, as provided in this part. The filing of a statement or the failure to file such a statement need not be alleged in any complaint which might be filed in a court of law, and the failure to file the statement shall not be considered any bar to the maintenance of any criminal or civil action.

(2) It is the duty of any licensee to report unreasonable adverse effects on the environment or damage to property or injury to a person as the result of the application of a restricted-use pesticide by the licensee or by an applicator or mixer-loader under the licensee's direct supervision, if and when the licensee has knowledge of such damage or injury. It is also the express intent of this section to require all physicians to report all pesticide-related illnesses or injuries to the nearest county health department, which will notify the department so that the department may establish a pesticide incident monitoring system within the Division of Agricultural Environmental Services.

(3) When damage to human beings, animals, plants, or other property is alleged to have been done, the claimant shall permit licensee and the licensee's representatives to observe within reasonable hours the alleged damage in order that the damage may be examined. The failure of the claimant to permit observation and examination of the alleged damage shall automatically bar the claim against the licensee.

History.—s. 10, ch. 74-247; s. 8, 79-35; s. 2, ch. 81-318; ss. 9, 14, 15, ch. 82-167; s. 2, ch. 84-185; s. 3, ch. 90-63; ss. 26, 37, ch. 92-115; s. 6, ch. 92-281.

487.160 Records; report. - Licensed private applicators supervising 15 or more unlicensed applicators or mixer-loaders and licensed public applicators and licensed commercial applicators shall maintain records as the department may determine by rule with respect to the application of restricted pesticides, including, but not limited to, the type and quantity of pesticide, method of application, crop treated, and dates and location of application. Other licensed private applicators shall maintain records as the department may determine by rule with respect to the date, type, and quantity of restricted-use pesticides used. Licensees shall keep records for a period of 2 years from date of the application of the pesticide to which the records refer, and shall furnish to the department a copy of the records upon written request by the department. This exemption is subject to the Open Government Sunset Review Act in accordance with s. 119.14. Every third year, the department shall conduct a survey and compile a report on restricted-use pesticides in this state. This report shall include, but not be limited to, types and quantities of pesticides, methods of application, crops treated, and dates and locations of application; records of persons working under direct supervision; and reports of misuse, damage, or injury.

History.—s. 11, ch. 74-247; s. 4, ch. 79-154; s. 2, ch. 81-318; ss. 10, 14, 15, ch. 82-167; s. 4, ch. 91-20; ss. 29, 37, ch. 92-115.

487.161 Exemptions, nonagricultural pest control and research. -

(1) Any person duly licensed or certified under chapter 482, or under the supervision of chapter 388, is exempted from the licensing provisions of this part.

(2) The use of the antibiotic oxytetracycline hydrochloride for the purpose of controlling lethal yellowing is exempted from the licensing provisions of this part.

(3) The personnel of governmental, university, or industrial research agencies are exempted from the provisions of this part when doing applied research within

government, publish information and conduct short courses of instruction in the safe use and application of pesticides for the purpose of carrying out the provisions of this chapter.

(2) The department may cooperate or enter into formal agreements with any other agency or educational institution of this state or its subdivisions or with any agency of any other state or of the Federal Government for the purpose of carrying out the provisions of this chapter and of securing uniformity of regulations.

487.171 Classification of antifouling paint containing organotin compounds as restricted-use pesticides; prohibition of distribution and sale.--

(1) The department shall classify antifouling paints containing organotin compounds having an acceptable release rate as restricted-use pesticides subject to the requirements of this chapter. Antifouling paints containing organotin having acceptable release rates and sold in spray cans of 16 ounces avoirdupois weight or less for outboard motor or lower unit use are exempt from the restricted-use pesticide classification requirement.

(2) The department shall initiate action under chapter 120, to deny or cancel the registration of antifouling paints containing organotin compounds which do not have an acceptable release rate or do not meet other criteria established by the department in accordance with this chapter.

(3) Distribution, sale, and use of antifouling paints containing organotin compounds with acceptable release rates shall be limited to dealers and applicators licensed by the department in accordance with this chapter, to distribute, sell, or use restricted-use pesticides. Such paint may be applied only by licensed applicators and may be applied only to vessels which exceed 25 meters in length or which have aluminum hulls.

(4) A person other than a paint manufacturer may not sell or deliver to, or purchase or receive from, another person at retail or wholesale any substance containing tin compounds for the purpose of adding such substance to paint to create an antifouling paint.

487.172 Educational program.--The department shall develop a program to educate and inform antifouling paint applicators, vessel owners, and interstate and intrastate paint manufacturers and distributors in the state as to the characteristics and hazards associated with organotin compounds in antifouling paints and of state laws restricting their use.

487.175 Penalties; administrative fine; injunction.--

(1) In addition to any other penalty provided in this chapter, when the department finds any person, applicant, or licensee has violated any provision of this chapter or rule adopted under this chapter, it may enter an order imposing any one or more of the following penalties:

(a) Denial of an application for licensure.

(b) Revocation or suspension of license.

(c) Issuance of a warning letter.

(d) Placement of the licensee on probation for a specified period of time and subject to conditions the department may specify by rule, including requiring the licensee to attend continuing education courses, to demonstrate competency through a written or practical examination, or to work under the direct supervision of another licensee.

(e) Imposition of an administrative fine not to exceed $10,000 for each violation. When imposing any fine under this paragraph, the department shall consider the degree and extent of harm caused by the violation, the cost of rectifying the damage, the amount of money the violator benefited from by noncompliance, whether the violation was committed willfully, and the compliance record of the violator.

(2) Any person who violates any provision of s. 487.031 or rules adopted pursuant thereto commits a misdemeanor of the second degree and upon conviction is punishable as provided in ss. 775.082 and 775.083. For a subsequent violation, such person commits a misdemeanor of the first degree and upon conviction is punishable as provided in ss. 775.082 and 775.083.

(3) In addition to the remedies provided in this chapter and notwithstanding the existence of any adequate remedy at law, the department may bring an action to enjoin the violation or threatened violation of any provision of this chapter, or rule adopted under this chapter, in the circuit court of the county in which the violation occurred or is about to occur. Upon the department's presentation of competent and substantial evidence to the court of the violation or threatened violation, the court shall immediately issue the temporary or permanent injunction sought by the department. The injunction shall be issued without bond. A single act in violation of any provision of this chapter shall be sufficient to authorize the issuance of an injunction.

#OPP-00427

HIGHLANDS COUNTY CITRUS GROWERS ASSOCIATION, INC.
6419 U.S. Highway 27 South • Sebring, FL 33870 • Phone: (941) 385-8091 • FAX: 385-5356

April 2, 1996

Jeanne Heying
Field Operation Division
Environmental Protection Agency
401 M Street, S.W.
Washington, D.C. 20460

Dear Ms. Heying:

In response to the EPA public workshop on Worker Protection Safety standards, held in Winter Haven last month, our board and members offer these observations and suggestions.

1. Paperwork--As industry representatives correctly outlined at the workshop, paperwork requirements to meet WPS regulations have increased from a single page to more than 400 pages. We suggest EPA and the Florida departments responsible for enforcing WPS regulations find common denominators on which to prepare a single form for growers that can be shared by regulatory agencies and personnel.

2. Interpretation of Rules--Recently, a FDACS inspector told growers that each pesticide handler is required to have a personal emergency eyeflush water kit on their person. In the EPA manual, Section 3, page 31, the Emergency Eyeflushing section states in part, "...The emergency eyeflush water must be immediately accessible. For example, it could be carried by the handler or be on a vehicle the handler is using. The emergency eyeflush water may be the water at the decontamination site if the decontamination site is immediately accessible."

In this case, the inspector required far stricter methods than EPA regulations and would require thousands of dollars be spent by employers in this county alone, to meet that inspector's interpretation of the regulation.

Inspectors should be discouraged from pursuing a personal agenda to include setting standards in excess of those required by law or regulation. The cost of administrative hearings and litigation limit legal access to growers to correct regulatory excess by inspectors. It is incumbent on regulatory agencies to ensure that inspectors do not exceed authority to order costly changes simply because the inspector believes stricter standards of safety regulation are required than those in place.

3. Central Posting--Obviously this is a rule developed by someone behind a desk who has not been in agricultural settings very often, if ever. For most growers, it is not uncommon to have citrus in many counties, sections and blocks. There is no central reporting point for workers to gather each day for daily announcements and postings. The workers will report to the area they are working in for the day, and the area will change often.

A more realistic approach would be to adopt the enclosed form, already approved by Florida authorities, which outlines responsibility for each area and allows the delegation of the posting and warning to the supervisor in charge of each work group. It allows a supervisor who is with a work crew regularly be responsible for providing the information, accomplishes what EPA wishes in disseminating safety information and establishes a chain of responsibility for meeting the standards.

4. Training--EPA changed standards which required employers to complete WPS training in five working days, instead of a previously approved fifteen working days.

The five day requirement is not a reasonable period when all factors of training are also considered. In addition to WPS, an employee is expected to be able to learn specific skills about the new job, the locations of work sites, company requirements and other necessary functions of the job in the same period.

It is advisable, and certainly better for a new employee, to be allowed a longer period to complete WPS training. We would suggest a return to the fifteen day training period.

5. Reentry Requirements--Standards have been a constantly moving target with a consistent lack of scientific study to back up the changes.

The standard of "until dry" is used in virtually all applications, not involving commercial agriculture. Homeowners who spread fertilizer, pesticides, herbicides and other compounds use the "until dry" standard. Commercial applicators post signs on lawns that indicate an "until dry" standard.

Some applications now require a four to forty-eight hour wait before entering an area. There is no scientific evidence for advancing this standard, only anecdotal testimony from union representatives. Citrus operations are forced to more costly operations as a result of the increased reentry standards without a significantly increased safety factor for workers being shown.

6. Respirators--One of the requirements which draws the ire of ag operators is the one which requires closed tractor operators in air-conditioned comfort to wear a respirator mask while application procedures are underway.

The respirator not only offers no protection in a covered tractor scenario, but actually may inhibit safety by limiting visibility for tractor operators.

Many of the reentry requirements also stem from crop specific problems in one state which do not manifest themselves in other states.

Chemical applications vary from crop to crop. Lettuce problems in California do not necessarily translate to problems for citrus in Florida.

The one standard fits all policy for reentry is not effective in promoting safety or financially feasible for ag operators.

Unless there is compelling scientific evidence that specifically targets a compound requiring a standard other than "until dry," those wait requirements are inappropriate.

Thank you for the opportunity to provide input in this process. Our members would be pleased to discuss any of these points with you in further detail.

Sincerely,

W. Gregg Hartt

W. Gregg Hartt
President

Worker Protection Standard – Duties and Responsibilities

1. Owner: *White Copy* — Address:
   Phone: ( ) — City/ State/ Zip:
2. Caretaker: *Yellow Copy* — Address:
   Phone: ( ) — City/ State/Zip:
3. Harvester: *Pink Copy* — Address:
   Phone: ( ) — City/ State/ Zip:
4. Other *Gold Copy* — Address:
   Phone: ( ) — City/ State/ Zip:

Duties for Workers and Handlers

Individual #:	1	2	3	4
Information at a Central Location:				
Safety Poster	☐	☐	☐	☐
Medical Facility Information	☐	☐	☐	☐
Pesticide Application Information	☐	☐	☐	☐
Information Location as Required	☐	☐	☐	☐
Pesticide Safety Training:				
Assures worker training	☐	☐	☐	☐
Assures handler training	☐	☐	☐	☐
Conducts training, if needed	☐	☐	☐	☐
Provides Pesticide Safety Sheet	☐	☐	☐	☐
_____	☐	☐	☐	☐

	1	2	3	4
Additional Duties:				
Provide decontamination sites for handlers	☐	☐	☐	☐
Provide decontamination sites for workers	☐	☐	☐	☐
Information exchange	☐	☐	☐	☐
Emergency assistance provided for handlers	☐	☐	☐	☐
Emergency assistance provided for workers	☐	☐	☐	☐
Miscellaneous:				
_____	☐	☐	☐	☐
_____	☐	☐	☐	☐
_____	☐	☐	☐	☐
_____	☐	☐	☐	☐

Duties for workers:

Restrictions During Application:				
Workers kept out of treated area during application and REI	☐	☐	☐	☐
_____	☐	☐	☐	☐
_____	☐	☐	☐	☐
Early Entry Exceptions:				
Early entry protection/training provided	☐	☐	☐	☐
PPE provided according to level	☐	☐	☐	☐
PPE cleaned and maintained	☐	☐	☐	☐
Notice About Applications:				
Oral warnings	☐	☐	☐	☐
Posted warning signs	☐	☐	☐	☐

Duties for Handlers:

Application Restrictions/Monitoring:				
Sight/voice contact at 2 hour intervals	☐	☐	☐	☐
Have access and understand labeling	☐	☐	☐	☐
Safety check of handling equipment	☐	☐	☐	☐
_____	☐	☐	☐	☐
_____	☐	☐	☐	☐
Personal Protective Equipment (PPE):				
PPE provided according to labeling	☐	☐	☐	☐
PPE maintenance	☐	☐	☐	☐
Provided pesticide free area	☐	☐	☐	☐
Disposal of contaminated PPE	☐	☐	☐	☐
Avoiding heat stress	☐	☐	☐	☐

Comments: _____

We have met and agreed to the above delegation of responsibilities under the Worker Protection Standard, 40 CFR Part 170.

1. Owner Signature/Date

2. Caretaker Signature/Date

3. Harvester Signature/Date

4. Other/Date

Reorder: Florida Farm Bureau • Ag Policy • PO Box 147030 • Gainesville, FL 32614 • 352/ 374-1537

05 / OPP #00427 (3PP)

RECEIVED
MAR 8 1996
OPP PUBLIC DOCKET

Smith + Johns, Inc. is a 400 acre farm involved in producing potatoes primarily for potato chips. Potato production is a highly mechanized industry. We farm with myself, my Dad (78 years old) and one full time employee, except during harvest when we hire my wife, 3 sons and 3 other employees at most and for at most 6 weeks.

WPS on our farm serves no practical function. Our exposure to pesticides on reentry to fields is so miniscule due to enclosed cab tractors as to be virtually no-existent. In addition most of the pesticide applications we make are fungicides (Mancozeb, Chlorothalonil) at ounces/acre which are neglible risk at any time and no risk at all in a cab tractor. The granular insecticide-nematicide (aldicarb) is applied in furrow and immediately covered, at 20 pounds of 15% material (3 pounds ai/acre). Once again no risk to a farm worker once applied. The two herbicide applications (Prowl @ 1 pt/acre + Sencor 8 ounces/acre) are incorporated into the soil immediately after application. Again there is no risk.

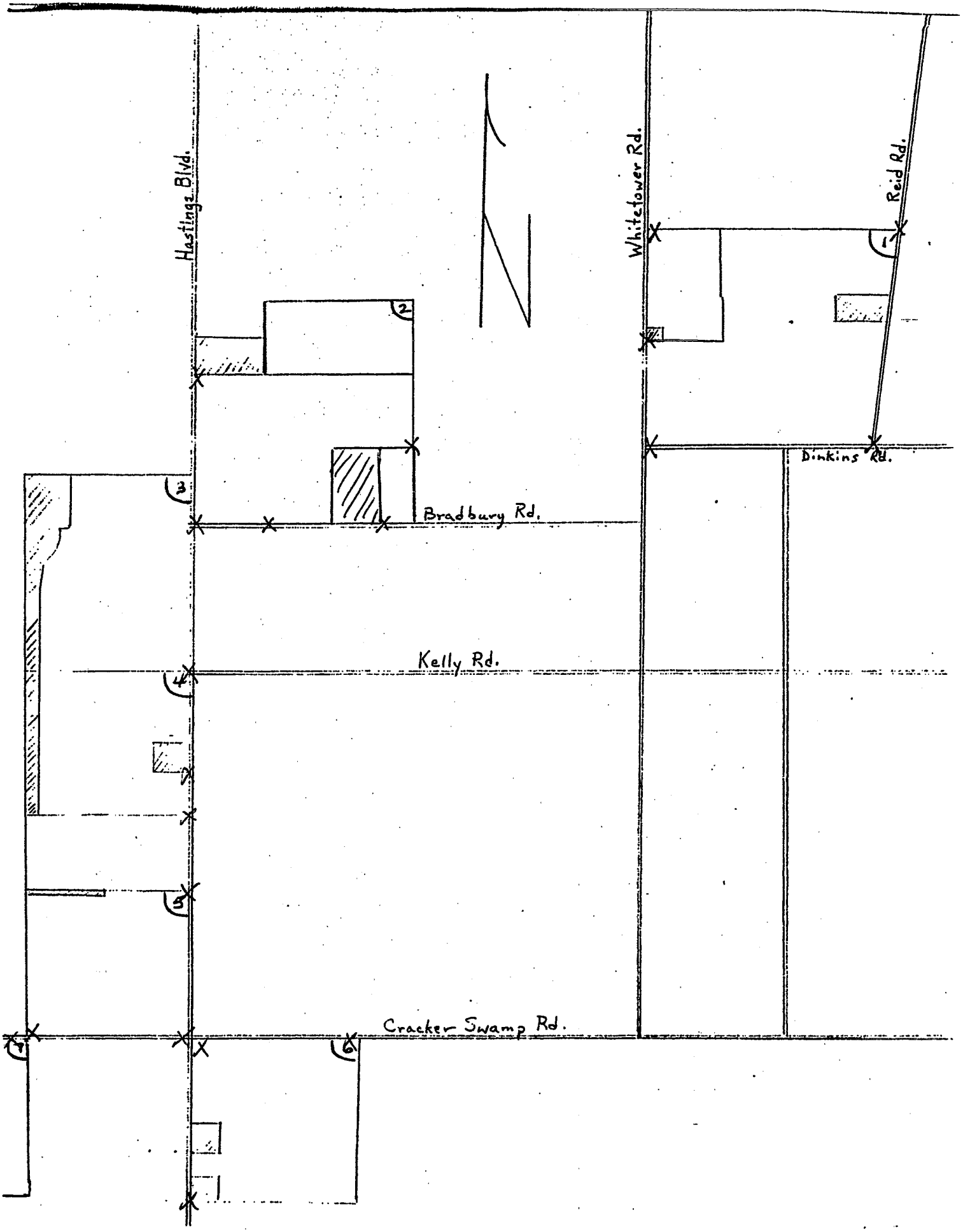
The protective equipment required in many cases presents more of a hazard to me and my employee than the improbable exposure to the chemicals. For example the equipment increases the potential for heat prostration, for spilling chemicals on yourself due to lack of control with gloves on, for tripping, slipping & falling due to lack of visibility from eye protection and failure to be able react because of apron & cumbersome foot wear.

Example 1

Field number 1 has 5 entry points and thus 5 signs. It has 90 acres in it and is about 9000' in its perimeter. To implement the WPS sign requirements while traveling via farm tractor with sprayer attached takes 5 exits from and reentries to the cab of the tractor which takes at least 30 to 45 seconds per sign, plus the driving from one sign to the next which takes approximately 20 minutes under good conditions (smoothed turnrow etc.). Therefore to position the warning signs on this one 90 acre field one time takes at least 23 minutes. To unflip the signs takes the same. Therefore it take 46 minutes in sign flipping for 90 acres/application.

Example 2

During the course of a normal potato season we will apply one fumigant, 3 herbicides, one granular insecticide-nematicide, 10 fungicides. This gives us 15+ applications of materials which will require signage. On a farm our size we will not do the whole field in one day on some of our operations. ie. planting. Normally I would plant 30 acres in a day, skip several days then plant 30 more. It would take ∴ 3 sign flipping episodes for the planting operation. This would also apply to the herbicide applications because they would be done based on emergence of plants. ∴ we would be making about 3 separately timed applications of herbicides. This means that in the course of the season we would have to flip signs on the 90 acres 21+ times @ 46 minutes per time. 46 x 21 = 966 minutes = 16 hours+ Extrapolate that over 400 Acres and we're spending over 60 hours/season flipping signs on our farm.


Hastings Blvd.
Whitetower Rd.
Reid Rd.
Dinkins Rd.
Bradbury Rd.
Kelly Rd.
Cracker Swamp Rd.
1
2
3
4
5
6
7

[A] ☒ ☒ ☒

06 / OPP #00427

Smoak Groves, Inc.

1025 County Road 17 North
Lake Placid, Florida 33852

(813) 465-2561
FAX (813) 465-7301

Susan H. Smoak
Chairman of the Board

John F. Smoak, Jr.
President

Edward L. Smoak
Vice President and Secretary

2PP

February 22, 1996

RECEIVED
MAR 8 1996
OPP PUBLIC DOCKET

Environmental Protection Agency
Attn: Jeanne Heying
Field Operation Division
401 M Street, SW
Washington, D.C. 20460

Re: EPA Sponsored Public Meeting
to discuss the
Federal Worker Protection Standard

Dear Ms. Heying:

The following outline consists of the areas in the Worker Protection Standard that we here at Smoak Groves, Inc., as well as the members of the Highlands County Citrus Growers Association feel need attention. Some sections of the standard are too vague, some are too strict, and some are just plain unrealistic as presently written. I do want to make note here that not all the sections of the WPS are in these categories. Some in fact have real value to them.

I don't believe any grower would dispute that employee safety is near the top of the list, but when laws are written that only add confusion and cost to our dailey operation causing growers to throw up their hands in complete frustation, it is time to stop; back up and take another look. That's why meetings such as this one could have a great impact on correcting these problems. This can be accomplished if all sides will make the effort to work in unity for the best considerations for everyone. We all must work with a spirit of co-operation.

Having said this, here is our outline:

Harvesting - trying to meet all the requirements in this section is unrealistic

A. Central Posting Area
B. Training
C. Oral or Posted Warning
D. Who really is responsible for what in this part of the Standard?

When a company is structured like ours (Smoak Groves, Inc.) it is impossible to have just one or even a few central posting

areas. We have groves in three (3) counties and all our crews are contract crews. The do not come to our central locations, in fact some of the crew members don't live in our town. The turn over in laborers is very large and the training of the new ones difficult, if not impossible.

Decontamination Sites - certain sections in this part of the Standard are very vague and too strict.

A. Misconception of Eye Water - How much? Where located??
B. What really is needed? A five gallon pail with soap and towels or something as complex as a portable shower with adequate water as well as all the other requirements

REI's - Many of these are too long and some should probably have none

A. Too restricted (work needs to be done)

Costs - because growers are not sure what is required to keep record of all the differentsections of the standard, no one is sure what they should or should not buy. Some growers (Smoak Groves is one of them) have spent thousands of dollars. We have purchased a computer, a computer program, decontamination kits, and a lot of training supplies. Now since there are still so many vague areas in the standard, we wonder if it was really necessary.

There are other areas in the WPS that could be written clearer, or at least should be looked at, and I'm certain that by the time you have gone to all the scheduled open meetings these other questions will have been addressed.

My real concern, as I hope everyone's is, is that after all this information has been compiled IT WILL BE STUDIED AND CONSIDERED!! I would hope that it will not end up buried on someone's desk, with nothing accomplished.

I applaud you for your effort and look forward to some positive results.

Sincerely,

James T Hinkle Sr.

James T. Hinkle Sr.
Safety Director
Smoak Groves, Inc.

38/ OPP #100427

OPP# 00427

2PP

Tran Trex Foliage
Ponkan Road • P.O. Box 549 • Plymouth, Florida 32768-0549
Phone (407) 886-8944 • TOLL FREE 1-800-327-6952
Fax # 407-886-4558

RECEIVED
MAR 8 1996
OPP PUBLIC DOCKET

One of the main effects of the foliage industry by the new W.P.S. will be in shipping our product.

Most Florida foliage is sold out of state. It is shipped by common carriers. The truck lines have regularly scheduled shipping days for major metropolitan areas of the country. (Example; Mon.-New York area, Tues.-Chicago area, Wed.-New England states, etc...) As a result of the schedule we ship everyday. This means we have people in our greenhouses everyday pulling orders.

During slow sales times we may be able to get customers who ship on light shipping days to give us their orders early which will give us one day a week to use pesticides in the greenhouses. However, during the winter and spring seasons this will create real problems.

We use three types of pesticide programs:

1.) Major sprays-which the whole nursery is sprayed at one time. We presently do this on Saturday, so that we may use chemicals with a 48 hour re-entry if needed.

2.) Spot sprays-these are used when we have spot infestations or a trouble spot. Usually confined to small areas but maybe in three different greenhouse ranges.

3.) Drenching-all newly potted plants have to have a soil drench after potting to control soil borne pathogens. These plants will be scattered through-out the nursery.

We can do major spraying on Saturdays. This means that spot sprays and drenching must occur during the week. Since we can't spray after temperatures reach 80 degrees without danger of getting foliar damage, we are left with a very small spray window, here in Florida summertime temperatures are in the 80's from 9:00AM-9:00PM.

With the present re-entry standards we have been unable to determine how to manage our operation. We have to ship by the carriers schedule to get to the market place, but can't go into the greenhouses for 12 hours if we have used Clorox to clean sidewalks or used chemicals in that house, which may cover 3-4 acres. Yet if we don't control the insects and disease the market won't accept our product.

It's a catch 22 situation and any relief we might get would be appreciated.

Robert R. Roberson

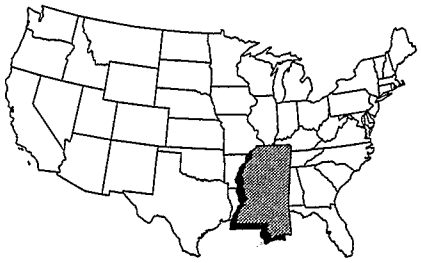
Mr Hayung

The attached was entended to be presented at Winter Haven Fla Feb 22, 1996 but I will be unable to attend so am mailing

Thanks

Robert Rose

3. Mississippi



Public Meeting:

Stoneville, MS

- April 10, 1996, 7:00 p.m.
- 47 participants (47 registered), including 11 speakers

Site Visits and Small Group Discussions:

Dr. George Furr, Clarksdale, MS

- April 9, 1996, 4:30 p.m.
- EPA staff met with Dr. Furr, retired physician; Frank Chiles, crop consultant.

Tutweiler Clinic, Tutweiler, MS

- April 9, 1996, 7:00 p.m.
- EPA staff met with Sister Ann Brooks, MD.

Delta Research and Extension Center, Stoneville, MS

- April 11, 1996, 9:00 a.m.
- EPA staff met with Dan Branton, Delta Council; Dr. John Jenkins and William Timmers, USDA-Agriculture Research Service; Robert McCarty and other staff, Mississippi Department of Agriculture and Commerce; and Mike Blankenship, Mississippi Farm Bureau.

Edwards Flying Service, Leland, MS

- April 11, 1996, 11:00 a.m.
- Tour of the aerial application facility.
- EPA staff met with Mark and John Edwards, owners, and one worker.

Farmworker Meeting, McGehee, AR

- April 11, 1996, 6:00 p.m.
- EPA staff met with AmeriCorps workers.

Transcript of Public Meeting
Stoneville, Mississippi
April 10, 1996

Robert McCarty: I am Robert McCarty and I am Director of the Bureau of Plant Industry in the Mississippi Department of Agriculture and Commerce, and in our bureau we have the responsibility for pesticide regulatory programs in the state. We are the designated lead agency for pesticide regulatory activities in Mississippi, designated to conduct the compliance monitoring enforcement programs by EPA. Consequently, we work with the Agency on all pesticide regulatory issues. This is a public forum that is being conducted by the U. S. Environmental Protection Agency. We were asked to participate in the forum with EPA since the states are partners in the pesticide regulatory programs across the country with the Agency. I was asked to serve as moderator.

Mississippi is the host for this particular forum which is a regional forum. People from states in the mid-South were invited to attend and participate and we certainly want all of you to have an opportunity during the course of the night to make a statement pertaining to Worker Protection if you would like to do so. Let me say welcome, to all of you, to the facilities here. This is the Delta Research and Extension Center which is an arm or branch of Mississippi State University. Our department, the Department of Agriculture and Commerce, works hand-in-glove with the university at Mississippi State to provide education, training, and outreach programs pertaining to pesticides. Our agency is involved in regulatory activities and compliance as well as certain education activities. So welcome to this campus of Mississippi State. Welcome to the State of Mississippi. We appreciate all of you coming. I know that field activities are taking time for many of the farmers and workers in this part of the country. It's dry enough that tractors are probably running in the field in sight of this campus. In spite of the time of year, the good weather, I think we have good attendance, a good cross-section of people involved in the use of pesticides all the way from production to recommendations for use, to applicators, to workers being represented where pesticides are used. So we appreciate very much your being here.

Since this is an EPA-driven meeting, I would like take this opportunity to introduce the EPA officials with us. Standing in the back of the room is Jane Horton. Jane is the Worker Protection Program Coordinator in EPA's Region 4 office out of Atlanta. Region 4 in EPA involves eight states in the Southeast, Mississippi being one of those eight states. So Jane, we appreciate your being here. She's the one who's really worked to set up the meeting. We have Jackie Harwood,

Worker Protection Program staff person from EPA headquarters in Washington. On my right is Don Eckerman. Don is in the Certification Occupational Safety Branch and works with worker protection and will probably be able to answer all of our questions tonight. And we appreciate him getting here. They made a pretty good tour of the delta area getting here this afternoon from the airport in Jackson. They actually wound up stopping in Shaw for directions after crossing Highway 82 somewhere along the way.

On my left is Susan Wayland. Susan is currently the Deputy Assistant Administrator in the Office of Pesticides and Toxics. That's the office that oversees all of the pesticide programs including the Office of Pesticide Programs which falls under the Assistant Administrator for Pesticides and Toxic Substances. Susan has been a long-time acquaintance of mine since when she worked in the Office of Pesticide Programs and has been very close to Worker Protection regulation development and implementation and involved in the policy-making activities at a very high level in the Agency, and we are delighted to have Susan with us. I would like to call on her to make some opening comments and then I will come back and establish the ground rules for participation in the forum.

Susan Wayland: Thank you so much, Robert. Don and I did have a lovely impromptu tour of some of the area around Shaw, Mississippi. We somehow missed the sign to the Extension Research Center and ended up in Shaw and went into a gas station and said, "Can you please tell us how to get to Stoneville?" and they said, "No, we hadn't heard of that." And I said, "Well, we are in deep trouble because I don't know where we are and neither do you, Don!"

But for me personally it is great to be back here in Mississippi. It's great to be back, particularly in the delta. I've been here several times before, and I very much enjoy working with the folks that I have met here. And it's also really good to be in a place where it is not snowing, I can assure you, having had another snowstorm in Washington yesterday!

I just want to add to Robert's welcome and good-evening to all of you and to express EPA's real appreciation for all of you taking time out of your busy schedules to come and talk to us tonight. We are here this evening to listen and to learn about your experiences so far in implementing the Worker Protection Standard. I think that most of you in the room know that the Worker Protection Standard is a regulation that provides basic workplace protection by first, informing employees about potential hazards of pesticides that they may be exposed to; secondly, by trying to eliminate exposure wherever we can; and thirdly, when we have exposure, to try to mitigate that exposure so we have a safe work force. And it is truly a very high priority of the Environmental Protection Agency.

The regulation that we're now implementing was a long time in coming. It is a strengthening of our national efforts to safeguard the over 3.5 million agricultural workers in this country and it was ten years in

the making. It's been a long road, sometimes a windy road, sometimes a bumpy road, but I think that we are in a period now where we can really look forward to implementing the standard and try to work out the last remaining kinks. Because of the importance of this regulation to EPA, EPA and its partners have exerted a lot of effort over the last year to reach out to those affected by the rule. We have distributed a large amount of educational training material, we have supported training compliance assistance sessions around the country, and we have trained thousands of workers, handlers, and growers.

I mentioned the word "partners" and I do not take this term lightly--EPA is truly appreciative of the tremendous amount of assistance that we have received by the states, from the states, from the Department of Agriculture, from the growers including the Cotton Council, including the Delta Council, from the farmworker groups, and from the pesticide industry. I think everyone has been magnificent in stepping up to the plate and trying to come to grips with the issues and giving us very sound advice. We do want these requirements to be protective of workers but at the same time we want them to be workable in the real world.

We have already made modifications since 1995: we have accelerated the transition from 15 days to five days for the grace period and we have ensured that all workers will get at least some basic safety training before they go into the field. We have exempted qualified crop advisors from most of these requirements of the rules, we have allowed early entry into pesticide-treated areas to perform certain limited contact and irrigation activities. We have established criteria for some low toxicity pesticides to reduce the re-entry interval from 12 hours to four hours and that involves about 80 different pesticides. And, even as we speak, we have had two additional changes out for public comment dealing with decontamination and the sign requirements. So we are trying to learn as we go, we are trying to improve as we go, and hear you and meet the needs of everyone in this room.

We are looking to evaluate how we are doing this program in three different ways. One way is to have a national dialogue (and that's what we're doing here tonight). We are going to be visiting about 10 states. We've already been to Florida; we are going to be going to Washington, Pennsylvania, Missouri, Indiana, California, Texas, and Puerto Rico after Mississippi and we want to hear a variety of views. Obviously, agriculture is different in different parts of the country. The issues will be different for both the growers and for the farmworkers and so we want to get around to as many parts of the country and have a real dialogue with the people most affected by this regulation.

But in addition to these public meetings, we are going to be looking for a variety of other sources to give us feedback and information on how we are doing. For example, we are asking the farmworker organizations that are doing the training to conduct some "pre" and "post" pesticide safety training assessments so we know how the training is working and what the additional

training needs might be in the future. Another example is the National Council of Agricultural Employers are going to be holding a series of workshops dealing with many agricultural issues including worker protection. We expect to get a lot of good feedback from those sessions as well. And we do expect to have a continuing and continuous dialogue with the state lead agencies--with people like Robert [McCarty] and with the Department of Agriculture, the people that are truly on the front lines and dealing with the growers and dealing with the workers in trying to make this program work. So we can see what areas are working well and where we need to make some additional improvements. And finally, over the long term, we are going to be looking for ways that we can actually quantify what the benefits of all of this have been--what have our efforts paid off in terms of actually protecting health. We're hoping to do that by tracking better some pesticide incident data and looking at trends from health surveys.

What we're hoping is that all of these evaluation efforts will give us the information we need in order to make the adjustments that you need. In follow-up to the public meetings (such as the one we're having tonight), we are going to develop and distribute a summary of what is learned in this dialogue. So not only will there be a transcript from this meeting, there will be a transcript from all of the public meetings and then we're going to try to do a summary so you all can see, not only what you said, but what other folks around the country have said.

So tonight I'm hoping that we will be learning from you several things. First, what successes you've had in implementing these requirements, what difficulties you've had in implementing these requirements, what suggestions you have for improving this program and what you think about the assistance you have received so far and what additional assistance you would like to see in the future.

Before we start with the public session, I do want to express EPA's appreciation, my own personal appreciation, for the leadership of the state officials here in Mississippi, and Robert in particular, for all of the terrific efforts in outreach communications and compliance assistance. We need, as I said earlier, a real partnership, of regulators, growers, and farmworker advocates, to really make this program a success. We want this program, like a lot of the programs at EPA, to work in a common sense way. We want to establish some goals, but we want to have some common sense ways to get to those goals that I think we all mutually share. So with that, I said at the beginning that we're hear to listen and not to talk, and those are a few remarks that I wanted to make, and I will turn it back over to our able moderator.

Robert McCarty: Thank you very much, Susan. That certainly opens up the meeting for the public forum. There are just two or three things that I would like to do before we start listening to the audience. One is to introduce some of the people from my staff: Tommy MacDaniel, who is the coordinator of all of the pesticide compliance programs.

Keith Davis, who works solely in compliance activities for pesticide compliance and enforcement. Homer Wilson is wearing two hats; Homer is working with the USDA record keeping program and will be calling on farmers this summer, monitoring certain records. Dr. Michael Ouart, who is leader of Agricultural and Natural Resources Programs in the Mississippi Cooperative Extension Service, is here representing Mississippi State University Administration, particularly the Extension Director's Office. Dr. Jim Hamer, leader of the Chemical Education Unit in Extension, was here earlier and I believe he just walked up to the door. Dr. Hamer has spent a lot of time in putting the training component of this effort together in our state and set up some material against the wall on the left (if you would like to look at that during the break or after the meeting). Also, he may make a statement later about some of our training activities in the state.

I would call your attention to the material on the table in the rear of the room. That was provided by EPA and is available to the public. Anyone that would like to pick up that material, feel free to do so. If there's something there that you do not get a copy of, let one of us know and we'll make sure that you get the material. We don't want to pick up the material that was put out by the Extension Service, but it is there for you to see and you can certainly request it. All of those notebooks, videotapes, record keeping forms, etc. are available through the county extension offices in the state or directly from the campus at the university. So take advantage of that material while you are here if you haven't had an opportunity to see it.

This forum is being held for worker protection. Worker protection under the Federal Insecticide, Fungicide, and Rodenticide Act started just a short time after the Congress amended the law in the early 1970s, where the Agency published a short regulation setting re-entry intervals for certain chemicals. As things evolved in the late '70s-early '80s, the Agency began developing a regulation that went through the negotiated rulemaking process and later was finalized by the Agency and we've been in the process of implementing this since 1992. The purpose is to hear from the public about what's working, what's not, what the concerns are that we and EPA need to be paying attention to with regard to getting people in compliance with the current regulation. We don't want to go back and start reinventing this entire process and going through everything that we went through in the mid-'80s and early '90s to develop the regulation and compliance manuals, but we do want to hear concerns from the public that need to be recognized and need attention, and that's the purpose of this forum.

Proceedings of the meeting will be available. I would like to remind you that all of the meeting is being recorded. There will be written proceedings. It is a public meeting. We want everybody to have an opportunity to speak, but in order to do so you must sign up at the desk outside the door. If you plan to make a statement, please sign up if you didn't get on the list as you came in. Speakers will be given five minutes to make their statement.

We will be keeping time. We will stay on track as far as limiting presentations to worker protection. If you want to talk about other FIFRA issues such registration, pesticide labels, ground water, food safety, there are several of us here that can visit with you from the states of Mississippi, Arkansas, and Louisiana--their regulatory agencies are represented. The EPA staff will be glad to hear your concerns and respond to it either now or at some future date. This meeting tonight will be limited to worker protection regulation issues. What I'm going to do is begin listening and going right down the line in order as you signed up. Are there any questions before we begin that? I would entertain a question or two for clarification.

Speaker from Audience: Will we be allowed to ask questions during the course of the evening?

Robert McCarty: As long as it pertains to wrker protection issues and it doesn't disrupt the presentations, I think we could entertain a question or two, but I should call on EPA staff to respond to that question.

Susan Wayland: I think what we would hope is to listen to you more than have a question and answer session. We want to hear what your experiences have been in implementing the rules. We are going to have a break. We'll be available to answer questions during the break and we'll also be happy to answer questions after the meeting. I'm sure a few questions would be fine, but we don't want this to be a question-and-answer kind of session.

Robert McCarty: OK, I think we can handle that and maybe at the end, depending on what time we conclude listening, we could have some dialogue in the form of questions. Is there a Mr. Young with the Arkansas Human Development Corporation ready to make his statement? I would like to ask those people making a statement to please come to the podium and use a microphone. If you are uncomfortable with the way it is turned, you can move it a little. We tried to set it so you would be facing the audience as well as the people up here. But be sure to speak into the microphone because the comments are being taped for our proceedings.

Jane Horton: And please state your name at the beginning of your statement.

Clevon Young: My name is Clevon Young. I am the Executive Director of Arkansas Human Development Corporation. I am pleased to be here this evening and I want to thank the state officials and the national officials for giving us the opportunity to come and make some comments. I primarily want to just report on a consortium that Arkansas Human Development Corporation is a part of: Arkansas Human Development Corporation, formerly the Arkansas Council of Farmworkers, has been providing employment and training, housing and development, and health-related services to migrant seasonal farmworkers for more than 25 years now. For about the past 15

months, we have been involved in what I guess you could say is a partnership with our national association, the Association of Farmworker Opportunity Programs, otherwise known as AFOP. They have a grant from the U.S. EPA as well as the National Corporation for Community Service and what they have done is they selected nine state organizations (there are 53 programs like the Arkansas Human Development Corporation) that operate in 48 states and Puerto Rico. (There is more than one program in some states such as California because of the size of those areas.) Through these agreements, they have selected nine states to provide training to farmworkers and farmers on the new Worker Protection Standards.

I'd like to say that as a part of that program, Arkansas Human Development Corporation, over the past 15 months, has provided training and certification to more than 2,000 farmworkers and growers or farmers. None of that would be possible without the assistance of primarily Mr. Charles Armstrong at the Arkansas State Plant Board who has come out and provided training and certification for all of our staff as well as a number of AmeriCorps participants. We currently have about 12 people in Arkansas who are certified to conduct this training. Charles is available, he comes out and provides technical assistance, he's provided certification cards for us, he's on call whenever there are questions, and I should say that whenever we provide the training, both in English and Spanish... Arkansas is one of those states in transition and so we're getting a large number of Hispanic and Latin American farmworkers coming to the state to work there and often times there's difficulty with the language barriers, and having bilingual staff and staff of Latin American heritage is very helpful in terms of helping them integrate into the community there. We do not do any kind of investigations, anything that's brought to our attention we take immediately to the Arkansas State Plant Board. If there's a problem to be resolved, it's resolved at that level between them and whoever. We have partnerships with farmworkers and with farmers. We've developed these partnerships over a number of years we, quite frankly, place a high value on them.

I will say that in terms of problems, we've one or two people who have come to the program either as an employee or an AmeriCorps participant and kind of came to us with the idea that they were going to go out and change the face of agriculture in Arkansas and make people stop doing what they've been doing for years and that kind of thing. And we quickly brought them into the office, had some talks with them, and in some cases we've been able to do some remediation and others we had to kind of part... I guess you could say agreeing to disagree. And we don't apologize for that. We are not making any comments about the value of the Worker Protection Standards. We're here to do what we can with what we have.

We've had, I think, a very good response there in Arkansas. We are constantly finding or developing new partners, working with new associations. The Arkansas State Plant Board has given us all the information and I guess

you could say "materials" that we can store. It seems like every time Charles shows up, he has a new van load of materials so somebody evidently is violating the (what is it?), the paper reduction act somewhere. I have with me Rubén Arana, he's the Health Outreach Coordinator for the Arkansas Human Development Corporation, and Reuben coordinates all of our...we call this program our Health Outreach Program because we do not solely concentrate on Worker Protection Standards, we have some individuals there who also concentrate on HIV and AIDS, alcoholism, other kinds of problems that are health-related and are common to the farmworker community.

Robert McCarty: You have one minute.

Clevon Young: Oh, do I? Well at this point, unless there's a question, I'll assume that I'm in Congress and I'll yield the rest of my time.

Donna Winters: My name is Donna Winters and I'm First Vice President of the Louisiana Cotton Producers Association and I want to thank you for the opportunity to relate the front line experience of the members of the Louisiana Cotton Producers Association. We appreciate EPA's willingness to listen to the concerns of those who are affected by the standards and to modify those standards where just cause can be shown.

As I said, my name is Donna Winters. My husband and I are producers of cotton, corn, soybeans and wheat in northeast Louisiana near the town of Lake Providence. I grew up on a farm, in fact I still live in the house on the farm that I grew up in, and have been a farmer for the past 25 years. I also serve as First Vice President of the Louisiana Cotton Producers.

I'd like to review several of the requirements of the farm Worker Protection Standard individually and relate my observations and comments. I believe these opinions are shared by the majority of cotton producers in my area. First of all, relative to the education and training portion of the standard, I think this is probably one of the most important parts. I think once you educate the worker as to what he's dealing with, it makes it much easier to get him to comply with the personal protective equipment portion.

In the personal protective equipment, I think this is the portion of the standard which holds the most potential for reducing exposure to workers in the cotton industry, particularly as it relates to those workers involved in the mixing and loading process. These tasks are generally of short duration and yet they involve a relatively high potential for exposure. Because these tasks normally last no more than five to ten minutes per operation, the cumbersome nature of the personal protective equipment is manageable. However, if you should have to refill a number of tractors simultaneously or stay in the equipment for very long, it's going to expose that worker to some heat-related problems. We continue to believe that for certain other short-duration tasks, such as equipment adjustment and unstopping nozzles, an apron should be sufficient where

coveralls are now required. These tasks do not involve great risks and the need to don coveralls in hot weather for a brief, low-risk operation is a problem. Cotton producers have made significant progress in conforming to the requirements for personal protective equipment. However, hot weather and the hurried pace of field operations can be difficult obstacles to overcome.

With regard to record keeping, we feel that the record keeping requirement of the farm Worker Protection Standard is one which the average cotton producer is struggling with. Surely everyone would agree that keeping good records makes good sense. But when a producer spends 12 to 13 hours a day on a tractor or in a pick-up truck riding his fields, any record keeping duties in addition to the normal accounting, bill-paying, field records and USDA pesticide record keeping requirements can be burdensome. We feel that the majority of producers have no clerical help and must add this to their already busy schedule. Good, inexpensive software which can be used in a personal computer to ease the load is greatly needed. This would help some, but many producers do not have computers. I saw the sheets in the back that said "software" but that's really the first that I had seen that you had software available.

With regard to re-entry intervals and posting requirements, since the typical cotton operation no longer requires large numbers of hand laborers, the re-entry intervals are primarily a factor as they relate to irrigation operations. We appreciate EPA's recognition of this and their allowance of exceptions to these activities. Again, the need for coveralls on top of other work clothing in hot weather can be a problem. We believe that the ability to re-enter fields that have 48-hour reentry intervals after a 24-hour waiting period with workers wearing gloves and long sleeves would be helpful in short duration, low-contact situations. The need to post fields is greatly reduced by the fact that we rarely have the planned need for hand laborers to re-enter a field during the re-entry period. I continue to question (personally continue to question) the need for any re-entry interval on some chemicals, particularly herbicides which can be purchased by the untrained general public at many retail stores (and I'm thinking specifically Roundup and some of those types of herbicides).

In regard to decontamination and emergency assistance, this area is really an area that's the easiest for our producers to conform to. We work shoulder to shoulder with our employees and they're very valuable to us and their well-being is of the utmost importance from both a practical and a personal standpoint.

In summary, the cotton industry is making an honest effort to comply with the farm Worker Protection Standard but we need a renewed effort regarding awareness and compliance. We believe the state agencies responsible for the enforcement of the Standard and the farm organizations which provide producer leadership should engage in such a campaign. Another thing that might help awareness is more prominent labeling of the major features of a product's requirements such as a large orange sticker on a box, so

often you don't have to read the fine print, with labeling such as "Re-entry 24 hours, Gloves, Coveralls, Face Protection." Once again, we appreciate the opportunity to express our experiences and our concerns. Thank you.

Robert McCarty: Thank you very much, Donna. I'll take just a moment to make a couple of other introductions. Bobby Simoneaux, my counterpart in the state of Louisiana; Bobby is Director of the Pesticide Regulatory Programs. Mr. Charles Armstrong with the Arkansas State Plant Board is responsible for compliance in the state of Arkansas and we appreciate them being here to listen along with the EPA officials. We'll move on to the Louisiana Farm Bureau. Mr. Parker will make a statement for Farm Bureau in Louisiana. Be sure to state your name for the record at the beginning.

Tap Parker: My name is Tap Parker and I'm currently the Chairman of the Louisiana Farm Bureau Cotton Committee and I'd like to make a few comments concerning Farm Bureau's views as well as some of the things that have happened to us in our personal operation. From a cotton farmer's perspective, the WPS has had a tremendous effect on our farming operation because of the large number of applications that we tend to make. Regarding the training requirements, we have made every effort to make sure our employees are properly educated concerning the safe use of pesticides and that we also know that other area farmers have done the same as well. In general, we don't have any problems with the intent of the law because we've already been making available some of the current information mandated in the current provisions to help our employees become aware of these safety regulations. In fact, our consultant has agreed to come by annually and conduct safety seminars for our employees and our employees have been very receptive to this. So we feel like that's a real good part of the program. Providing the equipment has not imposed any sort of economic burden on us--it's been easy to do. I think our men have appreciated the equipment being there for them. So all of those are just good common sense things that have been mandated, and we feel those are real good things.

Our biggest concern, however, lies in the time constraints of the restricted re-entry intervals and the posting requirements for the actual pesticide applications. For example, not being able to enter the cotton field immediately after pesticide application has been applied can result in producers having to violate some of our best cultural practices for the crop. And, because of our large number of applications, the requirements can become very burdensome and confusing. Also the protective equipment requirements can be quite overwhelming when applications must be made during the dead of summer with 98° temperatures and 95 percent humidity.

Generally speaking, we agree with the intent of WPS but would like a little more flexibility in complying with some of the more stringent aspects of the regulations. As you heard on other occasions, our primary concern is to make sure the benefits of any

proposed regulation outweigh the cost before implementation. After talking with other growers, and with other commodities, the consensus seems to be confusion surrounding REIs and posting requirements. Most of our farmers have made strides and attempts to comply but these two areas of the regulation still seem to be of the most concern to most operations.

We appreciate EPA's decision last fall to reconsider two areas of concern: a shorter timeframe for making available the decontamination sites when using low-risk pesticides, and language and size requirements for warning signs. The Farm Bureau supports the Agency's efforts to examine shortened required decontamination periods and would recommend revisions in decontamination requirements with longer REIs as well. We support a zero-day decontamination requirement for all pesticides with 4-hour REIs, mainly because of two reasons: first, it would encourage the use of low-risk pesticides; and secondly, EPA has stated that these pesticides with a 4-hour REI do not appear to impose any significant risk to workers. Therefore, the requirement becomes unnecessary.

The Farm Bureau also offers the following comments on other options EPA considered during the comment period. We hoped EPA would eliminate the requirement for a decontamination site after crops are harvested because there are few cases, if any, where contact with treated surfaces occurs after harvest. Eliminate the decontamination requirement when the REIs expire because the EPA's own data states that risks associated with pesticide exposure decline substantially when the REI ends. Third, to allow field workers to bring decontamination kits into treated areas as early entry as it is required for handler workers for safety and simplification reasons. We believe the above improvements in requirements will meet the dual goals of applying the regulation while providing substantial safeguards for pesticide workers and handlers and urge the Agency strong consideration.

In summary, we understand that Worker Protection is here to stay but we do encourage the EPA's continued dialogue with the agricultural industry to make any necessary adjustments in the regulation, basically for simplicity and also for economic considerations. I appreciate this opportunity to make comments. Thank you.

Robert McCarty: Thank you very much. I would like to commend all of the speakers for being right on target, and making some very timely remarks, and certainly staying with the allotted time. Next is Mr. Homer Wilson, current President of the Mississippi Agricultural Consultants Association. Mr. Wilson represents a group of people in the state that advise our cotton producers on pest management practices and the use of pesticides.

Homer Wilson: Thank you, Mr. Chairman, EPA staff, it's a pleasure for me to be here to represent the Consultants Association. I am Homer Wilson, current President of the Mississippi Agricultural Consultants and we want to express our appreciation up front for removing some of the Standards, as was said

earlier. At least the consultants have become exempted from some of the requirements and we appreciate that and the whole Agricultural Consultants Association in Mississippi want to express their appreciation for that. Consultants in Mississippi are a well-trained group of individuals. They represent some one million acres of cotton land besides the rice and the other crops they're consulting on, and of course, have good contacts with farmers all over the state. They do abide by the standards and we see a great improvement in compliance from our farmers. As time goes on, the farm community is doing a much better job in complying with the Worker Protection Standards and training their people and we see even more progress in that as time goes on.

We know that there's a great deal of concern from all sources concerning what takes place in the ag community now but we can say in Mississippi that the regulatory personnel and the state agencies are doing a great job training our people and training the personnel who are associated with agriculture in being able to comply with the standards that EPA has set up. We, of course, know that these are things we're going to have to live with and the lady from Louisiana has well stated the concerns that I have. In fact, she covered very well the points that I would like to make but I would like to reemphasize a couple of things concerning what we know to be taking place in the field, since we have first-hand contact with the farmer and the people that are applying the materials.

The most concern that I get from the field is the garments that have to be worn for protection. This especially is true in the hot humid conditions that we sometimes find ourselves in. Like the lady said, if we are loading two or three tractors, it's hard to withstand some of the heat conditions and some of my farmers have been concerned that even though his worker complies at the very moment that he is there, if he turns and walks away to another tractor or gets out of sight, that individual takes off some of this gear, especially the respirators--it's very hard to endure these for a long period of time. This is a concern that my farmers have.

Another concern is the length of the manual in training for some of the individuals. We do have a barrier there in terms of education and the conception or the realization of the need to be trained from some of the people that we deal with and sometimes it makes it difficult to get these people to understand just what needs to be done. We believe that, as the lady from Louisiana said, that perhaps an apron and gloves (rubber gloves) would be sufficient to clean nozzles and to repair boom work around the machine when it is required, without having to wear excessive garments for that work. But all in all, we do see a better relationship with everyone concerned. Our people are beginning to learn what is needed to be done and are complying with it to the best of their ability as a whole. The main point that we have is keeping close enough contact with the individual taking off some of this gear--and if he does that, the farmer is concerned about what could happen at that point to his liability when the worker has been told to wear those garments. And that's about

all I have to say. I appreciate the opportunity to bring these points up and we certainly appreciate you holding the meeting here in Mississippi.

[The remainder of the transcript is unavailable due to a failure in the tape recording of the meeting. Additional speakers at the meeting were contacted subsequent to the meeting and asked to send in written comments to be incorporated in this report. Three of these speakers (Charles Armstrong, Bill Kennedy, and William Timmers) sent in written comments, appended to this chapter. The following represents a summary of the testimony of the remaining speakers]:

Mike Gallman: Expressed concerns that PPE is too hot and too cumbersome; discussed the difficulty of getting employees to wear PPE and requested that the Agency simplify the PPE requirements. He stated that boots and gloves are all the PPE that is needed for workers and handlers.

Billy Fountain: As owner of a small retail nursery business, Fountain expressed the concern that the WPS requirements will unduly alarm customers. He is interested in keeping employees safe, but questions requirements that hinder normal business operation, such as central posting, warning signs and training requirements. Fountain was especially concerned about the posting requirements and public perception, and the cancellation of Temik and other pesticides which were essential to pest control in his operation. He stated that government regulation is reducing the profitability of small businesses and the WPS is the latest of a number of regulations that do more harm than good. Fountain invited EPA staff to tour his facility to better understand the small nursery business.

Tom Crumby: Stressed the need for education and cooperation.

Mark Kurtz: Complimented the training portion of the regulation but expressed confusion about the requirements for crop advisors. Kurtz questioned if researchers are crop advisors under the WPS. Researchers are all well trained and unlikely to take risks. Central posting requirements and warning signs are a problem in research plots. Kurtz characterized the posting and record keeping portions of the WPS as too cumbersome, and expressed concerns about heat stress when wearing required PPE.

Registered Participants in the Public Meeting

Wes Allen
Mississippi Agriculture Aviation Association

Rubén Arana
Arkansas Human Development Corporation

Charles L. Armstrong
Arkansas State Plant Board

Rodney Baker
Arkansas Farm Bureau

Greg Baldwin
Stoneville Pedigred Seed Co.

Craig Bednarz
Mississippi State University

Vilma Bell
Central Mississippi Legal Services

Phillip Bible
Dawson Farms

Jimmy Bonner
Mississippi Cooperative Extension Service

Brian Breaux
Louisiana Farm Bureau Federation

E.A. Cancienne
Louisiana Agricultural Aviation Association

Jack W. Carroll
Mississippi Cooperative Extension Service

Maynard Chandler
Sandoz Agro, Inc.

Scott Charbo
Tri-State Delta/UAP

James P. Clower
Louisiana Agricultural Consultants Association

Tom Crumby
FMC Corporation

Mike Ellis
Jimmy Sanders Inc., MACC

Lyn Ellis
Central Mississippi Legal Services

David Ferguson
USDA-Agriculture Research Service

Billy Fountain
Fountain's Green Grow-cery

Mike Gallman
Louisiana Agriculture Aviation Association

Bob Golitz
Anguilla, MS

Jim Hamer
Mississippi Cooperative Extension Service

Becky Hoagland
USDA-Agriculture Research Service

Joe Homes
Mississippi Delta Council for Farmworkers Opportunities, Inc.

John W. Impson
USDA

Paul G. Johnson
Stoneville Pedigred Seed Co.

Bill Kennedy
Delta Council

Laurel A. Koll
Micro Magic

Mark Kurtz
Mississippi State University

Bill Mulkey
Dawson Farms

Tap Parker
Louisiana Farm Bureau Federation

Ralph Pay
Arkansas Crop Protection Association

Charley Richard
American Sugar Cane League

Mills L. Rogers
Rogers Consultants Associates

Steve Rye
Louisiana Agriculture Aviation Association

John H. Schmidt
USDA-Agriculture Research Service-Mid South Area

Bobby Simoneaux
Louisiana Dept. of Agriculture and Forestry

Ples Spradley
University of Arkansas Cooperative Extension Service

Sharon Sullivan
TEPA

V. Ray Thornton
Cane-Air, Inc.

William L. Timmers
USDA-Agriculture Research Service-Mid South Area

Britt Whitley
Helena Chemical Co.

Homer Wilson
Mississippi Agricultural Consultants Association

Donna Winters
Louisiana Cotton Producers Association

Ray Young
HAICC

Clevon Young
Arkansas Human Development Corporation

Site Visits and Small Group Discussions

Dr. George Furr, Clarksdale, MS

- April 9, 1996, 4:30 p.m.
- EPA staff met with Dr. Furr, a retired physician who has written about the human immune system, and Frank Chiles, a crop consultant.
- Among the issues discussed at the meeting were:

  — Dr. Furr believes that pesticides are producing many of the health problems he has observed in the Mississippi Delta.

  — Effects of chlorinated hydrocarbons on the immune system.

  — Concerns expressed by Frank Chiles about the use of Furadan.

Tutweiler Clinic, Tutweiler, MS

- April 9, 1996, 7:00 p.m.
- EPA staff met with Sister Ann Brooks, MD, of the Tutweiler Clinic.
- The clinic provides preventive and health maintenance programs for the community. Three quarters of its annual budget is derived from private donations and public funds.
- Among the topics discussed at the meeting were:

  — Health problems of clinic patients, including several rare cancers and one confirmed acute poisoning due to exposure to the pesticide Lorsban (chlorpyrifos).

Delta Research and Extension Center, Stoneville, MS

- April 11, 1996, 9:00 a.m.
- EPA staff met with Dan Branton, Delta Council; Dr. John Jenkins and William Timmers, USDA-Agriculture Research Service; Robert McCarty and other staff, Mississippi Department of Agriculture and Commerce; and Mike Blankenship, Mississippi Farm Bureau.
- Slide presentation by Dr. Jenkins on cotton production, which emphasized the need for control of insects throughout the growing season. Other slide presentations highlighted research at the Delta facility on aerial and ground application technology, and the Delta Council's environmental programs.
- Among the issues discussed at the meeting were:

— Concern that WPS is too cumbersome and regulations are too long. Posting and personal protective equipment (PPE) provisions are of particular concern.

— Growers are concerned about potential lawsuits from employees and believe that reducing PPE requirements would help employers, encourage wearing of PPE, and reduce heat stress.

— Suggestion that EPA set PPE requirements based on likely exposure to individual pesticide, rather than by generic categories of toxicity.

— Discussion of Mississippi Cotton Chemical Stewardship Program which began in 1995 with the goal of promoting the appropriate safer use of cotton pesticides.

Edwards Flying Service, Leland, MS

- April 11, 1996, 11:00 a.m.
- Tour of flying service, including experimental aerial application booms intended to reduce drift.
- EPA staff met with Mark and John Edwards, owners and one worker.
- Among the issues discussed at the meeting were:

— New aviation guidance equipment (Landsat) designed to eliminate the need for field flaggers (workers who stand in the field and direct applications by signaling to pilots) and allow for more precise applications of pesticides.

— Concerns about the practicality of PPE (other than gloves), given the potential for heat stress.

Farmworker Meeting, McGehee, AR

- April 11, 1996, 6:00 p.m.
- EPA staff met with AmeriCorps (national public service corps) workers who are providing basic pesticide safety training in Arkansas. No farmworkers attended, possibly because it was the height of planting season and they were out late working in the fields.
- Among the topics discussed at the meeting were:

— AmeriCorps volunteers believe the project is working well, reaching and training many people. The trainers are making a major effort to work with county extension agents.

— Physicians are not trained in medical school to recognize poisonings; they often tell workers that they just have a cold or allergies.

- Physicians lack training in diagnosing pesticide poisonings and therefore tell workers that they just have a cold or allergies.

- The Arkansas Dept. of Health is setting up a program to train doctors to recognize and diagnose poisonings, and has set up a panel of Agriculture and Health officials to develop a database of information on poisonings. When the Department of Health offers seminars on how to identify poisonings, however, many physicians are uninterested in attending, according to the volunteers.

- Employers or growers' reactions are positive when training is free. Often, once they find out that training by AmeriCorps workers is free, they want to take the training themselves, in addition to training their employees. However, some employers do not always tell employees about the need for or availability of training.

- Concerns about pesticide drift from aerial applications, affecting many people in adjacent areas.

- Concerns that some workers who come into Arksansas saying that they were trained in another state do not seem to know the basic WPS regulations.

- Respirators are often considered too heavy and may therefore not be worn as required by pesticide label PPE directions.

- Suggestion that EPA reward farmers for good pesticide practices, rather than conduct enforcement actions for non-compliance.

- Suggestion that in future outreach efforts, farmworkers and employers should be brought together in one room to discuss issues.

Written Comments

Charles Armstrong
Arkansas State Plant Board

Bill Kennedy
Delta Council

Donna Winters
Louisiana Cotton Producers Association

William L. Timmers
USDA Agriculture Research Service

COMMENTS MADE AT EPA PUBLIC MEETING
IN GREENSVILLE, MISSISSIPPI ON
APRIL 10, 1996

I am Charles Armstrong, Assistant Director, Division of Pesticides, Worker Protection Ground Water and Endangered Species Coordinator of Pesticides, Arkansas State Plant Board, Little Rock, Arkansas. We need three things in order for the Worker Protection Standard to work. They are Education, Communication, and Working Together. We must educate the farmers, workers, handlers and general public about pesticides:

1. How to handle pesticides safely;
2. Why we need to use Pesticides;
3. Symptoms of pesticide poison; and
4. How to protect yourself when using pesticides.

If we as EPA, State Regulatory Officials, Cooperative Extension Services, Farmers, Commercial and Private Applicators do our part in the educational process, this program will work. We must communicate: The regulatory authorities must talk to the Registrants, the Farmers, the Applicators, the Workers and Handlers to get input on a rule like this. A meeting like this opens up the channels of communication between all groups involved or impacted by the rule. We cannot make the necessary corrections needed without proper communication between everyone involved in this Worker Protection Standard.

We must all work together for the same common cause, to protect individuals from poisoning and mitigate pesticide exposures that the individuals could receive.

Arkansas Human Development Corporation trains most of migrant and other farm workers under National Farm worker Environmental Education program with Americorp trainers. Americorp trainers work with extension agents to coordinate training efforts. Dealer Associations and Agricultural Consultants also train handlers and workers in Arkansas. The trainers take the train-the-trainer course and pass an exam to become certified to issue EPA Verification Cards.

For a program of this magnitude, we must : Educate, Communicate and Work Together.

MS.

63/ #OPP00427

(4PP)

REMARKS FOR PUBLIC COMMENT
APRIL 10, 1996
WORKER PROTECTION STANDARDS
ENVIRONMENTAL PROTECTION AGENCY
BILL KENNEDY
REPRESENTING DELTA COUNCIL

OCT 1 RECEIVED 1996
OPP PUBLIC DOCKET

Good Evening. My name is Bill Kennedy, of Inverness, Mississippi, and I serve as President and General Manager of Duncan Gin Company. This evening, I appear before you on behalf of Delta Council, an organization representing agriculture and business throughout the 18 Delta and part-Delta counties of Northwest Mississippi. Although Delta Council initiates action on a wide range of issues including industrial recruitment, water resource developments, highway and transportation improvements, and flood protection, the people of this region have long recognized that agriculture continues to be the largest industry for the future of this area. In view of the importance of agriculture to the region, Delta Council is involved in all aspects of farming and allied agricultural businesses.

Relative to the subject of Worker Protection Standards, Delta Council would like to make brief remarks. Working through Delta Council and Farm Bureau, producers throughout this region have been actively involved in pesticide stewardship efforts, pesticide risk communication and education programs, and most recently, we have worked cooperatively with the Mississippi Department of Agriculture and Commerce to ensure that careful adherence is maintained to Worker Protection Standards. We are especially grateful to representatives of the Environmental Protection Agency for visiting the Mississippi Delta last year for the purpose of evaluating "on-farm" and "real-life" problems associated with specific provisions such as protective clothing, personal protection equipment, and re-entry intervals. Due to EPA's sensitivity to the problems which were presented to the agency on behalf of farmers by organizations such as Farm Bureau, the National Cotton Council of America, and Delta Council, practical solutions were offered to some of the more difficult challenges facing implementation of the Worker Protection Standards.

Delta Council continues to evaluate the current Worker Protection Standards in order to make them more acceptable to farm workers who have oftentimes found these standards too rigid and without enough flexibility.

Delta Council has a genuine respect for the need to maintain farm worker safety programs and we are strong advocates of pesticide risk management initiatives aimed at preventing human health risks and pesticide exposure. When it was determined in 1993 that the liquid formulation of carbofuran was being utilized in a manner which exposed farm workers to safety risks, Delta Council and Farm Bureau joined with the Mississippi Department of Agriculture and Commerce to encourage the suspension of further use of this product for the remainder of the crop year. It was only after substantial changes had been made in the product handling and distribution system for carbofuran that Delta Council and Farm Bureau joined with the manufacturer and the Mississippi Department of Agriculture and Commerce to institute safety and training programs which led to its use in 1995 without an incident.

Delta Council will continue to carefully monitor approaches being taken to reduce risk and we will also maintain focus on reconciling problems associated with farmer liability, personal protective equipment, and protective clothing as it relates to the implementation of rules related to Worker Protection Standards.

We express our appreciation to the agency for continuing to work with us in a cooperative spirit to address Worker Protection Standards and other agri-environmental issues.

Respectfully submitted,

Bill Kennedy

TESTIMONY

TO

ENVIRONMENTAL PROTECTION AGENCY

PUBLIC MEETING ON THE WORKER PROTECTION STANDARD

STONEVILLE, MISSISSIPPI

APRIL 10, 1996

PRESENTED BY:

DONNA WINTERS, 1ST VICE PRESIDENT

LOUISIANA COTTON PRODUCERS ASSOCIATION

Good evening, and thank you for this opportunity to relate the front line experience of the members of the Louisiana Cotton Producers Association (LCPA). We appreciate E.P.A.'s willingness to listen to the concerns of those who are affected by the standard, and to modify those standards where just cause can be shown.

My name is Donna Winters. My husband and I are producers of cotton, corn, soybeans and wheat in Northeastern Louisiana near the town of Lake Providence. I grew up on a farm and have been a farmer for the past twenty-five years. I also serve as first vice-president of the LCPA.

I would like to review several of the requirements of the Farm Worker Protection Standard individually and relate my observations and comments. I believe these opinions are shared by the majority of the cotton producers in my area.

1. Personal Protective Equipment

I believe this is the portion of the standard which holds the most potential for reducing exposure to workers in the cotton industry; particularly as it relates to those workers involved in the mixing and loading process. These tasks generally are of short duration and yet they involve a relatively high potential for exposure. Because these tasks normally last no more than five or ten minutes per operation, the cumbersome nature of the personal protective equipment is manageable. However, having to refill several tractors simultaneously would require more time and could expose that worker to various heat related problems. We continue to believe that for certain other short duration tasks such as equipment adjustment and unstopping nozzles, an apron should be sufficient where coveralls are required. These tasks do not involve great risk and the need to don coveralls in hot weather for a brief, low risk operation is a problem. Cotton producers have made significant progress in conforming to the requirements for personal protective equipment; however, hot weather and the hurried pace of field operations can be difficult obstacles to overcome. Sometimes emergencies arise in the field such as a broken line that could be more quickly addressed by the donning of rubber gloves in lieu of full fatigues.

2. Recordkeeping

The recordkeeping requirement of the F.W.P.S. is one which I believe the average cotton producer is struggling with. Surely everyone would agree that keeping good records makes good sense; but when a producer spends 12 to 13 hours a day on a tractor, any recordkeeping duties in addition to the normal accounting, bill paying, field records, and U.S.D.A. pesticide recordkeeping requirements can be burdensome.

The vast majority of producers have no clerical help and must add this to their already busy schedule. Good, inexpensive software, which could be used in a personal computer to ease the load, is greatly needed. This would help some, but many producers do not own computers.

3. Re-entry Intervals and Posting Requirements

Since the typical cotton operation no longer requires large numbers of hand laborers, the re-entry intervals are primarily a factor as they relate to irrigation operations. We appreciate E.P.A.'s recognition of this and their allowance of exceptions for these activities. Again, the need for coveralls on top of other work clothing in hot weather can be a problem. We believe that the ability to re-enter fields that have 48 hour re-entry intervals after a 24 hour waiting period with workers wearing gloves and long sleeves would be helpful in short duration, low contact situations. The need to post fields is greatly reduced by the fact that we rarely have the planned need for hand laborers to re-enter a field during the re-entry period. I continue to question the need for any re-entry intervals for some chemicals, particularly herbicides which can be purchased by the un-trained general public at many retail stores.

4. Decontamination and Emergency Assistance

The decontamination and emergency assistance requirements of the F.W.P.S. are among the easiest to conform with for most cotton producers. We generally work shoulder to shoulder with these valued employees and their well being is of the utmost importance from a practical and personal standpoint.

In summary, the cotton industry is making an honest effort to comply with the Farm Worker Protection Standard, but we need a renewed effort regarding awareness and compliance. We believe the state agencies responsible for the enforcement of the standard, and the farm organizations which provide producer leadership should engage in such a campaign. Another thing that might help awareness is more prominent labeling of the major features of a product's requirements such as a large orange sticker on the box with labeling such as REI 24 Hrs. - Gloves-Coveralls-Face Protection. Once again, we appreciate the opportunity to express our experience and our concerns.

Thank You

66/# OPP00427

OPP

United States Department of Agriculture

Agriculture Research Service

Administrative Management
Mid South Area
Administrative Office

Jamie Whitten Delta States Research Center
P.O. Box 225
Stoneville, MS
38776-0225

September 23, 1996

Ms. Jeanne Heying
US EPA (7506C)
401 M St. SW
Washington, DC 20640

RECEIVED
OCT 11 1996
OPP PUBLIC DOCKET

Dear Ms. Heying:

As a result of a letter received from Ms. Jane B. Horton, US EPA, Atlanta, GA, I am forwarding information on some of the comments pertaining to the Pesticide Worker Protection Standard (PWPS) that I made at a public meeting held here at Stoneville, Mississippi on April 10, 1996. Ms. Horton has stated that the tape recorder used to record the conversations was inoperative, and consequently, all record of the conversation was lost.

Basically my comments fell into three areas of concern:

- Posting of small research plots vs entire fields,
- Problems associated with heat stress and personal protective equipment, and
- The use of Personal Protective Equipment (PPE) vs exposure times in areas of application.

In the next three paragraphs I will attempt to reconstruct, in detail, the comments I made at the meeting.

The posting of small research plots on our research facilities presents unique problems when compared to the normal farm. I am enclosing a copy of a letter dated September 1, 1993, (Enclosure 1) sent to the EPA Region IV, which I feel explains the research plot problem very well. We never received a reply, and we have since adapted by posting portions of the land (Replication, Treatment, Experiment, Plot or Field, see letter for definitions) as determined by the scientist charged with performing the research. In some instances, areas larger than the area of pesticide application have been posted. We have found no harm in this practice. We have also purchased large quantities of signs. I would hope that a revision of the PWPS would allow additional flexibility in posting of areas of pesticide application. We feel that there is a definite need to warn others when toxic/harmful Category I and II pesticides are applied to an area.

Problems associated with heat stress as a result of the wear of personal protective equipment such as Tyvek suits and respirators have been well documented here in the Mississippi Delta. The number of instances of employees suffering heat related illness have far exceeded the number of employees sustaining pesticide exposure related illnesses. In addition, the chances of an employee becoming a fatality as a result of heat related illness are far greater. The temperatures routinely reach 95 - 100 degrees Fahrenheit (F), with an accompanying Heat Index of 110 - 115 degrees F. The temperatures in greenhouses can be even higher. USDA, ARS research personnel at our

Mississippi State, Mississippi, location have developed an automated, computer controlled, pesticide spray system (Enclosure 2) which may be installed in greenhouses. This system eliminates the need for any personnel to be in, or around the greenhouse during pesticide application, or during the entire re-entry period.

Many of the Department of Labor's, Occupational Safety and Health Administration (OSHA) standards pertaining to air and chemical contaminants are predicated on a time-weighted average. For a long term exposure the allowed limit is lower than that for a short term exposure. Consideration should be given to regulating pesticide exposure in a similar manner. As an example, an operator of a "High Boy" type spray tractor, with an enclosed air conditioned cab, needs to wear little or no protective equipment as long as he/she remains in the enclosed cab. Should the operator be required to dismount to unclog a stopped up spray nozzle, he/she may be required to don a Tyvek suit and respirator in the confines of the cab, prior to getting down on the ground to work on the spray nozzle. The actual exposure time, while unstopping a nozzle, would only be a few minutes, not likely to cause any harm under most circumstances. The donning of PPE in the confines of a "High Boy" cab would be more likely to result in injury to the operator as he/she flails about trying to "suit up", than a couple of minutes exposure on the ground would cause. The time-weighted approach, with exposure times and exposure level calculations based on the ingredients and percentage of mixture would seem to be far more practical. The use of PPE would also impact the time-weighted average for exposure purposes, with the idea that when PPE is being used, the allowed exposure would be greater. The present system of using the product label to convey information to the user could continue to be used with a time-weighted system. It is also possible that this system could not be used with all pesticides, a detailed study would probably be needed.

Farmers and their employees in the Delta tend to be very respectful of pesticides and their effects on people and the environment. Economics dictate that farmers don't use any more pesticides than absolutely necessary because they are expensive to purchase and apply. One of the big areas of emphasis should be the continued education of farmers and employees as to the effects of pesticides used. Approximately 70% of ARS's research at Stoneville, Mississippi is devoted to the reduction or elimination of pesticides in the growing of Delta crops. A good example is the research in B. T. Cotton.

Additional emphasis and research needs to be done on the subject of biological control of pests, an area where we have only scratched the surface. Biocontrol pesticides instead of chemical pesticides have the potential to greatly reduce the amount chemical pesticides used and released to the environment. This is an area that needs continuing research.

I really appreciate the EPA's attitude in requesting input from the agriculture industry, and in particular a research institution such as ours. The opportunity to make up the portion of the public meeting that was lost, and to make these comments a matter of public record is greatly appreciated. The effort going into the revision of the PWPS cannot but help to create a better PWPS, one that will benefit all those involved in the use of pesticides.

Sincerely,

William L. Timmers

WILLIAM L. TIMMERS
Area Safety, Health and Environmental Manager

2 Enclosures

cc:
J. B. Horton, EPA
T. J. Army, AD
A. Tucker, AAO
W. R. Meridith, CP&G

No Muss, No Fuss Spray Rig for Greenhouses

Around the ARS Crop Science Research Laboratory at Mississippi State, Mississippi, maintenance mechanic Stan Malone is regarded as an engineering wizard.

Last summer, Malone put his exceptional talents to work when Quinnia L. Yates, a biological lab technician, proposed the idea of automating an insecticide spray system for greenhouse-grown plants. After surveying Yates' greenhouse, Malone envisioned an overhead pesticide-misting rig that might best fill that bill.

But none of the commercial greenhouse suppliers they later contacted sold any such rig matching his conception. "We tried everywhere," Malone says, "but there was nothing out there we could find."

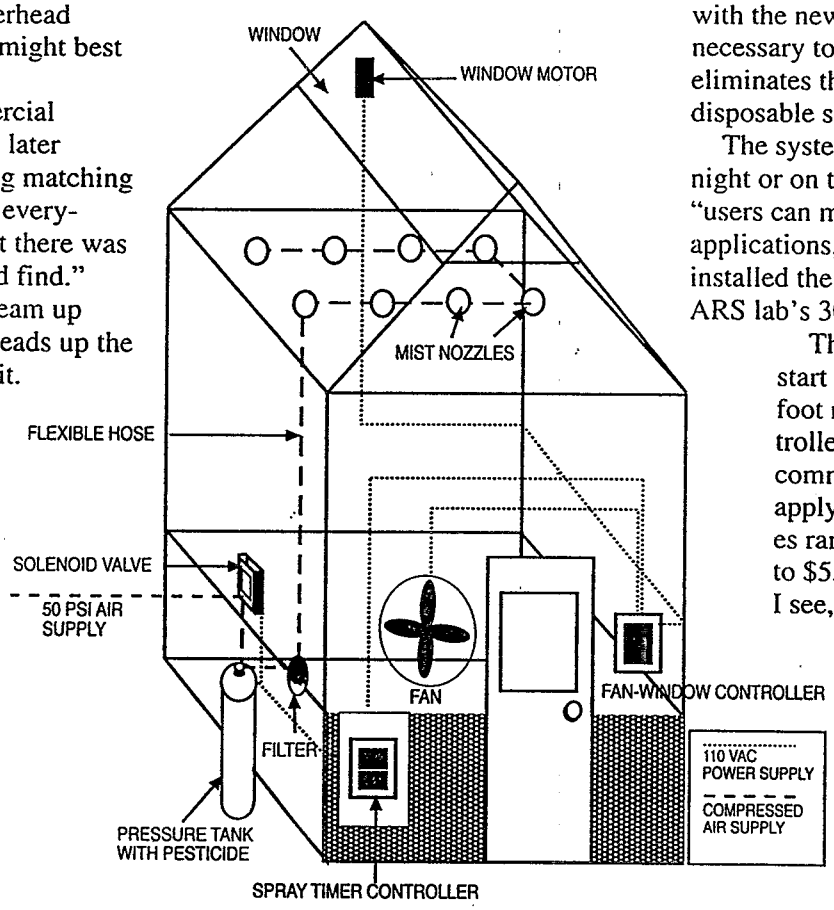
His next move was to team up with Dennis Rowe, who heads up the lab's Forage Research Unit.

With the unit's help, Malone then designed a system of his own—drawing on such off-the-shelf items as a toggle switch, timer clock, pressurized pesticide tank, chemical hoses, flora nozzles, and other components chosen from various commercial equipment suppliers.

With the new system, "there's no human involvement except for mixing of pesticide according to the manufacturer's label," Malone says. "You simply fill your tank with whatever insecticide you need to control the insects, set the timer clock, and turn on the switch and leave."

This activates electrical relays that temporarily close the greenhouse's exhaust fans, motorized windows, and vents. A special valve attachment then releases compressed air into a 5-gallon tank, forcing pesticide into overhead hoses and brass irrigation nozzles. These mist the chemical over the plants, providing full coverage in 2-1/2 minutes for a 30- by 40-foot room.

The system then flushes its hoses clean with blasts of air and, after the pesticide settles, restarts the greenhouse's environmental controls.



Before the automatic system's installation, it took Yates about 45 minutes to manually spray insecticide to curb populations of whiteflies, mealy bugs, and other destructive insects. Left unchecked, their feeding damage can jeopardize the uniformity of plants grown for research. But 1994 EPA worker protection standards—while effective—made routine spraying arduous, costly, and unpleasant.

The standards dictate that greenhouse workers wear a respirator, protective suit, gloves, goggles, and boots when spraying. But in a hot, humid greenhouse where temperatures can reach 110°F, a suited worker can easily become faint or dizzy.

Because of this, "we sometimes would neglect spraying until we got a buildup of insects," Yates says. "But with the new spray rig, it's not necessary to risk a buildup." It also eliminates the need for the costly disposable suits.

The system can be set to spray at night or on the weekends. Also, "users can modify it to fit their applications," says Malone. He has installed the new rig in 15 of the ARS lab's 30 greenhouse rooms.

The costs for materials start at $700 for a 30- by 40-foot room. Computer-controlled foggers and other commercial devices that apply pesticide in greenhouses range in cost from $2,000 to $5,000. "The greatest gain I see," says Rowe, "is knowing workers are not exposed to spray."

Rowe, Malone, and Yates intend to submit detailed plans for the new system to a trade journal.—By **Jan Suszkiw**, ARS.

Stan Malone is at the USDA-ARS Crop Science Research Laboratory, P.O. Box 5367, Mississippi State, MS 39762; phone (601) 323-2230, fax (601) 323-0915. Dennis Rowe and Quinnia Yates are in the lab's Forage Research Unit, at same address and phone, fax (601) 324-8499. ◆

File 25d

See File 8a

September 1, 1993

Mr. Richard Pont
Pesticide Program Unit
EPA, Region IV
345 Courtland Street N.E.
Atlanta, Georgia 30365

Dear Mr. Pont:

During the implementation of the revised Pesticide Worker Protection Standard within the U. S. Department of Agriculture, Agricultural Research Service, Mid South Area, we find a potential problem. Specifically, the requirements outlined in 40 CFR 170.120(c)(3), pertaining to the posting of signs in areas treated with Toxicity Category I & II pesticides. We have 11 agricultural research facilities in the Mid South Area engaged in research in a variety of plant production areas, including plant genetics, plant physiology, and plant growth. Each of our facilities may have some fields of a size comparable to that found on a commercial farm, but many of our fields are of 10 acres or less and are broken up into many smaller units for experimentation purposes.

In order to better illustrate the problem, I would like to define five (5) terms that will be used in this letter to delineate the relationships between units of land used by our Area for research.

1. FIELD - An area of significant acreage used for experimentation, usually assigned to a research unit. One of our research facilities, or locations, may have as many as 20 or 30 fields used for experimentation.

2. PLOT - A portion of a field assigned to a particular scientist for experimentation. A field may be divided into 10, 20 or more plots.

3. EXPERIMENT - A portion of a plot assigned for use in one experiment by a scientist. One scientist may have 10 or more experiments going on at the same time.

4. REPLICATION - The scientist divides the experiment into replications. The scientist duplicates individual experiments to insure meaningful conclusions may be drawn in the research. One experiment will have a minimum of 4 replications, and may have as many as 10 replications, depending on the experiment.

5. TREATMENT - The scientist will divide the replication into treatments, (up to 10, or even 20). which will be the smallest unit of measure used in this letter. Pesticides (insecticides, herbicides, fungicides, etc.) will be applied at rates and times dictated by the nature of the experiment. I/A/W 40 CFR 170.120(c)(3) this would be the area requiring the posting of signs denoting application of Toxicity Category I pesticides.

Not all Treatments will have pesticides of Toxicity Category I applied. Depending upon the experiment, several different pesticides (with varied Toxicity Categories) may be applied to the Treatments, either simultaneously or at slightly varied times. The same situation may also hold true for Replications, Experiments, Plots, and Fields. Each Treatment, Replication, Experiment, etc., generally has an access walkway around it to separate and delineate it from other areas of equal size. Pesticide application to these very small areas is usually accomplished using hand spray equipment due to the need for controlled application and results in minimal, or no, drift to other areas.

Many applications of Toxicity Category II, III, or IV pesticides may only require oral warnings. The types of warnings and notifications of pesticide application will vary on a day-to-day basis for any given Treatment, Replication, Experiment, Plot, or Field, depending on the type of research, and pesticide used. In some cases, the Treatment, Replication, Experiment, Plot, or Field will require application of a pesticide daily for several days, or even weeks. The techniques of the use of pesticides during, and for, research often differ from the use of the same pesticides by commercial farmers for whom this standard was intended. The future uses of many pesticides by farmers ultimately may well be dependent upon the results of research conducted in these experimental areas.

The only personnel authorized to enter an Experiment (or smaller) area are the researchers (scientists), research technicians, and research technician assistants who are directly involved in the research going on in that Experiment area. The research personnel normally are responsible for the application of pesticides only to Experiment/Replication/Treatment areas within their Experiment

area. The research personnel are fully aware of the characteristics of any pesticide used on any given Treatment within their Experiment area. Pesticide applications are strictly controlled as to amount, method and rate, and are normally applied by the researchers, or research technicians, who would be trained to the "handlers" standard. The only persons who would be authorized to enter the Treatment area where pesticides had been applied, during the pesticide restricted entry period, would be the researcher, or research technician functioning as a "crop advisor." This person would have been trained as a handler, be wearing the protective equipment required for application, and be performing the research in that Experiment area. Persons not involved in the experiment, or the Experiment area, would be notified of the pesticide application by the signs posted around the Experiment area in the same manner as a normal farm field. Additional information on pesticide applications would be available at a central information board in the Field area. The large number of Experiment areas would require several central information boards in the Field areas to handle all the Notices of Application, which would contain the information required by 40 CFR 170.122. Personnel from outside of ARS are not normally used in a "worker" capacity in the Experiment areas. Consequently, there is little chance of exposure to personnel not knowledgeable in the use of pesticides. The quantities of any given pesticide applied in the Experiment area is minimal, especially when compared to the amounts used in normal fields. Decontamination and training requirements of the Pesticide Worker Protection Standard would be met.

The number and size of Fields, Plots, Experiments, Replications, and Treatments will vary from one facility to another, depending on the size (of the facility), and the research mission. The number of Treatment areas can easily reach 1000 or more at one location. At four (4) signs per Treatment area, the number of signs necessary to post application areas as presently required, (the Treatment areas), can be mind boggling. While the cost and control of signs may pose little problem to a commercial farmer with only several fields not broken into smaller units, we estimate that several thousand signs may be needed just to properly post one research facility, I/A/W the existing directive, with only 100 experiments under way. At a cost of $4.75 each, for a light plastic sign (with a limited life span due to sun, rain, and wind), the cost presents a burden that this Agency may not be able to afford due to budget constraints and cuts by the current administration. The cost of signs for all of the research units on just one medium sized facility for one fiscal year is conservatively estimated to exceed $16,000.

We request that an interpretation be given allowing the USDA, ARS, Mid South Area, to post required pesticide warning signs around the area of an Experiment for Category I & II pesticides, as described, in lieu of posting each Treatment area, without restricting access, and without imposing restricted entry interval requirements on the untreated portions of the Experiment area. Posting of signs around the Experiment area instead of each Treatment area would result in a considerable savings to the Agency in the cost of signs, provide adequate protection to USDA-ARS employees and insure notification to persons not involved in the experiment.

Sincerely,

William L. Timmers

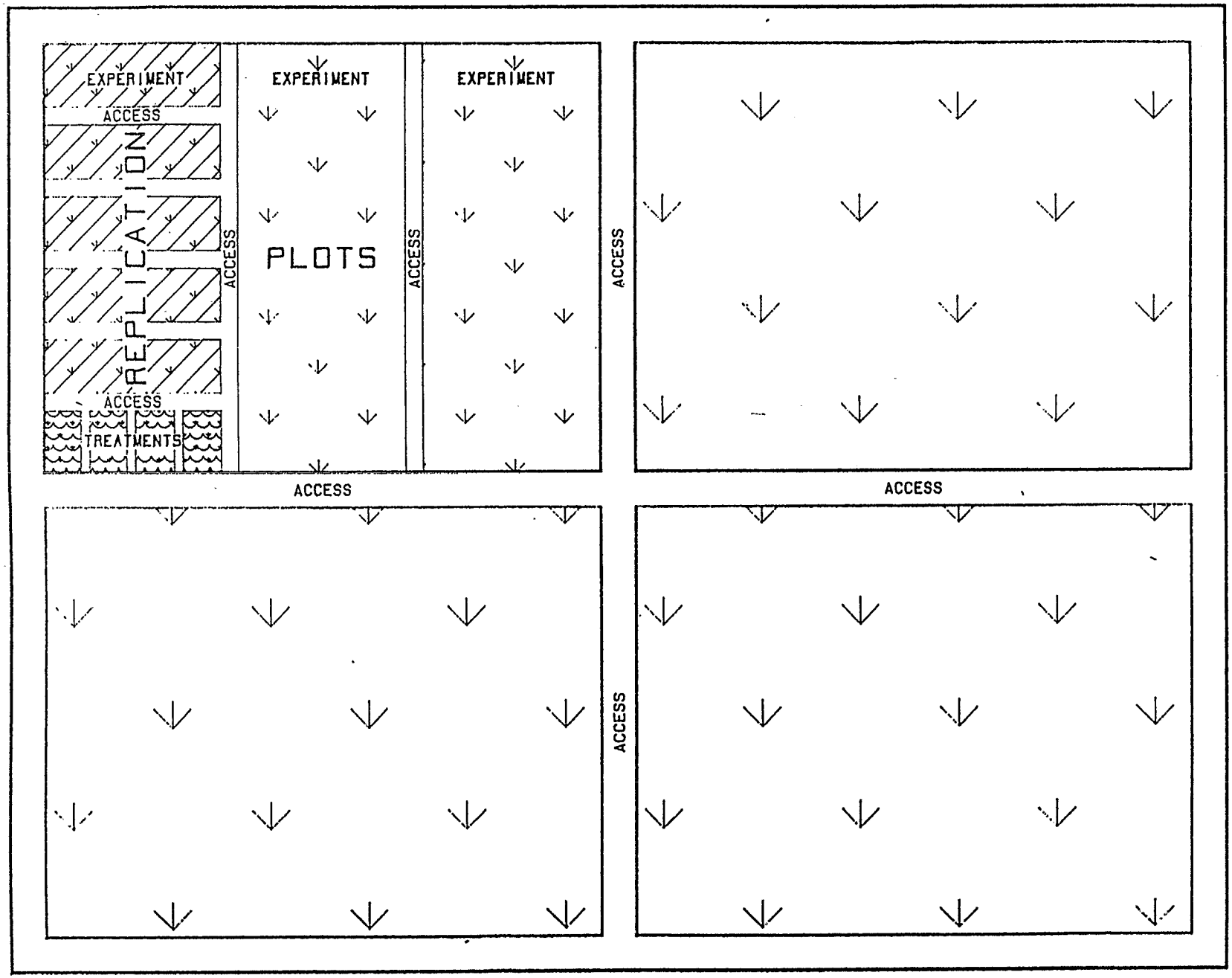
WILLIAM L. TIMMERS
Safety, Health, and Environmental Manager
Mid South Area

Enclosure

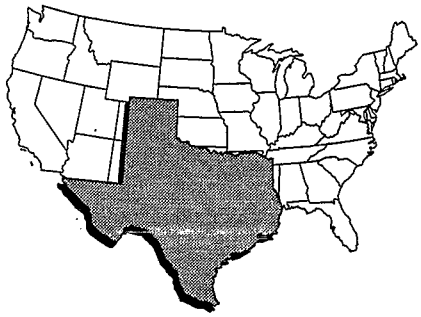
cc:
P. A. Putnam, AD
C. E. Skeens, AAO

ARS:AAO:WLTimmers:prb:X338:9/1/93

FIELD


EXPERIMENT
ACCESS
REPLICATION
ACCESS
TREATMENTS
EXPERIMENT
PLOTS
ACCESS
EXPERIMENT
ACCESS
ACCESS
ACCESS
ACCESS
ACCESS

4. Texas



Public Meeting:

McAllen, TX

- April 25, 1996, 7:00 p.m.
- 50 participants (33 registered), including 12 speakers

Site Visits and Small Group Discussions:

Plantation Produce, Mission, TX

- April 25, 1996, 8:30 a.m.
- Visit to a 7000-acre farm (onions, vegetables, grains, and sorghum) and large-scale packing and shipping operation.
- EPA staff met with 15 staff of Plantation Produce; representatives of Texas Citrus Mutual, Texas Vegetable Association, Texas Produce Association, Texas Department of Agriculture.

Rio Queen Citrus, Mission, TX

- April 25, 1996, 10:00 a.m.
- Visit to a citrus farm (grapefruit and oranges) and tour of the facilities and equipment.
- EPA staff met with Ken Martin, owner, Paul Heller, manager and three staff of Rio Queen; Texas Citrus Mutual; Texas Vegetable Association; Texas Produce Association; Texas Department of Agriculture.

Roland Dusters, Edinburg, TX

- April 25, 1996, 11:30 a.m.
- Tour of facilities of aerial and ground applicators.
- EPA staff met with Blayne Roland, owner and pilot, and five staff members; Texas Agricultural Aviation Association, Texas Citrus Mutual, Texas Vegetable Association, Texas Produce Association, Texas Department of Agriculture.

Farmworker Meeting, Hidalgo Park, Pharr, TX

- April 25, 1996, 3:00 p.m.
- EPA staff met with 20-25 farmworkers; Juanita Cox, United Farm Workers; Raymond Gill, South Texas Civil Rights Project; José Sánchez, Texas Department of Agriculture.

Farmworker Meeting and Site Visit, San Juan, TX

- April 25, 1996, 4:30 p.m.
- EPA staff met with 20-25 farmworkers; Juanita Cox, United Farm Workers; José Sánchez and Randy Rivera, Texas Department of Agriculture.

Transcript of Public Meeting
McAllen, Texas
April 25, 1996

Larry Soward: Good evening, everyone. On behalf of Texas Agriculture Commissioner Rick Perry, I want to thank all of you for coming out tonight to attend this meeting. I'm Larry Soward, the Deputy Commissioner of the Texas Department of Agriculture. I would like to take this very special opportunity to welcome to the State of Texas Dr. Lynn Goldman, who is the Assistant Administrator for Prevention, Pesticides and Toxic Substances with the Environmental Protection Agency in Washington, D.C. We are extremely pleased, Dr. Goldman, that you have chosen Texas and the Rio Grande Valley as a site for one of your nationwide public meetings on the Worker Protection Standard. I would also like to take this opportunity at this moment to welcome a couple of neighbors of the State of Texas who have also joined us tonight. From the State of Louisiana, Director of Pesticides, is Mr. Bobby Simoneaux and from the State of New Mexico, the Worker Protection Standard Coordinator, Ms. Sheri Sanderson. We are glad to have you here tonight.

Meetings like this one that we are holding here tonight, help to keep government responsive. Those of us who work at regulatory agencies such as EPA or the Texas Department of Agriculture need to make sure that we get out and solicit input on how our various programs are working. WPS has brought many changes to everyday agricultural operations. Tonight, those of you who are attending this meeting have the opportunity to tell EPA how the WPS program works on a day-to-day basis. You can discuss what has been successful and what needs to be changed to make this program better.

As many of you know, Commissioner Perry has taken a strong interest in WPS matters. He's Chairman of the National Association of State Departments of Agriculture, Committee on WPS. He continues to work to make the regulations simple to understand and easy to comply with, while effectively protecting our farmworkers and our environment. Commissioner Perry has charged all of us on his staff to quickly investigate any human exposure complaint and to pursue enforcement against applicators who violate these regulations. However, he strongly believes that most farmers strive to follow these regulations and education is the best way to help them in this effort. Education leads to a strong knowledge of regulations which in turn helps to avoid problems. Preparation and prevention are always better than punishment and problem solving. Tonight is all about education. You who have to implement WPS in the field day-

today, can educate us on how we can make it easier and work more effectively and efficiently for you. We all welcome your input because we want to help you meet the regulations while keeping our farmworkers and our environment safe. Again, on behalf of Commissioner Perry and the Texas Department of Agriculture, we want to thank Dr. Goldman and her staff at EPA for allowing us Texans to voice our concerns and our comments.

Now I would like to introduce Mr. Allyn Davis, who is the Acting Deputy Regional Administrator for the Environmental Protection Agency in the Region 6 Office in Dallas. Mr. Davis will offer further comments and other introductions. Mr. Davis.

Allyn Davis: Thank you, Commissioner Soward. I will be the monitor this evening. And I would like to point out that this evening we are providing translation services in both English and Spanish, and if you would like a headset, they are available at the front desk where you check in. In addition, the entire session is being tape recorded. Besides your oral comments, if you would like to provide any written comments, EPA would be pleased to accept them.

This evening is one meeting in a series of informal meetings to receive public input on how the Worker Protection Standard is working during the first year of implementation. This evening we are interested in your comments and anyone wishing to speak may sign in at the front desk. You will be able to speak in the order that you sign in. So far, seven individuals have signed up to make presentations. Because of the length of time, we are going to ask you to keep your comments to under five minutes. At about four minutes, I will give you a sign that you have approximately one minute to go and at the five minute mark, I'll stand up to let you know that you really need to wrap up your comments.

Now, it is my pleasure to introduce Dr. Lynn Goldman, the Assistant Administrator for the Office of Prevention, Pesticides and Toxic Substances. Dr. Goldman is the top EPA official responsible for pesticide programs at EPA. Dr. Goldman is a medical doctor in nutrition and career-wise has had a variety of assignments with the California Department of Health. Most important, for those of us in Region 6, she is a native Texan! Dr. Goldman.

Dr. Lynn Goldman: Welcome and good evening. I and my colleagues at EPA and with the Texas Department of Agriculture are here to listen to all of you about your experiences with implementing the Worker Protection Standard. I believe that it is very important that we are all here tonight. In government we frequently put into play new regulations and then we don't evaluate how effective those new measures are. I also think that too often we in Washington are just faceless people whose names you see, but you don't have a chance to meet with or talk to. And much of the purpose of this meeting is to have the opportunity for face-to-face communication, the kind of interaction that is necessary so that we can really understand each other.

The Worker Protection Standard is a basic set of workplace protection for those who work with pesticides. Its goals are to inform employees about the hazards of pesticides, to eliminate the exposures to pesticides and to mitigate the exposures--to treat the exposures if they do unfortunately happen. It is one of the highest priorities of EPA. The standard represents a major strengthening of the United States government's efforts to safeguard over three and a half million agriculture workers and pesticide handlers. It took over a decade to achieve the strengthening on the federal level compared to what existed in the past. It was not easy for the EPA, and indeed for our country, to develop and implement these standards.

The implementation efforts, in my opinion, have been one of the most extensive efforts that we have ever done. We have produced and distributed a very large number of training materials, some of which are available right here on the table tonight. There has also been a very extensive educational effort--education for all of those who are affected by the standard--the farmers, the workers, the pesticide handlers--on how to comply with the basic pesticide safety standards. And also for ourselves, for the federal regulators, the state partners, and others about what is needed in order to achieve compliance. Tonight is another step in our collective education process--education for us and me and you--and hopefully all of you will benefit from hearing comments from each other. During the process of implementation we have had to respond to a number of specific concerns that have been raised by farmworkers and raised by agriculture groups. Not every situation that occurs in agriculture was foreseen by the people who wrote the rules. Also, many specific questions have come up that were actually covered by the standard, but needed interpretation, needed guidance so that everybody could understand how to follow the rule. All of this is inevitable and I should say that, although when you go through each and every possible situation it seems complex, the rule itself is a straightforward standard and one that I think can be implemented by the farmers.

In 1995, I think many of you were aware that we amended the standard, and I want to mention some of the things that we did. We accelerated the transition from 15 days to five days for the training grace period, and we also ensured that the employers provide basic safety information to all workers before they ever enter a treated area. We exempted qualified crop advisors from some of the requirements. We allowed early entry into pesticide treated areas to perform certain limited contact and irrigation activities, and we established criteria that allowed toxicity categories III and IV pesticides (that's a technical term for the pesticides that have less human toxicity) to qualify for a reduced restricted entry interval from 12 to four hours. This covers about 80 or so products. Shortly, we will be issuing some other revisions of the rule, some final rule amendments addressing issues raised with decontamination, warning sign requirements, and a proposed rule that addresses issues with glove requirements.

As we work to carry out the Worker Protection Program, we will continue to work closely with all of those who are affected by this regulation and identify and address issues of concern. We don't believe that the work we've done over the last couple of years is the end, in terms of our understanding of the full impacts of the regulations and what we need to do to make it work for all of you. As with any new program, I know that many of you may have concerns about the costs to comply with the requirement and about enforcement of the standard or other issues. I want to say that we have those concerns, too. We want to make sure that the standard is working. The point of the standard is to reduce the exposures and reduce the illnesses for farmworkers. We want to make sure that this is happening. We want to make sure that the standard is being enforced, and we are also obviously very interested in making sure that the standard can work for you. [Inaudible]...

Let me emphasize again, tonight is the time for those of you who have concerns to talk, and for those of us who work for the EPA and the state to listen. We want to hear your thoughts about the Worker Protection Standard. We want to know what is working and what is not working. I want to close by saying that we have made a commitment to make this program work in a way that protects the health of the public, protects the health of the pesticide workers, and lessens the risks while providing flexibility. We want to aim for something we know we are able to carry out. Our approach is to find concrete ways to achieve our goals. I look forward to hearing all of your comments. I want to thank all of you for being here tonight. I realize we have busy lives, and it is not easy to get away on a week night to come to a meeting like this. I'm now going to turn the meeting over to our facilitator and again, thank you all for being here tonight.

Allyn Davis: Thank you, Dr. Goldman. The first individual that would like to give a presentation is Pat Kornegay who is with the Texas Agricultural Aviation Association.

Pat Kornegay: OK. Can you hear me all right? My name is Pat Kornegay. I am President of the Texas Agricultural Aviation Association. We are a state-wide organization with about 300 professional aerial applicators. For over 20 years, I have worked as an agricultural pilot. We are one of the older commercial aerial application businesses that provide crop protection chemicals, to an average of 200,000 acres of crop land yearly. I am also speaking on behalf of the National Agricultural Aviation Association, which represents the aerial application industry's interests in Washington, D.C. I would like to address some of the issues and concerns of commercial aerial applicators involving the Worker Protection Standard.

The first concern involves Section 170.224, which addresses the requirements for notification by commercial applicators to agricultural employers of the timing of pesticide applications. It also involves the specific products we use in EPA registration for re-entry regulations and such. We recognize the importance of this information which establishes posting and re-entry periods for

agricultural workers; however, the definitions and requirements contained in WPS are somewhat vague, and the ultimate responsibility for establishing communication between pesticide handlers and agricultural employers is not specifically clear.

There are several methods of communication deemed acceptable under the statute, such as direct telephone contact, answering machine messages, faxes, etc. The end result would be difficulty on the part of the enforcing agency to verify whether or not contact is made and, therefore, where responsibility rests in enforcement action. Our suggestion is that the responsibility for providing information involving a pesticide application remain with the pesticide handler and commercial applicator, but that responsibility for initiating the communication to obtain the knowledge be with the agricultural employer. The agricultural employer initiates the chain of events that results in a pesticide application. A vast majority of commercial pesticide applicators operate out of a central location, where all scheduling is initiated and where all records are kept.

What I'm saying here is, in actual practice as a commercial applicator, we operate out of a central location and our growers are in the field. The growers initiate the process by calling us, in order for the application to occur, which involves the site to be treated, the products to be used--and the grower may actually supply them for us. And so he already has the information--MSDS sheets on the products, re-entry information and worker protection PPE requirements and such. At the time that they turn in an order, we give them a proposed time of application. The only difference that I am suggesting here is perhaps just defining that the ultimate responsibility in obtaining that information rests with the growers. They are initiating the action, and it is their workers that are the focus of this standard. So as the law reads, the agricultural handler/pesticide applicator is responsible for providing this information, and we don't intend to change that. We have that information, so we provide it.

In a couple of instances, there have been enforcement issues with WPS compliance. The enforcement agency goes to the grower on a complaint and tries to find out why re-entry periods were not observed and posting was not done. They reply, "Well, the applicator didn't tell us they were doing it." So then they go to the applicator and then what you have is the agency bouncing back and forth between the two trying to solve a problem. There's no real clear-cut responsibility and that's why we're concerned. We understand that we have a responsibility to provide this information, and we will do that, but we think the responsibility for initiating the contact in verifying the actual times of applications should rest with those who initiate the orders. This is a minor point, but it could have serious implications down the road, for us as applicators and also for the growers. It clarifies the communication issue. As the agricultural growers bear the responsibility of posting and conveying re-entry information to field workers, this would be consistent with that process and not be an additional burden. The pesticide handler/

commercial applicator can still be responsible for providing that information.

OK. The other area where we have concerns is personal protective equipment (PPE). It's our understanding through our national association in Washington, in discussions with EPA, that standards for personal protective equipment for pilots have been relaxed. It's obvious that for us to wear a Tyvek suit inside an aircraft would be a definite threat to aviation safety. Ninety percent of the aircrafts used in the U.S. today have sealed cockpits and operate under air conditioned requirements. This is a clean environment and if you require pilots to wear bulky protective equipment, it inhibits the pilot's ability to fly an aircraft...with respirators and suits and face shields. Pilots predominately wear helmets and gloves that are not necessary. Another approach that EPA has is that we should carry PPE, the personal protective equipment package, in the aircraft--involving the suit, helmet, or face shield, gloves, rubber boots and all that sort of thing--for entry and exit of the aircraft...well, these are single seat aircrafts, and tomorrow we are going to do a tour and show you some of these aircrafts, OK. You'll look at this and you'll see a pilot strapped into a seat and you'll realize that putting on or taking off of personal protective equipment is virtually impossible to do. We understood from EPA that also in March we were going to [Inaudible]... to the *Federal Register* or delete the requirement that we wear rubber gloves and exit gear. The problem we have with that is we have a clean environment, and the small cockpit is sealed until we introduce these dirty gloves into it, and that's the problem we have. Basically, what I'm saying is that all of the pilots in the United States should be trained as certified restricted-use pesticide applicators as well as independent contractors. What our industry would like to see is that we, as self exmployed, bear the responsibility for using and not using our personal protective equipment, that we should have this equipment at our business and provide them for our employees. All of us have been in this business for a long time. There are no documented cases of agricultural aircraft crashes that have involved or been caused by pesticide poisonings.

OK, well that's basically it. Those are the two issues that we have, the notification procedure and personal protective equipment. Any questions?

Dr. Lynn Goldman: I said earlier, but if you do have your comments in writing we'll be happy to, as well as hearing them, receive them in writing.

Pat Kornegay: Well, [Inaudible]... a copy for each of you.

Dr. Lynn Goldman: That would be great. Thank you.

Joyce Obst: Hi, Dr. Goldman, and may I welcome you to Texas, and I appreciate the opportunity to testify on behalf of the Texas Citrus Mutual and the Texas Agri Women. My name is Joyce Obst. My husband and I operate a diversified citrus and vegetable farm in the Alamo area. Both Texas Citrus Mutual

and Texas Agri Women have been active in sponsoring and promoting WPS trainings since the regulations were announced. WPS impacts most agricultural products producers, but it has the heaviest impact on producers of labor intense crops like myself. We produce fiber crops as well as citrus and grain crops.

Safety is important to everyone in agriculture, including farmers as well as the workers. In fact, the farmer is a farmworker. We never ask our employees to do something we usually wouldn't do ourselves or haven't done.

WPS certainly raised the level of awareness about the importance of safety in the agricultural workplace. I compliment EPA and the Texas Department of Agriculture in putting together this. I think this is an excellent training for the farmworkers. In fact, I think it's long overdue. Farmers who I know are making a serious effort to comply with the WPS. The training of workers about common sense safety practices is the most important part of WPS. In general, I think that the WPS rules are really complex. When requirements are too complicated, the compliance with the rules is almost always less than when the rules are simple and straightforward.

In the case of the WPS rules, there are 140 pages in the manual on how to comply with these rules. I would like to encourage EPA to reduce the length of the regulations and to simplify them whenever possible. One grower commented recently that he finds it frustrating to see the general reference statement on a label that says he is to comply with Part 170 of the Code of Regulations, but not to see at least a summary of that actual rule right on the label.

In terms of informing growers about WPS requirements, I would point out that I feel like a large number of growers are not aware of the changes that have recently been made regarding limited contact tasks, irrigation activities and the reduction in the re-entry intervals for certain low toxicity pesticides. If EPA would publish a summary of these changes, Texas Citrus Mutual and Texas Agri Women would be pleased to help distribute them through their newsletters and memberships and other publications.

I would also like to address the matter of encouraging workers to assume more personal ownership regarding their own responsibilities for compliance with WPS. In other words, individual workers should assume some responsibility for their own safety. As I understand the present rule, all the burden is placed on the employer to train and enforce worker compliance, to wear their personal protective equipment and to do things that many times an employer cannot control. On our farm sometimes, it's a lack of communication. If a farmer/worker is out in the field, and I'm over at the shed, I don't know what they need unless they come tell me. And a lot of the times, we may have relocated our protective equipment because we're changing from one crop season to another crop season, and we have it at the market rather than the shed. It's a working together situation. And it's totally unreasonable to require employers to stay in sight of workers at all times to ensure that they are doing everything they should. Workers should

also have some responsibility for keeping up with continuing education in the same way individual farmers are required to keep their CEUs in order to maintain their pesticide license.

As I understand the WPS rules, the farmer or operator is held responsible for the compliance by employees of custom applicators and workers employed by a crew leader. We certainly believe that the specific employer, i.e., the custom applicator or the crew leader, should address compliance issues regarding their employees and not the owner/operator, just because the worker happens to be on his property.

Our final comment is about decontamination facilities. I understand, under current regulations, the facilities are required to be enclosed at a given site for 30 days after the re-entry interval has expired. We believe the re-entry requirement on the label means that the testing of that chemical indicates that no harmful residue will be left at the end of the re-entry period. Therefore, we urge EPA to revise the rules to drop the requirement for decontamination facilities at the given site after the re-entry interval has expired. Thank you for this opportunity to present this testimony. We also want to thank you again, Dr. Goldman, for taking time to personally come to these public meetings especially in the Rio Grande Valley. Thank you.

Emilie Sebesta: My name is Emilie Sebesta. I'm an attorney with Texas Rural Legal Aid. I'm with the Farm Worker Health and Safety Project. We deal specifically with farmworkers who travel throughout the United States, most of whom make their home in the Rio Grande Valley. I would like to mention several things.

First thing is that as far as my experience with the Worker Protection Standard goes, one of the experiences I had with this was last June. I attended a vegetable growers' meeting, and during this meeting they had a train-the-trainer program, and it was a very good program/training put on by the Texas Department of Agriculture, but I was distressed by some of the comments made by farmers. Certainly not a major [Inaudible]... by any means, but one of the farmers, for instance, asked if he could withhold a farmworkers' paycheck if the farmworker couldn't prove that he had received training or couldn't produce the Worker Protection verification card. Another farmer suggested a way around that was just to fire the farmworker after five days because you have the five-day grace period. Certainly, I'm not suggesting that this was the rule among farmers, but, nonetheless, this was said at an open meeting with Texas Department of Agriculture officials present. Almost everybody knows who I am, and I was there and they still said it. This concerned me quite a bit.

I'm also worried that employees will begin to get the picture that if they haven't been trained they might not get a job. Therefore, there may be an incentive for farmworkers to say, "Well, I have received training, I just don't have my card," and then they would get a job. So, I think there needs to be more enforcement. Perhaps there needs to be a way of setting a central data system. It needs

to be set up by either EPA or with the state itself, where people could verify who has been trained and who hasn't been trained. The employer could check if the farmworker says, "I've been trained." The employer could access this data system and see if the workers have been trained or not.

With regard to the statement just made--who should bear the responsibility--I understand where that's coming from, but I just don't think it makes any sense in this circumstance. I mean you have people who are making minimum wage, and who are probably not working twelve months out of the year, and their whole family are doing this. I mean, this is not a group of people who have the ability to go sign up and do continuing education kind of courses. They need this training. Many of them do not speak English. Many of them do not read English or Spanish. This simply cannot be a burden on them. They're doing a job. They deserve minimal protection.

As far as enforcement goes, I read in the Texas Agri-News the other day that enforcement is here, and I'm glad to hear that. That's great, and I hope there's more of it. We did an informal survey in our office on farmworkers by asking them, "Have you been trained?" etc. What we got from this was that 27% of farmworkers in Texas had been trained. Twenty-two percent nationwide had been trained. So this is right around a quarter or a little less than a quarter or more [Inaudible]... probably in Texas, it was a little higher because you have the Right-To-Know stuff that's already in place.

Another thing that we've seen and have some concerns about involves retaliation. We understand there are laws and regulations that say you can't retaliate against farmworkers if they try to do something under the Worker Protection Standard. I had a client who came to me and actually received training. That's great, but then he was asked to enter a field that was being sprayed, and he had just received his trainings. He said, "NO, I am not going to enter that field! I've just been trained. I know that's not good." So he didn't go in. He wasn't rehired the next year. Other people were rehired. He had worked for this grower for two years and simply wasn't rehired the next year. Now, could we prove it in a court of law? I don't know, but you know it's there. The concern is there, and the comments I heard at the vegetable growers' meeting, tell me that this is not an unrealistic fear.

So, I hope that there will be more enforcement inspections, preferably unannounced. We would like to see things of that nature. We would also like to see a procedure for the workers to complain. I don't believe that there's any procedure for a farmworker to complain other than coming to us and looking into filing a lawsuit. For example, under Right-to-Know, they could go through TDA and make a complaint, there's a process for this. There doesn't seem to be a process for WPS. We encourage you to implement a process for farmworkers to make complaints about retaliation and other such actions under WPS.

We'd like to see there be a zero-day grace period. A person can be injured by pesticides

during the first five days just as easily as they could be injured after the first five days. Granted that there is that requirement that certain information be given to the farmworkers. And they're good, but we'd like to see more. We would at least like to see that you hand out those little pocket size guides that EPA uses. I think they're terrific. Require them to be given--that would be an easy thing to do. Handing them out would not be an "undo-ably" burdensome thing, and I would suggest that if you don't reduce it down to a zero-day grace period, or something like what's done in Texas, have crop sheets. They're great. I've got some; I could give you some. They show which crops have which type of pesticides, during which times of the year, and they have these great illustrations that make it very clear what kinds of symptoms you might get. They also have what to look out for and what you should do in case of exposure. The crop sheets are good because you have people who don't read, whether it's in Spanish or English.

Having things like the little EPA book with the illustrations like the crop sheets is tremendously useful, as are these posters. I was admiring them earlier. To the extent that they could be added as a requirement, they could require them be posted out on the farms. This would be great. If not required, then suggested strongly that they post them. It would also be a good thing to have them required at the site of the farm labor camps. You know, that is somewhere everybody is going to see them when they are traveling through as migrants who are generally living in labor camps. It's a centralized location where everybody is and where certainly they can conduct trainings as well. But these posters will be helpful. Especially because somebody might not realize that they've been injured until later and gone home, and it would be good for them to have the access to where they could call to get helpful care, etc.

We disagree with the statement made by the representative of Texas Citrus Mutual. We ask that you do not reduce the decontamination site. The time period during the restricted entry interval does not mean it is safe after three days and certainly everybody who's sitting here from the EPA knows that it's an approximation. Rules regarding pesticides and most chemicals will just predict the best that they can. Generally speaking, they don't have tests that have been done on humans. We have biological studies. We have studies done on animals. We still don't know all the long-term effects of pesticides. We know that mixing occurs between different chemicals, but there's not a good source that says, "Well, this is what happens when you mix methyl parathion with Dursban: you're going to get 10 times the reaction or 50 times the reaction." These are just things that we just don't know. So we ask that you don't make this any less than it already is. It's an easy requirement that can be followed, I think.

OK. One last thing I would encourage you to add to the requirement right now. Individuals are required to keep records for only 30 days. We would encourage you to do what Texas does and require the farmers to keep the records for at least 30 years.

Vikki Flores: Hello, my name is Vikki Flores. I'm from the Farm Worker Health and Safety Project at Texas Rural Legal Aid where I am employed. It's dedicated to protecting farmworkers and the environment from hazards of pesticides. We promote safer, more ecologically sound alternatives and protective policies. I am here today on behalf of farmworkers, to express their concerns over certain regulations, under the Worker Protection Standard.

Of particular concern is the training requirement for farmworkers. Under the federal Worker Protection Standard, farmworkers are only required to receive training once every five years. This is not enough. Well-educated persons--for instance, lawyers--cannot remember the content of classes for trainings they attended a year ago. How can we expect farmworkers, most of whom have very little formal education, to remember a safety training about pesticides for five years? For several years, I was involved in training farmworkers on the hazards of pesticides and how to protect themselves. Each time, I would conduct a training for a group of workers I had trained the year before, there were always comments from persons who were glad to receive the information again, because they or someone they knew had suffered health effects from pesticide poisoning. They had forgotten the symptoms and related their problems to the flu or to allergies.

I understand the growers had expressed concern about being responsible for compliance with the Worker Protection Standards when they use farm labor contractors. Growers should be responsible for compliance for a number of reasons. The first and the most obvious reason is that farmworkers are the growers' employees, working on the growers' land, handling the growers' produce and are exposed to the growers' pesticides. It is not enough for contractors to be responsible for compliance. If a farmworker is poisoned, under the law, the grower is most likely going to be liable ultimately. Therefore, it is to the growers' advantage to make sure workers are properly trained and are not exposed to pesticides.

In addition, my experience with farm labor contractors or crew leaders is that they are often no more educated than the farmworkers themselves. Many cannot read and therefore cannot go through a WPS training manual, even in Spanish. I don't think training would be done if crew leaders were the ones required to do it. Most crew leaders don't see pesticide poisoning as a serious threat to their workers. This is evident by the fact that most of them do not respond to requests from workers for medical care after an exposure and often merrily tell them to go and see a *curandero,* a witch doctor. They most often will not report injuries to the growers and lie about what happened when they do. The reality is that most crew leaders would not find it necessary to train their workers and would find ways to get around it. They are more concerned in turning a quick buck than they are with compliance of the law or even following the exclusive directions they receive from the grower for whom they are working.

I have worked with perhaps 50 people who have been injured because of pesticide exposure. These cases include a man who had an eye removed, another who had a leg amputated, others left permanently disabled because of severe respiratory damage. The circumstances of their injuries and the extent of the injuries varied, but there are common factors in all of these cases. In each case, the person injured did not receive adequate training. It was not warranted by the danger of chemicals they were working with. It is essential that training be conducted with qualified individuals with adequate knowledge and information on at least a yearly basis.

Another area of concern is the re-entry period. One case which I believe will illustrate the need to reinforce longer re-entry periods involves a family that suffered severe health problems when they were exposed to Fury, which had been sprayed a couple of hours before they were asked to work in that particular field. Not only were the family members who worked in the field poisoned, but their little toddler was also exposed when one of the parents picked him up after coming home from work. Three years later, the child is still experiencing severe skin problems. There is no doubt in my mind that shortening the re-entry period will create more situations like this one. We cannot say strongly enough that training farmworkers is one of the most important mechanisms for protecting workers and that the re-entry period should not be shortened if we want to protect farmworkers from the adverse health problems. Thank you.

Douglass Stephenson: It seems like I started with the Texas Agricultural Extension Service Worker Protection Education Program about the time the rule went into effect. Working for one of the most complex or largest extension services offered in the United States, we have to do a lot of greeting clientele. With various audiences, one of the problems that presented itself and we had to overcome, is that many county extension agents schedule their work a year in advance, including all their meetings. It's difficult to reschedule additional meetings to educate clientele. I believe, including all of the citizens of Texas, we have somewhat close to 20 million clientele, and we have better than half a million agricultural clientele that are included in programs all of this time.

In addition to this, we have long range extension plans called LREPs. These are five-year plans, and fortunately, the outreach part of the program, most of the agents have policy and regulatory education as one of their top items. This gave us a leg up, and we began by training more than 300 county extension agents and extension specialists on how to educate our clientele in 1994. We didn't anticipate any delay in the program, although we had a delay on certain parts of the program. The legislative action in Washington gave us a breather. We didn't lack any of our training efforts and our extension agents in more than 240 counties in Texas began training trainers, private commercial applicators, and in addition, workers and handlers. We had a legislative mandate in more than 200 Texas counties to train under the Texas Agricultural Right-to-Know Act

passed in 1987 and continued these programs which included Worker Protection Standard trainings. We served in the last couple of years more than 6,400 of our clientele, with 700 meetings, an average of 20 or 25. This doesn't include figures I have yet to receive from 1995. These education meetings were primarily at county and local levels.

Now, let me talk a little about some of the problems we have experienced. Early on, we discovered there was a shortage of training materials, worker training tapes, videos, slide sets, etc. As these came on line, it got a lot easier. We had more requests from county agents for educational material than we could deliver. By the end of the first year, we had training materials in the hands of all of our county agents. Audio visual libraries were established so that materials could be checked out. We had agreements with the producers of those tapes--Michigan State Extension Service, Idaho State, and the University of Florida--to copy these materials and distribute them to our clientele (not for sale).

Another problem was misunderstanding about the trainings, which began in late 1994 and continued in 1995, as the deadline approached for farm owners to get the workers trained. One of the misconceptions was that they send their workers to watch the tape, and then come back to the farm/ranch to get their card. Now, the producer is the licensed applicator and could sign, and we had to fix this in a big hurry and explain to all of our agents that they should never do this, and that [Inaudible]...training would be fraudulent --that the trainer had to be present, had to speak the language that the worker understood, and had to be able to be there to answer any questions the workers have during the training. Once this was clear, it only took about two weeks to get all our people set up. It would have helped to have a letter go out from our Director of Agricultural Education programs, Dr. Kyle Smith, who works for our extension director here in Harlingen. Once this was out of the way, that was probably the most serious problem we had early on.

A present problem we have incurred since last year is the addition of around 15,000 additional clientele. They were included in the program when the interpretive guidance group decided that agricultural operations that grow their own feed for their own consumption are included. (Those agricultural commodities are indeed in non-compliance.) At the start of the program, we had this understanding that this was the way it was going to be interpreted--as plants for sale, like plants in greenhouses and nurseries, farms, and etc. Included in this were our clientele, which is about 15,000 more ranchers, livestock operations that go there to feed. So, we had to hurry to get them upgraded in 1994 (correction, March 31, 1995), and we managed to accomplish this before the end of the year.

Presently, we are uncertain that this is still an ongoing education process. This has always been uncertain. We always have questions about this every time we have meetings. We have questioned this year-in and year-out, and the question always comes up the same. Our question revolves around the differences between Texas Agricultural Right-to-Know Act and the requirements of the Worker Protection Standard: "If we don't

do anything else, what do we do?" We still have to address those problems. There are certain people, included in the Texas Agricultural Right-to-Know, that do have to comply with WPS, and they have to turn around and comply with all those stringent regulations that occur under Right-to-Know. There is also a present uncertainty, and we still get questions about where to get cards. We thought we had this solved, but we still get questions. I get about one a week, that would make about 52 questions a year. So, 52 out of 60,000 plus clientele I meet.

We have some present needs, and we wish that EPA had helped us as educators with these things. This is an information age and computers are a resource available to our clientele, not necessarily to the agricultural workers, but most have [Inaudible]... Most of them are computerized by now, and we wish we had an information base to gather and give copies of the Texas Department of Agriculture's Right-to-Know laws and regulations, Texas pesticide laws and regulations, Texas herbicide laws and regulations. What we wish we had is an electronic version either in ASCII format, WordPerfect or Microsoft Word that contains Worker Protection Standard CFR 156 and, most importantly, 170. Now, that would include the restricted re-entry intervals for the various pesticides, and we would like to include these in our own information bases. So all of our clientele would have to comply with this regulation. We also wish we had the WPS inspection guide for the compliance inspections. This would help our clientele have immediate access to the various things they must comply with. This would be a nice check list. They could search it by any word. For REI, they could search by commodity; they could search by various things that they had five minutes to understand, etc.

In record keeping, we want a developed electronic record keeping requirement that meets WPS, as well as the Texas Agricultural Right-to-Know Law. This would be made available to our clients. This would allow them to apply it to their record keeping requirement, and they can keep their records. So, now all we need is the clearance from the various agencies that could help. Thank you.

María A. Salinas: My name is María A. Salinas. On November 3, 1995, I was employed through a farm labor contractor by a large packing shed in Mission, Texas. As of November 3, 1995, I have been working for this employer for approximately three months, yet I never received any training on how to protect myself from pesticides. I never received copies of any crop sheets. On November 3, 1995, I was picking bell peppers when I noticed them covered with white dust. I was wearing gloves, a long sleeved shirt, long pants, a hat and a scarf that covered my head and neck. My employer did not provide this protective clothing nor did he advise me to wear it. I wore this to protect myself. Even with this protective clothing, my face starting burning. At the end of the day, we went home. I showered, but my face got worse.

The next morning, November 4, 1995, I reported to work and I worked until lunch but I had to go home because my condition worsened. The burning and itching was

unbearable. The crew leader was not there that day, so I told one of the workers I was leaving. Neither the packing shed or the crew leader would have sent me to a doctor so I went on my own to a doctor in Mexico. The doctor told me I had been poisoned by pesticides. Another woman who was under a different crew leader was also poisoned and that crew leader sent her to a doctor. During the whole time I was working for this packing shed and crew leader, no one ever told us when a field was to be sprayed or when it had been sprayed or what it had been sprayed with. Also, while there was water available for washing, it was always dirty and there was no soap. These are my comments. Thank you.

Bobby Simoneaux: Good evening. My name is Bobby Simoneaux, Director of Pesticide Environmental Programs representing Commissioner Bob Odem in the Louisiana Department of Agriculture and Forestry (LDAF). I would like to applaud the EPA in its efforts to assess the first full year of implementation of the Worker Protection Standard regulations and in seeking input to possible modifications in order for the regulations to become workable in the real world. Just as we believe that education is the backbone of our FIFRA enforcement program, we also believe that a strong Worker Protection Standard Program will achieve the goals intended. This can only be accomplished by strong education efforts. In Louisiana, we have set up a strong cooperative effort between the Department of Agriculture, Cooperative Extension Service, grower groups, and worker groups to provide the needed training for the implementation of the Worker Protection Standard. It is also our belief that compliance assistance can be a very useful tool in achieving full compliance of the regulated community.

In light of this, LDAF Pesticide Division, with the extremely helpful Region 6's Jerry Oglesby, put on several training sessions to educate our own 80-plus inspectors about the WPS regulations. An interesting outcome of these sessions, which involved, as I said, 80-plus inspectors, was the amount of confusion that this generated. I believe that this is a good indicator as to the amount of confusion that WPS has created for the regulated community. I'm not trying to indicate that WPS would never be understood. I'm saying that it will take time, cooperation and education to develop the understanding that will eventually lead to compliance. I was fortunate to be able to attend the public hearing held in Mississippi, and I did hear some of the concerns which I'm sure you have already heard. Just to highlight some that I did hear in Mississippi and have not heard so far today, but I did hear someone touch on heat stress being the number one concern dealing with personal protective equipment. I know you all will be here in the next couple of days, doing some touring and so forth. I'm sure that you'll hear a lot about heat stress and the kind of conditions that will apply in South Texas and are very similar in South Louisiana in June, July, and August. We're talking 100-plus temperatures and 100-plus humidity. It's very difficult to comply with some of the PPE that is required. So that was one of the major concerns.

Another major concern was with the restricted entry intervals. There's still a lot of confusion on restricted entry intervals, especially dealing with the posting. I think there's a lot clarification that needs to be done in that area.

Another thing that was pointed out was that there were special concerns in such areas as nurseries, especially those nurseries in the retail business. And also, there were special concerns with research--not only with USDA research people, but also the state universities that have research plots, especially in areas where research plots are actually one plant in a pot and then applying different pesticides to different pots.

In the area of training materials, I want to compliment EPA on the quality of the training materials that have been provided. Although some of them were not provided in a timely fashion, they were of very high quality. I would like to say, in the State of Louisiana, we are in desperate need right now of the little green inspector field pocket manuals. I would appreciate getting those just as soon as we can, but overall, the quality of the training material has been very good.

In closing, I would like to encourage the continued cooperative effort between the EPA (including the regions), SELs, the Extension Service, and the regulated community to stay committed to the clarification of the rule using a common sense approach. Thank you.

Allyn Davis: Thank you. Do we have anyone else that has signed up to speak? Is there anyone in the audience who hasn't signed up that would like to speak? OK.

Ned Meister: I'm Ned Meister, the Director of Commodity and Regulatory Activities for the Texas Farm Bureau. Dr. Goldman, Mr. Davis, Mr. Kozak, I appreciate the opportunity, but I really didn't come here this evening to give a statement; however, I would like to address a few of the comments made. First of all, I appreciate you all coming out to the field to listen to producers and workers and hear their concerns about the current WPS program. We feel that the WPS program is necessary. I think over the year that it's been in effect, in the times I have worked on it, it has heightened the awareness of safety in the agricultural place, and I think the result of that is excellent. The program is a good program, and with a little fine tuning, I think it will work.

Some of the difficulties are, as we recognize, hard to work with and a lot of times, details inadvertently get lost and shuffled especially in times of intense activity and whatnot. If we made some adjustments or just pared down some...not necessarily pared it down as much as we intend... For example, with large numbers of workers from the work force, it's difficult to determine those who have been trained. And sometimes, as the representative from the Texas Rural Legal Aid indicated, not all workers are getting trained. I can guarantee it's really not an intended thing, but it does happen. We would like to make sure it doesn't happen.

Some of the comments with respect to the 30 days after the REI program should be

revisited. I say that only in that, so far as I understand it, there's a question as to whether EPA needs 30 years or 30 days. So we need to take a look at that. I think the quarter mile rule should be eliminated. In good conscience, I can't see any reason as to why we would have that in place. With the technology we have today, off target depositions are being reduced or eliminated. Maybe if not eliminated [Inaudible]... let's keep that in mind. I think it's important, at least let's revisit. We need to revisit it. If you apply a product to the field, and you have a field next to it, even if it's up wind from where that field was (within a quarter mile), you have a certain obligation on each application made. And the last thing is employers. This has been something we tried to get our friends and labor sides to understand, unsuccessfully I might add. While employers feel confident to train workers and handlers, then so should the workers and handlers be held accountable. I'm pretty sure you know what I'm talking about. OK. Thank you.

Jim Parkhill: My name is Jim Parkhill. I represent International Pickle Companies, South Texas Harvest and Sierra Farms, the packing shed operations, the harvesting service, and employees. I didn't come with any prepared comments today, but after hearing some remarks, I would like to make a few observations. In our company, we will employ during the picking season a minimum of 600, perhaps as many as 1,000 farmworkers per day, in our harvest operations. Given the usual amount of turnover, which you normally find, over the life of a season like this, we might be needing perhaps as many as 2,000 individuals that we would have to ensure have received EPA training. Our area of operation may include as many as 40 or 45 different field locations in a given day, spread over a two or three county area. Despite this, it might surprise some people here to know, we do not find compliance with WPS particularly burdensome. We think it's a good law, a necessary law, and we have not found or encountered any particular problems in implementing training aspects of this law even given the kind of scale that I just referred to. With a couple of exceptions, and they are fairly minor things.

One exception is gray areas. They still exist, between our responsibilities as employer and between the Texas Department of Agriculture Right-to-Know Law and WPS. There are many redundancies where we are accomplishing simply, essentially, the same role, when we have to perform a specific compliance task in two different ways. A classic example may be the handing out or reading of crop sheets (however, after hearing Ms. Sebesta's recommendation, we didn't do this) [Inaudible]... but there are a number of gray areas. The things we did do were over and above what we are doing to comply with WPS, and we must also continue to do this to stay in compliance with the Right-to-Know Law. We understand there was some question that the Texas Law would be sunsetted, but it's still on the books, so we still have some gray areas there.

The other problem we have is relatively minor in the whole scope of things, but it still represents a problem. I just referred to the

kind of logistics that we are dealing with and the huge number of people with amount of turnover. I think we have a system that we're doing under the circumstances, of filling jobs and getting the workers trained. However, when you're dealing with that many people, that amount of turnover, that big an area, during a relatively short season, we always run the risk that there's going to be some individual out there who falls through the cracks. Somebody that came in mid-way through the season after we went through the training exercises, somebody that only came out for a short period of time, somebody that came out and said, "Yes, I have been trained, but I don't have my card today," and somebody forgets to follow up on it. It's a very fractional, small percentage of our total effort, but it does happen. I'll be the first to admit that it does happen. Our problem is, how can we build a safety net to catch the people who fall through the crack?

And when I refer to a safety net, let me give you an example: We have the same problem with the Right-to-Know Law requiring the handing out and reading of crop sheets. However, there is always that possibility that somebody happened to get out there that didn't get the crop sheet or didn't get it read to them, whatever the case. This involves very few individuals, but it can happen. We solved that problem with a safety net that we built for ourselves by using a recorded tape with all of the crop sheets on it and also including other information that wasn't even required by law. We recorded a tape. We have numerous hands in vehicles that are in the fields everyday. We equipped those vehicles with loud speakers that play those tapes as they make it through those fields, over and over again, day after day, to the extent where farmworkers would risk not coming in. A problem is that the farmworkers heard the thing so many darn times, but at least if we have that one person out there that fell through the cracks, he/she got the message.

Our problem with WPS is that we cannot build a safety net to pick up those loose individuals who fall through the gap. We cannot build a safety net because of the WPS training. The tape is audio/visual and requires the opportunity for questions and answers. So, I'm merely saying this is a problem we have and have not found a way to deal with it. We can't build a safety net to ensure 100% safety, instead we must settle for 99.8. percent. I don't know if there is some provision or some way that something like providing the audio training would be, if not accepted, would be considered not in violation. Would it be OK if this person doesn't have a card even though he has heard that WPS training tape in audio form 50 times during the course of the season? So we will now give the farmworker the opportunity to get the visual, or give the tape portion of it, without citing us as being in violation. A big problem we have now is, how do we manage to make sure we catch that one percent that may fall through the cracks?

I would also like to say I like Ms. Sebesta's suggestion on having a central data system. This might be one of the ways that we could pick up those new individuals that fall through

the gap, and we have some new way to check up on them.

I also know there is some concern expressed tonight over what's being referred to as crew leaders doing the trainings. We accomplished our training before with farm labor contractors, those with huge numbers of people we use. We do not employ every individual worker directly, because we couldn't even run that kind of payroll. So we use the farm labor contractor. They are obligated under our contract to provide this training, but that doesn't mean we don't have to monitor and police everything they do. Our system is that we train the farm laborer contractor as a trainer and issue them a green card. We supply him with all of the materials necessary to train his workers as workers. We give them the blue card and register the number of the blue cards that we have handed out to him. Obviously, we will have other people in this crew that received the training elsewhere, but we find that system has worked very well.

In fact, the labor contractor is very diligent about educating his people. He has broken an almost impossible task of training 1,000 or 1,500 people down into small manageable groups of people for training. We have a system to monitor the video training as long as the labor contractor supplies us with a list of EPA card numbers which were handed out to the workers who were trained. That's basically it.

Allyn Davis: Just a quick question. Is it Mr. Markhill?

Jim Parkhill: Parkhill, yes.

Allyn Davis: Parkhill. Sounds as though you've gone through a lot of trouble to set up an infrastructure to use these pickup trucks with the audio tapes and so forth. It's probably not an easy solution for problems of a person who falls through the cracks. Have you thought of using the same mechanisms as you were using for the group for workers in the field?

Jim Parkhill: We do that. We have added certain things to the TAN WPS tape that would take a lot off of the audio visual material. At the end of that tape, one of our own people has added a recording that states, "It is a requirement of the law that you receive this training. It is a requirement of the law that you have your training prior to your first five days in the field. If you have not obtained this training, contact us, not your farm labor contractor." We give them the company name and the company telephone number so they can contact us immediately. So, yes, that's one of the ways we've tried to provide a safety net, but if the worker doesn't contact us and says, "Hey, I haven't been trained under this and have been working here," we have no way of knowing who that specific individual is if he or she doesn't speak up. Another thing we do on that tape is, at the same time we're playing that tape, we repeat the information over the fields that we're working in that day. The spray history is spray painted. That's how we include that information in addition to the signs.

Allyn Davis: Thank you. Would anyone else like to speak?

Rick Enríquez: Yes. My name is Rick Enríquez. I am a foreman. I guess I'm the bulk of what everyone is talking about. As foreman, I've got to say the buck stops here. One thing that hasn't been addressed by EPA, as far as the pesticide issue, has been Mexico. As a foreman, we also deal with the packing shed and shipping. We also deal with the off season markets. We have a lot of people who come in contact with pesticides. As far as pesticide poisonings go, we don't know how to handle them because we have no MSDS. We have no idea where our producers spray or what they contain. Hopefully, in the future, we can address this so you can tell us what we need to do so we can express to our farmworkers what needs to be done. We, at our package shed, provide all the MSDS information that our farmworkers are exposed to. We also train our shed employees.

One of the comments that most of the farmers have or have had is that we've gone to meetings and the subject was brought up about the employers and [Inaudible]... Most of the time, we've had experience working out in the fields at one time or the other. It's very rare that I hire a worker that doesn't have any experience because I won't have any time to spend in my work environment to teach someone new. It's our feeling that some of the burden of the training should be put on the workers. Yes, sometimes some of the workers working for us don't know how to read English. Some of them don't have any kind of education, but for some reason or another, they always have the education and know-how to be able to come up with the driver's license, social security number, place to live, and where to go to buy food. We feel that if they have this education in order to live in the United States, then they should be put into the environment where they need to go for training. Most of the comments have been, "I've hired people that I haven't seen for two or three months and I won't see." I have a lot of workers that come in and tell me that they've lost their cards. Do I re-train them? When I re-train them, do I just issue them a new card? There's nothing in the regulations that stipulates what to do when a worker comes in and says, "I was trained in Idaho, but I don't have a card. I lost it sometime last year." So, in order to be safe, we have the inspectors come through, and we conduct a re-training.

Speaker from Audience: Another issue mentioned here was all the new regulations that are in effect. The only ones who usually find out about the regulation changes are TDA, the inspectors, or Texas A&M. We farmers don't hear about changes until we read something in the newspapers or hear something in a meeting that we were invited to. One of the biggest supporters we have is the Texas Produce Association, and it is through Jerry's letters that we find out about some of the changes. Sometimes it comes too late because we should have been complying with these changes two or three months ago. We didn't know. So then we're trying to train all of the workers to comply with the changes and during the process, somebody gets hurt or

somebody gets sick. So, I'm hoping that somewhere in the future, EPA figures some way to get the farmers to comply with new rules because you're understaffed and so is TDA. We have one inspector here that covers almost six or seven counties. One county alone has 1,000 farms. Other than that, that's all we have to say. Thank you.

Simón Tamez: My name is Simón Tamez. I'm the safety coordinator for Stock Produce in Starr County. First of all, I wanted to compliment EPA on the program and the concern for the safety of the workers, which I strongly believe. We have no problem with WPS. On the training standpoint, we have no problem in the training. This is due to the fact that I think Stock Produce is fortunate in that they can afford a safety coordinator. Well, there's a lot of small farmers out there that cannot afford a safety coordinator where they might encounter some of these problems. I don't have any complaints at all. The only thing I'm concerned about is paperwork. Paperwork, the repetition of recording and keeping these records for a certain period of time. For example, we have a form that we must post in a centrally located area by regulation standards. Which is good. OK, this is good, but I think in the real world, like I mentioned a little while ago, I think this is a no-no.

The reason why I'm saying this is because, again, in the real world, the people that are coming to work, like right now, for example, are harvesting onions. They have only one thing in mind when they come in the morning. I would too. They go straight out to the field because they can see those onions out there. There's plenty out there, and they're making good money. That's what they have on their minds. They are not going to stop and go a hundred feet to the left or to the right to go and look at the form to see what type of pesticide was applied there. This is the rule I'm talking about. When they come out of the field, they have only one thing on their minds and that's going home because they're so tired, you see. Now what are we going to do with the form that states that a pesticide has been applied, the rate that was applied, the EPA registration number and the re-entry interval? All of this information is available on the board and not only this information is available, but also other laws that are required by the federal and state government such as the Right-to-Know law. All of this information is located right on the board. Those boards are located to the right of the restrooms, which everybody visits at least once a day, if nothing else, to wash their hands because there's water, soap and everything available there. Now, this is something that I'm not fighting. Like I told one inspector the other day, it's just that we're duplicating these things. Sometimes I feel that we are fighting paperwork, and I feel that the paper is winning. So that's the only thing I have to say.

Also, another thing that I'm concerned about is that we have to record when we tell the individual, the applicator and/or handler, the type of chemical from the restricted-use standpoint, the type of pesticide he's going to apply soon. Well, he's been through the training already. Now, why just that pesticide?

What is the difference between a restricted use pesticide and a non-restricted use pesticide? They're both just as dangerous. So, let's make up some rules. That's it. Thank you.

Allyn Davis: Would anyone else like to speak? This really is a unique opportunity because Dr. Goldman really makes the decisions about the pesticides programs, and she's here to hear how the first year of implementation of the Worker Protection Standard has gone.

Dr. Lynn Goldman: What I thought I would do is respond to some of the comments that were made and then ... [Taping suspended while tape was changed] Perhaps after I give my response to some of the things I have heard here tonight, maybe we would have the time, if people want, to have some further discussion. In no particular order, I think there were a number of things in the comments I would like to address. In the first place, I just want to once again thank all of you for coming here tonight and particularly those of you who came forward with comments. I also want to offer to the rest of you, who did not feel comfortable making comments here at the meeting, that you're certainly welcome to give us your comments in writing. We will look at those as well, and so please feel free to continue to provide us with input because I think it's so important.

One of the consistent messages that I heard here tonight had to do with the issue of who is responsible for implementation of the Worker Protection Standard, and the responsibility is really shared by everybody involved in the process. Everybody in this room has some responsibility for making sure that the workers are protected. Certainly, those who hire the workers and control the conditions of employment, the owners of the farms, the contractors, all of them have responsibility. I like what I heard about how some are beginning to make contractual arrangements between the farmers and the labor contractors. I think it's very important. After all, the labor contractor does work for the farmers, and my sense is that if there is a clear expectation that the standard will be applied, that the labor contractors will do it. I think it is the responsibility of those who hire the labor contractors to make sure that that's absolutely clear. Certainly if it isn't clear, then people cannot receive training, they will not receive the needed instructions.

The other thing that came out as an issue is: What about the responsibility of the employees? Certainly the employees also have some responsibility. The EPA has never believed that it's the job of the farmer to watch every employee every minute of the day. Nobody can do that. You can't expect that in the real world, and in fact, what we do expect is that the information and the tools have been provided, and that the opportunity has been provided so the workers are protected. Certainly, it is not possible to watch every worker, every minute of every day and make sure that they put on their gloves, etc. I know our colleagues with the state and other state agencies we work with are applying common sense in enforcement of the rule. What they are looking for is that a good faith effort has been made, and that, in fact, people

have received the training and have received the tools they need.

Some of the comments I heard sounded to me like things aren't going well everywhere. It certainly would be disturbing to hear that many workers are not receiving training. We are conducting surveys. EPA has hired a contractor to help assess how well the training is going. It is very important to us. We believe that the rule should result in a hundred percent. I would be very disturbed if we came out with something like 20 to 25 percent, which is the statistic that I heard rumored. It is certainly illegal to refuse to hire an individual because they don't have cards. It is easy to dock pay if they don't have the card. The responsibility of the farmer is to provide the training, and if there is not proof of the training, the right thing to do is to go ahead and do the training. I do believe there are instances where the workers believe they won't be hired unless they say they have had training, whether they had training or not. Sometimes they say they don't have a card because they have not really attended a training. I would take it for granted those are people that haven't been trained. They probably haven't been trained. I think that the safest assumption is they are not trained. I think the state agency will keep at it. We've been very interested in how the EPA standard fits into Texas' Right-to-Know Law.

I've seen some of the material that Extension has put together, and it's really good material. I think they've done a wonderful job of planning. They put, for example, the posting requirements together in a way that looks to me like I can do it pretty easily and wouldn't take a lot of time to do, and I don't think that the two are necessarily at odds with each other. I will say that we've had a willingness to comply. I personally felt strongly that where a state is already doing something that clearly accomplishes the same purpose as the Worker Protection Standard, we should be willing to consider their efforts and not require that another thing be done that basically does the same thing. I can point to a couple of instances; for example, California, where they have a sign that is already in place which the farmworkers actually liked better because of the skull and cross-bones on it. They liked it better, the farmers in California liked it better and the state agency wants to keep it. We did not force them to change all of their signs to our signs. We didn't think a difference was made by a sign, and I think if there are equivalent situations in Texas, I would encourage the Texas Department of Agriculture to come forward with those situations. I'm certainly willing to consider them.

As far as I know, the process for complaints--that issue came up in some of the testimony--it's the same as the process you use for the Texas Right-to-Know Law. It's exactly the same process, it's just a separate process. In all, the implementation goes through the state agency. So you should feel that whatever you used in the past to file a complaint about the Right-to-Know Law implementation, you can use that for the Worker Protection Standard.

The other thing I want to mention is just the issue of getting information out there. I thought people made some really good points,

and I really would like to hear from all of you, especially the farmers. What do you need? If we need to get information to you directly, what's the quickest way for us to do that? I think we're more than willing to summarize the changes from the regulations and try to get them into your journals, your newspapers, but we need to have a sense of what are the best vehicles for doing that. We're always trying to do outreach. We have tried to take these changes and take the rule itself and boil it all down in the simplest possible language that we can. If fact, we have a lot of that on the table. A lot of what's there is basically some of the education hand-outs [Inaudible]...

I think one of the things that makes it complicated is, and I heard this today, we want a simpler version, but at the same time, we want interpretations of every circumstance that people might encounter. Not as a [Inaudible]... rule, so at the same time that we're trying to put out information, this gives you the simplified version. At the same time, we have this interpretive process going on with what we are trying to say. We try to cover every case that might happen and how one should handle it. What should be the right thing to do under the standard? This is how we end up with very lengthy documents, something like the 140-page documents someone mentioned earlier.

What I would advise the farmers is that the interpretive guidance is not there to be read page-by-page and understood and memorized. The interpretive guidance is there for you if you need questions answered from day to day. It is there for you if you have a particular question or particular problem. For example, say you didn't know what to do about putting out smudge-pots. You can find what you need in the interpretive guidance, but it isn't magic if you read all 140 pages. The information you need to read, in other words, has been summarized in a very brief form. We do have that table, but at the same time we want to make the more complex information available for you in case you need it. I like the idea of an electronic version and coincidentally, we are actually updating our World Wide Web issued from my office and EPA. I'm going to go back to Washington and say we've got to have a WPS page. I think it's a great idea and this is another area where I heard some specific suggestions about what should be there, but if there are other suggestions as well, be sure to put them up there. We have started putting all of our regulations on the Web, but organizing them in one place is a little tedious, especially for WPS.

I also wanted to point out that the materials up here, the posters, the other short pocket booklets we have here, are designed to meet the requirements of the standard for posting. For the first-day workers coming on to the job, providing this information is strongly recommended. We also accept the use of materials that are roughly the equivalent. It should have the same words on it or have the same information on it, but obviously we would like for these materials to be made available to the people who aren't complying. We'll do what we can to ensure we get this information out quickly.

Last but not least, there was a very interesting question asked about Mexican

produce. Someone asked what the guidelines would be for that, and that would be something I want to go back and think about. We have a major project for Mexico right now on pesticides because of NAFTA. In fact, one of the EPA staff is here today, Penny Fenner-Crisp, who works with the Office of Pesticides Programs. She has been involved in this program. The program has brought them into our rules, and we already had cooperation from Canada when NAFTA came on line. Now we have a three-country cooperation on the registration of pesticides. We are basically working with Mexico on the WPS standard. They don't have the same kind of system we have in place, and they have a long way to go. The issue of imports is important to us, not only from the standpoint of farmworkers but also from the standpoint of the consumers. In our country, we are very concerned about pesticides used on imports. I think we should go back and look at the issue publicly, then come back and talk to you about it.

So in closing, I again want to thank all of you for being here tonight. I'll open up the floor if there is any need for further discussion or questions. The suggestion was that the pocket guides could be distributed to local health departments and to churches. I suppose other community organizations are also a good suggestion. That's great because I do think there needs to be lot of participation by the community at large. I talked about the farmers, the farmworkers, but others too. Questions or comments? If not, what I'd like to do is adjourn. The EPA folks may identify themselves by raising their hands so we know who you are and also the folks from the Texas Department of Agriculture. I think what we can do is stay around here for a little while so you can ask us about other information to pass along to others. We have recorded this session tonight, and we are going to take these comments very seriously. Thank you.

[Meeting adjourned]

Registered Participants in the Public Meeting

Andy Cruz
USDA-Agriculture Research Service

Dale Darr
Texas Farm Bureau

Floyd H. Davis
Edinburg, TX

Rick Enríquez
Bagley Produce Co. Inc.

Vikki Flores
Texas Rural Legal Aid

Héctor Flores
Texas Dept. of Agriculture

Pat Fogarty
Strategic Interfaces

Jim Hearn
KURV Radio

J. Holterman
Rhone Poulenc Ag. Co./Agri-women

Fred G. Karle
Texas Citrus Mutual/Texasweet

Pat Kornegay
Texas Agricultural Aviation Association

Wayne Labar
Cotton & Grain Producers Association of LRGU

Jerry Lemunyon
USDA-NRCS

Linney Lyles
International Pickle Co.

Pablo Mayers, Jr.
DuPont

David McCommas
USDA-Agriculture Research Service

Ned Meister
Texas Farm Bureau

Joyce Obst
Texas Citrus Mutual

Jim N. Parkhill
South Texas Harvesters, Inc. International Pickle Co., Sierra Farms, Inc.

Jerry Pierson
Pioneer Hi-Bred

Sergio Rinar
Hetcat Sc.

Juana P. Rodríguez
Farmworker

María Idalia Salinas
Farmworker

Diana Salzman
Texas Dept. of Health

Patricia Schnitzel
Texas Dept. of Health

Emilie Sebesta
Texas Rural Legal Aid

Ana M. Silva
Mission, TX

Ebed Silva
Warehouse Farms

Bobby L. Simoneaux
Louisiana Dept. of Agriculture and Forestry

Eduardo R. Stein
USDA-Agriculture Research Service

Douglass E. Stevenson
Texas Agricultural Extension Service

Simón Tamez
Starr Produce Co.

Teresa Willis
Texas Dept. of Health

Site Visits and Small Group Discussions

Plantation Produce, Mission, TX

- April 25, 1996, 8:30 a.m.
- Tour of 7000-acre farm (onions, vegetables, grain, sorghum) and large-scale packing and shipping operation.
- EPA staff met with staff of Plantation Produce, Texas Citrus Mutual, Texas Vegetable Association, Texas Produce Association, Texas Department of Agriculture.
- Among the topics discussed at the meeting were:

  — Need for more careful planning due to REIs.

  — Problems with requirement to provide washing/decontamination supplies for 30 days.

  — Turnover of workforce requires frequent training sessions.

  — Reports of WPS signs being stolen.

  — Some attendees had the misperception that all provisions of the rule are triggered when a person comes within a quarter mile of a treated area.

Rio Queen Citrus, McAllen, TX

- April 25, 1996, 10:00 a.m.
- Visit to a citrus (grapefruit, oranges) farm.
- EPA staff met with staff of RioQueen Citrus staff , Texas Citrus Mutual, Texas Vegetable Association, Texas Produce Association, Texas Department of Agriculture.
- Among the topics discussed at the meeting were:

  — Use of PPE can lead to heat stress in warm climates.

  — Concerns over employer liability if employee refuses to wear PPE.

  — Some participants had the misperception that all provisions of the rule are triggered when a person comes within a quarter mile of a treated area.

  — Many workers want full labels in Spanish.

Roland Dusters, Edinburg, TX

- April 25, 1996, 11:30 a.m.
- Tour of facilities of aerial and gound applicators.
- EPA staff met with Blayne Roland, pilot; staff of Texas Agricultural Aviation Association, Texas Citrus Mutual, Texas Vegetable Association, Texas Produce Association, Texas Department of Agriculture.
- Among the issues discussed at the meeting were:

  — Problems wearing PPE when getting in and out of airplane and when in cockpit.

  — Requirement that commercial applicator notify the farm owner of a pesticide application within a reasonable time period. Commercial applicators are concerned that if there is no record of an oral notification, they could be held liable if anything happened.

Farmworker Meeting, Hidalgo Park, Pharr, TX

- April 25, 1996, 3:00 p.m.
- EPA staff met with farmworkers; Juanita Cox, United Farm Workers; Raymond Gill, South Texas Civil Rights Project; José Sánchez, Texas Department of Agriculture.
- Among the issues discussed at the meeting were:

  — Participants' concerns about health risks associated with pesticides with short REIs and opposition to any shortening of the REIs. They also stated that the 5-day grace period for training is too long, especially for seasonal and occasional farmworkers, and that the 5-year retraining interval should be shortened.

  — Concerns about drift from fields, and workers being sprayed; lack of notification of workers about spraying; and worker housing located in the middle of fields.

  — EPA discussed ongoing progress with the Pesticides Spray Drift Task Forces.

  — Reported instances of farmworkers working right next to tractors spraying pesticides. Illegality of working under such conditions.

  — Availability of training, protective equipment, crop sheets (fact sheets with information on pesticides used on particular crops).

— Participants' suggestion that workers wear protective clothing at all times in the fields, not just during REIs.

Farmworker Meeting and Site Visit, San Juan, TX

- April 25, 1996, 4:30 p.m.
- EPA staff met with farmworkers; Juanita Cox, United Farm Workers; José Sánchez and Randy Rivera, Texas Department of Agriculture.
- Among the topics discussed at the meeting were:

  — Reports of airplanes spraying fields where people are working.

  — Availability of training, protective equipment, crop sheets, warning signs.

  — Apparent inconsistencies in understanding of what constitutes WPS pesticide safety training. Some workers said that they had not been trained but had received training verification cards.

  — Importance of reporting alleged violations of WPS regulations as soon as possible so that investigators can take samples of clothing, soil, crops, etc.

  — Problems in securing medical treatment.

Transcripts of Meetings with Farmworkers
April 25, 1996

Hidalgo Park, Pharr, Texas

Juanita Cox: Good afternoon!

Group: Good afternoon!

Juanita Cox: We are going to begin our meeting now. We have several people from the EPA in Washington. They had public hearings last night and several people testified, but we wanted them to come to the *colonias* [labor camps] and talk to you personally about pesticide problems and especially about the new regulation called the Worker Protection Standard for the agricultural worker. So whether it is field work or questions about colonias getting sprayed when the planes come by, because we're surrounded by fields. Mrs. Lynn Goldman and Mr. Jerry Oglesby, who is from Dallas, and this gentleman from the Agriculture Dept. in San Juan. Also these other folks who came with her. Your questions will be part of an official record, just as if you had attended the meeting last night. All this will be recorded so it will all be part of the official record, not just the complaints but also the comments of the people of the colonias. OK? Well then, she is going to give you a brief explanation of what this Worker Protection Standard regulation is about. [To Dr. Goldman]: I just told them a little bit about who you are and the hearings last night and that this is part of the official record, that it will be recorded just as if they had attended the meeting and what we would like to do is give a brief summary of the Worker Protection Standard.

Dr. Lynn Goldman: Yes. First I want to thank all of you for coming here today. I know that you have taken time from your duties to come here, but we do need the help that you can give us by tellling us about your experiences. The Worker Protection Standard is really very simple; it has three very simple principles. One is the principle that you need to know what the risks are, you need to know how to protect yourself. A second principle is the principle that there needs to be available the means to help you if you do get exposed, to have treatment. And the third is the principle of what we call the re-entry interval--not going into the field right after the application of the pesticide. Our principal concern today is that, if you're working, are you getting the training that you should get before working with the pesticide? Are the signs going up to tell you which pesticides are being used in the field? And are the signs going up to tell you about not going into the fields while the pesticides are still recently applied? Mainly we want to listen, so what I want to do is open the meeting to any comments or questions that you have because we're really here to listen.

Raymond Gill: I guess I would open up with three points. My name is Raymond Gill,

I'm the attorney and Project Director of the South Texas Civil Rights Project. We work very closely with the farmworker community and the United Farm Workers. We litigate cases in state and federal courts on behalf of farmworkers' wage matters, pesticide matters, all matters having to do with the conditions under which farmworkers both live and work. Just as a general matter I would say that the South Texas Project, and certainly the people that we represent have told us, that they oppose any shortening of the re-entry interval periods, so that if it's a 72-hour period, that that 72-hour period remain 72 hours and not become a 48 or 24-hour period.

The second is that I believe there is a question as to whether or not growers are going to be required to provide the necessary training within five days or after five days that a person is hired for a particular agricultural employment because--and especially in the Rio Grande Valley, the seasonal and the occasional nature of the farm work, some of which may last a day, two, three, four or five--farmworkers move on to different jobs with different employers, that a five-day period before a worker is trained in pesticide matters is just simply too long. The third is that the retraining period should be shorter than the five-year period so that we can be sure that workers are being retrained, that workers know what their rights are under this law and that compliance with the Worker Protection Standard be closely monitored.

Worker: I believe we here in the colonias are more exposed to the chemicals due to the planes that go by, and they don't care if the wind is strong or if there is no wind. We have been affected some five or six times right here in our house. Once the plane flew over and I think it opened the valve and we were very sick. And the field is very close, then they don't tell us that they are going to spray; they don't take us into account for anything. So I think this needs to change because they are killing us little by little. One of the little ones, when cotton season starts, always sweats and gets a bad rash on the face with lots of pimples. The doctor says it's a skin disease, but he does not say it's the chemicals that are already on his skin. We want you to do something about that too. The school is very close by, Kelly school, so a lot of children are being affected by the chemicals.

Dr. Lynn Goldman: Yes. I think these are two very important problems. One is what we call drift from the spray, from the airplane, which the EPA is working very hard on right now. We are gathering data on drift and I would say for some of the pesticides, we are beginning to get a handle on them for the first time. This is not a problem that we have solved. And the second issue, which is related, of the skin rashes, I would say that it is also a very important problem and one that we're seeing as the old chemicals go through reregistration, they are brought up to date, we are starting to see that a lot of them have these effects on the skin. They are irritating, they can cause rashes, and that is changing the way that we are regulating them. I know that this has been a major problem, not only from the drift, but also for the farmworkers that

many of these chemicals have caused skin problems.

Raymond Gill: On that point I would like to say that I'm litigating a case in district court on behalf of Maria and Maribel--Maribel is the young woman holding the baby. The pesticide is called Guthion 2L, highly toxic and the symptoms are shortness of breath or rashes, vomiting, headaches, very generalized symptoms, very difficult to pinpoint to a pesticide.

Dr. Lynn Goldman: Did you say Guthion?

Raymond Gill: Guthion 2L. The active ingredient is azinphos-methyl; very highly toxic.

Dr. Lynn Goldman: One we know well.

Raymond Gill: Yes. Sprayed a lot here in this field that Maria said. We are surrounded, by the way, by agricultural fields.

Dr. Lynn Goldman: Is the drift occuring from applications on the ground or just when they fly over?

Raymond Gill: This particular incident--or actually, it would be these incidents--were from an airplane. And I would just say this: Maria called the Texas Department of Agriculture that same morning. Texas Dept. of Agriculture did the right thing, sent an investigator, got swab samples and found out, sure enough, that this azinphos-methyl from this particular pesticide was sprayed by that plane on that day.

Dr. Lynn Goldman: Did you find any from a ground application at all?

Juanita Cox: No tractors. All applications are done by airplane.

Worker: I think they are fooling the people with these signs. They put them up for four or five days and they don't take them down. And where they ought to put them--where people should not enter--they don't put them.

Juanita Cox: Where do they put the signs?

Worker: At the fields. They leave them there for many days.

Juanita Cox: Oh, OK.

Worker: There is another problem. When the people put the water in the field, they put farm chemicals and pesticides but the foremen they don't give protection for those people. They are working in the fields and not even covered. They are very dangerous pesticides, because I used to pass by and I see the cans and they say they are dangerous, and those people, I think they need to be protected too, because they are working in the fields all day, all night, sometimes all day, all night and working with these kinds of pesticides or chemicals and it's very hard.

Juanita Cox: They were irrigating?

Worker: All the time it happens here on these roads and they have the tanks and the containers of the pesticides they put in the water itself.

Dr. Lynn Goldman: The problem with what we call chemigation or irrigation with chemicals that you saw, when was that?

Worker: About a week ago. I think the tanks are still there on the side of the road.

Juanita Cox: On Highway 107, which is north of Edinburg, some farmworkers saw...there was a road in between some farmworkers who were tying beets and a tractor that was spraying, and the only distance between them was this road that divided the two of them and the tractor was spraying and the people were tying beets right next to it. And then she went to ask him where was his mask since he was applying this chemical, and he said the boss didn't want to give him any and if he didn't want to work to just leave.

Worker: We stopped the people who were working there and we sent them to some other place to work, because if you were there you could get a headache right away because that chemical they were throwing there was very strong. And we told the men who were working with them to move the people from there because it was very dangerous, and they had been there all morning long and they didn't take them out until we told them.

Worker: ...and that happened in several different places. They were working with rashes on their hands but they kept working there.

Juanita Cox: How many of you have received training on worker protection? You work a lot of onion, right? And you too, Dolores? And you, Antonia, you haven't received...

Worker: I always worked watermelon and peppers, but then one time I got sick. They put something on there and we got into the pepper field and we got wet, and we had to harvest the peppers, but they never told us there was poison, they never explained anything. Since we have the need to work in the fields, because that's how we make a living, and ever since I've been working here, since I got my papers, I know many crew leaders from the Valley, but none of them explained anything to me about any dangers in the fields.

Juanita Cox: Have you been trained...all the rules about pesticides?

Worker: No, never.

Worker: No, they don't give us training. They just poison and then, "Hey, just get in there." And if you get a rash...well, there's no warning or anything.

Juanita Cox: This last onion season, did they give you some sheets?

Worker: Yes, they showed us a movie.

Juanita Cox: Did they show you a video at the shed or in the field?

Worker: At the packing shed.

Raymond Gill: In English or Spanish?

Worker: In Spanish.

Dr. Lynn Goldman: Yes, it was probably made here, actually. Was there an opportunity to ask questions after the video?

Worker: When they handed out the sheets last year they didn't show it, but this time they showed the video.

Juanita Cox: But now that they showed you the video, did they give you the opportunity, was there someone there that you could ask questions to?

Worker: No, I don't think so.

Dr. Lynn Goldman: It is OK to use the video, it's OK to use, you know, posters and hand-outs, but one of the requirements for the training is that there is an opportunity to ask questions in your language. If you only speak Spanish, you should be given the opportunity to ask the questions in Spanish if you have any questions after the training.

Worker: Last year when they were handing out sheets, there was someone there asking if we had any questions.

Raymond Gill: You might ask if any of the workers have ever received any of the protective equipment.

Workers (2 or 3): I only work onions and we just use gloves. They don't give you anything. Up north, yes, but not here in the Valley.

Worker: In the warehouses they are more exposed, because they put chemicals and they don't give you the masks.

Worker: My husband works at the warehouse and several times he came home gasping for breath because they had used chemicals there.

Juanita Cox: And what products do they have there?

Worker: Well they run onions, pumpkins....carrots.

Dr. Lynn Goldman: With pesticides the problem is that kind of a problem can also result from other things too, like the dust that can exist inside of a packing shed. If you have lung disease like asthma or chronic lung disease, the dust can be a very hazardous thing.

Worker: He's always washing the machines.

Juanita Cox: And what does he wash them with?

Worker: With ammonia.

Juanita Cox: Ammonia is very strong too, and it can affect you when you're cleaning. Anything else? Any other comments or questions. They don't come here every day from so far. How many of you have received the crop sheets when you go to work? The ones with the picture of the vegetable on it?

Workers: Yes, I received a celery crop sheet. Sometimes they hand it out but without the boss' name on it.

Juanita Cox: She was harvesting onions and they were spraying with a tractor right next to the field where she was working and she called the crew leader. But the crew leader said that that was a different owner so there was nothing they could do. So they had to continue to spray because they didn't belong to the same farmer for whom she was harvesting onions, so they just had to continue to spray.

Dr. Lynn Goldman: Two points: One, the Worker Protection Standard does not differentiate between the owners of the crops. In other words, just because it belongs to a different owner, it doesn't mean it was legal for you to have been there. So you did the right thing asking to leave. That's something I think maybe we might want to talk to you about when we break, because that was not a correct interpretation of the standard.

Worker: He said it was OK because it was by tractor, it didn't drift.

Dr. Lynn Goldman: That is also mistaken. One more thing before we leave. I think there is a question about the protective equipment. Because the question about the protective equipment came up, I think it might be important to explain when you need it and when you don't need it.

José Sánchez: The question was asked about when you should be given protective equipment after a pesticide has been applied to a field. You should be given protective equipment when you are going to work directly with the chemicals, when you are making an application or during that period of time when you must wait, which is restricted. As Juanita mentioned, each pesticide has a certain period of time you must wait before returning without protective equipment. So during those 24 hours or 12 hours or 48 hours, if you're going to enter the field during that time, then you must be provided the protective equipment. But if you are going to work in that field after those 12 or 24 hours, depending on the chemical, then the protective equipment won't be provided because there is no more danger of being poisoned.

But it is important that, when you work in the fields, especially if there have been applications, to use long-sleeved shirts, pants, closed shoes (not huaraches), gloves if you can, to be safer. Not only will you be protecting yourselves from the chemicals, but also from the sun. Because if you go out there wearing a T-shirt and shorts, then not just the sun, but depending on the person, if you are allergic to something, it will affect you too. So

it is important for you to be aware that not every day, or each time that you are going to work in the fields, will you be given protective equipment. But if you have any doubts, ask. You also have the right to be informed about the applications, so ask the boss, because they should have a list of all the pesticides that have been applied. And if anyone ever has a complaint, they have the right to submit a complaint to the Agriculture Department. Just call us and we'll do everything we can. As the gentleman said...the situation with the lady...Maria Gómez...they called us, we went, took our samples, made our report and it was found that there was indeed a chemical drift. So that if things are to change, you must take charge also, and if you have a complaint, report it.

Raymond Gill: I would say one thing in a general way: The employment dynamic in agriculture down here, because it's seasonal, because it's occasional and because it's so difficult to get, farmworkers have to stomach a lot of injustice, a lot of discrimination and a lot of abuse in this area--in the area of wages, certainly, and working conditions--there are a number of these injustices because of the dynamic that is being created by the scarcity of work and the supply of farmworkers. So the backdrop to this conversation and to the conversation you'll have is that dynamic which permeates the lives of farmworkers and is probably a message you'll hear wherever you go, over and over, if not spoken directly, at least certainly in the background. And it's that dynamic which needs to be addressed in all its aspects.

Dr. Lynn Goldman: OK, I am aware that we have two more meetings. Thank you so much. I know your time is important to you. Thank you.

Meeting in San Juan, Texas

Juanita Cox: [Beginning of tape missing] ...if there are questions or comments and then when the others arrive we can do the introductions of all the people here, who they are, where they come from and what kind of information...what they are here for. We can do the introductions when more people arrive, but for now, just to begin, I want to greet you and thank you for letting us meet in your house and ask you questions about field work--whether they have given you the crop sheets or if you've watched the video or you have been trained by the companies and the crew leaders here or up north (because they are from the federal programs, so it applies here and when you go elsewhere to work also). You were telling us about the onions. Could you explain this to us? What is your name?

Worker: Gloria [Inaudible; several people talking at once. One man asks her to show them a rash on her arm]...

Juanita Cox and Dr. Lynn Goldman: Do you know the pesticide that was applied?

Worker: No, they didn't tell us.

Juanita Cox: Did they give you a sheet with the name written on it?

Worker: No, nothing.

Juanita Cox: Neither the crew leader nor the employer?

Worker: No, no one. No sheet or anything. We just went there and he just said to go in there and start to work.

Dr. Lynn Goldman: You know, they're supposed to also post the name of the pesticides in a central location...

Juanita Cox: Did you see at a central location at the farm a sheet that talks about the poisons?

Worker: [Inaudible]

Juanita Cox [To Dr. Goldman]: Somtimes they put them on the bathrooms, but this time they didn't have it. [To worker]: Where was the field?

Worker: The field was by Montecristo Road north of Edinburg and also at a field by the river.

Juanita Cox: Have you always worked in the fields?

Worker: Yes.

Juanita Cox: How many years have you been working in the fields?

Worker: I think since '81. I've always gone out to work, but nothing like this had happened like now.

Juanita Cox: Have you been trained about the pesticides?

Worker: No.

Dr. Lynn Goldman: Did you see a doctor?

Worker: No... [Inaudible; multiple voices]

Juanita Cox: Come in. Good afternoon. Have a seat. How have you been? Good... [Arranging seating for the new arrivals, conversation, laughter] Is there someone else who has worked in the fields like this lady? Anyone else?

Workers: [Inaudible]

Juanita Cox: You? Where?

Worker: My oldest son, Sergio, is allergic to cucumbers, but only to cucumbers.

Dr. Lynn Goldman: Did you say your daughter goes with you?

Worker: Who, me?

Dr. Lynn Goldman: Uh-um. How old is she?

Worker: I'm sixteen.

Dr. Lynn Goldman: You're sixteen. Did you also suffer skin rashes?

Worker: No, I didn't.

Juanita Cox: OK. Anyone else? Those of you who work in the fields, when you work here or up north, do you get those sheets?

Worker: Up north yes, but not here.

Juanita Cox: What crops? In which state?

Worker: [Inaudible; noise of chairs being moved around]

Juanita Cox [To Dr. Lynn Goldman]: ....and the cucumber and they did get their crop sheets. [To workers]: Do they give you some other kind of training?

Worker: Just those papers for us to read. Here at the onion harvest they showed us the video.

Randy Rivera: After the training, did they give you the card?

Worker: A blue one? Yes.

Randy Rivera: Here or up north?

Juanita Cox: Here in Edinburg they gave him a blue card, and in Plainview.

Juanita Cox: While they work they play a video in the field so that they can hear about the pesticides.

Worker: Not here in the Valley.

Dr. Lynn Goldman: There was someone at our meeting last night, he said that he does that. In fact, it might have been that same person...cucumbers, kind of a pickling warehouse... [Inaudible; multiple voices]

Juanita Cox: Here in Espiga do they give you gloves?

Worker: Not here. In Plainview.

Worker: Here if you ask for something to protect yourself, what they tell you is, "If you want to work, go ahead. If not, there's a lot of other people who will." That's their word here in the Valley.

Randy Rivera: And who tells you that?

Worker: The labor contractors.

Juanita Cox: Since 1993, the program requirements kicked in. The agency she represents in Washington, D.C. started this regulation that protects the agricultural worker, which says they must give you your training, your crop sheets, the videos so you can watch, the gloves or face masks and things like that, since '93. So what she wants to know and the investigation they are conducting is to see that the program is being properly implemented, or if not and changes are needed. That's what they are interested in hearing from you who work in the fields. If it is working out better than before '93 or if it is the same, or if the contractors or farmers

need to pay more attention that colonias are not sprayed with planes when the wind is blowing strong. Have you had any experiences of this kind?

Worker: The planes are still spraying people.

Juanita Cox: They are still spraying people? Recently?

Worker: Last week. During onion harvest in Edinburg, a plane was spraying where we were working. There is a field of grapefruit or oranges on this side and they spray it and there you are working.

Juanita Cox: Did you smell anything?

Workers: Yes. [Inaudible; multiple voices]

Juanita Cox [To Dr. Lynn Goldman]: She says you don't have to go to the fields. The fields are right here and you can smell it in the house when they spray out there, the field that's right next to the canal.

Worker: Is there anything they can do to stop the planes from spraying? They never stop when we're working there.

Dr. Lynn Goldman: That is not supposed to happen.

Juanita Cox: Was it in the melon or grapefruit fields?

Worker: In the melon and grapefruit fields they've done it.

Juanita Cox: Let her give you an explanation.

Dr. Lynn Goldman: And then I'll turn to the Department of Agriculture people to add in. But I think it's important to understand that even before we had the Worker Protection Standard, it has not been legal to spray people from an airplane. That is not legal. It's not legal to spray workers from an airplane and if that is happening it is a misuse and it should be reported.

José Sánchez: What I want to tell you is when something happens like the situation you're explaining during an application, with an airplane, and you're working in a field that is close to where the application is taking place, and you think or know that you have been exposed because the applicator is breaking the law, then you have the right to file a complaint with Department of Agriculture. These are violations not only of the worker protection program but of other federal laws regarding the use of the pesticides in a way that is contrary to the label. You can call our office. Let me give you the number..it's 787-8866.

The most important thing to do is, if something happens and you get exposed, what you should do is get in touch with us as soon as possible because we have a certain number of steps we need to take when initiating an investigation and something that is very important is taking samples. We have to take

samples of your clothing, for example, take your shirt as a sample so we can analyze it and find out if the pesticide really made contact with you. We also take soil samples, the crop where the application took place, etc. So we take those samples and document everything to make a report. So if the samples tests positive that they have the pesticide and everything supports the claim, then the department takes action and fines them, suspends the license, etc. But the most important thing is to please call us at the office. Because in the past we have been called a year after, two months after or two weeks after and so it gets more complicated and it is more difficult to document everything, take samples, etc. Because sometimes we need to know as soon as possible in order to take the information about what happened. Because sometimes you wait six months or six weeks and you forget who the labor contractor was, exactly where you were harvesting.

So it's important to call us at the office as soon as possible. And I want to make it very clear that we will not always find the guilty party. Sometimes you can smell the pesticide stink, but sometimes we can't do anything about it. If you believe you are in danger of being exposed, the most important thing is to get away from that field. You also need to take precautions and watch out for yourselves. Because if you get sick, your whole family will suffer. So sometimes it is very difficult, because the workers, when I give the courses, the training, they say, "I have to work and if I complain maybe they'll fire me," right? So, yes, you are in a difficult position. So you have to make that decision to call us or allow things to remain the same.

Workers: [Inaudible]

Juanita Cox: She didn't report it. You have to report it as soon as possible. When it happens, report it.

Dr. Lynn Goldman: It is also important if you become ill or get a skin rash, you should see a doctor. It is very important. And then the doctor will make some records. And it is just as helpful as having the analysis of the chemical to have the doctor's records of what he saw. You can also get treatment and it is possible to get some treatment....I'm going to actually take a look at that one when the meeting is over; I'm a doctor myself.

José Sánchez: What you should do also is, if you have been exposed to a pesticide, as Dr. Goldman said, you need to go to the doctor and you need to tell the doctor that you have been exposed or you believe you have been exposed to a pesticide. Then the doctor will take the necessary steps to do all the analyses to document if you were exposed to a pesticide. That will help you a lot and will help us a lot in our complaint report documentation.

Juanita Cox: I think they recognize they should go to the doctor but....

José Sánchez: The money... [Inaudible; multiple voices]

Juanita Cox: They won't take you in the emergency room unless you have a hundred dollars with you.

Dr. Lynn Goldman: I'd like to get back to the standard, the Worker Protection Standard and...one of the things we're interested in hearing is whether the fundamental requirements of the standard are being carried out. Requirements such as the training that must be given, the requirement for the re-entry interval after the pesticide is applied--there's a time when you're not supposed to go in the field--and the requirement for providing decontamination facilities. For example, I would be curious about the woman who had the skin rash, when she realized that she had the pesticide on the skin, was there a place where she could wash it off...the availability of water, soap and towels to decontaminate...and can you go to the doctor, can you get help if you do have an exposure?

Worker: In a field where I was working once, the water they gave you was from the canal and that water is not going to get the stuff off because it's going to put more on you.

Randy Rivera: Is that the same field where this lady was working, where she got hurt?

Juanita Cox: Where you were working, was there water for rinsing...did you go and rinse yourself there?

Worker: No, I didn't rinse myself. I just went home.

Randy Rivera: Was it water from the canal or some other kind?

Worker: I don't know which kind it was. When you get there the water is already there, so you don't know where it came from.

Juanita Cox: Did you tell the contractor about it?

Worker: No, no, because he's never there. He's around checking other fields.

Juanita Cox: Do you think contractors bring water to rinse with in case of a pesticide accident?

Dr. Lynn Goldman: I should say it's important for people to understand that if there is an accident and the pesticide is on the skin, to wash it off right away. It's very important; the sooner you wash it, the better.

José Sánchez: And if you have a pesticide on your skin, even washing off with the canal water is better than not washing at all. It's better than waiting four hours before you get home. If it's canal water, wash yourself if you know you've been exposed, you feel it itching...it's better to wash it off. If you wait, it could affect you more...if you don't wash it off.

Dr. Lynn Goldman: Well, and the other thing that is important is that it is your right to wash it off...and you don't have to go to your boss or your crew leader to ask for permission because it is your right under the Worker

Protection Standard to wash it off. [Taping suspended while tape was changed]

Juanita Cox: Have you seen the signs?

Worker: In Plainview they put them up. But not here.

José Sánchez: To clarify something... not all pesticides require the field to be posted. What is required is that you be informed about the application. Now many times, as this gentleman said, the danger time is up and that's why the sign is not there. But that is why you need to get the training, so that all this can be explained to you. You have the right to know, as Juanita and Dr. Goldman said, so if you're not getting the information, it is important for you to ask for it, and if it is denied to you then you call us. Call us if an employer is not giving you the information or the training, or what we call a decontamination center, which is soap water and towels. If they don't have that where the bathrooms are, then that's what we need to know.

Worker: I want to tell you something. When we've been working in the fields and I've seen people spraying, I have not seen a single sign, not a single sign. And yet we've seen around the cane fields the signs telling you they are going to burn the cane, but for the other stuff, no. And we've been all over the Valley, Montecristo, Highway 107...I've never seen a sign anywhere.

Worker: Which packing sheds are supposed to give us the training?

José Sánchez, Juanita Cox: All the packing sheds, all the fields where they use agricultural pesticides. Wherever there is agricultural product, you have the right to get trained and watch the video.

Dr. Lynn Goldman: If they don't use the pesticides, then they don't have to.

Worker: But what I'm saying to you is I've never been trained anywhere.

José Sánchez: But you said you already had the training... [Noise, interruptions]

Dr. Lynn Goldman: Now...it is important that the training...they don't have to use the video to give the training. They can give it by speaking. They can give it by using the poster, they can give it with the video. What's important for the training is that they give you the information, one, and two, that they give you the opportunity to ask questions in your language afterwards. But it's up to the farmer if they use the video or how they...or if it's just talk.

Worker: So when I go in for the cucumber or onion harvest, they need to give me the sheet?

Juanita Cox, José Sánchez: Yes, correct. [Noise; multiple voices]

Worker: They don't give them to you if you don't ask for them.

Juanita Cox: So in all your years of working here in the Valley you haven't seen a sign that says you cannot enter a field?

Worker: Well, no, I haven't. Over there they do, over there where we go.

Juanita Cox: The sign says "danger" and has a face and a hand and says "do not enter." [Multiple voices, laughter] Please, let's pay attention. This is serious. So, you have not seen this sign? No? It's a sign...she's the one who is asking...she comes from the EPA to see these people here and she's talking about field work and if you've seen a sign with a hand that says "do not enter" because there is a poisoning hazard. She's asking if you've seen it in the fields.

Worker: In some fields.

Juanita Cox: Here, not up north.

Worker: Here and up north.

Juanita Cox: Which fields have you seen these at?

Worker: [Inaudible] ...when they have just sprayed the pesticides is when they put them up. When you can go in, they take them down.

Worker: Over there where we go, they use it a lot, in Bay City.

Juanita Cox: Have you received, here or up north, the training regarding your rights about pesticides, the crop sheet, the video? Have you seen these?

Worker: Yes, last year this lady took us some papers and read them to us. About our rights and how to protect ourselves.

[More people arrive]

Juanita Cox: Good afternoon. Sit over here..there's a chair here. You folks who just got here..she's asking about the pesticides in the fields and if you've seen this sign that tells you not to enter.

Worker: Yes, yes.

Juanita Cox: In what crops.

Worker: Beets, but not here. [Noise, multiple voices]

Juanita Cox: Please let's listen. One at a time. Welcome to those who just got here. She's Dr. Lynn Goldman and this is the group that came with her from Washington. They are observing to see if some new regulations are being carried out for the protection of the agricultural worker...everything having to do with pesticides--the training, washing facilities at the field, water soap and towels to wash your skin.

Worker: We were at the onion fields, and they bring soap and water and towels. [Noise, multiple voices]

Juanita Cox: Anything else related to stuff from up north is all right because this is federal so if you want to say something about Michigan and Minnesota and those other states, it's OK.

Worker: Over there there's no water. Each one brings his own. And the bathroom....you find a place to hide. Sometimes there are no canals or anything.

Juanita Cox: Even though she's federal, if you could please talk mainly about here, about the Valley and the bosses you work for in the Valley....about the training...do they warn you when there's poison? Do they give you water to wash with, that kind of thing?

Worker: There's an old man who comes to warn us and take us out of the cabbage fields when they are going to spray pesticides.

Juanita Cox: That's the way it should be. They should take you out of the fields when they spray and then wait several hours before going back in, when the pesticide is gone. Anything else?

Worker: This is good, to give us a reminder. We have a phone number to call if we see something so they can come and check things out.

Juanita Cox: They are from Washington, but he is from Texas, from the Department of Agriculture, and they are the ones you need to report any incidents to, if a plane is spraying or a tractor is spraying too close to you or if they send you in to work right after putting poison in the field or if they didn't give you training. That's the information they need to know. Because this law requires that you have all these things for your protection. When they don't do what they're supposed to is when you should report them.

Dr. Lynn Goldman: We appreciate that you have come here to talk to us and share with us your experience. That is so important to us in understanding whether the standard is working and what we need to do further to do a better job to protect you.

Juanita Cox: I did not mention it at the start, but they had a hearing in McAllen last night where everything was recorded and is part of the official record. If you'll notice, he is recording too because, even though this is not an official meeting, the comments that you give us will be part of this official record they are taking to have proof they talked to farmworkers who work in the fields and you are telling them what the conditions are in reality.

José Sánchez And another thing you can do is write a letter....suggestions, comments, problems you have found in the field regarding pesticides, and you can send it to--I don't know if Juanita has made copies of the sheets where you can write your comments, suggestions, etc.--and send them to Dr. Goldman's office so that they can have your written comments, since you were not able to attend the meeting yesterday. This will help

you a lot, since your voice and comments are being heard.

Dr. Lynn Goldman: I also want to give my appreciation to the United Farm Workers for helping to organize this and for all their hard work in bringing people together and helping us communicate. And to the Texas Department of Agriculture also for helping us here today, thank you very much.

Juanita Cox: It's very important for you to remember the telephone number he gave you...787-8866. Keep it in mind so that if something happens, don't wait, call them right away. You don't have to give them your name.

Worker: What area do you cover?

José Sánchez: The whole Valley.

Worker: Falfurrias too?

José Sánchez: Yes, all the way up to Corpus Christi. Even if it's in San Antonio, I'll call the San Antonio office for you. One more comment. Juanita's office has told me that the first Friday of every month they have a training. If you cannot make it to that training, it's important that you call me because I can train you too. We don't have to wait until somebody comes asking you if you've been trained after working there for six months. If you are going to work in the fields, you need the training. So if you can't go to Juanita's trainings, call me. I can come to your houses here and meet with you or you can go by our office where we have air conditioning and all the equipment, projector, videos, books. And I can answer any questions you might have and if I can't give you an answer, we can call the TDA office in Austin or the EPA. It's very important. The Department of Agriculture is here to help you too and listen to you. You've told us that some of you have not received the training and we're going to try to get that done so that you can know your rights and what needs to be done in the field.

Randy Rivera: If for some reason you cannot reach Mr. Sánchez here in San Juan, you can reach me at the Austin office.

Written Comments

Wayne Labar
Cotton and Grain Producers of the Lower Rio Grande Valley

María Idalia Salinas

Pat Kornegay
Texas Agricultural Aviation Association

Joyce Obst
Texas Citrus Mutual, Texas Agri Women

Emilie A. Sebesta
Vikki M. Flores
Texas Rural Legal Aid, Inc.

COTTON AND GRAIN PRODUCERS
of the Lower Rio Grande Valley
TELEPHONE 210 428-6077 • 134 E. VAN BUREN, SUITE 304 • HARLINGEN, TEXAS 78550

From the desk of Wayne Labar, Executive Director.

Our Association is one of the 9 Cotton Producer Associations in Texas that makes up the Texas Cotton Producers Association. The cotton industry in Texas is the largest row-crop industry in Texas agriculture. Texas plants approximately 6 million acres of cotton annually which represents 1/3 of all the cotton planted in the United States. This brief statement regarding the Worker Protection Standards is representative of the entire Texas cotton industry.

The Worker Protection Standard developed by EPA has come a long way in upgrading the regulations to protect agricultural workers and pesticide handlers who are occupationally exposed to pesticides. Exposure reduction measures include making sure workers are aware of treated areas, restricting re-entry into those areas, providing personal protective equipment, providing training to handlers and workers, and

making sure pesticide labels and other information is readily available.

However, all the responsibility and accountability under WPS rests on the employer. There comes a point in time that the employee has to take responsibility for his own actions. Under the standard as written at present, there is little, or no, accountability placed on the worker to implement what he has learned from training. There is also no responsibility placed on the worker to properly use the personal protective equipment required to be supplied for him.

Agricultural employers generally do not have any problems with specific directions stated on pesticide labels. However, the generic provisions of many labels that simply state the producer will comply with 40 CFR part 170 is confusing and contradictory. This small part of the code Federal Regulations is a huge book some 2 1/2 inches thick. A generic, one sentence provision on a label places on a producer's shoulders the responsibility of complying with thousands and thousands of pages of regulation. Even EPA's "How to Comply Manual" is contradictory and confusing. The label provisions should be specific to the task in hand for that particular pesticide and not so all encompassing.

Worker Protection Standard Public Meeting
McAllen, Texas
April 24, 1996

STATE OF TEXAS	§	
	§	
	§	AFFIDAVIT OF MARIA
	§	IDALIA SALINAS
	§	
COUNTY OF HIDALGO	§	

BEFORE ME, the undersigned Notary Public, personally appeared MARIA IDALIA SALINAS, who, being by me here and now duly sworn, upon her oath deposes and says:

1. My name is MARIA IDALIA SALINAS, and I reside at 2021 Chicago (Rear), McAllen, Texas, which is located in Hidalgo County, Texas. I am over the age of eighteen years, and I am fully competent to testify to the facts contained in this affidavit. Unless otherwise stated, the facts stated below are based upon my own personal knowledge.

2. On November 3, 1995, I was employed, through a farm labor contractor, by a large packing shed in Mission, Texas.

3. As of November 3, 1995, I had been working for this employer for approximately three months yet I had never received any training about how to protect myself from pesticides. I was never given copies of any crop sheets.

4. On November 3, 1995, I was picking bell peppers, which I noticed were covered with white dust. I was wearing gloves, a long sleeve shirt, long pants, a hat and a scarf that covered my head and neck. My employer did not provide this protective clothing, nor did he advise me to wear it. I wore this to protect myself. Even with this protective clothing, my face started burning. At the end of the day we went home, I showered but my face got worse.

5. The next morning, November 4, 1995, I reported to work and I worked until lunch but I had to go home because my condition got worse. The burning and itching was unbearable. The crewleader was not there that day so I only told one of the other workers.

6. Neither the packing shed or the crewleader would send me to a doctor so I went on my own to a doctor in Mexico. This doctor told me I had been poisoned by pesticides.

7. Another woman who was under a different crewleader was also poisoned and that crewleader sent her to a doctor.

8. During the whole time I was working for this packing shed and crewleader, nobody ever told us when a field was sprayed or

what it had been sprayed with.

9. Also, while there was water available for washing, it was dirty and there was no soap.

Further affiant sayeth not.

Maria Idalia Salinas
MARIA IDALIA SALINAS

SWORN TO and subscribed before me on April 24, 1996.

Margarita M. Flores
Notary Public, State of Texas

My commission expires:
11/5/98

NOTARY PUBLIC STATE OF TEXAS
MARGARITA M. FLORES
Notary Public
STATE OF TEXAS
My Comm. Exp. Nov. 5, 1998

CERTIFICATE OF TRANSLATION

I, the undersigned, affirm that the foregoing AFFIDAVIT was accurately translated into Spanish and was read aloud in Spanish by me to MARIA IDALIA SALINAS, before she signed it.

Margarita M. Flores
Margarita M. Flores

OPP00427

TAAA / Texas Agricultural Aviation Association

Box 684246 Austin, Texas 78768-4351 (512)478-3241 Fax (512)476-7297

Officers

Pat Kornegay, President
San Benito

Bob Garrett, Vice President
Angleton

Gaylon Stamps, Secretary
Panhandle

Randy Hale, Treasurer
Robstown

Chris Shields, Executive Director
Austin

District I

Matt Fitch, Vice President
Pearsall

Blayne Rowland
Hargill

Knox Trammell
Kingsville

District II

Billy Atzenhoffer, Vice President
Edna

Lowell Hicks
Alvin

Mark Mitchell
Beaumont

District III

Jim Cottingham, Vice President
Munday

Brett Whitten
Snook

Danny Howland
Hooks

District IV

Randy Murphree, Vice President
Rotan

Roger Horan
Plainview

Matt Walker
Levelland

NAAA

Mike Bailey, Delegate
Dalhart

Rick Hardcastle, Alternate
Vernon

Allied Industry

Dave Herndon, Director
Westlake

Amanda Barts, Alternate
Rosenberg

Advisory Board

Rick Hardcastle
Vernon

Rob Putz
Hearne

Ed Shores
Robstown

April 24, 1996

Environmental Protection Agency
Washington, D.C.

To Whom it may concern:

The following comments dealing with aerial application industry concerns with the Worker Protection Standard are offered for your consideration. Our interest is in helping to develop the Worker Protection Standard into an effective, realistic, and enforceable statute that accomplishes the goal of protecting agricultural workers from restricted use pesticides.

The Texas Agricultural Aviation Association can be contacted at our Austin office for additional information concering these issues. We appreciate the opportunity to express our views and concerns to the agency.

Sincerely,

Pat Kornegay
President

My name is Pat Kornegay and I am the president of the Texas Agricultural Aviation Association, a statewide association of about 300 professional aerial applicators and allied industry supporters. For over twenty years I have worked as an agricultural pilot and as the owner of commercial aerial application business that applies crop protection chemicals to an average of two hundred thousand acres of cropland annually. I am also speaking on behalf of the National Agricultural Aviation Association, which represents the aerial application industry's interests in Washington, D.C.. I would like to address some issues of concern to commercial aerial applicators involving Worker Protection Standards.

The first concerns section 170.224, which addresses requirements for notification by commercial applicators to agricultural employers of timing of pesticide applications. We recognize the importance of this information to establish posting and reentry periods for agricultural workers, however the definitions and requirements contained in WPS for achieving this are somewhat vague and the ultimate responsibility for establishing communication between pesticide handlers and agricultural employers is unclear. There are several methods of communication deemed acceptable under the statute such as direct telephone contact, answering machine messages, faxes, etc. The end result will be difficulty on the part of the enforcing agency to verify whether or not contact was made and therefore where responsibility rests in an enforcement action. Our suggestion is that the responsibility for providing information involving a pesticide application remain with the pesticide handler, but that responsibility for initiating the communication to obtain that knowledge be with the agricultural employer. Since the agricultural employer initiates the chain of events that result in a pesticide application and a vast majority of commercial pesticide applicators operate out of a central location at which all scheduling is initiated and all records are kept, it would be more appropriate that the agricultural employer bear the responsibility of obtaining this information. The fact that most agricultural employers, by the nature of their business spend most of their time in the field adds to the problem of the commercial applicator establishing verifiable communication. As the agricultural employer bears the responsibility of posting and conveying re-entry information to field workers, this should be consistent with that process and not be an additional burden. The pesticide handler/commercial applicator would be responsible for providing accurate timing information to the agricultural employer upon his request.

The other area of concern for commercial applicators, aerial applicators in particular, is the use of personal protective equipment. It is my understanding that through contacts between EPA and representatives of the National Agricultural Aviation Association in Washington, EPA has indicated a certain amount of flexibility concerning the use of PPE by agricultural pilots. The rule still stands that pilots must carry a complete PPE package (overalls, boots, gloves, hat, respirator, faceshield, water bottle) in the aircraft, and use gloves when entering and exiting the aircraft. The size and shape of an agricultural aircraft cockpit preclude a pilot being able to put this equipment on prior to exiting the aircraft and the use of gloves when entering and exiting the aircraft would simply introduce possibly contaminated pesticide handling gloves into the clean and sealed environment that constitutes an aircraft cockpit. The use of impermeable protective

coveralls in the high heat environment normally present during the growing seasons drastically increase the risk of heat stroke, as is evidenced by the sudden appearance in PPE supplier catalogs of cool packs and ice containing vests to help alleviate this problem. Obviously the use of such equipment by pilots is impractical and a very real threat to aviation safety. Since all ag-pilots basically independent contractors who are licensed commercial pesticide applicators, and are qualified to train ground personnel in the use of PPE, use of said equipment should be at their discretion. Furthermore, pesticide handlers who have received training in the use of PPE, have documentation of same, and have all necessary equipment provided to them by their employer, should be able to forego the use of certain items such as impermeable coveralls if said use would actually be a detriment to their safety.

I would be happy to address any additional issues or anwer questions that the comittee might have.

OPP00427

Worker Protection Standard Public Meeting
By U.S. Environmental Protection Agency
McAllen International Civic Center
Tourist Building
Wednesday, April 24, 1996

Thank you for the opportunity to present testimony on behalf of Texas Citrus Mutual and the Texas Agri Women.

I am Joyce Obst. My husband and I operate a diversified citrus and vegetable farm in the Alamo area. Both, Texas Citrus Mutual and the Texas Agri Women have been active in sponsoring and promoting WPS training since the regulations were announced. WPS impacts most agricultural producers, but it has the heaviest impact on producers of labor intensive crops, like myself.

Safety is important to everyone in agriculture, including farmers as well as workers. WPS has certainly raised the level of awareness about the importance of safety in the agricultural work place.

Farmers, whom I know, are making a serious effort to comply with WPS. The training of workers about common sense safety practices is the most important part of WPS. In general, I think the WPS rules are overly complex. When requirements are too complicated, the compliance with the rules is almost always less than when the rules are simple and straight forward. In the case of the WPS rules, there are 140 pages in the manual on how to comply. I would like to encourage EPA to reduce the length of the regulations and simplify them where possible. One grower commented recently that he finds it frustrating to see the general reference statement on a label that says he is to comply with part 170 of the Code of Federal Regulations, but not to see at least a summary of the actual rules right on the label.

In terms of informing growers about WPS requirements I would point out that I feel like a large number of growers are not aware of the changes that were made recently regarding limited contact tasks, irrigation activities and the reduction in reentry intervals for certain low toxicity pesticides. If EPA would publish a summary of these changes, Texas Citrus Mutual and Texas Agri Women would be glad to distribute them to our members through newsletters and other means.

I would like to also address the matter of encouraging workers to assume more personal ownership regarding their own responsibilities for compliance with WPS. In other words, individual workers should assume some responsibility for their own safety. As I understand the present rule, all the burden is placed on the employer to train and enforce worker compliance to wear the personal protective equipment and to do things that many times an employer cannot control. It is totally unreasonable to require an employer to stay in sight of

workers at all times to ensure that they are doing everything they should. Workers should also have some responsibility for keeping up with his continuing education in the same way individual farmers are required to keep up with their CEU's in order to maintain their pesticide license.

As I understand the WPS rules, a farm owner/operator is held responsible for the compliance by employees of custom applicators and workers employed by a crew leader. We certainly believe that the specific employer, ie., the custom applicator or the crew leader, should address compliance issues regarding their employees and not the owner/operator, just because the workers happen to be on his property.

Our final comment is about decontamination facilities. I understand that under current regulations the facilities are required to be in place at a given site for 30 days after the Reentry Interval has expired. We believe the reentry requirement on the label means that the testing of that chemical indicates that no harmful residue will be left at the end of the reentry period. Therefore, we urge EPA to revise the rules to drop the requirement for decontamination facilities at a given site after the reentry interval has expired.

Thank you for the opportunity to present this testimony. We also want to thank you, Dr. Goldman, for taking the time to personally conduct these public meetings in various parts of the country, including this area.

OPP-00427

LAW OFFICES OF

TEXAS RURAL LEGAL AID, INC.
259 SOUTH TEXAS
WESLACO, TEXAS 78596

LEGAL STAFF:
210-968-9574
210-383-0641

ADMINISTRATIVE STAFF:
210-968-6574
210-383-0641

April 23, 1996

Jeanne Heying
Office of Pesticide Programs (7506C)
U.S. E.P.A.
401 M Street, SW
Washington, D.C. 20460

Re: Comments on Worker Protection Standard Regulations

Dear Ms. Heying:

Texas Rural Legal Aid, Inc. (TRLA) is a non-profit organization which represents indigent farmworkers in Texas. TRLA's Farm Worker Health & Safety Project is dedicated to protecting farmworkers and the environment from the hazards of pesticides.

There are approximately 500,000 farmworkers, including family members, who live most of the year in Texas. Over half of all Texas counties have at least 500 farmworker residents. However, the majority of Texas farm workers (50%) make their permanent residence in the Lower Rio Grande Valley area of Texas and migrate throughout the United States performing farm labor during much of the year. They are, thus, greatly impacted by the Federal Worker Protection Standard (WPS) regulations.

We appreciate the opportunity to provide input regarding these critically important regulations and, on behalf of several of our migrant farmworker clients, we offer the following comments.

1. <u>June 22, 1995 Mid-Year Vegetable Meeting</u>

Attorney Emilie Sebesta attended the Mid-Year Vegetable Growers Meeting in McAllen, Texas in June, 1995. At this meeting, the Texas Department of Agriculture gave a Train the Trainer session. While much of the training was very good, Ms. Sebesta was quite distressed by some of the comments made and the reaction, or lack thereof, by TDA officials. For instance:

(1) one farmer asked if he could withhold a farmworker's paycheck until the farmworker proved he had a WPS training verification card;

(2) another farmer suggested that if a worker had worked for a farmer for more than 5 days and not proved he or

she had been trained, the farmer should fire him or her - --- the TDA official's response was "Whatever."

Although the TDA officials did state that it is the employer's responsibility to assure a farmworker has been trained and that an employer cannot refuse to hire a farmworker for not having a worker verification card, the impression Ms. Sebesta received from several farmers was that they were either not going to hire people who could not prove they had been trained or fire them after 5 days.

Farmers should not be allowed to rely on a workers' word that he or she has been trained if they do not have a card. If workers begin to perceive that growers are only hiring people who have already been trained, they may begin to say they have been trained even if they have not in order to get hired.

As for the farmers' concern about not being able to know if a worker has been trained if he or she does not have a card, he or she should be able to check with the EPA as trainers are required to keep track of workers trained and submit that data to the EPA. If such information is not readily available now, it should be made so.

2. Enforcement

We need more enforcement.

Unfortunately, it appears there are still a significant number of growers who are not providing pesticide training to their workers.

An informal survey done of farmworker applicants in our office during the past twelve month period revealed that in Texas only 27% had received training. For non-Texas applicants the number was 22%.

3. Retaliation

Although we do not know how wide-spread retaliation is, we have had one client who was, fortunately, trained, but was then, unfortunately, asked to enter a field being sprayed. He refused based on his recent training. The next year he was not rehired although he had worked for this grower for the past two seasons and other workers were rehired. Through the grapevine, he heard the reason he had not been rehired was his insistence on not entering a field that was being sprayed.

This, combined with the rhetoric heard from farmers at the June 95 Vegetable Growers Meeting causes us concern. More random inspections and investigations by the EPA might help prevent this kind of behavior.

4. <u>There Should Be a 0-Day Grace Period Before Training is Required</u>

Under the current WPS regulations, an employer is not required to provide training to a farmworker until that worker has worked for him or her for five days. Although employers must give very basic information to workers from day one, this is not enough.

Serious pesticide injuries occur just as easily in the first five days of a worker's employment as thereafter. By way of analogy, we do not allow people in cars to not wear their seatbelts for the first 5 miles or 5 minutes they are driving.

In addition, many farmworkers perform what is called "day labor." A day laborer may rarely, if ever, work more than five days for one employer. Yet, surely they need protection just as much as a worker who works for one employer for several weeks or months.

At a minimum, the EPA should adopt Texas' practice of having employers hand out crop sheets, or some similar flier, to any employee who will enter a treated field prior to training. Crop sheets list the types of pesticides generally used on the specific type of crop (e.g., carrots), the reentry interval, and the symptoms of poisoning. Crop sheets use easy to understand illustrations to explain the symptoms and degree of danger, which even a person who cannot read can understand. (Examples of crop sheets are attached.)

5. <u>Restricted Entry Intervals and Decontamination Site Time Should Not be Shortened, Even for So-called Low Risk Pesticides</u>

The WPS regulations are good regulations. They were created to protect a group of workers who have traditionally received little protection from significant dangers in the workplace. The requirements are not overly stringent and should not be further weakened, especially at this early juncture.

The 12 hour minimum reentry interval (now reduced to 4 hours in many instances) must not be shortened. Long-term effects of many pesticides are still unknown. Similarly, how pesticides interact with each other and other chemicals is largely unknown. Although scientists know that many chemicals interact synergistically to create a risk larger than simply adding the two risk factors together, there is little data to explain exactly how this happens or to what degree it happens.

For instance, two scientists from the University of Texas and Georgetown Medical Schools have conducted studies which indicate the illnesses suffered by Gulf War soldiers was likely caused by a synergistic combination of low toxic pesticides, including mosquito repellant.

Like the Gulf War soldiers, farmworkers may be exposed to a number of different pesticides -- from residue on fields where they are working to drift from fields bordering the fields where they are working or their homes.

There is simply too much that is unknown and too much at risk to carve out any more exceptions to this very important set of protections.

6. Records

WPS regulations only requires employer to post what pesticides have been applied and where for 30 days. There is no requirement for recordkeeping beyond the 30 days.

Our experience with the Texas Right to Know Act, which requires recordkeeping for 30 years, is that often a farmworker will not be in a position to request the information until after 30 days. For instance, in several cases clients have had bad rashes or dermatitis caused by pesticides, but did not end up in our office for more than 30 days. Even when the worker has been to a doctor, often times the doctor will not have requested the chemical information (especially if a Mexican doctor). The name of the chemical may still be useful to a doctor or to us for helping the person obtain workers' compensation benefits long after 30 days.

With respect to problems that may result from long-term chronic exposure, a worker, doctor, or state health department official may need to go back many years to see what the worker has been exposed to.

7. Training Once Every 5 Years Is Not Enough

Under the WPS regulations, farmworkers are only required to receive training once every five years.

This is not enough.

Even well-educated persons, for instance lawyers, cannot remember the content of classes or trainings they attended a year ago. How can we expect farmworkers, most of whom who have very little formal education, to remember a substantive training about pesticides for five years?

A five year retraining interval is especially inadequate given the sporadic nature of farm work. A farm worker may work for 2 months at farm labor and then not again for another year or longer. Lack of continual reinforcement and practice make the likelihood of retaining this important information even more doubtful.

For several years our Health Advocate, Vikki Flores, trained farmworkers on the hazards of pesticides and how to protect

themselves. Each time she conducted a training for a group of workers that she had previously trained, she received comments from persons who were glad to receive the information again because they or someone they knew had suffered health affects from pesticide poisoning but had forgotten the symptoms and had related their health problems to the "flu" or an "allergy".

At a minimum, farmworkers should be given some kind of training once a year.

8. Growers Must Remain Responsible for WPS Compliance

It is our understanding that growers have expressed concern about being responsible for compliance with the WPS regulations when they use farm labor contractors.

Growers should be responsible for compliance for a number of reasons. Farmworkers are the grower's employees, working on the grower's land, handling the grower's produce, and are exposed to the grower's pesticides. Furthermore, under the law the grower is most likely going to be ultimately liable if a farmworker is poisoned. Therefore, it is to the grower's advantage to make sure workers are properly trained and are not being exposed to pesticides.

In addition, our experience with farm labor contractors has convinced us they cannot be relied upon to provide WPS training or otherwise ensure compliance with WPS regulations. Farm labor contractors are often no more educated than the farmworkers themselves. Many cannot read and could not, therefore, go through a WPS training manual even in Spanish. Farm labor contractors do not make much money and cannot, therefore, be expected to have the means to provide adequate training or personal protective equipment. They move in an out of the business and often do not comply with the existing Federal requirements that govern their livelihood.

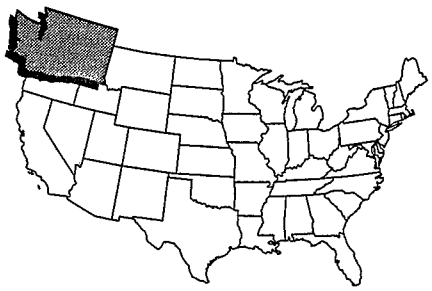
Thank you again for this opportunity to comment on the Worker Protection Standard regulations.

Sincerely,

Emilie A. Sebesta
Emilie A. Sebesta
Director, Farmworker
Health & Safety Project

Vikki M. Flores
Vikki M. Flores
Health Advocate, Farmworker
Health & Safety Project

5. Washington



Public Meeting:

Pasco, WA

- June 19, 1996, 7:00 p.m.
- 86 participants (38 registered), including 13 speakers

Site Visits and Small Group Discussions:

Washington State Health Department, Richland, WA

- June 20, 1996, 8:00 a.m.
- EPA staff met with Vicki M. Skeers, who gave a presentation on the Washington State Pesticide Incident Reporting and Tracking Review Panel (PIRT)

La Clínica Migrant Health Center, Pasco, WA

- June 20, 1996, 9:30 a.m.
- EPA staff toured the clinic with Guillermo V. Castaneda, Director.

Meeting with Growers, Prosser, WA

- June 20, 1996, 11:30 a.m.
- EPA staff met with representatives of Washington Growers League, Washington Hop Commission, Hop Growers of Washington, and other growers.

Stepping P., Inc., Prosser, WA

- June 20, 1996, 1:00 p.m.
- Tour of small, family-owned currant production facility.
- EPA staff met with Dennis Pleasant, Stepping P., Inc.; Phil Hull, Washington Growers League, and others.

Olsen Brothers, Prosser, WA

- June 20, 1996, 1:30 p.m.
- Tour of family-owned apples, asparagus, cherries, currants, wine and juice grapes, and hops production facility.

- EPA staff met with Larry Olsen and Keith Oliver, Olsen Brothers; Anne George, Washington Hop Commission; Patrick Boss, Hop Growers of Washington; Phil Hull, Washington Growers League; and others.

Farmworker Meeting, Pasco, WA

- June 20, 1996, 6:30 p.m.
- EPA staff met with farmworkers; United Farm Workers representative; Daniel Ford and Rebecca Smith, Columbia Legal Services; Washington Department of Agriculture; Oregon Cooperative Extension Service; Oregon Legal Services staff.

Minutes of the Public Meeting
Pasco, Washington
June 19, 1996

[A transcript of the Washington State public meeting is unavailable due to a failure in the tape recording of the meeting. The following represents minutes, rather than actual testimony.]

Mike Gempler: Mr. Gempler noted that there are many people involved in pesticide health and safety, including the Occupational Safety Administration (OSHA), the U.S. Department of Labor, the U.S. Environmental Protection Agency, Washington State Department of Agriculture, Washington State Department of Labor and Industries, and the grower and labor communities. He was disappointed that OSHA and the Washington State Department of Labor and Industries were not at the meeting because they are key players in the state. Mr. Gempler stated that the key agencies need to work together to overcome political and organizational agendas to develop a coordinated regulated strategy where everyone is at the table. He was particularly concerned that efforts be made to coordinate with the OSHA Hazard Communications regulations.

Mr. Gempler noted that the grower community wants to develop safer workplaces, but they need greater flexibility, communication, and coordinated regulated strategies. As part of the need for better communication, he would like to see the compliance manual revised to include the seven recent changes to the Worker Protection Standard.

Mr. Gempler had additional comments at the end of the meeting: He noted that spraying operations are highly technical, and that OSHA had decided not to write parallel regulations because they do not have the technical expertise. Investigators from the Washington State Department of Labor and Industries who investigate Worker Protection Standard complaints do not have the background to enforce pesticide violations and should not be setting parallel regulations.

Phil Hull: Mr. Hull said that he had spoken to growers and did not find too many major concerns about the Worker Protection Standards; growers seem to have made investments in equipment to comply. Growers wanted the requirement to post at the central location eliminated. On farms with multiple blocks it was very difficult and staff-intensive to comply with this requirement. On a farm with 70 spray blocks, for example, a grower would have to hire someone full-time to comply. Other concerns: The state has different record keeping requirements from the WPS; workers do not read the posted information; leaving the information up for 30 days "is a nightmare" and has nothing to do with safety.

Mr. Hull emphasized that the "How to Comply" manual needs to be updated; growers do not read *Federal Register* notices. He stated that the EPA updates are not getting to the growers. He also urged that duplication with the state Hazard Communication regulation be eliminated.

Hermann G. Thoennissen: Mr. Thoennissen operates a 40-acre apple and pear orchard and a consulting firm which included 1400 acres. He was concerned about the requirement of central posting for 30 days after application. He said that we need to trust the American farmer and that these numerous regulations reduce the ability of farmers to produce safe and cheap agricultural products. Mr. Thoennissen criticized the 30-day posting requirement as having nothing to do with safety, protection, information, or even common sense. In some instances, the pro-duct has been eaten and digested and the posting is still up. He was also concerned about the duplication of numerous requirements.

Walter Suttle: Mr. Suttle's nursery trained 460 workers in 1995. The worker training takes about 30 minutes, utilizing a video and a discussion about safety operations on the nursery. The nursery trained about 133 handlers which took about two hours. One hundred and twenty of these workers had to have the more comprehensive handler training only because they dipped cuttings in rooting hormones. He said the system for training verification cards is not working and that he is worried about duplication of training efforts.

With 800 different crops on 550 acres, Mr. Suttle was anxious to be allowed to use smaller signs. REIs, he noted, are difficult with so many people working on so many different crops. Oral notification is also too difficult. Some beds may post 500 signs in one day.

Mr. Suttle made additional comments at the end of the public meeting: He noted that it is very time consuming to put together information on pesticides used in the last 30 days, and that no one looks at the information. In addition, REIs present a problem when he needs to get into an area to pull plants for specific orders. He feels that some generic REIs may not be justified. Mr. Suttle was particularly concerned about the effects of the REIs on minor use crops. The chemical industry does not feel it is worth getting an exception for REIs on minor use crops. For some minor use crops, there may only be one effective pesticide registered for use and no chemical with a short enough REI. He has had to discontinue growing lilacs and mock oranges because the only effective pesticide registered for those crops had REIs that were too long.

Mandie Scheckert: Ms. Scheckert worked as a farmworker for 30 years. She said that 60% of farmers do not care about workers. Three years ago Ms. Scheckert was sprayed and suffered a year of burns and rashes. She stated that Hispanics will not readily go to doctors because the farmers threaten them. She stated that what was needed was strong enforcement; laws are no good if they are not enforced. Ms. Scheckert said no one else will

speak out because farmworkers are afraid of losing their jobs.

Mary Phillips: Ms. Phillips said that she was sprayed in 1993 and has had trouble with speech and other health effects. Ms. Phillips reported that farmers tell their workers that if they say anything, they will lose their jobs. Ms. Phillips urged strong enforcement; without it, the WPS will not be effective.

Daniel Ford: Mr. Ford, with Columbia Legal Services, reported that his organization's farmworker clients have had numerous problems with pesticides, including problems with inhalation, dermal exposure, rashes, eye irritation and many other health effects. Some of these effects last for days, months or longer.

Columbia's clients have reported that they were told to work in fields while pesticides were drifting onto them or while the REI was still in effect. Workers reported that signs stay up all the time, even during harvesting. When this happens, workers don't take the signs seriously.

Many of Columbia's clients have not received the WPS pesticide safety training. Columbia's clients who are Spanish speaking handlers have reported that they have not received the information on the pesticide label.

Many of Columbia's clients have not been told about decontamination facilities or provisions for emergency medical care. A number of Columbia's clients have been fired for complaining to their supervisors about problems with PPE, complaining to state agencies, or seeing doctors.

Mr. Ford said that regular inspections are needed with bilingual investigators. Appropriate penalties are needed for violations. Warning letters are not enough for serious violations. Closed systems should be required for Toxicity Level 1 pesticides, as is required in California. Cholinesterase monitoring should be required for workers who regularly handle highly toxic pesticides. California has required this since 1974. One study showed 24% of handlers had cholinesterase levels that were seriously depressed.

Dr. Laura Byerly: Dr. Byerly worked for the last two years in a health clinic servicing farmworkers. She said that not one single patient that came to her with symptoms they attributed to pesticide exposure knew what pesticides he or she had been working with. Dr. Byerly noted that we need to overcome the barriers that prevent them from knowing. Until farmworkers feel safe asking questions about what they are working with, the Worker Protection Standard offers no protection.

Dr. Alice Larson: Dr. Larson has been involved in pesticide health and safety issues since 1985. She has recently conducted a needs assessment of WPS pesticide safety training in Washington State. She said that growers have been making handlers into permanent employees and seem to be more concerned that handlers receive training than farmworkers.

Dr. Larson said that her investigation did not find either handlers or workers using the Washington State WPS training cards. She noted that many growers expressed concern about the overlap with the Hazard Communications standard.

Dr. Larson is concentrating on worker training in the Yakima Valley and is targeting 2,000 workers there, but she believed that workers in other parts of Washington still need training. She urged that the national workgroup on pesticide safety training and training verification be reconvened. The workgroup was very helpful in developing materials and the verification systems, but it needs to meet again to share information about training concerns, materials needs, etc.

Dr. Larson said that a formal evaluation of the national WPS pesticide safety training program needs to be conducted to maximize successful training programs and verification systems and deliver better training and materials in areas needing further assistance. Right now each state approaches training differently.

Larry Bauman: Mr. Bauman said that the burden of the Worker Protection Standards falls heavily on operators of farms with diversified crops. His farm represents the concerns of row crop growers. He has 60 different fields and cannot keep up with the additional costs of compliance. At his farm, management does all the spraying and uses directed spraying with no drift problems. He urged EPA to factor in different types of farms. He does not want to have the same rules as single crop growers. For example, although he sprays only ounces of pesticides, he is required to suit up the same as people who are saturated with chemicals.

Mr. Bauman was also concerned with the amount of paperwork required; his office staff spends half their time dealing with these paperwork requirements, which he feels are not accomplishing anything. He has had to comply with state record keeping for 17 years and would like to see records on how much this regulation costs. He said that workers do not look at the central notification information.

Ricardo Lucero: Mr. Lucero is the Western Migrant Stream Coordinator for the Northwest Regional Primary Care Association in Seattle. He coordinates services to farmworkers and is a member of the Migrant Advisory Committee to the Department of Health and Human Services.

Mr. Lucero said that some farmers are not protecting their workers. He urged growers to work with the migrant and community health centers which can help farmers help farmworkers read central notification information and tell them what it means. He urged farmers to get hold of local farmworker service resources to work together.

Lucina Siguenza: Ms. Siguenza works with Community Health Centers. She complained that no one was speaking in Spanish at the meeting. She had helped EPA's Regional Office try to attract farmworkers to the meeting through announcements on Spanish radio stations and in Spanish newspapers, but obviously their efforts were not enough. She

felt that a different approach was needed to reach workers and help them protect themselves. She was willing to provide assistance.

Duncan Wurm: Mr. Duncan represents farm and forest operations. He noted that training materials are not reaching forest workers. He urged development of videos and manuals for the forest industry.

Registered Participants in the Public Meeting

Margot Barnett
Strategic Options Consulting

Tom Barry
DuPont Agricultural Products

Larry Bauman
L&L Farms

Cornelia Brim
The Capital Press

Laura Byerly, M.D.
Virginia Garcia Memorial Health Center

Mike Byud
Yakima, WA

Burt Chestnut
Washington State Farm Bureau

Gerald Cox
Washington Dept. of Labor and Industries

Fred Degiorgio
DuPont Agricultural Products

Daniel Ford
Columbia Legal Services

Wally Frank
L&L Farms

Leo Geeta
Columbia Basin Health

Mike Gempler
Washington Growers League

Chuck Guptill
The McGregor Co.

Brooks Hammel
ISK Biosciences

Mike Harris
UAP Northwest

Mike Haskett
Washington State Dept. of Agriculture

Robert S. Hays
Idaho Dept. of Agriculture

Rosa Hernández
Northwest Justice Project

Phil Hull
Washington Growers League

Alice Larson
Work Group on Pesticide Health & Safety

Erik Loney
KEPR TV

Ricardo Lucero
Northwest Regional Primary Care Association

John Massey
Western Farm Service, Inc.

Adam Navarro
Farmworker

José Pérez
Farmworker

Mary Phillips
Farmworker

Carrie Schafer
Tri-City Herald

Mandie Schickert
Farmworker

Alan Schreiber
Richland, WA

Lucina Siguenza
Community Health Centers

Walter Slabaugh
ISK Biosciences

Rebecca Smith
Columbia Legal Services

Walter Suttle
Monrovia Nursery Co.

Hermann G. Thoennissen
AgriNorth West

Sam Thornton
Washington State Potato Commission

Estela Urrutia
La Familia Sana/Valley Family Health Care

Duncan Wurm
Washington Friends of Farms and Forests

Site Visits and Small Group Discussions

Washington State Health Department, Richland, WA

- June 20, 1996, 8:00 a.m.
- EPA staff met with Vicki Skeers, who gave a presentation on the Pesticide Incident Reporting and Tracking (PIRT) Review Panel, a 13-member panel composed of representatives from state agencies, universities, and the private sector. The system was created in 1989 as a result of an alleged incident involving farmworkers exposed to paraquat drift. PIRT serves as a central clearinghouse and reviews incident reports.
- Among the issues discussed at the meeting were:

  — Physicians have been required to report pesticide incidents since 1989.

  — The most commonly reported pesticide incidents involved eye injuries. Reported incident rates are highest in orchards. The Washington Dept. of Health publishes an annual report summary of the PIRT Review Panel, and has developed a short radio feature for farmworkers about pesticide eye injuries.

La Clínica Migrant Health Center, Pasco, WA

- June 20, 1996, 9:30 a.m.
- EPA staff toured La Clínica Migrant Health Center with Guillermo V. Castaneda, Director.
- Among the issues discussed at the meeting were:

  — Lack of adequate housing contributes to health related problems. Some farmworkers sleep in treated fields.

  — Eye-related pesticide problems are seen most frequently.

  — Many growers bring workers to the clinic. Some growers contribute financially to the clinic.

Meeting with Growers, Prosser, WA

- June 20, 1996, 11:30 a.m.
- EPA staff met with Phil Hull, Mike Gempler, Dennis Pleasant of the Washington Growers League; Anne George and Susan Hiller of the Washington Hop Commission; Patrick Boss of the Hop Growers of Washington; and Dick and Larry Olsen of Olsen Brothers.
- Among the issues discussed at the meeting were:

— Growers believe that Washington State Department of Labor and Industries regulations and WPS overlap, and that jurisdiction should be clarified in order to promote better coordination of regulations, enforcement, and reporting.

— Concerns that central posting of information on pesticide applications is burdensome to growers and should be eliminated since workers do not use it.

— Minor use crops need help in registering chemicals with shorter REIs. For some crops and some pests there may be only one pesticide registered for use.

— Hops industry statistics show low rates of occupational injuries related to pesticides compared with other injuries. Pesticide use is over-regulated, growers believe; other, higher-risk activities are not regulated.

Stepping P., Inc., Prosser, WA

- June 20, 1996, 1:00 p.m.
- EPA staff toured a small, family-owned currant production facility.
- EPA staff met with Dennis Pleasant, owner; Phil Hull, Washington Growers League and others.
- Among the issues discussed at the meeting were:

— Minor use crops, such as currants, suffer from lack of choice of pesticides. Difficult to switch to a less toxic pesticide with a shorter REI if only one pesticide is registered for use on currants to treat a certain pest or disease.

— Currant producers believe they have little problem with drift, due to low-riding application equipment specifically selected for use on currants. Handler PPE requirements should be specific to exposure risk.

Olsen Brothers, Prosser, WA

- June 20, 1996, 1:30 p.m.
- EPA staff toured a large, family-owned farm. Crops include hops, apples, asparagus, cherries, currants, wine grapes and juice grapes.
- EPA staff met with Larry Olsen and Keith Oliver, Olsen Brothers Farm; Anne George, Washington Hop Commission; Patrick Boss, Hop Growers of Washington; Phil Hull, Washington Growers League and others.
- Among the issues discussed at the meeting were:

— Recommendation that EPA eliminate central notification posting of pesticides. Workers don't use it, application maps are difficult to follow on large complex operations, and postings are very staff intensive to keep current.

— Growers believe that farm managers can be relied upon to keep workers out of recently treated areas. Some fields are seven miles from central notification point. Washington State record keeping, state incident reporting laws and federal requirements for material safety data sheets (MSDSs) provide workers with adequate information.

— Participants stated that growers are very careful to not expose workers. Most farmers care about their workers. It is part of being a team and running a successful operation. Treating workers well is good business, but the occasional bad operation gets all the publicity.

— Field posting, safety training and PPE are seen as important protection measures, while central posting is burdensome and not necessary.

Farmworker Meeting, Pasco, WA (See transcript, p. 136)

- June 20, 1996, 6:30 p.m.
- EPA staff met with four farmworkers; Dan Ford and Rebecca Smith, Columbia Legal Services, and others.
- Among the issues discussed at the meeting were:

  — Concerns that farmworkers in Washington State are not consistently receiving the WPS training. Some workers said they had received handler training and PPE, others did not.

  — Concerns that posting is not kept up-to-date, and as a result, workers are not being warned about recently treated fields. Reports that posted signs are staying up the whole season.

  — Reports that farmworkers have been sprayed or exposed to pesticide drift, and told by growers or crew leaders to continue working or be fired.

  — Concerns that washing/decontamination facilities are not being provided consistently, as required by WPS.

- Reports that workers experiencing symptoms of pesticide poisonings were unable to get information on the name of the pesticide used, either at the central notification point or from their supervisor.

- Farmworkers fear being fired if they ask for protection or report violations or poisonings. Workers who attended this meeting reported that some co-workers did not attend because they were afraid of being fired.

- Recommendations for more enforcement of the WPS, unannounced inspections, bilingual investigations not in the presence of the grower, more information about where to report violations, and follow-up on complaints.

- Emphasis on training physicians, nurses, and other health professionals in recognizing and treating pesticide poisoning.

Transcript of Farmworker Meeting

Pasco, WA

Daniel Ford: There are some farmworkers here who came and became aware of the meeting through the United Farm Workers union, who are here and so we can give you the experiences of the legal services plan and these gentlemen can give their own experiences. Rebecca Smith, who is here and is a colleague of mine with Columbia Legal Services, offered to interpret and Conchi [Rodríguez] will help us if we get in a jam.

[Introduction of people inaudible]

Daniel Ford: Thank you. We do have a few people who've been delayed and a couple more people who are coming, Rosa Hernández with the Northwest Justice Project in Pasco and ... I understand that the primary purpose for this meeting was for the folks from EPA and state agencies who work with EPA to hear directly from farmworkers. You heard something of the perspective of legal services last night and what we learn from our clients, and we are happy to talk more about those issues, but first I suggest that we go ahead and allow farmworkers who are here to tell you about their experiences.

Worker: What we are going to talk about is about something that happened last year. We made a complaint about pesticides because we got pretty sick from them. We made a complaint and we never understood what happened. We need to know this thing because this is something that happens to farmworkers at work.

Rebecca Smith: Can you explain to us what happened?

Worker: What happened was we got to work and we went into a field that was recently sprayed. The foreman didn't pay any attention to us. He wasn't there when we got there and after one hour we started getting sick. We had to go to the doctor and even now, speaking for myself, I still don't feel good. That's all I have to say on my behalf.

Worker: Same things that my friend has said. We got sick because we went into a field that was recently sprayed.

Rebecca Smith: Can tell us what happened to you? What symptoms?

Worker: I had dizziness, vomiting, rash in my body, itchiness in the eyes. Everything is because they don't have more precautions for workers who went into the field without knowing that the field was recently sprayed. After one hour of work we were sick.

Rebecca Smith: Did you ever find out what it was that was sprayed?

Worker: No, we never found out what it was.

State Rep: I am interested to know who the incident was reported to.

Worker: To the foreman.

Worker: To the foreman and then to Labor and Industries.

Worker: After passing the information to Labor and Industries, we never found out what happened. The first thing that Labor and Industries does is tell the employer and nothing is ever resolved.

Worker: When you make a complaint to the health inspectors, the first thing they do is talk to the employer and so the employer sends someone to clean the bathroom and when the inspector arrives, the bathrooms are clean and everything is fixed and makes it seem that the workers are lying.

Worker: One year they gathered all of us at the shop to watch TV to see what the chemicals are about. Then one worker from El Salvador stood up and asked what guarantees we have if we die in the field. He was told that someone who dies in the field is the same as if an animal dies in the field. This was in 1988 and the person was a representative from the chemicals. In this ranch, there are chemicals that are 48 hours and chemicals that are 72 hours and sometimes we have to go in and work after 40 hours and that is the way it is. The first thing that the foreman says is, "If you want to work, fine; if not, hit the road."

Bill Jordan (EPA Rep): Is this just one grower or do you see this in a lot of growers?

Worker: In this area of Tri-Cities, this is a big problem.

State Rep: Do you have proof that this is a problem here?

Worker: There is a problem with having proof, because the foreman takes the papers and burns them.

State Rep: What papers?

Worker: The labels. The problem is that you tell the foreman that the chemical makes you sick and then he takes the labels and says that this will not hurt you. Also, they change the labels at their convenience.

Worker: I will like that since we are here in this meeting, and we are talking about this subject, to pay more attention to our lives. Because we are working, we pay taxes, they take money from us to pay the ones in the office. Because our lives are valuable too. I believe that even though we are dirty, we still have value, and this is all I have to say.

Carol Parker (EPA Rep): Does anybody know if these incidents are being tracked? Not necessarily by the farmworker, but by another person?

Daniel Ford: In Washington State, we have what is called the Pesticide Incident Review and Tracking Panel and the

information that this panel gets depends on people reporting pesticides incidents to state agencies. This can happen through several ways. There is the state law that requires physicians to report probable pesticides incidents. In fact, relatively few of the incidents reported in Washington are reported by physicians. Most of the farmworker incidents are reported through the workers compensation system. There are also incidents reported through the Poisoning Control System in our state, in reports to the State Department of Health, Department of Agriculture or the Health and Safety section of the Department of Labor and Industries.

Worker: There is a thing here with my fellow worker. He had a problem with chemicals. We took him to see a doctor to Prosser or Wapato. Unfortunately, at that ranch, Broetje ranch, if you feel sick, you have to report to the foreman. You go to the office and they tell you to go to the hospital and at the hospital they tell you you don't have anything and to go back to work. Then when you go to Labor and Industries, they don't pay any attention to you. You put your claim, and they tell you they are going to put it into the system. Evidently our word has no value.

Worker: He is still sick, sometimes he gets dizzy. He has headaches because of chemicals.

Worker: I cannot get into a sprayed field because I feel dizzy. And that happened to me.

Daniel Ford: We read a report by the U.S. government, the General Accounting Office. And we have experience representing our clients that there is a lot of under-reporting of pesticide incidents for various reasons. One being that workers may not recognize pesticide poisonings by themselves, and obviously this is connected to workers not receiving the training. Also workers being afraid to go to the doctor or not having the money to go to the doctor. And doctors sometimes not being aware of pesticide poisonings and workers not knowing the information to give to the doctor. We had the experience of having clients see a doctor in an emergency room or a clinic visit, who found that the problem is not related to pesticides. The client comes to us and we are able to refer him to a doctor who is more familiar with pesticide cases and may be diagnosed as pesticide related. All doctors are not equally aware of the symptoms of pesticide poisonings and how to take an occupational history.

Bill Jordan: Have any of you had training to recognize symptoms of pesticide poisoning?

Worker: Some time ago they showed us something on TV and had classes later.

Worker: I never had been ill until that time.

Bill Jordan: Was there any training at the workplace?

Worker [To another worker]: Did they give you training or tell you about what was bad for you?

Worker: No, we didn't have it.

State Rep: You referred to a video. What was this about?

Worker: That was a video in '88. A video about how to climb a ladder and how to be careful with using a ladder. That was something kind of to cover our eyes because we never had anything like that.

Daniel Ford: There is another gentleman here and maybe he could give you some information from his perspective and he could participate in answering the general questions.

Worker: I worked since 1977 to 1995 in the Tri-Cities area and all of a sudden they discharged me from work. I had been spraying all that time. We started spraying since January 20th until August 15th or 20th every year. And when they took away my job, the farmer told me that they had younger workers and that since I had an operation I had lost the ability to work. Then I told him that was no reason to take away my job. And he said he was very sorry, that he is the boss and he can take away the job any time he wants. But for the pesticides, they never gave us any training. They would tell us, "Here are the chemicals, here is the list, and be careful not to get the chemical in your face and go to work."

Daniel Ford: It is not clear to me what kind of work do you do.

Worker: Spraying.

State Rep: Is he licensed?

Worker: No.

Daniel Ford: Who are the people that replaced him?

Worker: Other people working there.

Daniel Ford: Does he knows if the other people are licensed?

Worker: No, they aren't.

Rebecca Smith: Is this in 1977?

Worker: Until 1995.

State Rep: Did he mention something about an operation?

Worker: Yes.

State Rep: Was this related to your work?

Worker: To my belief it was. When the doctor interviewed me, he told at first that it was related to work, but when I had an interview with the administrator, then the doctor said no.

State Rep: Which administrator, the ranch or the hospital?

Worker: The hospital, the doctor. The doctor told that it was not related to pesticides. Like my fellow workers here, they are saying the truth. They only say that they are going to do things but they don't. The ones that get passed by are the workers all the time. They know clearly that every three or two months that the inspectors go to the ranch and when they know that they are going out, they tell us, we need to be very careful. But that is for their good, not for ours. Here you have me, I'm ill due to pesticides. My joints hurt, my feet, I get dizzy, I have like a rashness in my throat. And yet, they told me at the last minute that is not related. Where I worked, there was a young man named Natividad, he became ill. They sent him to Seattle and did not pay him transportation or lost days. And then at the last minute, they gave him a report that it was not related to that.

State Rep: How long did you feel ill before they fired him?

Worker: Since 1990.

State Rep: Did he complain about this?

Worker: No.

State Rep: Did they know that you were feeling sick?

Worker: Yes.

Worker [To another worker]: There is something here that you should verify. She asked you who told you that you were not sick, if it was the administrator, and you said it was the hospital administrator. But it was the ranch administrator not the doctor. At first the doctor said you were sick but then later he told you that it was not related to work.

Daniel Ford: Last night there was another meeting, and there was a complaint to our concern by a lot of the farmers at that meeting, about the legal requirements to keep a record in a central place for 30 days of the pesticides that are applied in the workplace. I guess I have two questions I would like to hear your answers to. Number one is: Are you aware that that information is posted or has been posted in a place where you worked, where you can find that information about pesticide applications? And the second question is: Would that information be useful to you and what is the best way to get that information to you? It is really three questions and might be confusing but if you have thoughts about any of those concerns or questions, I think the people here would be interested in that.

Worker: What I would like to know is where could I get that information. Because this is something that we have never known. That's all.

Daniel Ford: Would it be useful to you to have that information?

Worker: It might be helpful to us having some knowledge of the chemicals we are using.

Daniel Ford: Do you have ideas on the best way to get that information to you?

Worker: No, I don't.

Bill Jordan: The regulation says that the information must be at one place, available to the worker, and that the farmer must tell the workers, when they start on the job. Did that happen to any of you?

Worker: No.

Worker: I believe that the chemicals, like in the ranch, there are various ranches that unfortunately, they take the bags of chemicals and we don't even see them. But there are some ranches where I have seen this at. [referring to the pesticide safety poster] But there are other ranches that it does not matter if they have 100 because if you are working here and the truck is spraying, it drifts on you and the information is some other place.

Carol Parker: Is it your grower that is spraying you or is it a neighbor?

Worker: In the same ranch.

Carol Parker: And they know it is drifting on you?

Worker: Right now where I'm working, everything is fine. The only place that has problems is Broetje Ranch.

Unidentified Speaker: So, there are some that are better than others?

Workers: Yes.

State Rep: When they sprayed, do you know if it is a fungicide, herbicide or insecticide?

Workers: We don't know, but if they would put a notice saying, "Poison-- don't get in"... In that ranch that we are talking about, Broetje, there are signs that say, "Do Not Enter," but the signs have been there two or three months. They never put them down. They never put them down, if one wants to go in, you go in. I believe that all of you know well that when there is a warning sign, after 72 hours it should be taken down. That's all.

State Rep: Are they working on the orchards or in row crops?

Worker: In orchards. They are the ones [referring to the other workers] that have been working recently.

Worker: I worked for this grower since the end of 1986 to 1991. And there I found out about discrimination against Mexicans, even the Mexican foremen. Sometimes things happen and the owner never finds out. In 1988-1989 I made a big strike to Broetje, I was a leader in the strike. They fired me. Then, with the lawyer Guadalupe Gamboa, he helped me and in the library there was Broetje, YoYo, Jessie Valle and I asked them why they fired me. And Jessie Valle said it was Yoyo and Yoyo said no, it was Jessie. Mr. Broetje turned red and Jessie was trembling. And I said, why are you trembling, we are not going

to fight. I just want to know why I was fired. Then Broche told me that he had nothing against me because it was something good for all the workers. Because the bin had been paid at $8.50, they would deduct $1.00 for bonuses, leaving $7.50 and after the strike, we were paid at $12.00 an hour.

State Rep: The boss himself, Broetje, told you this.

Worker: Yes. And he told me that if I came back, I could have my job back. So I asked him, "If I come back, is the foreman going to be angry?" And then he said, "If you go to work, and a foreman gives you a hard time, you tell me."

State Rep: Was it a foreman that was giving you a hard time?

Worker: It was Yoyo, his brother-in-law.

Unidentified Speaker: What have you done to educate yourselves, being agricultural workers?

Workers: Unfortunately, we cannot educate ourselves. Because if I need educating and you're the teacher, you are going to educate me. In the situation concerning chemicals, there has to be a representative that will tell me, step by step, so I can learn to educate myself. Because if you don't explain, it's like ... because I don't know what kind of chemical it is. It could be poison and I wouldn't know it, and I could hurt myself.

Unidentified Speaker: So haven't they given you any pamphlets like this or have you ever gotten pamphlets like these?

Workers: No. We have put in complaints but no one pays them any attention.

Carol Parker: Have you ever been warned to stay off the field, verbally or have you seen signs?

Worker: Yes, at other ranches, but they are smaller ranches, of 10 or 15 acres.

Carol Parker: Have they also told you to stay off of the farm?

Worker: There are ranchers that do, but not in that one.

Daniel Ford: When any of you were sprayed or had pesticide drift on you, were you aware of any facilities on the farm in which you could wash off the spray?

Worker: No.

Daniel Ford: Anybody?

Worker: Yes, we had showers.

Daniel Ford: And you were a sprayer?

Worker: Yes.

Facilitator: What type of safety equipment did you use when spraying?

Worker: The first thing we have is rubber boots, a suit, gloves, a face mask, goggles.

Unidentified Speaker: Did you have the opportunity to change filters...[Taping suspended momentarily]

Worker: He got sick, he got a rash, and his blood was poisoned. He tried to get help locally, when he found that he could not get cured here, he returned to Mexico. He after becoming stable, was still sick. And in 1991, at the same place, a 32-year old man died due to chemicals. When they took him to Seattle for an examination, they found his blood was poisoned and he had a paralyzed lung, and from those illness, he could never recover. And they were told it was not due to pesticides. And then after him, the following year I became ill.

Bill Jordan: When you were spraying, were there days when it was too hot to wear protective equipment?

Worker: No, we always had to use it, because there are chemicals that are dangerous to your eyes. We always had to use them. There were times the temperature was about 80 to 85 degrees, but we still had to spray because the chemical was more effective in hot rather than cool temperatures. And there are chemicals that are more effective to the plants when sprayed at night. Since we are agricultural workers, we have to work as the work comes, cool or hot.

Dr. Alice Larson: Could you ask him, how did he know that a chemical was way dangerous, and what protective clothing to wear?

Worker: The only thing that we have are the labels on the bags and drums, but they are all written in English. We don't know anything about that. But, the foreman said that anything with a picture of a skull and bones was dangerous. That's the only way we would know. We were never given any instructions. And that is why sometimes we get sick.

Bill Jordan: What would be one of the things that would be most important to make working around pesticides safer?

Worker: Well, in the first place, like she said, to have a little education like all the people who work with chemicals. Another thing that I would like is, that we could communicate more with you and to have more conversations with you. There are many complaints and many people that were not aware of what was going to happen today. But if you notify us that on a given date you are going to have a meeting... many of us don't want to come because we are afraid. Like in that ranch, they tell you , if you don't come tomorrow, don't come back. They threaten you.

Worker: That is what happened to me for fear of losing my job and security. But it didn't do me any good. The administrator said, "Up to here and no more."

Daniel Ford: If the people who work for the government want to hear more from farmworkers, what is the best way for them to do it?

Worker: I think the best way would be for us to be more united. There are only four of us here. But if there were 20 of us here, our case would be stronger. There would be more complaints and more commentaries, because everybody has their own thoughts and grievances. I can't say what bothers someone else.

Daniel Ford: What I'm asking is, is there a better place to meet or a better way to tell people about the meeting?

Worker: That's the problem.

Unidentified Speaker: On Monday and Tuesday, in Oregon, our lawyers and paralegals went out with pamphlets and stuff to the farmworkers and there seemed to be a consensus of fear, as far as speaking out. They didn't with us, but there was fear of the farmer. And I think that he is right, there still is a lot of fear, because their livelihood is farm work and that's it. Where do they go except to another farmer who might be practicing the same thing. And if they do get a farmer that is a good one, they are lucky. Not everybody is going to get lucky. So, the population is so big that not all of them are going to come and meet, and speak and say, "I hear this and I hear that." So, I think that trying to get everybody together is going to be a big problem.

Worker: It is going to be a big problem, because they say just because they are organizers for the Farm Workers Union of César Chavez they got fired. And they think, "Just for being an organizer...If I don't bother the foreman..." But because it is not convenient to the rancher because I am a believer of the union... If I go and I ask them for work, I will ask them for $5.50 per hour. But if three other people come behind me and he can pay them $4.25, he will hire them and not me.

Carol Parker: The Worker Protection Standards require cards to be issued out after you've been trained about pesticide safety. Have you ever seen these cards?

Worker: No, it's like I said, they would tell us in meetings that they are to send someone to have our blood checked for pesticides. That's what they said, but they never did it.

Daniel Ford: I have a question about that for the EPA. The EPA has been considering requiring blood test for people who spray, mix, or load pesticides. I am wondering where the EPA is on the process.

Bill Jordan: As far as I know, the last year and a half, we have not worked on that and I don't know what happened before then.

Daniel Ford: As I understand it, there are various ways to test poisonous levels in the blood. Many ways are accepted by the medical community. The important thing is to choose one method that is standard, so that

if the blood is checked by different labs, the results come out the same.

Worker: I would like to make a comment. If the people representing the government work at the Department of Labor and Industries, I would be very interested, I think everybody would be interested.. If you will be making an investigation about chemicals, the persons that will be going from the Health Department never let the farmer know that they will be coming. It would be best when the farmer finds out, is when the person is already there. That is what happens, that they let him know ahead of time.

Unidentified Speaker: If the inspector is from the EPA, this does not happen. But that's not at the federal level, the state is different. The reason for the state to do it this way is because the state wants the farmer and the applicator of pesticides to be present.

Worker: The person should be present. Before the strike there were about three bathrooms for about 400 people. There was no water, no soap, not drinking water. Now, after the strike, there is water to drink, but not to wash your hands. You need to wash your hands because they are dirty from chemical powders. If there is no water to wash your hands when you go to eat, poison gets into your food.

Daniel Ford: Anything else?

Worker: From my part I think this is all. We said everything.

Worker: The most important thing is that attention be paid to what we have said. Because if we talk and talk and everything stays the same, it is like if we had not spoken.

Worker: Another thing, now that I am sick, they sent me to three places and from those three places they "annulled" me. I went to the Department of Labor and Industries and they told me that I could not do anything. I went to the isurance people, to the injury claims part and everybody "annulled" me. They sent me a paper, a lot of papers, to tell me they couldn't do anything for me, that they were sorry, but that they could do nothing for me unless I was dying. Then, why do they tell you to go to these places if they are going to do nothing for you? The same administrator told me to go to a place that could help me. I went there and the same thing happened. The people that are working there are at fault. They give you a bunch of papers, you fill them out and nothing happens. The paper that you gave me for my back injury, I took it to a lawyer and until now he has given me no response, not even an appointment.

Daniel Ford: Thank you, everyone, for coming, everybody.

Written Comments

Hermann G. Thoennissen
AgriNorthwest

Burt Chestnut
Chestnut Orchards

Daniel G. Ford
Columbia Legal Services

Ricardo Lucero
Allen T. Apodaca
Northwest Regional Primary Care Association

Leo Sax
Washington Growers Clearing House

Burt Chestnut
Washington State Farm Bureau

Jeff Britt
Washington State Nursery & Landscape Association

Sam Thornton
Washington State Potato Commission

AgriNorthwest

P.O. BOX 2308, TRI-CITIES, WA 99302-2308
509-735-6461

June 19, 1996

Jeanne Heying
Office of Pesticide Programs (7506C)
U.S. Environmental Protection Agency
401 M Street, S.W.
Washington, D.C. 20460

Good evening ladies and gentlemen. My name is Hermann G. Thoennissen. I'm a 40 acre grower of pears and apples in Tieton, Washington. I also work for AgriNorthwest where I direct all operations connected to a 1400 acre orchard. Through my consulting company HTG International I have worked with some on the largest companies in the world. I currently serve on the Washington State Horticultural Association Board of Directors and I'm a commissioner on the Washington State Tree Fruit Research Commission. I have worked in horticulture for the past 25 years in different countries.

Tonight I want to make a few comments about just one part of WPS, the chapter titled "The Information at a Central Location". This posted information and the requirement to leave it there for 30 days which in the most extreme cases can mean 28 days after harvest has nothing to do with protection and safety, and nothing at all with common sense. It has to do with trust.

Russia, China, and North Korea trust the American farmer to provide food to fend off famine. Starving children in Africa trust for the ladies and men in The American Agricultural Industry to supply the daily ration of protein they need to enable them to reach the age of 20. Most Americans trust that the American farmer keeps the safest and lowest cost food supply coming just like it has always been. But somewhere in the corrupt halls of D.C., where trust is an unknown word, there are officials who do not trust the American farmer to act responsible. Central posting is the brain child of mental midgets at best. Central posting is impractical. It does not do what it was intended to do.

To discuss details would be my pleasure but it would take hours just as it would take hours to read the information which is posted on an average sized farm. Most phone books in local Eastern Oregon and Washington are smaller than the print out on a medium size diversified farm in the Willamette Valley, Oregon or the Yakima Valley, Washington. By the way, I have yet to see a central poster at a city park.

Ladies and gentlemen it is high time that we get common sense back into the system. We have to trust the American farmer. After all, we all are fed by them every day and we all are Americans.

Therefore I submit my objections to parts of the Worker Protection Standards in writing.

Thank You.

Hermann

Hermann G. Thoennissen

2810 WEST CLEARWATER AVE.
KENNEWICK, WA 99336

Posting at a Central Location

1. Whenever any worker employed by the employer is on their agricultural establishment and a pesticide is about to be applied, certain information must be displayed at a central location.

- The time and space involved in procuring, distributing and maintaining the information necessary outrageous.
- The workers gain very little benefit from the posting.
- Workers are already informed in other ways.
- Many of the workers cannot read the information and those who can don't.
- The EPA's record keeping requirements conflict with the state's.

Current requirements for worker notification of pesticide applications are adequate to protect workers and posting at a central location requirements should be eliminated.

Field Posting Signs

Employers must make sure that workers know where pesticides are being applied or where the reentry periods are still in effect.

- Signs must be replaced often due to vandalism, weather, and machine damage.
- Keeping track of when and where signs go up and down can be a full time job.
- Many employees either ignore or misunderstand the signs.
- The EPA and state have different sign designs and sign posting requirements.

Sign posting should be an optional method of notifying workers of pesticide applications.

Overall Complexity of Rules

- The Compliance manual is 132 pages long. Who has time to read it.
- State and Federal rules already exist which address many to the same safety issues.
- Filling out forms does not keep workers safe and informed.
- The more complex the rules the less likely they are to be complied with.
- Growers are frustrated with the complexity of the safety rules.

Keep the rules which protect the workers but eliminate or rewrite those which don't work and cause undue hardship on the employers.

Growers Provide Safe Work Places

- Growers care about the health and safety of their workers.
- Growers already notify their workers of any hazards.
- Growers keep workers out of dangerous areas.

Growers want to keep their workers safe from harm. They do not need complex rules to help them accomplish this.

Educational Scare Tactics

Employers must make sure their workers are trained in general pesticide safety. That training must include: The hazards of pesticides resulting from toxicity and exposure, including acute effects, chronic effects, delayed effects, and sensitization.

- The possible dangers of pesticides are over-emphasized.
- How safe pesticides are is under-emphasized.
- Workers misunderstand what are actual risks and what are only perceived risks.
- Workers fear pesticides instead of respecting them.
- Pesticides get blamed for illness or injuries in error.
- Some workers misuse alleged pesticide illnesses or injuries according to the statistics.

Pesticides are safe when used according to the label directions. The risk to field workers from exposure to pesticides is minimal. Educational materials should educate workers not scare them and must realistically reflect the minimal risk.

How to Comply Manual Update

The How to Comply Manual includes detailed in formation on how to comply with the WPS requirements, including exceptions, restrictions, exemptions, options, and examples.

- There are already new changes to the WPS.
- The HTC manual has not been updated.
- When will the HTC manual be updated?
- How will the grower know when and what changes have occurred to the WPS.
- Are EPA WPS Update Bulletins sufficient? (The last one was issued in January of 1995.)

Is the EPA really committed to worker safety? If so they should give growers all the resources they need to comply with the law. Keeping up with WPS has become a full time pursuit just to know what the rules are. Growers are being left behind as the difficulties increase.

Conflicts and Overlaps Between State and Federal Regulations

- Haz Comm (right-to-know)
- WSDA pesticide application record keeping requirements
- L & I Ag Safety Standards
  - decontamination
  - first aid
  - PPE
  - Signs
- Field Sanitation
- Label
  - PPE provisions
  - REI provisions

Growers must sort out the regulations from three to five different state and federal agencies. Many of these regulations overlap and some actually conflict making it impossible for the grower to be in compliance with both. These types of rules will not be taken seriously by growers on the whole.

WPS and the Hazard Communication Standard

The occupational safety and health standard is intended to comprehensibly address the following issues: What are the potential hazards of chemicals. How do we inform workers of those hazards. what are appropriate measures to insure the safety of workers.

- WPS and Haz Comm overlap but have many different provisions.
- Growers must have MSDS and Labels available.
- Growers are left to sort out and interpret the differences between WPS and Haz Comm.
- Different agencies enforce the rules.

The EPA has been aware of these issues since the inception of WPS but has failed to address it. Growers are frustrated with the overlap and conflict in the regulations. This growing frustration with the government's lack of willingness to act leads to loss of respect for government authority.

Jeanne Heying
Office of Pesticide Programs
(7506 C) U.S. EPA
401 M Street SW
Washington D.C. 20460

Washington State has been (since 1985) doing thru the worker Right To Know Program all of what WPS is requiring.

The WPS requirements (in their present form) are expensive for the farmer to implement. What Washington State has been doing since 1985 has been very adequate. Most of the WPS Standard lacks common sense. Not much thought of cost was considered. It lacks the experience of someone who has worked in the Agriculture community.

Washington State Dept. of Ag. has been a weak partner. Trying to use just one person in the field and not asking ANY Ag. Group for assistance.

Washington State Dept. of Ag. is using their own training card and not the EPA training card. This causes confusion for the Farmer and Worker. The Worker cannot use the Washington card in other states and vice versa.

Wa. State Agriculture groups and the Dept. of Labor & Industries offer far more classes and training.

The whole Pesticide issue should be coordinated between State and Federal and ONE SET OF REGULATIONS and by ONE AGENCY.

Burt Chestnut

CHESTNUT ORCHARDS
2050 10TH N.E.
EAST WENATCHEE, WA 98802
PHONE: 509/884-9614

67/OPP #00437

COLUMBIA LEGAL SERVICES

MEMORANDUM

(13PP)

RECEIVED
NOV 22 1996
OPP PUBLIC DOCKET

TO: Environmental Protection Agency

FROM: Daniel G. Ford

DATE: October 11, 1996

RE: PESTICIDE ISSUES AFFECTING FARM WORKERS

Background

Agricultural workers suffer the highest rate of chemical-related illness of any occupational group, according to the U.S. Bureau of Labor Statistics.[1] The Environmental Protection Agency estimates that nationally farm workers suffer 20,000 to 300,000 acute illnesses each year because of exposure to pesticides.[2] In addition to those acute illnesses, pesticides can cause chronic illnesses, such as cancer, birth defects, and neurological damage.[3]

The full extent of the chronic effects caused by virtually all available pesticides remains unknown.[4] Nonetheless, at least 50 active ingredients are known or suspected carcinogens and 20 are known or suspected teratogens.[5] Indeed, numerous epidemiological studies have begun to document the link between pesticide exposure and cancer.[6] For example, one study estimates that the incidence of non-Hodgkin's lymphoma among men exposed to a particular herbicide for more than 20 days per year may be as high as 6 times the incidence rate among those not thus exposed.[7]

Washington's workers' compensation data confirms that pesticide-related illness is far too common among farm workers in our state. The data shows that for the period of 1987-90, farm workers had a rate of systemic poisoning that was 3.2 times higher than the rate for workers in

---

1 52 Fed.Reg. 16, 050, 16, 059 (1987).

2 Environmental Protection Agency, Draft Final Worker Protection Standards, at 21 (1991).

3 M. Moses, "Pesticide-Related Problems and Farm Workers," American Association of Occupational Health Nursing Journal 37:116-130 (1989). See also, General Accounting Office, Hired Farm Workers: Health and Well-Being At Risk, (1992), at 12.

4 The EPA has been reregistering pesticides for nearly 2 decades, but only a fraction of active ingredients have been fully evaluated for chronic effects.

5 See V. Wilk, The Occupational Health of Migrant and Seasonal Farmworkers in the United States at 67-68 (1986).

6 See M. Moses, Cancer in Humans and Potential Occupational and Environmental Exposure to Pesticides: Selected Abstract (1988).

7 General Accounting Office, Pesticides on Farms: Limited Capability Exists to Monitor Occupational Illnesses and Injuries, at 3 (1993).

all industries; their toxic disease rate was 2.2 times the norm; their respiratory disease rate was 5 times the norm; the rate for conjunctivitis among farm workers was 2.4 times the norm; and the rate for dermatitis was 3.9 times the norm.[8] (See Attachment A.)

The Department of Labor and Industries has acknowledged that these figures show only the tip of the iceberg because occupational disease among farm workers is grossly underreported.[9] A 1988 study of 47 Washington farm workers who indicated past health problems from pesticide exposure found that only one person had filed for workers' compensation.[10] Officials from various states have informed the General Accounting Office (GAO) that underreporting results from: 1) workers' difficulties in recognizing symptoms of pesticide poisoning, 2) intimidation of workers by employers, 3) lack of access to health care, 4) lack of health care professionals trained in the diagnosis of pesticide-related illness , and 5) the unfamiliarity of health care professionals with reporting requirements and/or their unwillingness to report cases.[11]

In 1993, 27 Washigton farm workers were admitted in hospitals or treated in hospital emergency rooms because of their exposure to Phosdrin, an extremely toxic insecticide. (See Attachment B.) The Phosdrin poisonings illustrate many of the problems with pesticide registration, regulation, and enforcement in our state. The following is an analysis of those problems and proposed solutions.

1. Alternatives to Highly Toxic Pesticides

A few drops of a Category 1 pesticide can cause extremely harmful effects.[12] Such effects include severe acute systemic illness, blindness, severe burns and death.[13] Several of the Phosdrin poisonings in Washington State occurred through relatively minor lapses in judgment, contact with contaminated personal protective equipment, or no apparent violation of the label guidelines.[14] Several of the workers were so severely ill that they likely would have died without emergency medical treatment.[15]

Some other highly toxic pesticides are used much more than Phosdrin. For example,

---

8 Department of Labor and Industries, Farm Worker Health & Safety in Washington State: A Look at Workers' Compensation Data, Olympia, WA, at 11 (1991).

9 Id. at 9-10.

10 K. Gerstle, Symptoms Related to Pesticide Exposure Among Farmworkers in the Skagit Valley (1989).

11 General Accounting Office, supra note 7, at 9, 15.

12 Id., at 3.

13 See 40 CFR §156.10.

14 Washington State University, Washington State Department of Agriculture, "Safety Alert for Mevinphos (Phosdrin) Use in Washington," (August 26, 1993).

15 Testimony of Marion Moses, M.D., before the Washington State Department of Agriculture (October 7, 1993)

azinphos-methyl (Guthion) is applied to 90% of Washington's apple crop an average of three times a year.[16] In June, 1993, 55 workers reported symptoms including nausea, headaches, and lightheadedness after an adjacent field was aerially sprayed with a mixture that included azinphos-methyl.[17] The Environmental Protection Agency has put azinphos-methyl on a list of five "immediate action" pesticides because of its high toxicity, widespread usage, and involvement in numerous pesticide incidents.[18]

Studies have also shown disturbing long-term effects caused by acute poisoning from Category 1 pesticides. A study of 100 people poisoned by organophosphate pesticides an average of 9 years earlier showed significant deficits in intellectual functioning and motor skills, as compared to a control group.[19] In another study of 117 individuals who were acutely poisoned, 33 still suffered central nervous system effects, including visual disturbances, 3 years later.[20]

In most situations there appear to be widely accepted alternatives to most Category 1 pesticides used in labor-intensive crops. A survey by the Washington Agricultural Statistics Service shows that most Category 1 pesticides are applied to a minority of the area of the labor-intensive crops in which they are used, and some uses of Category 1 pesticides have already been withdrawn. (See Attachment C.) Under industrial hygiene principals, alternative practices or substances should be substituted for the most dangerous chemicals.[21]

The EPA should phase out the most acutely toxic pesticides. The agency should identify existing alternatives to Category 1 pesticides now in use, and ascertain whether there are critical uses for Category 1 pesticides where no feasible alternatives exist. Where effective alternatives exist, Category 1 pesticides should not be allowed. If there are no effective alternatives, substantial resources should be devoted to developing alternatives to Category 1 pesticides, as well as alternatives to pesticides that have been identified as presenting a risk of cancer, reproductive effects, neurological effects, or other chronic damage.

2. Retaliation for Reporting Pesticide Illness or Violations

The GAO reports that intimidation of workers by employers contributes to the underreporting of pesticide illness among farm workers and interferes with the workers' ability

---

[16] Washington Agricultural Statistics Service, "Washington Agricultural Chemical Usage: Apples" (1992).

[17] Department of Health, "Quarterly Summary of Pesticide Incidents: Report from 4/1/93 to 6/30/93" at 36.

[18] Environmental Protection Agency, Letter to registrants of immediate action pesticides (April 6, 1993).

[19] M. Moses, "pesticide-Related Health Problems and Farmworkers," AAOHN Journal, 37:115-130 (1989) at 125.

[20] E. P. Savage, et al, "Chronic Neurological Sequelae of Organophosphate Pesticide Poisoning," Archives of Environmental Health, 43:38-45 (1988).

[21] See 29 CFR §1910.134(a).

to obtain medical care.[22] In this state, farm workers have repeatedly reported that employers have retaliated against them for seeking treatment for pesticide-related illness, filing workers compensation claims concerning pesticide incidents, or reporting pesticide incidents to state agencies. This retaliation violates the Washington Industrial Safety and Health Act (WISHA) and the industrial insurance statute.

As one example, Legal Services represented seven workers who were fired from their jobs in Okanogan County after the Departments of Agriculture and Labor & Industries began investigating their poisonings. The workers were sprayed and drifted upon continuously while cleaning up brush in an orchard downwind from where Thiodan (endosulfan), a Category 1 organochlorine insecticide, was being sprayed. None of the workers was provided with protective clothing required during pesticide application. When one of the workers told their employer that they were getting sick from the pesticide, the employer told them to get back to work in the orchard unless they wanted to lose their jobs. The workers returned to work, suffered further exposure and became even more ill, experiencing tremors, burning and itching eyes, blurred vision, severe headaches, vomiting, stomach aches, skin rashes, and disorientation. The employer later fired the workers after Legal Services asked state agencies to investigate the poisonings.

In another case, a Legal Services client was fired after he told the farm manager that a piece was missing from his respirator. The manager told the worker not to worry about the missing piece, and the worker continued spraying. The worker then became ill and told the manager that he was going to see a doctor. The following day, the worker was fired and his family was evicted from a house on the orchard property.

In order to address retaliation, state agencies must promptly and effectively investigate allegations of retaliation, and make these cases a priority for legal action by the Attorney General's office. All state workers who investigate worker poisonings should be trained in the investigation and referral of retaliation cases. In addition, the state should compile statistics on retaliation incidents and the promptness and results of investigations.

3. Medical Monitoring for Pesticide Handlers

Since 1974, California has had a program of mandatory blood cholinesterase monitoring for workers who handle highly toxic pesticides. Researchers from the California Department of Health Services have concluded that the monitoring program is "an important health protective measure" because it can: 1) prevent acute illness by removing asymptomatic workers with depressed cholinesterase levels from further exposure; 2) trigger reviews of hazardous work practices before a major poisoning occurs; 3) increase worker awareness of the toxicity of the chemicals they handle; 4) prevent chronic sequela of overexposure; and 5) determine when it is safe for a worker to return to activities that may involve pesticide exposure.[23] Monitoring

---

[22] General Accounting Office, supra note 7, at 15.

[23] R. Ames et al, "Protecting Agricultural Applicators from Over-Exposure to Cholinesterase-Inhibiting Pesticides: Perspectives from the California Programme," Journal of Occupational Medicine, 39:85-92 at 91 (1989). See also, R. McConnell et al, "Monitoring Organophosphate Insecticide Exposed Workers for Cholinesterase Depression: New Technology for Office or Field Use," Journal of Occupational Medicine, 1:34-37 (1992) (Medical monitoring can provide significant insights into work site risks and practices, and permit preventative intervention and instruction on a timely basis).

can also help provide better information on the extent of harmful worker exposure to pesticides.

A California study that followed monitored workers found that 24% of the workers had to be removed from duty because they had plasma cholinesterase levels below the allowable threshold.[24] Five workers were removed twice during the same year. Even with the monitoring and removal program, 5% of the workers suffered symptoms of overexposure to pesticides.

The vast majority of the workers who were admitted to hospitals or treated in emergency rooms for Phosdrin poisoning were pesticide handlers.[25] While California requires removing handlers from exposure when a worker's red blood cell (RBC) cholinesterase level is depressed more than 30%, the RBC level of the Phosdrin handlers was depressed as much as 90%. (See Attachment D.) The California program also requires removal if plasma cholinesterase is depressed more than 40%. The plasma levels for the Washington Phosdrin handlers were depressed as much as 97%. Without proper treatment, these workers could have died.[26] They clearly should have been removed from exposure before their cholinesterase levels were so severely depressed.

Washington's only cholinesterase monitoring program is a "non-mandatory" program promulgated by the Department of Labor and Industries last year.[27] The experience in California and Washington demonstrates that a mandatory monitoring program is needed to remove pesticide handlers from hazardous levels of exposure before their health is seriously impaired.

4. Closed Systems for Mixing and Loading Pesticides

Because workers who mix and load pesticides handle concentrated formulations, they face a high degree of risk. According to the California Department of Pesticide Regulation, "Hand pouring has been found to be the most hazardous activity involved in the handling of highly toxic pesticides."[28] Ten of the Washington workers sent to the hospital in 1993 for Phosdrin poisoning were involved in mixing and loading activities.[29]

Since 1977, California has required that Category 1 pesticides, such as Phosdrin, be mixed and loaded through closed systems that limit the spilling, splashing, and leaking of pesticides onto workers. (See Attachment E.) A report by the California Department of Food and Agriculture shows that in the ten years after closed systems were required in that state, Category 1 mixer/loader injuries dropped to about one-fifth of their previous level (from 75

---

[24] C. M. Fillmore & J. E. Lessenger, "A Cholinesterase Testing Program for Pesticide Applicators," Journal of Occupational Medicine, 35:1 (1993) at 63.

[25] Washington State Department of Health, "Phosdrin Cases as of 10/5/93."

[26] M. Moses, M.D., Testimony before the Washington State Department of Agriculture (10/7/93).

[27] See WAC 296-306-40011.

[28] R. Rutz & D. Gibbons, Pesticide Safety Information: Closed Systems, California Department of Pesticide Regulation, Sacramento, CA (1991).

[29] See Attachment B.

injuries/year to 16 injuries/year).[30] (See Attachment F.) The California Department of Pesticide Regulation states that proper use of a closed system reduces the potential for human exposure between 10 and 100 times.[31]

Because mixer/loader incidents are likely to be serious due to the concentrations of the chemicals involved, Washington workers should be protected by closed systems, particularly for Category 1 pesticides.

5. Certification of Handlers of Highly Toxic Pesticides

Under current state law, workers may mix, load and apply the most toxic pesticides without certification or licensing. The Department of Agriculture requires that persons who use or apply "restricted use" pesticides be certified or under the "direct supervision" of a certified applicator.[32] But the Department's policy has been to define "direct supervision" as having a certified applicator available anywhere within 5 minutes travel time on the farm. This policy allows farms to employ uncertified mixer/loaders and applicators to work in isolation without necessary advice and, when necessary, emergency assistance from certified applicators.

The current requirements do not adequately protect workers who handle highly toxic pesticides. The investigations of the Phosdrin incidents showed that many of the workers who handled this pesticide were not properly trained or informed of its hazards. State certification should be required for mixing, loading or applying Category 1 and 2 pesticides.

6. Enforcement of Pesticide Regulations

If agricultural employers are to follow established pesticide laws and regulations, there must be serious, concerted enforcement and education efforts. Enforcement efforts must include more periodic inspections of agricultural work places. The inspection process should not depend upon complaints from workers who are afraid of losing their jobs. There must be effective penalties for seious posticide violations.

f:\wpusers\paul\df\PIAFW-01.pek

---

[30] R. Rutz, Closed System Acceptance and Use in California, California Department of Food and Agriculture, Worker Health and Safety Branch, HS-1393 (1987).

[31] Rutz & Gibbons, supra note 29.

[32] See WAC 16-228-164.

Percent Distribution of WA State Fund Workers' Compensation Claims
1987-90 — Illness Claims

Nature of Illness or Injury	All Industries 1988	All Farm Workers 1987-90	Orchard Workers 1987-90	ratio 1*	ratio 2*
ILLNESS	A (%)	B (%)	C (%)	B/A	C/A
contact dermatitis	.44	1.78	2.32	4.1	5.3
dermatitis	.12	.47	.33	3.9	2.8
allergic dermatitis	.04	.26	.33	6.5	8.3
conjunctivitis	.45	1.08	1.27	2.4	2.8
eye disease	.10	.09	.15	0.9	1.5
toxic	.78	1.74	1.56	2.2	2.0
systemic poisoning	.06	.19	.18	3.2	3.0
respiratory condition and upper resp.	.01	.05	.02	5.0	2.0
rhinitis	.003	.22	.11	73.0	37.0
influenza	.02	.25	.12	12.5	6.0
hearing loss	.30	.03	.02	.10	.07

*Ratio 1 refers to the percentage of claims for all farm workers divided by the percentage of claims for workers in all industries (column B divided by column A). Ratio 2 refers to the percentage of claims for all farm workers in orchards divided by the percentage of claims for workers in all industries (column C divided by column A)

ATTACHMENT A

DEPARTMENT OF HEALTH PHOSDRIN CASES - As of 10/5/93

CASE#	Date of Incident	County	Activity	Age/Gender/Race	Vomiting	Nausea	Dizziness	Weakness	Visual Disturbance	Miosis	Headache	Abdominal pain	Diarrhea	"Funny Taste"	Shortness of Breath	Sweating	Salivation	Pulse	PPE Worn?	Treatment	% RBC AChE Depr.	% Plasma ChE Depr.	Reporting source	L&I Claim Filed	DOH Finding	TREATMENT
930147	6/13	Okanogan	Splash	30MW		x		x	x			x				x		80	yes	Admit	-	25%	PCC	yes	def	Atropine
930157	6/18	Benton	Spray	30MH	x	x	x		x									64	yes	ER	41%	-	L&I	yes	def	None
930158	6/13	Benton	Spray	30MH	x	x						x						66	yes	ER	-	-	L&I	yes	def	Atrop 1mg
930177	7/7	Benton	Mixing	53MH	x	x											x	80	yes	ER	75%	97%	PCC	yes	def	Atop 0.8mg
930180	7/12	Benton	Spray	44MH		x	x				x				x			57	yes	Admit	71%	58%	PCC	yes	def	Atop 2mg, 2-PAM
930200	7/19	Grant	Mixing	28MH	x	x	x			x	x							49	yes	ICU	-	56%	PCC	yes	def	Atrop10mg, 2-PAM
930216	7/22	Grant	Mixing	47MH	x	x			x	x		x				x		56	yes	ICU	54%	76%	MD	yes	def	Atrop 6mg
930217	7/22	Okanogan	Spray	68MW	x	x			x	x			x		x			60	yes	ICU	51%	WNL	PCC	yes	def	Atrop 4mg
930223	7/21	Grant	Spray	27MH		x				x				x				62	yes	ER	-	-	HOS	yes	def	Atrop 1mg
930224	7/19	Grant	Mixing	20MH	x	x	x		x									64	yes	ER	57%	-	HOS	yes	def	None
930226a	7/8	Grant	Well Dr	24MW	x	x							x	x				70	no	ER	WNL	WNL	L&I	yes	pro	None
930226b	7/8	Grant	Well Dr	34MW		x					x							-	no	ER	WNL	WNL	IND	no	pos	None
930228	7/12	Yakima	Mix/spr	19MH	x				x			x						60	yes	ER	43%	64%	L&I	yes	def	For vomiting
930229	7/9.	Benton	Spray	39MH		x	x	x	x		x							66	yes	ER	-	-	L&I	yes	def	Atrop 2 mg
930236	7/29	Benton	Spray	72MW	x			x										73	yes	ER	59%	42%	PCC	yes	def	For vomiting
930253	7/7	Benton	Thinning	39FH	x						x							80	no	ER	-	-	L&I	yes	pro	For headache
930263	8/7	Yakima	Spray	31MH	x	x		x										68	yes	ER	90%	-	PCC	yes	def	For vomiting
930280	8/13	Franklin	Reentry	32MH	x	x	x		x		x	x						84	no	ER	WNL	WNL	MD	yes	def	For nausea
930287	8/12	Grant	Mixing	25MH		x	x				x							84	yes	ER	62%	76%	HOS	yes	def	None
930290	7/22	Yakima	Spray	41MH	x	x		x	x			x							yes	ER			L&I	yes		Await records
930296	6/18	Okanogan	Spray	29MH				x		x						x			yes	Admit	6%	-	L&I	yes	def	Atropine
930308	8/18	Walla Walla	Mixing	57MW		x				x						x			yes	ICU	-	47%	PCC	yes	def	Atrop, 2-PAM
930309	8/7	Grant	Splash	23MW															yes	ER	-	-	L&I	yes	def	Conjunctivitis
930319	7/29	Yakima	Spray	23MH	x	x	x	x	x			x						72	yes	ER	50%	59%	L&I	yes	def	For nausea
930326	7/29	Grant																			-	-	ELS	no	unk	Unable to contact
930337	7/29	Douglas	Spray	24MH	x	x	x	x			x							85	yes	ER	8%	WNL	L&I	yes	def	For dehydration
930246	7/14	Grant	Mixing	31MH			x				x					x				ER			L&I	yes		Await records

USE OF CATEGORY I PESTICIDES IN MAJOR LABOR-INTENSIVE CROPS IN WASHINGTON (1991)

APPLES

Insecticides	Percent of Crop Area Applied	Number of Applications	Total Applied (1000's of lbs.)
Azinphos-methyl	90	2.8	345.0
Endosulfan	33	1.4	98.9
*Ethyl parathion	32	1.0	72.1
Formetanate hydrochloride	6	1.1	7.7
Methidathion	3	1.0	3.4
Methyl parathion	28	1.5	96.7
Oxamyl	21	1.1	14.7
*Phosphamidon	72	2.1	152.5

Fungicides	Percent of Crop Area Applied	Number of Applications	Total Applied (1000's of lbs.)
Dodine	5	1.3	16.0

PEARS

Insecticides	Percent of Crop Area Applied	Number of Applications	Total Applied (1000's of lbs.)
Azinphos-methyl	70	1.9	29.9
Endosulfan	70	1.1	38.7
*Ethyl parathion	43	1.4	19.9

Fungicides	Percent of Crop Area Applied	Number of Applications	Total Applied (1000's of lbs.)
Basic copper sulfate	7	2.0	4.2
Copper sulfate	19	1.1	4.6

ATTACHMENT C

* No longer permitted or registration withdrawn.

SWEET CHERRIES

Insecticides	Percent of Crop Area Applied	Number of Applications	Total Applied (1000's of lbs.)
Azinphos-methyl	39	1.5	6.8
Endosulfan	5	1.1	1.3
*Ethyl parathion	74	2.7	31.1
Methidathion	3	1.0	0.4
Methyl parathion	4	1.2	0.9

Fungicides	Percent of Crop Area Applied	Number of Applications	Total Applied (1000's of lbs.)
Basic copper sulfate	3	1.0	2.0
Copper sulfate	12	1.1	4.0

GRAPES

Insecticides	Percent of Crop Area Applied	Number of Applications	Total Applied (1000's of lbs.)
*Ethyl parathion	12	1.0	4.9

RASPBERRIES

Insecticides	Percent of Crop Area Applied	Number of Applications	Total Applied (1000's of lbs.)
*Ethyl parathion	5	1.0	0.3
Mevinphos	8	1.3	0.2

* No longer permitted or registration withdrawn.

Sources: Washington Agricultural Statistics Service, "Washington Agricultural Chemical Usage"; Extension Services of Oregon State University, Washington State University and University of Idaho, 1993 Pacific Northwest Insect Control Handbook; Washington State University, 1993 Crop Protection Guide for Tree Fruits in Washington.

WASHINGTON STATE DEPARTMENT OF HEALTH PHOSDRIN CASES

Acetylcholinesterase Results as of October 5, 1993**

CASE #	EXPOSE	TESTED	RBC ACHE	NORMAL	% DOWN	PLASMA	NORMAL	% DOWN
930147	6/13	6/14	---	---	---	1673 u/l	2185-10,000	25%
930157	6/18	6/18	7.0 u/ml	11.7-16.8	41%	---	---	---
930177	7/7	7/7	6.0 u/l	24-40	75%	98 u/l	2900-7100	97%
930180	7/12	7/13	2418 u/l	8250-13500	71%	926 u/l	2185-10000	58%
930200	7/19	7/19	---	---	---	1.5 u/ml	3.4-6.5	56%
930216	7/22	7/22	5.4 u/ml	11.7-16.8	54%	0.8 u/ml	3.4-6.5	76%
930217	7/22	7/22	4078 u/l	8250-13500	51%	2357 u/l	2185-10000	none
930224	7/19	7/19	5.1 u/ml	11.7-16.8	57%	---	---	---
930226a	7/8	7/9	12599u/l	8250-13500	none	8146 u/l	2185-10000	none
930226b	7/8	7/9	7429 u/l	5200-10000	none	5251 u/l	2000-8000	none
930228	7/12	7/12	4754 u/l	8250-13500	43%	802 u/l	2185-10000	64%
930236	7/29	7/30	4.5 u/ml	11.7-16.8	59%	2 u/ml	3.4-6.5	42%
930263	8/7	8/7	260 u/l	2618-6971	90%	---	---	---
930280	8/13	8/19	9836 u/l	8250-13500	none	8805 u/l	2185-10000	none
Repeat	8/13	8/30	10176u/l	8250-13500	↑ 3.5%	10380u/l	2185-10000	↑17.9%
930287	8/12	8/12	4.5 u/ml	11.7-16.8	62%	0.8 u/ml	3.4-6.5	76%
930296	6/18	6/18	---	---	---	2044 u/l	2185-10000	6%
930308	8/18	8/18	---	---	---	1174 u/l	2185-10000	47%
930319	7/29	7/29	5.9 u/ml	11.7-16.8	50%	1.4 u/ml	3.4-6.5	59%
930337	7/27	7/27	7621 u/l	8250-13500	8%	2699 u/l	2185-10000	none

** % Depression calculated on lowest normal lab value; no baseline information available

Contact person: Vicki Skeers, R.N., M.N., (206) 753-3595

ATTACHMENT D

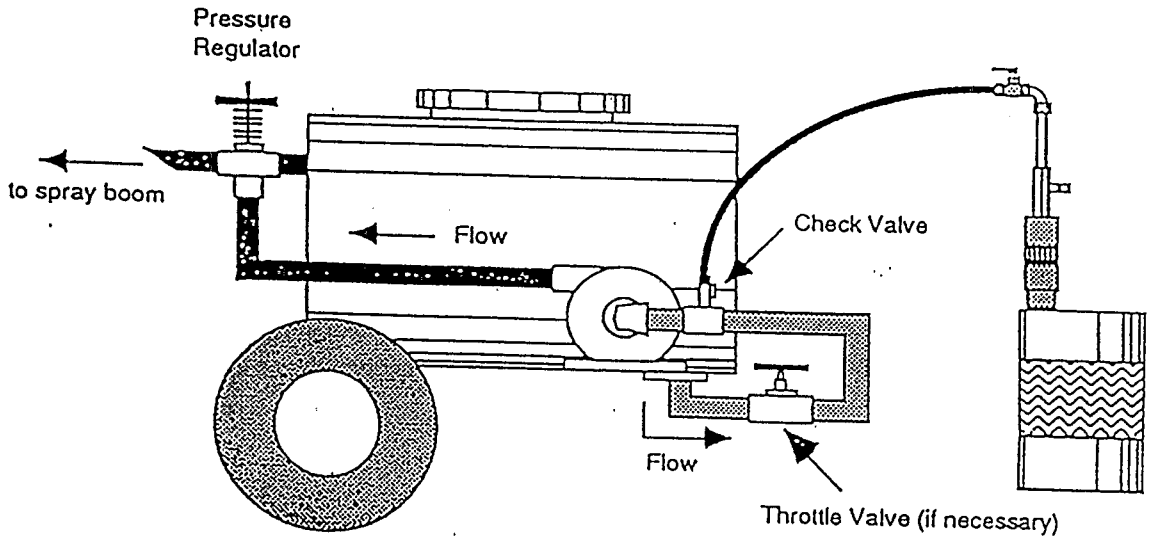


Figure 2

ILLUSTRATION OF
CLOSED SYSTEM FOR
MIXING AND LOADING

ATTACHMENT E

TABLE 1—*Pesticide mixer/loader illnesses in California.*

Year	Toxicity Category 1	Other	Total
1985	16[a]	62	78
1984	17[b]	68	85
1983	22[b]	74	96
1982	31[b]	96	127
1981	52[c]	69	121
1980	50	66	116
1979	73	59	132
1978	89	53	142
1977	85	60	145
1976	75	47	122

[a] Information obtained through Doctor's First Reports of Occupational Injury, Pesticide Illness Reports, and follow-up pesticide illness investigations.
[b] Data include only liquid Category 1; prior years include all formulations.
[c] This minimum number was extrapolated from other data.

ATTACHMENT F

Northwest Regional
Primary Care Association

EPA HEARINGS ON WORKER PROTECTION STANDARDS

Approximately 4 million migrant farmworkers provide most of the labor for the multibillion dollar agricultural industry, contributing to the economy in every state. The majority of them (88 percent) are legally authorized to work in the United States—40 percent are U.S, citizens, 15 percent are legal residents and 33 percent are authorized to work. Even with citizenship and legal status, their health often compares to those living in Third World Countries. Limited by poverty, frequent mobility, low literacy, language and cultural barriers, inadequate transportation, and geographic isolation, less than 15 percent of these farmworkers and their dependents have ready access to health care services.

Migrant farmworkers confront greater risks and suffer more health problems than the general population. Working and living in unsanitary conditions makes them more vulnerable to conditions such as tuberculosis (TB) and parasitic infection. They are subject to more accidents, pesticide and chemical exposure, dental disease, malnutrition mental health, and substance abuse problems than any other subpopulation in the country.

The farmworker's health condition is a risk at work, where he lives and the general environment where they spend their entire lives. Pesticide exposure of the farmworkers may result in acute systemic poisoning or skin or eye problems such as rashes, inflammation, or corneal ulceration. Chronic health problems may include chronic dermatitis, fatigue, headaches, sleep disturbances, anxiety, and disturbances of concentration and memory disorders, and abnormalities in liver and kidney functions.

Pesticide is a generic term that covers a wide range of compounds used in pest control: Insecticides (anthropods), fungicides (smut, blight, mildew, etc.), Rodenticides (rats, gophers, rabbits, etc.), Herbicides (weeds), Acaracides (mites), Algicides (algse in swamps, ponds, marshes, etc.), piscidcides (fish), avicides (birds), Molluscides (slugs, snails), nematocides (worms), and fumigants. The Federal Insecticide, Fimgocode. and Rodenticide Act (FIFRA) of 1947 calls pesticides "economic poisons" and defines them as any substance intended for preventing, destroying, repelling or mitigating any insects, rodents, nematodes, fungi or weeds or any other form of life declared to be pests...; and any substance or mixture of substances intended for use as a plant regulator, defoliant, or dessicant. (Moses, 1983).

Each year the United States uses about one billion pounds of pesticide domestically and manufactures at least 800 million more pounds for export. Currently in this country, more than 1,500 active pesticide ingredients are formulated to make more than 45,000 registered products (Coye, 1985).

4154 California Ave. S.W. • Seattle, Washington 98116-4102 • (206) 932-2133 • FAX: (206) 932-6441.• E-Mail: nwrpca@wolfe.net

Pesticides are aborbed into the human body through the skin (dermal), via the lungs (inhalation), and by mouth (ingestation). Field laborers are exposed to pesticides in a variety of ways:

(1) Direct spraying of farmworkers in a field through aerial or ground application

(2) By Drift, for example, pesticides that are sprayed on one field are carried by the wind to adjacent fields where workers live and work;

(3) Coming in contact with pesticide residues on plant leaves (e.g. via exposed hands, arms, face, and neck):

(4) Eating in the fields using pesticide-contaminated hands;

(5) Eating the fruits or vegetables that are being harvested without washing them to remove pesticide residues;

(6) When cups are not available, drinking water out of hollowed-out cucumbers, bell peppers, apples, etc., all of which have been treated with pesticides.

(7) smoking without washing hands to remove pesticide residues.

(8) Drinking, bathing, or cooking with water contaminated by pesticides (e.g., water from irrigation ditches);

(9) Contaminating the genital area after elimination due to inability to wash hands (no clean water and soap available);

(10) Using pesticide-contaminated leaves or twigs in the field as a substitute for toilet paper.

Another factor to consider when measuring the extent of farmworkers' pesticide exposure in the proximity of their housing to the fields; for example, a labor camp may regularly be contaminated by pesticide drift from adjacent fields as they are sprayed. Exposure is even greater for those workers who are without housing of any kind, who actually live in the orchards where they pick the fruits.

Our recommendations therefore are that:

EPA finalize the implementation of the Worker Protection Standards in collaboration with the states.

That this joint collaborative partnership institute a comprehensive pesticide education program about the effects of exposure to pesticides.

That this partnership include strong language on labeling of dangers for contamination by chemicals.

That proper protective clothing be worn to reduce the danger of exposure to pesticides.

All Chemicals should be properly labeled in both English and Spanish.

Provisions must insure that housing conditions are free from pesticides and located away from/adjacent to sprayed fields to prevent/reduce worker and dependents from drift contamination.

This partnership must monitor adherence to implemented regulations and where violations occur appropriate corrective action be taken.

Ricardo Lucero Allen T. Apodaca

WASHINGTON STATE FARM BUREAU

Washington State Farm Bureau Testimony
EPA Public WPS meeting
Pasco, WA
June 19, 1996

My name is Burt Chestnut and I am the Safety Director for the Washington State Farm Bureau. I am here to testify on behalf of the farmers and ranchers we represent.

Today, family farmers and ranchers face a maze of regulations, whether it be hundreds of pages of WPS regulations, WISHA requirements, State Department of Health requirements or the State Department of Ecology's environmental rules. Some of these requirements not only overlap they often contradict each other. Combine this with the fact that very few of them are easy to read and comprehend, let alone implement on the ground and you can see why farmers have a real problem trying to comply.

It's not that farmers don't want to provide a safe working place because the farmers and ranchers who participate in Farm Bureau's Retro/Safety program have an excellent safety record. Our family farmers work hard to provide a safe workplace because we depend on our workers to help us bring in the crops. Not to mention the fact that often family members are working right along side with our workers. The problem is that too often worker protection standards are written without real world, on the farm experience, and the end result is often very costly or completely unworkable.

In Washington the State Department of Labor and Industries worked very closely with the agriculture community in formulating new AG Safety standards. These new standards have been written in user friendly language which makes it far easier for the worker and the employer to read, understand and implement. While this has not been an easy process, we believe that the final product will result in even better safety protection on our farms.

Farm Bureau commends you for reaching out to farmers and asking for their insight, concerns and ideas on implementation of the Worker Protection Standards. We believe that if EPA were to take the same approach as our Department of Labor and Industries and rewrite a simplified version of the current regulation it would work much better. If farmers and farmworkers clearly understand the practices they need to protect themselves from pesticides then they will be far more likely to actually use those practices.

I work on the ground every day and I can tell you that the current WPS requirements are very expensive for the family farmer to implement. Providing decontamination kits for 30 days for all pesticides and restricted entry intervals are two that come to mind. The supplies required to outfit a single worker can run upwards of several hundred dollars. This is especially costly when our members have several orchards scattered over large areas of territory, many of which are being worked simultaneously.

1011 10th Avenue S.E. • P.O. Box 2009 • Olympia, Washington 98507 • (360) 357-9975
FAX (360) 357-9930

I understand that your goal in proposing to shorten the time that decontamination sites are required after the use of four-hour REI products is to encourage farmers to use low-toxicity pesticides. One way to ensure this is a zero day decontamination requirement for four-hour REI products. Currently you require decontamination kits be available for 30 days for all pesticides and this simply means that the farmer will choose the pesticide which is most cost effective. But if EPA were to revise the decontamination requirement to zero days for pesticides with four-hour REI's this would provide a great incentive to farmers to use those lower risk products. The farmer will balance the cost of not using 4 hour REI products and providing contamination kits for 30 days with using the low-toxicity pesticides and not having to provide the kits. Suddenly using the low-toxicity pesticides is much more cost effective and makes sense. We urge you to revise your decontamination requirements to zero days for four-hour REI products.

The Washington State Department of Agriculture (WSDA) is the regulatory partner which provides assistance. Unfortunately the Washington State Department of Agriculture has only one person in the field. This makes it extremely difficult to provide assistance in a state the size of Washington. Currently the WA Department of Agriculture also utilizes their own training card instead of the EPA training card. In many instances this has caused confusion, especially for those workers who have worked in other states. It would be extremely helpful if EPA would require WSDA to utilize the EPA training card for consistency.

We would also like to see the Agency shift its focus on helping to educate farmers and farmworkers and assist them to bring their farms into compliance without leveling fines the first time. This would be especially helpful if a farmer doesn't have a history of non-compliance. Save the fines for those who just refuse to comply. The Department of Labor and Industries and agriculture groups across the state offer many classes and safety training for our workers and we would welcome the additional help in this arena.

Farmers remember a time when Government was there to be helpful and willingly provided assistance, a time when farmers looked forward to working together with government employees towards the same goals. Instead today we have farmers which are frustrated and believe that government only stops by to raise revenues through fines. We believe that good solid incentives will help EPA and farmers reach their goal of a safe workplace.

The Washington State Farm Bureau offers a suggestion which we believe would benefit everyone, and that would be to eliminate the overlap of regulatory agencies in the pesticide arena. It is time to eliminate turf battles and have one agency administer pesticides with one set of user friendly rules, common sense rules.

WASHINGTON STATE
NURSERY &
LANDSCAPE
ASSOCIATION

June 24, 1996

Ms. Jeanne Heying
Office of Pesticide Programs (7506C)
U.S. Environmental Protection Agency
401 M Street SW
Washington, D.C. 20460

Dear Jeanne:

As the chair of the Washington State Nursery and Landscapers Association Pest Management Committee I would like to take this opportunity to comment on our organizations' successes and struggles with the Worker Protection Standards.

For the most part, our members were well aware of, and carefully practiced, our own states' laws regarding pesticide usage and worker safety. When the Federal Governments' E.P.A. imposed their own law on top of our states laws many were left confused as to which agencies laws to follow and how to comply to often conflicting regulations. As we became more familiar with the E.P.A. laws and began implementing them in our businesses we searched to find adequate training material that would be meaningful to workers in our industry. Much training material is written for large scale agriculture and not for the ornamental nursery, landscaper or greenhouse grower. Smaller growers were definitely impacted by the monetary costs of purchasing training material and the time-costs involved in implementing the standards.

Today there still exists policies in the law that we feel need improvement. The following is a summary:

a) There needs to be greater flexibility in the size of the required posting signs to meet our growing conditions, be it a greenhouse bench, a customers backyard or a production field.

b) REI's need to be reasonably set with better allowance for non contact re-entry and inspection requirements.

c) Sign requirements should be in the language of the worker, not just English and Spanish.

P O BOX 670 • SUMNER, WA 98390-0670 • (206) 863-4482

d) Further agreement on State requirements vs. E.P.A. requirements on matters such as posting and record keeping.

We have for the most part found the "regulatory partner", the Washington State Department of Agriculture, to be helpful in our understanding of this new set of laws. The first year of their inspections for our compliance was more as an advisor. When they begin finning members for non-compliance to minute details to this law we may form another opinion.

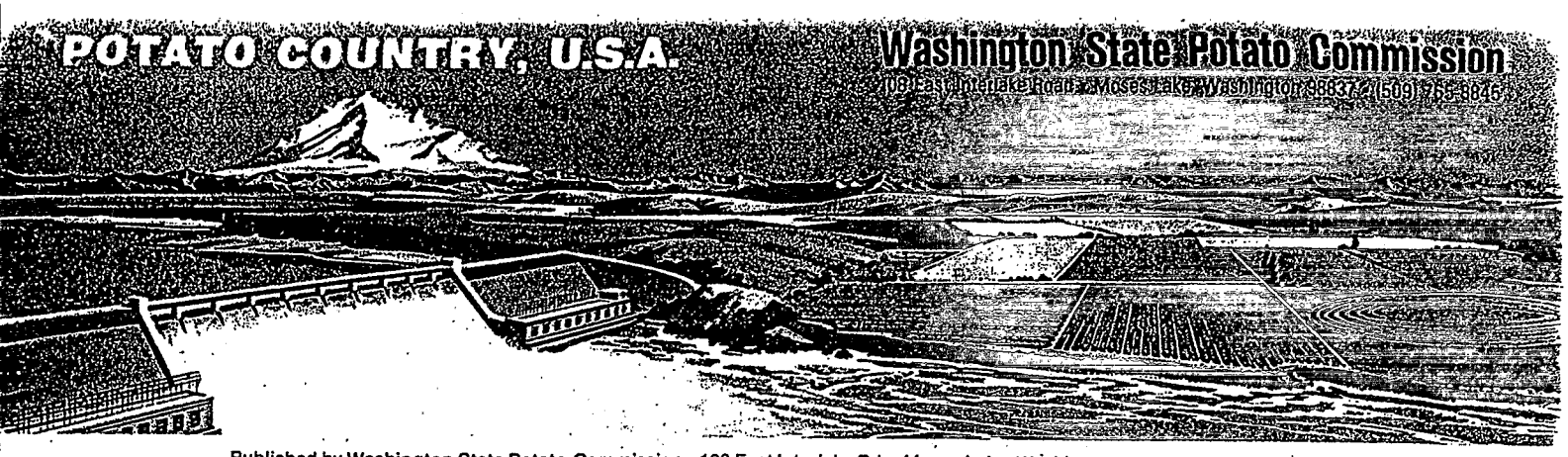
In summary, the WSNLA recognizes the need for a standardized protection of our agricultural employees we just seek the understanding that some flexibility should be allowed when protecting workers in a nursery and landscapers setting.

Sincerely,

Jeff Britt

Jeff Britt
Washington State Nursery and Landscapers Assoc. Pest Management Chair

cc: Alan Welch, Region 10 E.P.A.



Published by Washington State Potato Commission • 108 East Interlake Rd. • Moses Lake, Washington 98837 • (509) 765-8845

Henry C. Michael, President & CEO
Sam Thornton, Assistant Administrator

COMMISSIONERS

District No. 1
Rick Miller
Othello

Dan Elmore
Othello

District No. 2
Treasurer
Jim Reimann
George

Ron Stetner
Quincy

District No. 3
Milton "Bud" Mercer Jr.
Prosser

Secretary
Kevin Bouchey
Toppenish

District No. 4
Edward Schneider
Pasco

Chairman
Ron Reimann
Pasco

District No. 5
Gerald Nelson
Burlington

At Large

Patrick Connors
Wapato

Lynn Olsen
Othello

Phil Schoening
Richland

Vice Chairman
Allen Olberding
Pasco

Director of Agriculture
Jim Jesernig
Olympia

June 10, 1996

Jeanne Heying
Office of Pesticide Programs (7506C)
U.S. Environmental Protection Agency
401 M Street S.W.
Washington D.C. 20460

Dear Ms. Heying,

Herein are contained some key comments and suggestions for the Worker Protection Standards hearing on June 19th at the Red Lion in Pasco, Wa.

1. Respirator Testing Criteria. NIOSH's testing criteria for respirators is based on old mining standards and stifles innovation. Agriculture and forestry need light-weight, battery operated, inexpensive hood or helmet type powered air respirators. Can EPA dedicate some research funds to develop this type of safety equipment?

2. Posting at a Central Location. This has been the most cumbersome WPS requirement. It has proven to have little benefit in informing workers of their risk of exposure in agriculture and forestry settings (No clear definition of what is a central location). Current Worker and Community Right-to-Know laws are more effective.

3. Application Record Keeping. The states also require application record keeping. The state and federal standards are inconsistent and mandate two separate record keeping systems.

4. Posting of Field Signs. Once again the Federal and State standards are inconsistent. In addition, there are currently differences between three state agency requirements (WSDA, L&I and DNR).

5. Complexity of the Rules. WPS is an overly complex set of rules. Many WPS requirements are costly, time consuming and do little to protect workers.

6. Poor Risk Communications. WPS training materials overemphasize the dangers of and exposure to pesticides when proper mixing, loading, storing and handling techniques are utilized. The proper use of PPE can eliminate a majority of the exposures and risks to employee health.

7. Inadequate Training Materials. Some industries covered by WPS have no training materials relevant to the work environment. As an example, the forest industry in the Pacific Northwest has had to use training videos and materials prepared for the agricultural workplace. These have proven inadequate in providing employers an opportunity to comply with WPS. There is also a lack of funding available for training.

Thank you for your consideration of these suggestions.

Sincerely,

Sam J. Thornton

Sam Thornton
Assistant Administrator

ST:lb

cc: Senator Slade Gorton
Senator Patty Murray
Congressman Doc Hastings
Congressman George Nethercutt

WASHINGTON GROWERS CLEARING HOUSE ASSOCIATION, INC.
FULLER-QUIGG BUILDING
POST OFFICE BOX 2207
WENATCHEE, WASHINGTON 98807-2207
(509) 662-6181 FAX (509) 664-6670

DATE: June 18, 1996

TO: Jean Heying
Office of Pesticide Programs (7506C), US EPA
401 M Street SW
Washington, DC 20460

FROM: Leo Sax, Manager
WA. Growers Clearing House
PO Box 2207
Wenatchee, WA 98807-2207

RE: EPA Worker Protection Standard - comments submitted for public meeting; Pasco, Washington, June 19, 1996.

The Washington Growers Clearing House represents over 2700 fruit growers in the state. Our grower members are subject to many complex regulations involving application of pesticides. We recognize that some regulation is necessary to protect workers exposed to pesticides on the job.

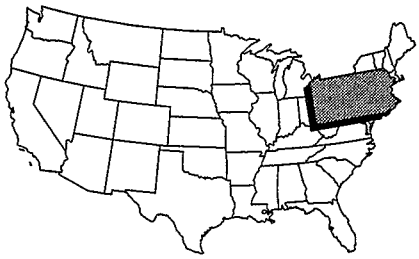
The following are concerns that our members have expressed in regard to the current EPA Worker Protection Standard. Most of these concerns relate to requirements that are costly, unnecessary paperwork, and have nothing to do with the safety of our employees.

1. Posting of information at a central location. The employer is required to disclose on a bulletin board information on pesticide application. The list must include location and description of area to be treated; product name; EPA Registration number; and active ingredients of the pesticide; time and date pesticide applied and restricted entry interval. When growers do post this information and inform workers where it is located and allow access, they find that employees do not take the time to read the displayed information. We ask that this specific posting requirement be deleted from the EPA Worker Protection Standard since it doesn't relate to employee safety.

2. We need continued communication between federal and state agencies on the EPA Worker Protection Standards. One problem that could have been averted, with better communication, is the lack of a uniform WPS Training Card. The state card is green and federal EPA is blue. The second issue relates to the posted warning signs for pesticide application. The state signs are different than the federal and at this time are not being accepted by EPA to meet this requirement. Federal EPA should accept the state signs. This is because many of the EPA Standards, including posting, have been in place in our state under "Worker Right to Know" since 1985.

3. To my knowledge, EPA has not made it clear that in certain emergency situations, workers may enter application areas before the four hour waiting period. Such an emergency could be a fire, flood or weather related incident that couldn't wait for the state to declare that an emergency exists.

6. Pennsylvania



Public Meeting:

Biglerville, PA

- June 26, 1996, 7:00 p.m.
- 118 participants (54 registered), including 26 speakers

Site Visits and Small Group Discussions:

Cooperative Extension Service, Pennsylvania State University Agriculture Department, Biglerville, PA

- June 27, 1996, 8:00 a.m.
- EPA staff met with Bill Kleiner and other state officials on agriculture in Adams County, PA.

Hollabaugh Brothers Inc. Fruit Farm & Market, Biglerville, PA

- June 27, 1996, 9:00 a.m.
- EPA staff toured the 300-acre fruit farm and met with Brad Hollabaugh, owner.

Ashcombe Vegetable Farm & Greenhouse, Mechanicsburg, PA

- June 27, 1996, 1:00 p.m.
- EPA and state staff toured the 90-acre farm and met with Mr. Ashcombe, owner.

Meeting with Farmworkers and Key Stone Health Care, Biglerville, PA

- June 27, 1996, 7:30 p.m.
- EPA and state staff met with 10 farmworkers and two health care workers.

Transcript of Public Meeting
Biglerville, Pennsylvania
June 26, 1996

David Bingaman: I'd like to welcome everyone here tonight. I see a lot of folks have come from a great distance within our state and I see a lot of people that have traveled from other states. I appreciate you all coming. I see a wide representation of growers, workers, and industry representatives from agriculture in general. I think it is encouraging to see people here and I think that, due to busy work schedules, we're going to see some additional people certainly over time.

I'm not going to have a whole lot to say tonight. I basically want to give some credit to people who have worked in Worker Protection within the various states in just a minute or two. First of all, I'd like to recognize our translator (José Sánchez) tonight who will handle any translations that are necessary. Russ Bowen will be our facilitator tonight. Wayne Casto, the pesticide contact from West Virginia, is here tonight representing his state. Don Delorme, the WPS contact in Virginia, is also present. Alvin Harris from Washington, DC, is present tonight. From the State of Pennsylvania Pesticide Education Office, Kerry Hoffman, William Kleiner, and Scott Harrison. Not mentioned here, but from the Pesticide Education Office in Maryland, Susan Gardner is somewhere in the crowd (I got to speak to her earlier). And from the State of Pennsylvania, our local inspection staff is well represented with David Scott, Abbie Clark, Phil Phitzer, Roger Dressler, and myself. In addition, Joe Uram, our Pesticide Enforcement Officer is also available. From Region 3, we have Magda Rodriguez-Hunt, WPS Coordinator for the region present, along with Don Lott, Tom Maslany, Director of AR&T, Stan Laskowski, Deputy Regional Administrator. And now from headquarters EPA, we have Ameesha Mehta, Delta Figueroa, Michael Walsh, Cathy Kronopolus, Kevin Keaney, and Associate Assistant Administrator James Aidala. James will be making comments following my comments--which are ending right now.

James Aidala: Thank you, Dave. I'm Jim Aidala from EPA headquarters in Washington--that part of EPA that handles pesticide programs as well as a few other things; and so the Worker Protection program falls under our responsibilities. I'd just like to welcome everybody here tonight. This is really a large turnout. We're trying to have a series of public meetings across the country (altogether around 10) representing various parts of the country, various kinds of agriculture, to learn more about the standard--how it's going, where it's been, where we need to go. And again, we're just really glad to see a large turnout. You all know that the rule is

designed to try to provide the basic protection for agriculture workers in various ways by trying to inform people about the hazards of pesticides and by adjusting the exposure they have to potential kinds of materials [Inaudible]...You can say at this point that it is a very high priority for the Agency and for the Administration in general. This is important not just because it is designed to protect 3.5 million agricultural workers, but because it is something that has been underway at EPA for 20 years.

Public meetings like this are designed to try and learn more about how to begin working hand-in-hand with people and how we need to be different about it. Obviously, some of the changes that we made since the standard came out include reducing the number of days of [Inaudible]...have basic training [Inaudible]... and entering treated areas to perform certain contact activity. Today, for example, there's a fact sheet on the front table we just published for making final changes to the warning sign requirements to allow languages, any non-English second languages, whereby the worker has a better opportunity to see the sign. And, also, we amended the decontamination requirements so that the decontamination supplies need only be available for workers for seven days after the expiration of the re-entry interval of low-toxicity pesticides. Again, these are all part of ongoing activities to try to change the rules to have them make more sense. We're still continuing to make amendments to the rule.

Again, I would just like to say one more thing before I close. That is the very important role of the states. We have been blessed in having states like Pennsylvania around to help us implement the rules. Under the federal pesticide laws, the states are to be the enforcement agencies; and, without their cooperation, without their partnership, not just this rule but the entire pesticide worker standard wouldn't work. So we're happy not just to be in Pennsylvania, but in different parts of the region and this is absolutely essential to making this rule work. This part of the world is represented by our Philadelphia office, where Stan is our Deputy Regional Administrator.

Stan Laskowski: I am Deputy Regional Administrator of EPA of Region 3 of the middle Atlantic states. This program [Inaudible].... I only have about an hour of remarks--just kidding! I wanted to tell you that it is really very appropriate to have you here tonight to work with you and to have you tell us just how effective our standards really are. As Jim indicated, the states are really the key to what we do. And I just wanted to mention a few of the key activities of the states in our region: [Inaudible]...labor, the Cooperative Extension Service, who are our state partners in implementing the Worker Protection Standard and [Inaudible]...dealing with the agricultural community. One example of what they do is to provide assistance for inspections, as well as outreach and training opportunities. Pennsylvania is one of the leaders in that area. The Virginia Department of Agriculture, and two of their services, for example, developed brochures that explain such topics as the

volunteer training verification program, as well as the rights of workers. Our West Virginia Cooperative Extension Service developed a training video for workers and employers and some of it was provided by the West Virginia Department of Agriculture. Some of our state partners have also interfaced with health organizations to educate health care providers about pesticides. The Virginia Department of Agriculture entered into an agreement with the Virginia Department of Health. Another example is the Pennsylvania Department of Agriculture which established an agro-medicine program with the College of Medicine at Pennsylvania State University and the College of Agricultural Science. The fundamental aspect of this kind of medicine is that it is comprehensive to agricultural safety issues. These are just a few examples of what we see that the states are doing and, with that, I think I'll turn it over to Russ.

Russ Bowen: Good evening. My name is Russ and I'm with the EPA Region 3 in Philadelphia. I'll be facilitating the meeting tonight and... [Inaudible]...so if you have any specific questions [Inaudible]...we'll take a break about 8:30. Each speaker is registered and will be given five minutes to speak. At four minutes I'll stand up and at five minutes I'll sit back down. At six minutes, I'll press this button and a trap door opens. [Laughter] So, if you have any questions, please stay through the break. If you decide during the course of the meeting that you would like to speak, please go out to the lobby, sign up, get a number, and you'll be added to the list. You will be given an opportunity to speak. And with that, I'd like to call Brian Shrader of Harper's Ferry Job Corp.

Brian Shrader: Good evening, my name's Brian Shrader with the Harpers Ferry Job Corps in Harpers Ferry, WV. Since 1993, we've trained almost 240 students--about 80 a year--in the safe handling and application of pesticides, herbicides, insecticides. My students have learned to be very self-conscious, safety conscious and responsible with what they learned. They take it very seriously. Their personal protection equipment is always kept up to standards. They know that when they leave the shop to spray, anywhere on the center, they better have it right. They only get one chance at it. They inform other students if areas are posted, they need to stay out of there. They have stopped staff from violating federal regulations. Everybody at our center would be very pleased with the help the West Virginia Department of Agriculture has given us. We could not ask for a better coordinator as Wayne Casto or Bob Frame out of Charleston. Thank you all.

Wayne Casto: [Inaudible]...for the State of West Virginia with the West Virginia Department of Agriculture. I would like to thank EPA for providing this forum for both myself and the other people that I have with me from the State of West Virginia to present these comments on the Worker Protection Standards. Those people from West Virginia that we have attending here tonight represent a cross-segment of the agricultural industry.

The first one I would like to thank personally is Jamie Wilburn, he's a crew leader and also a handler; Brian Shrader, he is the IPM supervisor and ag instructor with the U.S. Department of Interior; Phil and Matthew Lowe from Potomac Farms Nursery and greenhouse operation in Shepardstown; Mr. Gary Lutman, who is the vice president of Mountainview Orchards; and also Robert Cheves, he's with the West Virginia University Extension Service and he's also the Hampshire County Extension Agent.

I would like to thank you again for allowing me to state or address some of the concerns that have been expressed to me by our growers and also some of our agribusiness communities. There is some concern from our growers about the issue of liability of the trainer, if a trainee or a worker has been involved in alleged pesticide injury after he has left their facility. Number two, the verification of workers who you have really trained or not trained. An example is that one of our workers was trained three times at three different locations, with the same Social Security number, home address, but different signatures.

There is some confusion about REIs when it comes to various levels of intensity and toxicity. Strawberries, one particular one is Captan, would have a 24-hour REI, apples a 96-hour REI, with a pre-harvest interval of no hours. There is some confusion when it comes to protection. Some of the other things that they were concerned about was they felt that a lot of times decisions were made by EPA and other government agencies without really connecting with the people in the field. They would like to see more people from EPA region coming to their locations, traveling with them and experiencing their problems and gaining experience in real-life situations. The growers in West Virginia are doing an excellent job of complying with WPS. They have set the example in many areas. They have cared for workers for more than 22 years in a safe manner. Last year we can be proud that there was one pesticide-related incident not directly related to the agri industry but outside of it. Therefore, I applaud the fruit growers, greenhouse and nursery operators, the ag instructors and so many other agri persons in West Virginia for doing an excellent job with worker protection. Thank you.

Robert Cheves: I come here tonight with a fairly different background, just being an extension agent in that when I got out of college I was with a chemical company from sales through top management. I then left there because I bought a farm and I farmed for 12 years, both with nursery and instruction with agriculture. In 1989 I went to Extension as county agent in Hampshire County, West Virginia, which is a horticultural, fruit-grower county, beef county primarily.

I come to Extension with a fairly different approach than most of my counterparts in that I feel like I'm pro-active. I actually show the farmers the information that I want them to have or information that the university generates that I feel they should have rather than just teach them something. And in that light, when the Worker Protection Standards came into play and Wayne Casto came on the

scene in West Virginia with the same type of enthusiasm for getting information out, that is, trying to make sure you're doing it at the time that the group would be there and so forth, we've worked as a good team in putting the program together at least in the area that I'm for.

I think it's proved to work and is successful, but it's not perfect. We combined together to do a lot of the programs on Sunday afternoon when it would be more convenient for the workers, for example, but we still didn't get--as Wayne said--we had some slip-ups and some things happened we weren't sure about. The atmosphere was that what we were doing was necessary in helping the farmers rather than forcing something on them. Once the orchards and so forth became sold on the concept that we were there to help them in that light, it went very easy for them to cooperate in the participation. I mention that because other agencies have not necessarily taken that approach. They have showed up with a violation book or a list of fines, whereas this program has shown with an educational program and with the concept of getting the job done. I applaud that.

I had some suggestions that I've written out. You have to, in my area anyhow, you have to assume that the grower wants to comply if you all should happen to go in there because I think that's the attitude. I'm not sure that that's always the case in all areas. I would say to not nit-pick; evaluate the total attitude and the program that the grower is trying to do, if they're doing that. Use science and common sense as your basis of looking at the operation; measure your success by percent compliance, not by fines levied, as I think some programs are monitored or taken to the farmer. Recognize that we're very close to saving our farmers' time--that's a concept, that by the time the various agencies get done with them that there's little time left to farm maybe. And I would say, as I said earlier, continue on your approach to training. I would even say to go so far as to align yourself with agriculture in this effort. Don't let yourself through TV exposure be beaten down in what you're trying to do. I say this because of the programs where I felt that not only the farmer, but you all were taken to task unjustly. I think you all could better prepare and deter that in the future and in doing so align yourself with a portion of this nation that's made it great. So I'll stop there. Thank you.

Philip Lowe: Yes, my name is Philip Lowe. I hope you all can hear me in the back. I just wanted to say that I have about a two-acre greenhouse, accommodations in Shepardstown. I know that the first time that a couple of years ago when Wayne [Casto] stopped by to see me, it was definitely worker-friendly. I like that word a lot because I think we first heard about three or four years ago when we were stiffing down the rules and regulations of the EPA, there was a lot of fright. I think that because of the way that Wayne came across to me, not only as an inspector or a trainer, but he also came across to me as an individual who wanted to help me to continue to stay in business as a taxpayer, to help my state and my county, and also my

employees and my family. That's why I started my own business in the greenhouse part.

I think Robert just kind of explained, too, I think the fines that sometimes you all wanted to bring up on some small growers, as myself, can be quite harsh. I know that we go out of our way to try to accommodate your rules, but not ever trying to over-exceed the responsibility and safety of our employees that work for us and that are not part of my family. That's one thing. I think we have to realize that these small growers like myself, if they are fined to death, due to the fact that we are against a lot of different weather elements, and I think that all of us in the Agriculture Department realize that, you cannot predict this type of weather.

I think, I sure do wish, that hopefully you folks that are up here on this table can have the opportunity to maybe visit a small grower and see how low, people that are at the bottom of the totem pole, see if they're doing a good job. They don't even know who you are, just to find out what we're doing and hopefully we're doing it right because that's the way we want to do it and especially for our state, West Virginia, because it's very important. So I thank you and I thank Wayne for the worker-friendly protection that he's helped us with. When we see him coming through the door, we're out to shake his hand and welcome him very much. So thank you for those words here.

Gary Lutman: My thoughts on the Worker Protection Standards, being strictly a grower and everything of this nature, is that a lot of times a few gentlemen hear comments coming back to you that are negative and everything, from ground roots people such as myself that actually have to go out and implement worker protection safety for our employees and everything. I won't say anything, as you can tell from us people in West Virginia, we're well pleased with the field representation that we have out there, instructing us and trying to help us, like being in compliance and staying in compliance, with changing rules and everything. Lot of times you may even take a look at your own house and state to see that you've got people that are worker-friendly, grower-friendly, trying to get us in compliance, get them to working right, like that makes us feel more safe, which doesn't help us looking over our shoulder all the time every time you see a strange vehicle come into a field or anything. Things work much better like this.

I should also remind you, as a grower, that with these rules and everything that come up, these are bottom line costs that we must absorb into our operations, some of which are in red due to bad weather, which you all are familiar with across this country. Always keep that in mind, we try our best to stay in compliance because we think a lot of our employees and everything that we have with us. A lot of people are long-term like that, and we don't want to make them feel unwelcome, like they don't have a job or anything, like that is worker protection safety work, and we must force them, after being in orchard backgrounds for quite some years in their life, having to take on a new way to do everything, like this gentleman...

We get along great in West Virginia. We've got great field people out there. I wish all the other states represented here tonight had the kind of people that we have to work with, which makes worker protection much easier to do and implement in our operations.

Richard Pallman: My name is Richard Pallman. My brothers and I grow 300 acres of green tomatoes, 275 acres of wheat, 12 acres of strawberries, and maintain 300 acres of hayland in our rotation. We are also in the poultry business. I am here today speaking as president of the Pennsylvania Vegetable Growers Association and as chairman of the Pennsylvania Farm Bureau of Labor Advisory Committee and as a concerned farmer. I would like to thank you for the opportunity to present my views on the Worker Protection Standard and how it has affected our farming operation.

I continue to be frustrated by regulations which are forced upon us by governmental agencies which have no working experience in the industry in which they are trying to regulate. Apparently the agriculture community is still regarded as an employer who treats his employees with no respect or regard for the health and safety of his workers. The workers are the backbone of our business; without them we do not exist. We, therefore, want them to work in an environment which is safe and healthy and that causes the worker to want to return to our workplace.

New regulations usually mean additional expense. Other industries can usually pass that additional expense on by raising the price of the product that they sell. In the agricultural industry, we work on supply and demand pricing of our product. We do not have the luxury of saying that, because we had an increased cost of $5,000 in implementing WPS on our farm, that I need 10-cents a box more for my tomatoes. Unfortunately, that ability to increase our selling price is out of our control.

Most of the WPS we have been able to deal with in our operation with little change, but several areas of the WPS have caused us some major problems and I would like to discuss them. The biggest problem is the re-entry times which have been assigned to chemicals with little, if any, scientific evidence to support it. How can a chemical like Benlate have zero days to harvest label for spring and then have an REI of 24 hours?

Our biggest problem is with soil incorporated herbicides which are used prior to the planting of our tomatoes. Specifically, I incorporate Tillam into the soil. I must wait 12 hours for my planting crew to enter the field because three of the workers must walk on the grounds and occasionally touch the treated soil. This system is fine as long as we are dealing with dry weather in extended periods of dry weather. We have a very small planting window for our tomato product--approximately May 15 to June 15. Days become very critical to us. Our heavy soils do not dry out very quickly once they become wet. A field which has been prepared for planting will dry out much slower than a field which has been only plowed. Therefore, if I prepare a field for planting this afternoon and it rains during the night, the soil could be too wet to plant the next day. Now I got no place

to plant that day and the workers have no place to work because even if I could work plowed ground, I still have to wait 12 hours, again, to enter the new field. This all translates into lost dollars for me and my workers. I have to re-work the field that was rained on after it was prepared for planting, I lose a day planting, and the workers lose a day's work.

First of all, when these regulations were first proposed in 1974, soil incorporated herbicides were meant to be excluded. Secondly, why after 30 years of using Tillam according to the label without any known health concerns, do we have to now wait 12 hours before someone can go in and touch the soil? We are not dealing with a fumigant; we are dealing with a herbicide.

My second problem area with WPS is with the central posting of the time when a field is to be sprayed. I can post a day when we'll be spraying a particular farm or field, but we cannot post the time prior to spraying that field. Because of traveling and field locations and weather, that becomes a physical impossibility. Breakdowns, whether there's road travel--that makes it all difficult.

Also, the information that is required to be posted is very similar, but not exactly the same as the United States Department of Agriculture federal pesticide record keeping requirements. Why can't we have a better coordination of regulation requirements between agencies so that we as the ones being regulated have less duplication in what we have to do? Both agencies are trying to do the same thing, but each wants it in a different form.

I hope that after hearing from farmers around this country that some changes can be made to the WPS that will make our compliance easier to deal with without compromising the health or safety of our farmworkers. Once again, thank you for the opportunity to present my views.

Bryan Little: Russ, I should start by saying thanks and if I start to get over six minutes, if you could just throw something at me instead of opening the trap door, I'd appreciate it. My wife would like me to come home unbruised if possible.

Ladies and gentlemen, my name's Bryan Little and I serve as the director of governmental relations with the Washington office of the American Farm Bureau Federation, the nation's largest general farmer organization representing farmers in every state and Puerto Rico. I'd like to begin by commending the Environmental Protection Agency for this effort to reach out to farmers and their representatives at meetings around the country to deal with issues arising from the implementation of Worker Protection Standards.

It appears that EPA recognizes that the Worker Protection Standard is unlike anything the agency attempted before and as a result they create so many problems. At AFBF, we welcome the opportunity to work with the agency to ease all regulatory burdens on farmers, including the Worker Protection Standard. Because of its complexity, WPS compliance can be difficult and, in some instances, it may not be possible to be completely in compliance all the time. In

Florida, for example, state enforcement officials found violations in 27 percent of all the inspections conducted between January 1 of last year to February of this year. For labor intensive farms, compliance is even more difficult. Florida nurseries had violations in 71 percent of the inspections conducted; greenhouses were in non-compliance 48 percent of the time; family farms with a large compliance standard, had violations only 5 percent of the time.

Farmers want to protect workers and want to follow the intent of the law, but the complexity of WPS means that most farmers will miss something despite their best efforts to be in compliance. The Farm Bureau believes that worker safety would be better served by a simplified version of the current regulation. Farmers and farmworkers who clearly understand the practices that are necessary to protect themselves against pesticide risks are far more likely to implement those practices. But requirements which are overly complex create confusion resulting in non-compliance and increased worker risks. For those reasons, the Farm Bureau supports WPS changes that simplify the requirements in order to protect workers and to make compliance easier.

AFBF supports WPS enforcement policies that support compliance for farmers and farmworkers and this could include making reasonable efforts wherever necessary to educate farmers and farmworkers on the standard. I might also take the opportunity to commend the agency for doing what we think is an excellent job that, particularly early on in implementation of the standards and really going out of the way to get educational material out to state departments of agriculture and through farm bureaus and other organizations.

We recommend allowing those who may not be in compliance to get into compliance before levying penalties against them. This approach could be especially useful for farmers and for others who don't have a history of crime on compliance. And I might say that from what I've heard from farmers, this has been the experience in a lot of states, particularly true of Pennsylvania, where the Department of Agriculture has been very good about helping farmers to be in compliance rather than trying to catch them and fine them when they're not.

We welcome EPA's clarification, by the way, the preamble to the September 1995 proposed rule, which I understand became final today, to the effect that no decontamination provisions were required in cases where there will be no entry by workers in the treated area or where all treated plant materials have been removed.

The Farm Bureau also believes some additional changes could be made to the WPS to clarify requirements and enforcement. First, EPA should eliminate the requirement for a decontamination site after crops are harvested. We believe there are few cases, if any, where contact with treated surfaces occurs after harvest. While live plant material and foliage remain on many crops after harvest, there are few farm cultural practices that bring workers in contact with treated surfaces. Under normal circumstances, for example, in orchards, clean up tasks will occur well after

the expiration and the post-harvest interval for food consumption. Thus, we believe excessive exposure risk is relatively small.

We disagree with the agency's assessment that determining the crops that are ineligible for such an option, would be too resource intensive. We believe that the number of crops with contact with treated surfaces occurring after harvest would be relatively small and eliminating the requirement that the decontamination site after harvest, with exceptions, would remove an unnecessary requirement for many farmers.

A few additional suggestions in terms of what you need to change in the Worker Protection Standards: we think it would make a lot of sense to eliminate any decontamination requirement after the expiration of the REI. Your own data as cited back to you by the National Association of State Departments of Agriculture comments on your proposed September 1995 rule, cite the fact that risk substantially declines after the expiration of the REI, therefore, most of the risk has already passed. We think that a fixed 30-day decontamination period does not create the necessary incentives for farmers to use lower toxicity pesticides, an objective that has been part of the agency's proposal. Pesticides with 24-hour REI are treated the same as pesticides with a 72-hour REI and, for these reasons, we urge the agency to consider making this change.

I've got a couple of other things, but Jim, you and Cathy and I have talked about all these things in the past. I'll probably continue talking with you about them in the future and I probably should wrap up before you push the button on the trap door by saying that the Farm Bureau believes that some of these improvements in WPS could be doable by simplifying the regulation and providing essential safeguards for pesticide workers and handlers. We urge the Agency's consideration of some of these proposals. Thank you.

Russ Bowen: I have a question raised and perhaps it needs clarification at this point in time. The order of the speakers tonight is on a first-registered, first-speaking basis. If I hadn't made that clear at the beginning, I apologize.

Brad Hollabaugh: Thank you. I'm also speaking tonight I think on behalf of the Adams County Fruit Growers Association and also because I chair a legislative committee with the State Board Association. I think I will be speaking also on behalf of the State Board Association. I do appreciate this opportunity here to speak before the panel here about the Worker Protection Standards. My group truly hopes that we will arrive at a more realistic method of accomplishing worker safety in a flexible, meaningful way. Although there are really many, many aspects of the Worker Protection Standards that I could address specifically, I don't have the time. I thought tonight I would at least address one issue that I feel is very important, that is a basic contradiction I feel between the philosophy of the standard and the actual implementation of the Worker Protection Standard. We've been hearing examples of it all evening here and I suspect we'll hear more.

I think the basic concept of worker safety is very sound, but the standard as it was written is flawed. Again, we are hearing more and more issues as we go through the evening to that effect. Practically speaking, inconsistent implementation of the standard has been difficult for a multitude of reasons. Those reasons closely relate to the fact that there is such a variety in farm operations across the country. A 23-acre fruit operation doesn't have the same environment, resources and so forth as a 300-acre farm or 5,000-acre operation in the Southwest. Some businesses are family operations, like ours, where we have historical methods of safely handling and applying pesticides and also developing good communication methods with our seasonal employees. Other companies operate with a variety of long-term and temporary employees and often have developed good track records for the safe use and handling of chemicals as well.

Problems arise with implementation because the standard simply does not and cannot identify and address each and every variation in the makeup of modern farm operations. Our farm is basically composed of contiguous orchards; many farms are not. Our farm is also surrounded by many public highways, which acts as an offering of scores of different opportunities for access ways into the orchard, which contain not just one fruit crop, but many fruit crops in many cases. The length required to complete one type of spray material on our orchard varies dramatically depending on the crop we're spraying, the time of the year and so forth and from farm to farm that is true as well depending on the application method of the operation. Sometimes family members handle all the pest management exclusively and in other cases only the regular employees or seasonal people will do that. And often the field workers don't enter a crop area for weeks at a time because of the seasonal nature of orchard fruit. And I hardly think there is a danger posed to the workers in the winter time in this area at least.

My point is that taken individually, each stipulation in the standard could be argued to be valid, necessary and essential to ensure the safety of workers. But in the real world, do all these additional regulations really change the level of safety for the worker at large? For years I had struggled to meet the challenge of each new set of regulations and bring our company into 100 percent compliance to the best of my ability. I think there are those in this room that will attest to that fact. But when the Worker Protection Standard came along, I reached a point when my time was so eroded dealing with the details of compliance, that I was spending dramatically less time applying the skills most important to our business. Those skills related to horticulture, business management, planning for the future, and yes, other human resource management as well. Because the standard itself seemed to be constantly in flux in the early years both with regard to the date of enforcement and with the regulations themselves, I chose a course of action for our company which placed us somewhere between full compliance and no compliance. Those items which helped us to continue to achieve greater worker safety were incorporated into our system of operation often in exchange for other

methods that were what I considered less effective. But safety didn't come to our farm with the Worker Protection Standard. Long before any such regulations were forced upon us, we had already established many practices which reflect common sense and respect for the chemical tools of our trade. The primary difference is that we did what worked for our company and we did it in a way that minimized expense, but yielded the desired result. As our company has changed over the years, we have reevaluated our methods as necessary, but being more strictly regulated in a way that increases expense to our company...[Taping suspended momentarily]

Nelson Carasquillo: ...Good evening, my name is Nelson Carasquillo. We are here tonight representing both the Farmworker Health & Safety Institute and CATA, the Farmworker Support Committee. We are based in New Jersey and also have offices in Puerto Rico and Kennett Square, PA, representing thousands of workers who travel along the Eastern migrant stream. We are glad to be here tonight and to speak on behalf of the farmworkers, those men, women and children who are most adversely affected by pesticides, but whose voices are seldom heard.

As farmworkers, we have struggled to get the Right-to-Know Act passed in New Jersey and are pleased with the creation of the Worker Protection Standard. While these may represent progress in environmental justice for farmworkers, it is only the beginning and much work still needs to be done. In Pennsylvania, the Worker Protection Standard has yet to be fully implemented. The Farmworker Health & Safety Institute has developed and implemented a unique worker protection training for farmworkers. We have been approved by EPA nationally and by numerous state agencies. We are appalled by EPA's Puerto Rican office and their unwillingness to certify the trainings that we provide on the island. We are considering legal actions towards that. In particular, I would like to comment about the flagrant violations committed by farmers' WPS trainings and the lack of enforcement of the WPS by both EPA and the Department of Environmental Protection, in this case, New Jersey.

We have heard testimonies given by farmers on how the WPS is complicated, there are too many pages to read in the WPS book, some re-entry intervals are too long and that it is costly, especially in regard to decontamination sites. The focus is a monetary one, not human, in terms of compliance. We have received reports from farmworkers working in southern New Jersey that it is common practice for pesticides to be sprayed in the same area where they are working. This is against the law and this occurs not only in New Jersey and Pennsylvania, but all over the country. Farmers are not complying with their responsibilities as stated in the WPS. They are not providing transportation for farmworkers who need medical care. Farmworkers are handling pesticides without special training or clothes and the workers are not aware of the re-entry intervals. In those cases where the farmer is providing the information and the worker understands it, most are afraid to complain for fear of retaliation by the farmer.

The five-minute limit prevents me from citing additional abuses committed by the farmers.

We are also concerned about who is training the farmworkers and the quality of this training. The video seems to be the most popular method used by farmers and state representatives. They usually show this video to large groups of farmworkers without monitoring the training or providing the additional information required by EPA. In one case, the farmer told the workers that they needed to see this video, put the video on the table without hooking up the VCR or putting the video in the VCR, left the room, returned and gave the farmworkers their worker protection cards without their ever having seen the video.

It seems to us that there is a conflict of interest in allowing farmers to train farmworkers. What farmer do you know that will inform his or her employees where and how to file a complaint if he or she is not complying with the basic requirements? Even if the farmer is meeting the minimum requirements by showing the video or handing out the booklets, the quality of the training is severely lacking. While we believe the card system is needed, how is EPA/DEP monitoring that the workers with cards actually receive the training or understood the booklet or the video?

Both EPA and DEP, the New Jersey Department of Environmental Protection, are not doing their jobs in ensuring qualified trainings and training that is culturally sensitive and effective. Last week at the pre-season conference in Milleville, New Jersey, a train-the-trainer workshop was given by the New Jersey DEP. After only an hour and 15 minutes of instructions and seeing the video, those present could be certified as trainers. This is not sufficient time to learn how to train someone in something as complicated as the WPS.

It appears that the emphasis on this type of training and the excessive use of the video is to demonstrate the quantity of the trainers being certified and the numbers of farmworkers being trained rather than the quality of both. This undermines the power of the WPS trainings. Is this the type of training that you all condone? EPA and DEP, you all need to start monitoring the trainings and be more stringent in your requirements in certifying trainers so that farmworkers are not only receiving this information, but are understanding it.

In closing, I would like to challenge both EPA and DEP. You need to take a stance and hold farmers accountable. This is your job and if you don't do it, who will? We at CATA are involved in the ongoing struggle, but we can only do so much. Despite the current political climate and budget cuts, we are asking you both to make a commitment to strengthen the WPS by enforcing it and by not weakening the regulations. We are asking you to ensure quality training and certify trainers who are concerned with the well-being of farmworkers and not to certify trainers who provide the training and then go spray pesticides on their workers. If you don't do this, then what good is the WPS? Thank you.

José Guzmán: My name is José Guzmán. [Speaking in Spanish with English interpreter]:

He works for CATA. He's a pesticides trainer. He will be talking about what is going on in South Jersey. He goes to speak with workers. They have to train them. Yes, one of those days, somebody, they told him that yes, they got the training. The farmer gave it with a video and booklet. He asked the workers if the farmer was complying with the regulations. The workers told him that the farmer was spraying the pesticides over them... having side effects of rashes. Yes, we have for a long, long time with terrible problems from the pesticides. Because the farmer doesn't provide transportation to the hospital or a doctor. They have to get their own transportation to the doctor. Rashes, headaches are the symptoms.

Another farm, the worker told him they were spraying directly on the people. Because the houses where they live are very, very close from the field. This farmer gave them the training and he wasn't in compliance with the regulations. In these fields, there were three workers sick with the same kind of symptoms like headache, rash and tired. One of the workers went to the hospital, a friend helped him, took him to the doctor. The other two never went because fears of the farmer. The person that went to the hospital, when he returned, he was fired from his work. What the farmer told him was that he doesn't need sick people, sick employees. They went to that field for a training because a few of the workers were working without authorization or a permit. On that occasion, the farmer found, they were given a training. The farmer told them they were without a right to be there providing these kinds of service to the workers. And even the workers had any rights. On another farm, they saw a person applying the pesticide without proper protection and without the training. Thank you.

Shelley Davis: I'd like to begin by talking about two pesticide incidents that have occurred since the Worker Protection Standard has come into effect. Just two short weeks ago, June 13, a worker was assisting a tractor driver who was applying pesticides to shade tobacco in Connecticut. The farmer's job is to clear the debris ahead of the tractor and to open the enclosure, if you can picture how shade tobacco is grown. The tractor driver who was applying the pesticide did have protective equipment. The farmworker on the ground had none. That night he developed nausea and vomiting, became very violently ill, and was poisoned by the pesticide.

The pesticide that was being applied that night was [Inaudible]...which is a toxicity category three pesticide. In other words, this is not your most toxic pesticide; this is a moderately toxic pesticide. But that doesn't mean that you want to put it in your bath water. This is the kind of thing that if it drifts onto you as it did on this worker, makes someone extremely ill and, for that reason, has to be treated carefully.

Many people tonight have talked about making the regulations more simple, and that is a sentiment that we at the Farmworker Justice Fund heartily endorse. But simplicity doesn't mean eliminating protection. I'm a little bit afraid that that is the meaning that many of the people that have spoken before

me want to give to that concept. I think that we can all agree on the need for simplicity and common sense, but we have to fulfill the purpose of the regulation, thinking about how to make work practices safe. That was not done there.

Let me give you another example, because some of these stories don't have happy endings. On July 21, 1995, Raymundo Hernández was working in a tobacco field for the first time. It was his first day there. He was an H2-A worker from Mexico. He'd been a farmer for all his life. He was fine in the morning. Around 1:30 in the afternoon he became very ill. He became dizzy, disoriented, vomiting. So the grower agreed to take him back to the labor camp and on the way, the grower stopped at his home which was between the field and the labor camp. He was in his house for a few minutes. When he came back out the worker wasn't in the truck. The grower says the worker was walking away and wouldn't get back in the truck. So the grower went back to his work and finished his day. Two-and-a-half-months later, Raymundo's body was found 12 feet off the road.

This was a tragedy that could have been prevented in a host of ways. First of all, the way he was poisoned was that there was a tractor that was spraying pesticides 40 feet ahead of where the workers were working. Second of all, obviously, I guess we don't have to say it, that that obviously was not appropriate. Second of all, the grower should have taken this worker directly to the hospital. When someone is ill, it's not a time to try to think about how sick, what the deal is; that's a time to seek medical attention immediately. The third thing that I think is also very important for all of you who are in the enforcement side of it is that no adequate investigation of this incident was ever done. The grower said there were no pesticides applied; that's his answer to what happened that day. The workers in that crew say that there was a tractor applying pesticides right ahead of them were never interviewed by the Department of Agriculture in the State of North Carolina. One reason they were never interviewed is that the Agriculture Department doesn't have any employees who speak Spanish. It's too common here to know that everyone has Spanish-speaking workers for that to be an acceptable approach.

There are many things that I would like to say, but I'm going to try to wrap up a few important ones. In our experience throughout the East Coast of the United States, the one part of the regulation that is being implemented is in the training, and that is very good because that's a very critical piece. Problems with the trainings are that there are not translators available to answer questions and that kind of thing, workers still don't feel that they can exercise their rights. As workers from CATA have said, they're afraid. These are all big problems, but at least training is starting and we encourage that, too, but nothing else is happening. All the complaints about decontamination logs strike me as odd in that no workers have ever reported seeing any decontamination log. Workers don't see chemical lists being posted. One worker told me, Iif a chemical is posted, no one has ever told me where it is. There's no point in doing it unless workers know where it is.

We are in favor of flexible enforcement. I applaud the agencies that go out and work with the grower to figure out how to comply in their operation, but enforcement then has to have teeth. Then the enforcement officer has to come back to find out whether the operation did come into compliance. At that stage, there has to be fines. This can't be announced in advance. These inspections have to be real so that actual protections occur and that people aren't hurt. We owe it to the Raymundo Hernández's of the world to make this right.

There are a couple of things that we would like to see added. We would like to see a Right-to-Know Act that's national, that workers get crop sheets and that they know what they are actually being exposed to and the symptoms that these things may cause. We'd like to see drift protection. I think we can all work together to make things right. We need a safe workplace. Thank you.

Guy Donaldson: Good evening, my name is Guy Donaldson and I am president of the Pennsylvania Farm Bureau, the state's largest farm organization. I am here to speak on behalf of the more 26,000 farm families that we represent. Let me clarify a couple of comments that have been made here.

I'm a lifelong resident of this county and fourth generation farmer, fruit grower all my life, and I have never seen workers being sprayed in Adams County. If it's one thing I would not tolerate, it would be that. I don't know what you see in Jersey or North Carolina or anywhere else, but that does not happen in Adams County, Pennsylvania.

I commend the EPA for hosting this series of meetings to receive comments from those who are most affected by the Worker Protection Standards, that is the growers. I am one of those growers. My family is involved in the partnership. We grow apples, peaches, cherries, vegetables and operate a retail farm market. America has the highest quality, the lowest priced food in the world. We want to keep it that way. This country's agriculture exports are more than double the imports and if you look at the economic standards that have been put out, it's the exports of agricultural products from this country that are making our balance of trade payments stand up.

Agriculture again is becoming increasingly more important to the overall economy of the United States. Burdensome regulations, however, have the potential to change all that. The Worker Protection Standard for pesticides is a good concept, but it's often bad in reality, putting us at an economic disadvantage to the rest of the world. The compliance cost in time and money could very well bankrupt some of our growers. These regulations need to be revised with common sense and economics in mind. There are various improvements that could be made that would increase compliance by making compliance easier and cheaper without compromising safety.

Many of the rules cause confusion and often pose economic burdens without any overriding need. In our own operation, when we bring our workers in to do the training, let me tell you very frankly, they're there to work. We do the video, we do the verbal work with them in Spanish, and all they want to do is get

out and work. They're there to work piece rate. Now if I'm training my own hourly workers, they'll spend every day in there getting the training. But the workers that come in there to work want to get out and work. So I'm wondering many times if the training is really that effective. Maybe the video needs to be updated, maybe we need to make it reach them more, I'm not sure.

Another problem I have is how to utilize effectively our workforce because of the re-entry times. We used to do a lot of summer pruning and it's almost impossible to move people around in a feasible way to get that job done. So we simply eliminated them. Instead of having our workers come in and work in the summer months, they stay in Mexico or wherever because we're not going to put up with it. So it has a serious effect there.

Some specific recommendations that we would like to make are this: The Farm Bureau supports a shortening of the required decontamination time period. The EPA should eliminate the requirements for a decontamination site after the crops are harvested. There's no need to have it then because then we're not using any pesticides. EPA should eliminate the decontamination requirement when the restricted entry levels expire. Decontamination requirements for early entry workers and handlers need to be coordinated with requirements for field workers. Location and accessibility should dictate the placement of the decontamination sites.

Farmers need to have common sense regulations that they can easily understand and remember. They have a vested interest in safety. I know because I work in the field with my workers. Yesterday I was spraying with one of the sprayers. I want them to be safe, for the regulations to be safe for me and my workers and I'll make certain they are, if they're common sense. Just get me regulations that are reasonable, cost effective, based on sound science and legitimate safety concerns that my workers can understand. On behalf of the Pennsylvania Farm Bureau, I want to thank you for this opportunity to speak here this evening and I urge you to address the problems that you've heard and those you will continue to hear. Thank you very much.

Kenny Annis: Good evening, and thank you for letting us participate in this conference. My name is Kenny Annis. I'm currently chairman of the Virginia Governor's Board on Migrant Seasonal Farm Workers. We have issues come before the board and we represent both the grower and the worker. Some of the problems we're having in Virginia is many of our workers come from Florida. They're trained in Florida, they're trained in South Carolina, they come to Virginia and they're trained again. Some even come on to Pennsylvania. Growers do not wish to rely on another employer providing training. They're really concerned. It was mentioned, employer liability, and that is a critical issue with employers.

Many growers in Virginia have small farms, tobacco lots, rented land. It's almost impossible to meet the posting requirements. Down where I live on the Eastern Shore of Virginia, it seems like Friday night is the evening that you go out and you put up all the

signs once you get through with the 9-11 signs. It happens everywhere. Growers are concerned about this. One of the problems that came before the Governor's Board of Migrant and Seasonal Farm Workers was the tobacco crops. I don't know how many of you've been outside today, but it's pretty warm. If you were in a tobacco field, it would be extremely warm. When you're wearing technical clothing, if you're breaking the blossoms or pulling the suckers and putting the pesticides on them, it's a very hot job.

The growers are trying to provide the necessary clothing and safety equipment. However, it's very difficult to get the worker to utilize this equipment when it's being prepared. I agree with a lot of things that's been said here tonight. Thankfully I live on the Eastern Shore and I've never seen farmworkers being sprayed. I was at [Inaudible]...for 27 years and now I'm a retiree so I can speak what I see. I don't think anyone goes out and sprays workers intentionally. I don't think growers use pesticides because they want to. They're very expensive. I think the housewife looks at apple, cucumber, squash--you name it. The pesticides are going to be on there as long as you want them. The gentlemen mentioned the cheap price of food in this country, basically it's due to pesticides. Not all pesticides are bad; not every worker or employer...Something's been bothering me for some time: when I hear of workers being exposed to pesticides. I've been told that growers and workers are combined nationally when referring to workers being exposed. I would like to hear the figure on the number of farmers that have been exposed by their maybe careless handling of pesticides. Where I live, they do the applications; it's not the worker. The corporate farms may use workers.

The last thing that came before the board, and I know this may not be the place, but there's a lot of research going on nowadays that can help reduce the amount of pesticide that is being used. I know that in Virginia, the Department of Agriculture, the County Extension, it's pest management nowadays, you reduce pesticides because it is very costly. But we would like to see research that's going on now. Tremendous things are happening to reduce the amount of pesticides. I think the growers would like that. The growers do not wish to use any more pesticide than necessary. I thank you.

Lori Rottenberg: Good evening. My name is Lori Rottenberg and I'm with the Association of Farmworker Opportunity Programs also known as AFOP. I come here tonight as head of the National Farmworker Environmental Education Program. Basically we're the largest national pesticide safety education program for farmworkers in the nation. Last year alone we trained over 45,000 farmworkers on pesticide safety in 12 states across the country. From January, 1996 we've already trained about 14,000.

I really appreciate this opportunity to share with you the experiences of our program with the Worker Protection Standard. The reason that I'm here is that I believe our program offers a real strong model for grower-friendly and a worker-

friendly way to implement the standards. We believe that there is a win-win way to comply with the standard, particularly with the training provisions of the standard, and our program represents that.

I want to start my testimony by just telling you a little bit about how our program works. It's in its second year of operation and it's in partnership with the AmeriCorps Community Service Program, which some of you may have heard about. Through AmeriCorps we get individuals who provide a year of community service for a minimal living stipend and an education award at the end of their service. Through this program, through this partnership, which requires non-federal matching funds and all kinds of donations and whatnot, we had 68 trainers in 1996 in 12 states, as I mentioned, including here in Pennsylvania, whose full-time role it is to train farmworkers on pesticide safety. In 1997, we're going to still be in 12 states and we're going to add a couple more as well so we're broadening our scope with time.

Basically we developed this program because we saw a real need out there. We know that state Departments of Agriculture and other state agency staff are burdened with many things that they do and many didn't have the time or the bilingual staff or the other resources that they needed to go out and train the workers. So we took the need for the worker training along with the AmeriCorps Program and put the two together to provide this service for growers because many farmworkers were not getting trained before we started.

What we do is we provide intensive training to all our AmeriCorps members through a national conference. We then send them back to their states so that they can get certified by their states and receive certification to provide EPA verification cards or whatever the tool is in that particular state. And I'm glad to see training for farmworkers. We teach that win-win approach is possible and necessary in training farmworkers on pesticide safety. We tell them, you're not there to be union organizers, you're not there to be inspectors, you're not there to stir the pot. You're there to train workers on pesticide safety because what we've heard tonight is there are a lot of growers out there who do want to do the right thing by their workers and we want to help them to do that by allowing them to save their time and their money to do what they need to do, which is farming. We can command and provide trained bilingual resources to provide the training.

Another reason why we're so successful is that the training that we offer is free, it's bilingual, it's live and it's interactive. I've heard some people tonight talk about video. I think the video is better than nothing, but I think at the same time that it's really not very effective in training the workers. You have to remember you're dealing usually with a low literacy audience that's not used to classroom training. In fact, I've seen workers when I've gone out to visit the field who tell me, "I already have the card and I already have the video, but can I sit in on your presentation? I really didn't understand that video and I fell asleep and nobody was there to answer

questions for me in Spanish so I'd really like to sit in on your presentation as well." So we get that quite a bit.

We also provide the workers with the EPA-prepared handbooks. The members use EPA-prepared flip charts to go through the 11 basic points of the Worker Protection Standards. It's all very structured and laid out so people aren't just out there just telling them whatever they want to tell them.

We try to work with growers whenever possible, but we do run into those growers who really don't want to train their workers. We have run into that situation, unfortunately. None of them are probably in this room tonight, but we do run into that. When we do face that problem, the members go elsewhere. They go to parks, they go to churches, they go to community centers, they go to housing complexes--wherever the farmworkers can be reached, that's where we go to train them. We'll train them however we can get them.

In addition, our program is innovative because we conduct evaluation activities. We're not just conducting the training and then running away without wondering how it came out or if it was indeed effective--somebody mentioned if the training was effective. What we have seen is that this training is effective. We use evaluation, pre- and post-training questionnaires both in English and Spanish, some are written, some are picture-based for those who have difficulty reading and writing. We found that the majority of the farmworkers who sit through this training do improve their score, usually by an average of 30 percent before and after the training. There is real learning going on there. We may be one of the only education programs out there to really evaluate that at all.

Our program has had a lot of experience with the Worker Protection Standard over the last couple of years. What we have found is the standard is providing some basic but viable protections to farmworkers. If any changes are made, we hope that as Shelley Davis was saying, that there will not be a weakening of the protections in the standard. We think that they are at a very low level right now and they're really not comparable to protections in other industries who work with hazardous chemicals. At the same time, what is being done with the training in some of the decontamination and signage is super-important.

What we have seen is that farmworkers, many of them either have been told or come to believe that pesticides are medicines for the plants. We've heard that over and over and over again. People have been told, "This is not harmful to you, this is no problem." So they think, "Oh, I have this on my skin, I'll just take a little of this stuff if its good for the plants, and I'll rub it on my skin," and they wonder why they get a rash. I mean there is a basic level of knowledge that is not out there in the work force and that's why the training is so incredibly important.

Russ Bowen: I'm going to have to interrupt because there are a number of people who haven't had an opportunity yet to speak.

Lori Rottenberg: I'll finish up real quick, thanks. I'm sorry, I didn't see you stand up. Some of the things we've seen: we've seen people sprayed with low toxicity things, like sulfur even, who have had eye irritations. We've seen people with breathing problems, with skin irritations, with lung irritations that are still happening today. I've heard countless stories of workers who've been affected by drift. It may not be happening here in Pennsylvania, but in my other site visits across the country, it is indeed happening. I would recommend strong enforcement, maybe not a fine right first thing, but we are there to help and we would be happy to offer our services at any time. Thank you.

Jill Edwards Hughey: Hello. My name is Jill Edwards Hughey from Mountain Brook Orchards. We're located in Franklin County and Adams County here in Pennsylvania. We have several different commodities that we grow. We have bearing apple trees, non-bearing apple trees, peaches and pears. All of those are separated into probably about 30 blocks totaling approximately 1,000 acres.

The two specific areas of the standard that I have found most difficult to comply with because of the size of our operation are the decontamination stations and also the posting and the central location of the intent to spray and the spray records. The decontamination stations, to get one every quarter of a mile from every point in our fields where a worker might be on any given day, is very nearly impossible without having a person full-time to move stations around. What we have tried to do is provide workers that are on tractors or sprayers with the equipment and the water required in their spray cabs or on their mower with them or however we can. But the reality of getting three gallons of water plus all the other equipment required in a spray cab is difficult at best. I found it impossible to find any container that can withstand the kind of conditions that those spray cab tractors go through for any period of time.

The posting at a central location of the intent to spray is difficult for a reason that another grower mentioned earlier. I don't know for sure when I'm going to spray. I don't know until 7 o'clock in the morning when we get to the barn and I see what the weather conditions are and we go through what other fires there might be to put out, that we're even sure we're going out that day.

As to when we get to each of the 20 blocks that I have bearing apples, I might as well throw a dart at a dart board as to guess that. The way we handle it is to keep everybody out of all the blocks that we are potentially going to spray that day. But that doesn't technically fulfill our requirement to post that information. I have protected my workers by keeping them out of the orchards, but if an inspector came, would he or she be satisfied?

As far as posting what was sprayed and when, that's a whole other ball game. It takes me four spray rigs and an entire nine-hour day to cover my bearing apple trees. Now, for me to get the information from them, where they've been, at what time they enter, what time they left, and get that posted in any

meaningful amount of time that it's going to help any worker is again nearly impossible.

Traditionally in our farm, everyone meets at a central location first thing in the morning and everybody sort of knows what everybody else is doing that day because everyone is getting their instructions with the whole group present. And that has worked very well. I find it difficult for me to justify my time fulfilling these areas of compliance because, quite frankly, I have never seen a worker look at that board, not once. My seasonal workers know where it is, my full-time workers know where it is--never have I seen anyone look at that board. If they want to know what's going on, they ask me or one of my other foremen. They know that I'll tell them. If the spray rig people want to know what's going on, they have access to the spray shed and they go and pull the label off themselves. We're not hiding anything from anybody, we never have.

I'm afraid that the whole nature of the protection standard is to assume that employers want to mislead their employees and to assume that the workers don't really understand what's going on and can't protect themselves. I feel that these portions of the standard are cumbersome and unnecessary. Our old oral system of telling our workers what is going on, not sending our workers into areas where the re-entry interval is in place, is essentially what we're still doing, but actually is protecting the worker. I agree with everyone else and I thank you for the opportunity to speak to you about this. I think the farmers are doing their best to comply with the letter of the law. I'm sure that there are farmers out there who aren't, but I feel that no laws in the world are going to force people who don't care about other people to exercise the common sense necessary to protect their workers. But the majority of farmers, we were already doing that before there was a standard. I hope that some amount of common sense and flexibility can be introduced in so that farmers are made to comply with the intent of the law without having such specific instructions on how it has to be done. Then it becomes impossible to comply. Thank you.

David Benner: [Inaudible]...dealing with some personal protective equipment requirements especially in the heat of summer. So I respectfully request that you look those over again. I would just offer as a suggestion, for instance, you may go from a long-sleeve shirt to a short-sleeve shirt and to require washing your hands or something or I don't know.

Another thing I find very confusing is the re-entry levels. I would hope and request that you look at all these products and let science give the answers. The number one problem we have within our operation is Captan. Also, the Worker Protection Standard is an exercise in communication and education. Communication is part of it. In the operations that are in the hundreds of acres, I would respectfully request that you consider things like cellular phones and radios in the equipment as a substitute for maybe some decontamination site requirements. Some-times we can get to someone who has a problem, we can get to him quicker than he can get to a decontamination site.

I would also request that you all would consider that production agriculture has a very difficult time passing along any costs directly into the production ag system. In March I attended an IPM conference. One of the topics in that conference was the fact that the federal government was looking for ways to quantify and qualify strategic plans and being able to justify programs. Yesterday I attended a meeting sponsored by USDA, Committee on Resources, Education and Economics, again to review a strategic plan, five-year plan, the assumption being made there that whatever plan was made, at some point it would have to be quantified or qualified. I would assume that your organizations involved in WPS would fall in the same categories. I've heard mentioned in the introduction that there are 3.5 million farmworkers. I, for one, will be paying attention to that. It is my hope and I hope that it is the intention of WPS that the number of emergency room visits and the number of health care related incidents, the dollars spent for those, will be reduced by the implementation of the Worker Protection Standard. I would hope that at some point these dollars could be passed back to the grower community for our reduction.

Even though our workers are better trained and educated, implementation of WPS has caused me to have to deal with increased worker paranoia and neighbor paranoia. One of the most interesting features of the WPS label is that when the neighbors get hold of it, they get more excited. Thank you very much for the opportunity.

Adelma Monferro: Hello. My name is Adelma Monferro. I am teaching pesticide safety training with the farmworkers. I am bilingual and I find that increasing for them, when they get a Spanish speaking person they have the opportunity to ask me questions and just not listen. I'd like to relate my experience. Two cases only I will relate. One is I was training in the [Inaudible]... fields and I was very sad to see that all my training about"you've got to change your clothing every day after you wash separately'--I'm not going to go over that because I know you all know about the training--I found that they have not facilities available. They have not shower, not washer machine. So these my comments, I just leave my comment there.

Another situation is I gave training to a person, asked him, were you ever taught pesticide safety training? He said to me, yes, in Florida. But, I gave him the training because he said that he couldn't get [Inaudible]... He explained to his boss, he said he did nothing but sit in the truck and roll the windows up. So he was protected, that was more a compartment, but the training, no. Nevertheless, they both gave him a very friendly explanation which was, if we don't finish this today our green peppers are going to peak out so we have to move to work in the green pepper field tomorrow, so I am sorry about that. So it was the worker health versus the interest of the business interest. Those things I believe can be arranged and I hope that will be done. Thank you.

Leonardo Gutierrez: My name is Leonardo Gutierrez. I am a member of

AmeriCorps. We found several problems. Workers have been training, a few of these people have education, but when they asked the person about safety concern with pesticides they noticed that these people were not knowledgeable enough about pesticide specifics. They thought it was not a good thing to give them some kind of retraining again. Another thing is that many of these, they ask many of the workers concerning the video, they saw it. Yes, they saw the video, but they don't have enough knowledge concerning the pesticides.

[Speaking in Spanish with English interpreter]: He thinks in his opinion that a worker really doesn't care or he is not, doesn't care about the pesticide, how to deal with the pesticide. They say that they have been trained, they are trained to improve the training and give them good training using some kind of questions about the activity to see how much they learned from the training. He said that many of these farmers or the employer, they ask the workers if they could be fired, would they protect themselves from the use of pesticides. Yeah, if they could be fired they would protect themselves from the use of these pesticides. They are trying to emphasize for the workers that the state is there to protect and teach them the rights that they have.

Russ Bowen: Thank you very much. I'm going to ask you to close now.

Modesto Cruz: God bless you all. I just want to state here and act as a witness today. I joined the AmeriCorps Program in January. I think the method towards farmworkers are real positive. I feel the training classes are just helping the farmer tremendously. I can see the results towards the pre and post questionnaires, comparing the post trainings, like Lori was saying, the effects were, to me who is doing it visually, I found that they were rising up 50 percent. So I think a lot of farmworkers as we know don't have a high level of education. I think there are some of them, for them to understand the training, we need to sit down with them maybe one-on-one and maybe with a group so they can understand the questions and understand what's going on in the training.

I feel AmeriCorps is something real positive especially in our community. We found that a lot of growers that we approach don't have a lot of understanding of what we're doing. I just want to say to all the growers that are here: if you do find some AmeriCorps members that approach you or maybe write you a letter, maybe you can respond to them. If you don't have an understanding then maybe get some information because we are here to help you. For example, we were speaking with a grower and he couldn't find in his schedule time for us to get in there and do some trainings. So we offered to him that we're there for his convenience. We have done early trainings, as early as 4 to 5 o'clock in the morning to get the farmer workers before they go out to work. So I think the AmeriCorps Program is a positive program. Also, I think it's very effective and I think it's escalating hiring. For the growers, I hope that you can open your

doors and accept our program so we can apply it and put it in practice. Thank you.

Ángel Crespo: My name is Ángel Crespo. I work out of the Westchester, Pennsylvania office. What I'd like to bring out to the audience here today is we have sometimes a hard problem getting into the companies that we can give our training. They look at us. They are very skeptical, which I understand because of new people, I've never heard of them before. In situations like that, we will wait for them to come out of work and we'll approach them. We'll talk with them and then they'll let us know if they've been trained or not. But when we do ask them what kind of training they receive, they say, they watched the video and most of us fall asleep and some don't understand it because it goes too fast and we don't know who to ask questions to. So what's the use of watching it. These are what people tell me.

We treat them as a human being so they won't get hurt working. So I will tell you, this is what I've got to say and it's basic training, I will train you real quick, in about half an hour is the maximum and then on top of that I will give you a certification card, a certificate saying that you're certified in Pennsylvania. That's something that is a little more motive for them to listen to us because they have something now to show to everybody else that they got trained.

Most farmworkers they get scared when people approach them. Sometimes when they don't understand a question, they're scared to ask somebody. What we do is deal individually with that person to make them feel comfortable is ask them questions to see if they understand. Another example I'd like to bring out: we also go through a clinic, a health clinic in Kennett Square. What we do, we sit in there and watch people as they come into this clinic. One time I was sitting in there, I seen this older man came in and sat next to me. I was looking at him. He had half nails, he had a severe rash across his face.

I asked him, "Where do you work?"

He said, "I work in the fields, I pick mushrooms."

I said, "Why are you here?"

He said, "I got this infection in my face which I don't understand what it is."

I told him, "Before you started working, did they teach you anything or show you a video?"

He said, "Yeah, I watched the video, but I never understood and then three weeks later I got this on my face."

He was putting creams and stuff like that and it's not being taken care of. So I forced the issue on the growers and stuff like that.

So if they pay attention to the video, great. But if there ain't nobody there to answer their questions, to make sure that people are listening to it, it's useless for them. So we're going out there and dealing with people. I've got a person who deals with chemicals, started dealing with them with his bare hands. That's part of the reason he has no nails on his hands.

AmeriCorps is a great program and I think it forced people to listen. If you want information, we're here to help you. We're here at your convenience. We have them at 5 in the morning before people enter the fields.

We've been here late at night. We will go to soccer games, where people live at, where they eat at just for them to get the training if they need it. I think this is a great organization. Thank you.

John Peters: I don't have any particular things other than to thank everybody for relating their different experiences. It was interesting to hear what goes on in New Jersey and South Carolina. We here in Adams County can be thankful we've been able to keep ourselves out of such practices and keep our workers safe. This Worker Protection Standard law, my feeling is what its goal is obviously is to limit the worker's exposure to pesticides. That is a good goal. However, I believe this can and must be done in a way that also avoids putting an unnecessary burden or liability on the growers. As a grower, that's obviously what concerns me on one hand, and also the safety of the workers on the other. So I thought I would give you examples of situations where the Worker Protection Standard... [Taping suspended while tape was changed] ...responsibility, reliability for me as a grower, but I'm not necessarily sure that it actually gains any safety for the worker.

One is the thing about the notification with the quarter-mile boundary of any spraying or anything that's done a quarter-mile, you're supposed to notify workers. The way our farm is set up, we have six main farm groups and five of them are contiguous and then we have one that's off of it. Each farm has its own group of workers that only work on that particular farm. So even though they may be within the quarter-mile area of spraying on farm A, workers at farm B, we've got workers that have worked for us for 20 years, 30 years, that have never worked upon more than one farm. So I don't necessarily see how notifying them of spraying that's going on in a farm that's within a quarter-mile, but still a farm that they don't even work on--that doesn't necessarily improve their safety.

Also, somebody could be in a certain area, we have a big block of trees where they don't get trimmed or picked or anything done to it all in one day so you may be in the same general area for a period of weeks doing the same job. Meanwhile, say you're picking apples, say you're trimming apple trees, somebody could be spraying the peach orchard that's nearby or somebody could spraying the pear orchard that's nearby, but your workers are supposed to be trimming the apple trees. So if they're where they're supposed to be, their exposure risk is really none because they're not in the pear orchard, they're in the apple orchard.

One thing that we found to be successful in keeping our workers safe that's maybe a slightly different twist than what the standard requires is that, rather than worrying about telling each individual worker who's in the tree--if you have a group of 10 people, say, rather than going to each one of them--you've got to make sure that your man operating the sprayer knows where that group of workers is. If you can say to him, "OK, I've got workers in the apple orchard, don't spray that, spray something else that day," that does a heck of a lot more because that's where your danger is, where your sprayer is. It doesn't

matter if...they can be in an area that's not being sprayed and they're not going to be in danger of exposure there.

Then the other thing was this thing about designating blocks for posting your notification. We have numerous lots where we can have more than one variety of crop within that different block, say, a sweet cherry block or a peach block. Well, you may have six varieties of sweet cherries in and may start picking two or three weeks ago and you won't finish for another few weeks. Well, that may be one block of 20 acres say, but if they're picking at a lower area, if this center section is your block, if they're picking at a lower area, the other side of that block could be thousands of feet away. But for designating that a block, you're still, I guess, technically spraying in the block even though you're far away. But if this is a block here and this is a block, you can designate your spraying in here, but you can have a worker working closer on this side because this is a separate block. There are some things there that just don't quite add up. I think you can safely spray in the same block where workers are working provided that you ensure that there's no drift and you observe the re-entry intervals. I mean, if the workers are doing 100 trees a day or something and in their group and you have a four-day re-entry, why that means you've got to leave at least 400 trees unsprayed so they have a place to work for the next four days and then try to work around them. I hope that there would be some adjustment in that. Because the problem we have is that our trees are already planted and we can't move our trees to adjust with this new regulation. We have to deal with the thing.

And we have a sweet cherry block that people are working in, that if we don't spray them there won't be anything there for them to pick. With all the rain that we've just had recently, why there's all the decay and there won't be a job for them anyway now. At the same time, we're not going in there and spraying the worker to save the crop. There have been comments that that's occurring in other areas, but I want to say again that in my experience--and I'm not speaking for anybody else--my experience is that that doesn't occur in Adams County.

I guess my final closing thing would be just to say that keeping workers safe and free from injury of any kind, not just pesticides, but any kind of injury on the job--whether it's falling off a ladder or anything--is a primary concern that we as employers have. I want to impress that to any of the advocacy groups we have here with us as well. Aside from any monetary value that you want to put on a worker, why just as human beings when we don't want to...how can you tell a man to go to work for you and then two hours later drive a sprayer and spray him. I can't do that and I don't think very many people in this room can. Maybe they can in South Carolina or New Jersey or some of these other places, but this meeting is in Adams County and maybe that's the reason we had it here [Laughter] because we don't do that here. As a general rule, now there may be an accident, but as a general rule that doesn't occur here. The unfortunate irony is that in more time that we as growers are forced to spend dealing with the

mechanical aspects of the regulation, all the note-keeping and everything else, that keeps us out of the field and that keeps us away from our workers where we could stop a sprayer that might be coming by or we could tell a guy, don't spill that on himself. Those things are where we could be much more valuable and infinitely more effective at keeping their accidents and their exposure to a minimum. So I thank you and sorry about going over.

Mark Rice: I didn't want to speak. I was afraid I would put my foot in my mouth. I guess there are growers out there afraid that I'll put my foot in my mouth, too. I run an 800-acre orchard company, six-figure pesticide budget annually. I make all the decisions, call the shots, tell people when they're spraying, what they're spraying. I'm in charge of everything so I deal with the worker protection and safety of my workers and everything that goes on on the farm every day.

I wanted to start out by bringing some statistics into it. I think that there's about 40,000 annual deaths from car accidents, about 25,000 annual deaths from gunshot wounds, several thousand drowning, several thousand deaths from falls. I think that there are probably several dozen lightning strikes that kill people. On a farm, I know there is a problem with tractor overturns. They probably kill dozens a year. I'm not aware of ever hearing of death from pesticide poisoning. So why are we here? Why are we here? My share of the national debt is $60,000. My little daughter's share of the national debt is $60,000. My whole family's share of the national debt is damn near a quarter of a million dollars. How can we afford to be here fighting a problem that doesn't exist? It does probably exist, but has this accomplished anything to mitigate that problem? I don't believe so.

I think that there is a basic dichotomy here between the efficacy groups and the growers. The growers' motive is not hard to understand. We need profits to stay in business. We see a lot of good in staying in business. Our motives are fairly straightforward and simple. Farming, as anybody can tell you, isn't. It is filled with pitfalls that affect our profitability. The advocacy groups have another agenda entirely: it's social, it's political. I don't think there'll be a meeting of the minds.

I think the Worker Protection Stan dard is absurd. It's filled with so many absurdities there's no time to address them all. Why, for instance, is every DuPont poison no posting, but [Inaudible] which is not even toxic, requires posting? It makes no sense. Gramoxone requires posting. We could spread Lannate on the trees. Why? Right now I've got 25 people on the fields thinning peaches and they're dealing with this 4-day--I'm using Captan, sulfur, [Inaudible] as my spray schedule. I spray Captan and I got a 4-day re-entry interval and I've got a 2-day re-entry on [Inaudible], that was two days, sulfur I think's 24 hours. So some rigs go out with Ziram, some go out with Captan so that I can come back to the field sooner. And yet, I don't believe for a minute that you or anybody can tell me that there's any more risk

for Captan than there is for Ziram. As a matter of fact, Ziram, the LD-50 on Ziram is 2,500 milligrams per kilogram and Captan is 9,000 so Captan's essentially non-toxic. Yet it's got this 4-day re-entry. So you lose respect as these things accumulate and as you see all these inconsistencies. Not that we don't try to comply, because we really do, we have to. There's too much to lose.

Let me say with regard to farm work in general, that I think it's not an easy life. I think it's a terrible life and I think anybody who can should get out of it. It's got long hours, it's got low pay. Most of the people have bad diets. Most of the people don't have the best personal hygiene. They travel around in rickety cars. These don't reflect an occupational illness, they reflect poverty. I try to fight their poverty. I sign their paychecks. I give them a paycheck, I give them a job, OK? Now there's been a lot of talk about training, training. It always mystifies me, training. I'm supposed to train the people. I do train the people. I got the little booklets, I got the compliance materials, got the set of overalls in the van where the people are. For some strange reason, after we sprayed for four days, five days ago, and they'd been pruning and working in there for two days and all of a sudden they've been contaminated and need to change their overalls. We've got the overalls in the van so we're legal, but are we accomplishing anything? No.

OK, training these people. OK. I've got these 25 guys, they don't run spray rigs. They tend peaches, they pick peaches. They use hoes. They don't spray pesticides. Anybody who runs a tractor and sprays pesticide is intensely trained. The first training is how to drive the tractors because if the tractor overturns, not knowing how to use the brakes and the gears on the tractor is so much more dangerous than anything else that we're doing, that we're talking about, that that's where the emphasis is and of course everything else...

The training, OK. What am I supposed to train these people to do? They got to go up in the trees and they've got to pull the peaches down and believe me, we've got to spray. I mean I know that so well. We have to spray or we won't have this food, people want this food. What am I supposed to train them in? OK, wash their hands, don't smoke. Wash their hands before they eat, don't smoke, wear a long sleeve shirt and there's not a lot more to it than that. They're either going to listen to me or not. They're probably going to smoke, they're probably going to eat an occasional thing without washing their hands even though the hand wash is there, believe me. That doesn't amount to anything.

Then, these advocacy group's going to say, we need to train the workers. Well, what are they really doing? They've got a legal and social agenda and what they really want to train the workers to do is to feel suspicious and fearful of the bosses. It's a political agenda; it's not a safety or health related agenda. I cannot tell people that chronic exposure to pesticides is good for them. I don't necessarily believe that. My experience here in Adams County is that fruit growers live a long and healthy life. These other things don't lead necessarily to long and healthy lives: poor hygiene, poor diet, the lack of money in general.

The training that comes in, I don't know what they're talking about. They're going to teach them to be afraid of pesticides. Now we know, we know. You guys should know if you don't know that there's this big thing that happened in Vietnam, they used Agent Orange. I can tell you what's in Agent Orange 2-4-5-TP mixed with 2-4-D. 2-4-5-TP is contaminated in the manufacturing process by dioxin. Dioxin is a very potent human--I don't know if it's a carcinogen or what. It's a very strong poison second only to botulism among known poisons. The thing about it is, all the servicemen in Vietnam who came back--there's a tragedy going on in this country--there are several thousand, many thousands, tens of thousands of Vietnam veterans who believe very fervently that they have been poisoned and their lives ruined by Agent Orange. But the government itself, no matter how many studies they've done, can't correlate that with anything. Statistically it isn't borne out.

Russ Bowen: Thank you. We're going to have ask that you [Inaudible]...so everyone else has an opportunity to speak.

Mark Rice: Well, I'll leave it at that then.

Guy Moore: Well, my worst fear has been borne out, I get to follow Mark. [Laughter] What else can I say? I would like to say to the advocacy groups: I have never, ever, never sprayed anyone [Inaudible]...I don't know anybody who would do that. Any farmer who would willfully spray the workers should have all the appropriate counties brought against him. I do not consider a member of the farming community that would willfully do that to a worker. Everything else has been said. Many inconsistencies. Here on the East Coast, lot of growers out here are also growing vegetables, cantaloupes and tomatoes. Chlorothalonil is a 24-hour REI. That is the fungicide of choice. It is the most effective available. When you pick these crops every day, tomato and cantaloupes, you spray them with something that's a 24-hour REI you're going to be in violation so what's the... [Taping suspended while tape was changed]. I hope that we can do something that works out for the best for everybody.

Nancy Santiago: I'm representing the New Jersey Department of Environmental Protection, Pesticide Control Program. At this moment I'm working as a worker protection coordinator, but before I worked as a worker protection coordinator, I was an inspector of pesticides, exposures. For this reason, I have a lot of experience. I am very surprised, this is very good to hear that in Pennsylvania that you don't have problems, but my experience as an inspector being daily in the field showed me that sometimes accidents happen. And because of that I know that workers could be exposed, even farmers could be exposed. I know that it's very difficult if the people don't have the knowledge.

What I see about the worker protection is that it's an opportunity for the workers to know something and in the daily community it is really the community that responds. What I see with worker protection is an opportunity in a poor community to complain

about something that maybe in the past they never realized. I can see regarding New Jersey we have very excellent growers in New Jersey. Those that have complied with Worker Protection Standards, they are the first ones who are working with us in the department. And we also have a few that really don't want to deal with the issues of worker protection, but we know that is a very important issue at this moment.

At this moment we trained already over 1,000 growers. Myself, I did over 1,000 growers. I'm training with a couple of groups and a group from CATA here and a group from Rural Opportunities and the clinics, we've trained over 5,000 people in New Jersey. And I know that some of the trainings have been very difficult for people to accept because what happened, for example, is some growers don't want the advocacy groups to go to the farms. On the other hand, some workers feel intimidated when the state people go to do the training. There are places where they even feel intimidated when the farmer does the training. For this reason, it is very difficult to evaluate the whole Worker Protection Standard only in the training. But I can say, for example, the parts of the records, the records, for example, in New Jersey, we know that can be done. It's difficult, but can be done. We have done it since 1988. It's exactly the same amount of records that we have now in the WPS, it's exactly the same that we have been doing for 1988. For this reason, I know that can be done.

Before we did that, a group of farmers--myself and the Department of Agriculture that in New Jersey we are under Environmental Protection [standards]--we did a pilot project to check how the worker protection is going to work. What we did is we noticed if the farmers kept their records. That was something, it's true, sometimes they didn't notice the records. A concern that I have is, for example, in New Jersey is the different languages. We have over 10 different languages in New Jersey, not only Spanish but nine other languages, which makes it very difficult. We noticed that sometimes people would skip the flip chart. When they used the flip chart sometimes they skip the [Inaudible]...

Regarding other issues, we know that it's very difficult sometime to implement because we don't have enough money. But I think that the Worker Protection Standard is one of the ways to make the farmers and the workers united, sometimes something in common that they can share some knowledge about pesticides. I would like to congratulate EPA to make these public hearings, because it is important to hear the other side of the story. It's important not only for the state to listen to what the farmers have to say, but also to give the opportunity to the advocate groups to talk about their complaints, that they told me about New Jersey, all of these problems, that happened in New Jersey. We do have problems, but we also have an educated community too.

David Bingaman: Thank you very much. I'd first like to thank Bill Kleiner at the Extension Office here in Adams County for doing a lot of the legwork to put this meeting

together. I'm neglecting him because he wasn't on my laundry list of people at the beginning of the meeting, but I don't want to let that go.

I would like to speak to you not as a worker protection coordinator for Pennsylvania, but more on the part of a lot of farmers in Pennsylvania with small acreages of various crops that are greatly impacted by the re-entry intervals on certain pesticides. A lot of these pesticides fall collectively into the category of fungicides. And touched upon just a few minutes earlier, the cantaloupe situation with chlorothalonil is an excellent example. Previously we heard about Captan on peaches, [Inaudible]... on strawberries--things like this that prohibit growers from managing their crops. They also prohibit workers from having a job at certain times. We are in a temperate zone in the northeast and the exposure is limited by a shorter growing season. I believe in California, some areas around Salinas can produce strawberries all year. I don't think any of the states represented here today can make that claim.

I think some credits have to be given to our growers even though for EPA at headquarters it creates a problem in that now you have to do risk assessments based on the reality of agriculture in different areas of the country. But I don't feel growers in temperate climates should have to abide by regulations that are more appropriate for a 12-month growing season that we have in certain states in the United States. I'm talking on behalf of a lot of growers that would include the Amish community in Lancaster County, where growers may have only two acres of tomatoes that they hand-pick for fresh market, a couple of acres of cantaloupes and maybe three or four or five other crops. They have mostly hand labor provided by family personnel and other extended relatives and in some cases have exemptions under Worker Protection.

But nevertheless, I think we need to look at providing certain types of exemptions that might include certain personal protective equipment for workers that will allow early entry into fields. I spent a lot of time during the hot months last summer putting a package together for EPA on that to provide an exemption, which was denied. This was to piggyback onto a request that Delaware made, realizing that cantaloupes needed to be harvested every day during the production season. During the harvest season this is essential. And the fungicides need to be applied to keep the plants healthy. It was a real situation, but it was something that didn't get addressed. As far as I'm concerned, basically the growers had to do what they had to do last year in all the states that were placed in this situation. Thank you very much.

Chris Baugher: I'd like to thank you all for holding this meeting. I don't have any prepared statements except I'd like to address the question that you proposed at the beginning and that was, how effective is worker protection? I would say on our farm, in our situation, that it has made no difference whatsoever to the protection of the workers. Before Worker Protection, they were all trained because they had to be trained for HazComm under OSHA and they had to be trained for Pennsylvania worker Right-to-

Know again. They were all told that if the sprayer was ever in the vicinity where they felt they were going to be drifted upon, they needed to get themselves out of the field immediately. No one was ever asked to work inside a re-entry interval. All the applicaters were properly trained and had many years experience. So as far as protecting the workers, you've done nothing on our farm.

You have done a great evil to limit my ability to spend time in the field. I have spent, I have wasted probably three hours in the last three weeks to a month training people who don't work for me now. These people are migrant, they're transient. They were trained at the farm before they got to me and were trained at the farm before that and were trained at the farm before that. They've been trained and trained to death and they're sick of it. When you do train them, they're not interested.

The one thing that I really concentrate on when I do my training is the on site, site specific training because I think that's the most important, that they know where the facilities are on our farm to protect themselves and where the records are and those things. But they never look at the records. They know right where they are. I have never seen any of them go into the box and pull the records to check what was applied. I've never seen any of them and we've told them in the morning that we were spraying today and to go in and look at what is posted as far as what we're spraying, they don't use it. But it costs me a lot of time.

You may feel that you're protecting people on farms where these...and I do tend to believe that there are situations where migrant workers get sprayed. I think everybody in this room who is a grower doesn't spray workers, never has. But that's the kind of grower that shows up at this meeting. There are growers out there who might spray a worker, but they're not going to show up at this meeting and they're not going to comply and they're still going to spray workers if they want to. Before Worker Protection, the label language was already there that they could be sued and they could be thrown in jail. So it hasn't changed anything there either. All you gotta do is get 'em. It was already the law. We didn't need another law.

So if you really want to know how effective it is, the answer is: completely ineffective. The purpose was well intended, but my grandfather used to say, the road to hell is paved with good intentions. And I think that's where we're headed because we can't afford it. We just can't afford it. Our margins are getting smaller and smaller each year and I don't have time to spend in the field anymore because I'm dealing with this. That's all I have to say.

Russ Bowen: Thank you very much. At this time I would like to ask if there is anyone who has not had the opportunity to speak who would like to speak.

James Aidala: I know it's been a long evening and a very useful one, I don't want to try to take up too much time. I just want to say a couple of things. First of all, this really does help us build a record and the record will

be open if you want to, it's not that formal, people can just write in letters and provide comments, summarize what they said or what they wanted to say and send it to us. Again, the addresses are out front. That record will remain open until this whole series of meetings across the country ends. That will be approximately late September. Some people have asked us about the timing of that. This all goes into the record. This all goes into helping us make further deliberations of what problems there may be, how to make improvements, helps us build a record on proposals that have come before us.

Let me recount a couple of major things I've heard here. First of all, all these problems notwithstanding, from all kinds of points of view compared to when this whole thing started 18 and 24 months ago, before it actually hit the field in any way, there were all kinds of dire predictions from all kinds of perspectives, about 103 different things that could really implode. The fact that I think I've heard [Inaudible] centering on a bunch of key issues, at least for this region, is to me good to know--to help us go further and figure out where we need to do some further thinking or to perhaps find solutions that work for some parts of the country and offer them to see if they'll work over here in the mid-Atlantic region. [Taping suspended momentarily]

For example, the problems with central posting, decontamination and re-entry intervals, as many of the growers have stated--again, compared to some of the other problems that might have occurred as originally advertised, I think that's a universe of issues that we do need to address and one that I think some other states may help us bring some information to you that can help. We'll do that for state agencies to help things in the future.

For better training--people are getting trained and trained and trained with a video that's called either too simple or too fast or whatever. One person did suggest continually attempting to improve the video or other basic training materials and I guess it was certainly on our list, but again, this gives us particular information to try and apply to that effort.

One particular thing I did want to talk about is the pre-harvest interval and the re-entry intervals, the reasons why they may differ--on its face, why is it that there may be very low pre-harvest intervals [PHI] and a longer REI? The rationale is very simple in that the questions of risk are very different. If you're talking about a potential dietary risk to the consumer by the time the product is harvested and it gets to the consumer some days later in the processing or even in the fresh markets, that's a different kind of risk equation that our scientists look at compared to when we're looking at an REI. There are going to be places that, in effect, there is a disconnect. As we go through review of these older materials, that's when all of those things will be brought to focus and we'll have to sort those out.

For example, on chlorothalonil, we've got a request--not just last year, we got a similar request this year--I was just told before the meeting started by our staff, we've got some additional information from the companies

that may help inform that risk equation. So that may help sort out the difference between the REI and PHI there, based on good science and based on protecting workers and making sure we've got the risk protections that we feel are essential.

As we go through these questions, those are the kinds of things we're going to be looking for, and looking for information--not just from the companies but also from grower groups and other advocates of any position as we try to sort those things out.

Let me close on the point about the record. From all perspectives, this is a very controversial set of issues. Anecdotes and all inform us, but we have to go on a record to try and make changes. The more people can do to help us build that record--which your attending tonight helps us, the statements that are made tonight help us--that is what we're going to need to continue to make this rule happen. Again, that goes for anybody who has a suggestion--whether things should be tougher, that they should be easier, that they should be modified--we need that kind of information to be put into the record that's verifiable, held up to scrutiny before we can consider making further changes. And again, this whole effort, your attendance tonight, statements made, the willingness to come out...I hope many of you, if you haven't already submitted comments, some of you who haven't spoken will want to submit comments for the record. This helps us do our job and will help this program continue to succeed. That's all I have to say. Steve, do you have any other? Instead of passing the microphone back and forth to keep you here longer, that might be it. With that, then, I guess we're closed and again appreciate your coming out on this evening and helping us with this effort.

[Meeting adjourned]

Registered Participants in the Public Meeting

Leobardo Álvarez
Rural Opportunities, Inc.

Kenny Annis
Governor's Board on Migrant Seasonal Farmworkers

Miguel R. Arrate
CATA

C.B. Ashby
Frederick County Fruit Growers Association

Warren Aukett
U.A.P./Ag-Chem, Inc.

Chris Baugher
Adams County Nursery, Inc.

Stanley L. Bauserman
Frederick County Fruit Growers Association

David Benner
El Vista Orchards, Inc.

David Bingaman
Pennsylvania Dept. of Agriculture

Robert E. Black
Catoctin Mt. Orchard

Brenda Briggs
Pennsylvania Apple Marketing Program

Scott Brown
Browns Orchards Inc.

Nelson Carasquillo
CATA

Wayne Casto
West Virginia Dept. of Agriculture

Robert W. Cheves
West Virginia University Cooperative Extension Service, Hampshire County

Bud Cottrill
Bowman Orchards

Ángel Crespo, Jr.
AmeriCorps, Rural Opportunities, Inc.

Modesto Cruz, Jr.
Rural Opportunities, AmeriCorps

Tom Davidson
Congressman Bill Goodling

Shelley Davis
Farmworker Justice Fund

A. Tomás Diego
CATA

Guy Donaldson
Pennsylvania Farm Bureau

Tupper H. Dorsey
Virginia Horticultural Society

Ken Eaton
Ag-Chem Inc.

Aguilera Edelman
Rural Opportunities

Susan Gardner
Maryland Cooperative Extension

E.S. Goodman, Jr.
Bureau of Employment Programs,
West Virginia Job Service

Valerie Greene
Maryland Farm Bureau

Calveie Group
Group Orchards Inc.

Leonardo Gutierrez
Rural Opportunities, AmeriCorps

José M. Guzmán
CATA

Susan Hagler
DHHS/HRSA/BPHC/DCMH/
Migrant Health Project

Win Hock
Penn State University

Kerry M. Hoffman
Penn State University

Brad M. Hollabaugh
Hollabaugh Bros. Inc.

Jill Edwards Hughey
Mountain Brook Orchards, Inc.

Roger Kaiser
ISK Biosciences

Lynn F. Kimp
Adams County Fruitgrowers

May Margaret Kuhn
Kuhn Orchards

David Kuhn
Kuhn Orchards

Daniel Leese
Pennsylvania Farm Bureau

Bryan Little
American Farm Bureau Federation

Philip Lowe
Potomac Farms Nursery

Matthew Lowe
Potomac Farms

Gary Lutman
Mt. View Orchard

V. Majicia
AmeriCorps

Adelma Monferre
AmeriCorps, Rural Opportunities - Lancaster

Guy Moore
Larriland Farm

Elizabeth Owens
ISK Biosciences Corp.

Richard Pallman
Pennsylvania Vegetable Growers Association, Pennsylvania Farm Bureau

John Peters
Peters Orchards

Daniel P. Resh
Group Orchards Inc.

Ronald Resh
Group Orchards Inc.

Mark Rice
R&L Orchard Co.

Site Visits and Small Group Discussions

Cooperative Extension Service, Pennsylvania State University Agriculture Department, Biglerville, PA

- June 27, 1996, 8:00 a.m.
- EPA staff met with Bill Kleiner, fruit specialist, and other state officials on agriculture in Adams County, PA.
- Among the topics presented by Bill Kleiner were:

  — Presenters reported on the local agricultural economy, noting that fruit orchards in Adams County and surrounding counties generate over $103 million annually.

  — Fruit growing in Adams County area is a diverse, stable industry, comprised of multiple types of operations, and well-positioned to take advantage of geographic access to many market niches, according to presenters.

Hollabaugh Brothers Inc. Fruit Farm & Market, Biglerville, PA

- June 27, 1996, 9:00 a.m.
- EPA staff toured this 300-acre fruit farm with owner Brad Hollabaugh. The farm, a family operation since 1955, raises apples, peaches, plums, nectarines, and pears. All pest management and pesticide application is done by the five family members who own the company. Two or three other workers work year-round, plus an average of 40 workers during peak harvest periods.
- Among the issues discussed at the meeting were:

  — The grower would like more flexibility from EPA and state officials in WPS implementation and enforcement.

  — Concern that posting warning signs is difficult in an orchard setting. Applications are done throughout the orchards in a patchwork fashion, not necessarily in contiguous blocks. It would be easier to tell workers where they can go rather than where they cannot.

  — Perceived overlap between the WPS regulation, OSHA Hazard Communication, and Pennsylvania Right-to-Know requirements complicates efforts at compliance.

— The grower opposes central posting as a waste of money, without offering any benefits.

— Perception that WPS has made no appreciable difference to safety, but has added extra administrative work. Farmers fear that potential lawsuits from workers, even over minor violations, could be costly and drive them out of business.

— Farmers appreciate EPA assistance and the WPS training materials are good, but many workers do not want to be bothered with training. Each grower feels the need to do separate training, so workers get bored.

Ashcombe Vegetable Farm & Greenhouse, Mechanicsburg, PA

- June 27, 1996, 1:00 p.m.
- EPA and state staff toured the 90-acre vegetable farm. Ashcombe started in 1957 with 25 acres of fruits, vegetables, and a greenhouse retail sales facility. It now has 90+ acres, with seven full-time employees and 45 workers at peak season.
- Among the issues discussed at the meeting were:

  — The grower spoke of a misapplication violation last year and recently hired a new spray coordinator. All pesticide applicators have been certified.

  — The grower has installed a clipboard systems for each greenhouse to note the name and amount of pesticide applied, time of application, re-entry interval, crop, pest problem, and applicator's initials.

  — Concerns about the complexity of government regulation.

Farmworkers and Key Stone Health Care, Biglerville, PA

- June 27, 1996, 7:30 p.m.
- EPA and state staff met with 10 farmworkers and two health care workers. The farmworkers were all full-time employees who had been with one employer from one to eight years.
- Among the issues discussed at the meeting were:

  — Farmworkers reported that they had been trained about five times (each time a new employee arrived, all employees took the WPS training). They liked the training video and had no recommendations for improving it.

- Farmworkers reported attending a daily morning meeting about pesticide applications. Applications were highlighted on maps in the meeting room. The grower provided soap and water before lunch and before they left for the day.

- None of the workers reported that they had ever been sprayed or caught in drift, or had heard of a problem in Adams County. Housing is not located close to the orchard, so pesticide drift over homes was not a concern. Workers were not reluctant to see a doctor; and their employer had offered to take them to the clinic if they were sick.

- Health care workers (doctor and nurse) reported few pesticide rashes or heat stress problems among the 3000-4000 people typically treated during the migrant season for respiratory problems, poison ivy, rashes, cold, flu, and pregnancy problems.

- Health care workers said that the farmers in this area were enormously cooperative. They also have noticed more pesticide awareness on the part of workers since WPS took effect.

Written Comments

Brad M. Hollabaugh
Adams County Fruit Growers Association,
State Horticultural Association of Pennsylvania, Legislative Action Committees

Bryan Little
American Farm Bureau Federation

Lori Rottenberg
National Farmworker Environmental Education Program
Association of Farmworker Opportunity Programs

Robert L. Baker

Jonathan B. Bishop
Bishop's Orchards

Nelson Carasquillo
CATA

Shelley Davis
Farmworker Justice Fund, Inc.

Charles B. Ashby
Frederick County Fruit Growers' Association, Inc.

Richard Pallman
Pallman Farms

James N. Belote, III
Virginia Cooperative Extension

Date: June 26, 1996

To: EPA

From: Brad M. Hollabaugh, Chairman Adams County Fruit Growers Association / State Horticultural Associtaion of PA Legislative Action Committees.

Re: Worker Protection Standard - Written Comments

The following remarks were provided to me in advance of the hearing to be submitted as written commentary for your consideration.

- Part A, submitted by John R. Peters, Fruit Grower, 517 Goodyear Road, Gardners, PA 17324
- Part B, presented by Lewis Barnard, Fruit Grower, 1079 Wawaset Road, Kennet Square, PA 19348
- WPS - Philosophy versus Implementation, presented by Brad M. Hollabaugh, Fruit Grower, 481 Carlisle Road, Biglerville, PA 17307

PART A

One of the most troubling aspects of the WPS Law is that it continues along in the highly undesirable trend of making the employer more and more completely responsible and liable for the actions of his workers. All of the information exchange (postings verbal warnings, training sessions, etc.) seem to be designed to do little more than move all of the legal risk surrounding pesticides away from the worker and put it all on the employer. And it is done under the guise of "protecting the worker." Most of the work that is involved in trying to comply with WPS could be eliminated if employees were simply made to sign and comply with a simple statement: "I will only go to areas I am instructed to go to; I will regularly wash myself and my clothes; I will wear the required protective equipment when necessary; I will inform my employer of any contamination that I become aware of." You get the idea. I'm sure that the legal profession would probably be able to pick most of what I suggest apart but surely someone could write something that would stand up. We have so many things that we must comply with already that it would seem to make sense to allow the worker to share in some of the responsibility, particularly when he is the one that the law is designed to benefit. If he doesn't go where he is supposed to or if he doesn't feel lik putting on his coveralls, why should the employer be the only one who is to blame? Why does the employer have to alert him to the fact that the apple orchard has just been sprayed when the worker will be trimming peach for the next week? You can't run an orchard business if you don't have the ability to adapt to changes in conditions. Why does the government assume that growers are not are not smart enough or honest enough to keep their spraying away from the workers. That is the only conclusion I can get from the posting and notification requirements. They act like we want to expose our people and the only way to get us to stop is to make us tell them everything we are doing, regardless of whether or not the worker will even be in the treated area or not.

I suppose that I could go on and talk more about the monetary costs but those are obvious enough so I won't mention it. I guess I should make one favorable remark for WPS just to be fair. I do think that the record keeping idea is a good one. It does make sense to keep general records of your spray program. The grower can refer to the information for his own benefit, and if a worker wants a question answered, the record is there. Having said that, I don't know how important it is to report every individual tank, time, and contents. For example, say you have a certain area that got hit by hail so you add a different fungicide to that area. You'll have a nightmare on your hands if you try to explain something like that to an agency person. So I guess I am advocating

a less specific reporting requirement than we currently have, while agreeing that some requirement for records probably is beneficial.

To summarize, it appears that the government has done what it lately seems to always do. It has found a "terrible" problem where ther was little or noae, and then proceeded to over-regulate business while letting labor washoits hands of any responsibility at the same time they get another legal hammer to pound management.

JRP-2

PART B

It has been a frustrating Winter and Spring for most fruit growers. The weather has a direct influence on our daily activities and successes and failures. From a business standpoint, we must have flexibility to deal with mother nature's ups and downs. I have had a very hard time fitting WPS in with ongoing activities necessary to grow a crop. I have tried to educate myself on its requirements and, last year, even bought a pesticide records computer program, to help me achieve this. "Somehow, during the rush of the growing season, my intentions fell apart.

Honestly and openly, I have failed to fulfill the WPS requirements and I can not see how I can possibly do better this year. Perhaps a non-farm large business would consider hiring a person to do this or delegate this responsibility. Financially, I can not consider employing someone to oversee regulations, and have no-one to delegate this to.

As a relatively small acreage fruit and vegetable grower, I am and always have tried to create safe working conditions. I attempt to give instructions and safety tips prior to and during the workday.

Each of us, as employers and farm business people, have our unique ways of operating and are each better at some things than other things. If WPS had been designed to educate growers of the goals which are desired, and allow us to capitalize on our strengths to achieve a general increase in safety, it would be an asset to all of us.

As it is, you require training of workers well in advance of the actual performance of the task they are being trained for. Our workers are mostly not college educated people. Some of them can read and speak our language; come can not. Many time they respond with a yes answer to questions they do not understand at all. Many times, instructions given one day are completely forgotten by the following day.

Regarding pesticide records. I have maintained records long before WPS required them. They were records that helped me to safely use pesticides and know where and when they were applied so it would be safe for myself, my family, and any outside workers. Your record requirements hinder my efforts to do this. If I am required to record pesticide registration numbers for each chemical and record the number of acres sprayed (even though my sprayer is properly calibrated to spray either 3.3 or6.6 acres per tank-full), I am concerned that I may overlook the need to protect myself and my workers while being bogged down in absolutely useless " busywork"!!

I am sorry. I do not feel that WPS has any real value to me in providing a safe working environment. Thank you for reading my comments.

Sincerely,

Lewis Barnard

AMERICAN FARM BUREAU FEDERATION®
225 TOUHY AVENUE • PARK RIDGE • ILLINOIS • 60068 • (312) 399-5700 • FAX (312) 399-5896
600 MARYLAND AVENUE S.W. • SUITE 800 • WASHINGTON, D.C. • 20024
(202) 484-3600 • FAX (202) 484-3604

STATEMENT OF THE AMERICAN FARM BUREAU FEDERATION TO THE ENVIRONMENTAL PROTECTION AGENCY'S WORKER PROTECTION STANDARD PUBLIC COMMENTS MEETING BIGLERSVILLE, PA

Presented by:

Bryan Little
Director, Governmental Relations
American Farm Bureau Federation

June 26, 1996

STATEMENT OF
THE AMERICAN FARM BUREAU FEDERATION TO
THE ENVIRONMENTAL PROTECTION AGENCY'S
WORKER PROTECTION STANDARD PUBLIC COMMENTS MEETING
BIGLERSVILLE, PA

Presented by:

Bryan Little
Director, Governmental Relations
American Farm Bureau Federation

June 26, 1996

Ladies and Gentlemen, my name is Bryan Little and I serve as a Director for Government Relations in the Washington, D.C. office of the American Farm Bureau Federation, the nation's largest general farm organization, representing farmers in every state and Puerto Rico. I'd like to begin by commending the Environmental Protection Agency for this effort to reach out to farmers and their representatives at meetings around the country to deal with issues arising from the implementation of the Worker Protection Standard. It appears that EPA recognizes that the Worker Protection Standard is unlike anything the agency has attempted before, which may create unique problems. At AFBF, we welcome the opportunity to work with the Agency to ease all regulatory burdens on farmers, including the Worker Protection Standard.

AFBF believes that Worker Protection Standard (WPS) for agricultural pesticides is an unnecessarily complex and burdensome regulation. We arrive at this conclusion based on concerns expressed by growers through our Labor, Horticulture and Nursery Advisory Committees, and concerns expressed by state Farm Bureau staff who work with staff and members of county Farm Bureaus helping farmers understand their obligations and responsibilities under the WPS. These same state Farm Bureau staffers also work with many state Departments of Agriculture, who as you know are charged with day-to-day WPS enforcement, to advise and assist with their compliance enforcement efforts.

Because of its complexity, WPS compliance is difficult, if not impossible. In Florida, for example, state enforcement officials found violations during 27 percent of all inspections conducted between January 1 of last year to February of this year. For labor intensive farms, compliance is even more difficult. Florida nurseries had violations 71 percent of the time. Greenhouses were in noncompliance 48 percent of the time. Family farms, who have a lower compliance standard, had violations only 5 percent of the time. Farmers want to protect workers and follow the intent of the law, but the complexity of the WPS means that most farmers will miss something, despite their best efforts to comply.

Farm Bureau believes that worker safety would be better served by a simplified version of the current regulation. Farmers and farm workers who clearly understand the practices that are necessary to protect themselves against pesticide risks are far more likely to implement those practices. Requirements which are overly complex foster uncertainty and confusion, resulting in noncompliance and increased worker risks. For those reasons, Farm Bureau supports WPS changes which simplify the requirements in order to protect workers and to make compliance easier. Likewise, AFBF supports WPS enforcement policies that will ease compliance for farmers and farm workers. This can include

making reasonable efforts wherever necessary to educate farmers and farm workers on the Standard, and opting to allow those who may not be in compliance to come into compliance before enacting penalties. This approach can be especially useful for farmers and farm workers who do not have a history of chronic non-compliance.

In September of last year, the Agency proposed several changes to the Worker Protection Standard. In general, Farm Bureau supports this effort to re-examine the Worker Protection Standard. Farm Bureau supported the Agency's efforts to examine shortening required time periods for decontamination kits. While the Agency's proposal is limited only to those pesticides with a four-hour restricted entry interval (REI), we recommended that EPA examine revisions in decontamination requirements for pesticides with longer REIs as well. Farm Bureau supported a zero-day decontamination requirement for all pesticides with four-hour REIs. There are two reasons why we support this change.

First, EPA states in the September 1995 proposal that one of the objectives for proposing to shorten the time that decontamination sites are required after the use of four-hour REI products is to encourage the use of low-toxicity pesticides. A zero day decontamination requirement for certain pesticides creates this incentive. The current 30-day decontamination requirement for all pesticides means farmers will generally choose the pesticide option that is most cost effective. Revising the decontamination requirement to zero days for pesticides with four-hour REIs provides a great incentive to use lower risk products, especially for farmers who employ workers in the field every day, or for many consecutive days. This makes lower risk products more cost competitive. Despite what the Agency believes, the cost of providing decontamination kits is significant, particularly for farm operations with simultaneous activities scattered over a wide area, perhaps at several different farms. The cost difference between no requirement to provide decontamination kits after the expiration of the REI compared to providing the kit for 30 days will give many low risk products a cost advantage. Farmers who use few, if any, workers will continue to make pesticide choices based on chemical efficacy and cost effectiveness. But farms that employ many workers, the very people EPA is trying to protect through this regulation, have little or no incentive to use lower risk products as long as the current regulation fails to differentiate for reentry time and decontamination period. A 15-day requirement for example, provides insufficient incentive for farmers to use lower risk products.

Second, EPA states in the proposal that the 114 active ingredients that have a four-hour REI "do not appear to pose any significant risks to workers." It is unnecessary, therefore, to specify long decontamination requirements for pesticides that pose insignificant or no worker risks.

We welcome EPA's clarification in the preamble to the September 1995 proposed rule to the effect that no decontamination provisions are required in cases where there will be no entry by workers into a treated area, or where all treated plant materials have been removed.

Farm Bureau also believes a number of additional changes should be made to WPS to clarify requirements and ease enforcement. First, EPA should eliminate the requirement for a decontamination site after crops are harvested. There are few cases, if any, where contact with treated surfaces occurs after harvest. While live plant material or foliage remain on many crops after harvest, there are few farm cultural practices that bring workers into contact with treated surfaces. For example, cultural practices on tree fruits after harvest involve orchard clean up and mowing -- tasks that do not involve any contact with treated surfaces. Further, under normal circumstances such orchard clean-up tasks will occur well after the expiration of the post-harvest interval for food consumption. Thus, risk of excessive exposure is relatively small. For annual crops, farm practices include normal tillage in preparation for the next crop or the next year, but typically do not involve any

contact with treated surfaces. We disagree with the Agency's assessment that determining the crops that are ineligible for such an option would be too resource-intensive. We believe that the number of crops where contact with treated surfaces occurs after harvest is quite small. Eliminating the requirement of a decontamination site after harvest, with exceptions, would remove an unnecessary requirement for many farmers.

EPA should eliminate the decontamination requirement when the REIs expire. Farm Bureau agrees with EPA that some farm activities involving significant contact with treated areas may pose some risks, especially for high toxicity pesticides. However, EPA's own data, as cited in comments submitted by the National Association of State Departments of Agriculture with regard to this proposed rule, states that risk associated with pesticide exposure declines substantially when the REI expires. Thus, EPA has set those time periods after which risk is reduced as REIs for those chemicals. In general, Farm Bureau believes there is no need for any decontamination requirement beyond perhaps a single day after the expiration of the REI, in the event some unforeseen weather condition or other factor presents some previously unknown risk. The decontamination standard, like the Occupational Safety and Health Administration's Field Sanitation Standard, is designed to deal with acute hazards, hazards which by and large have passed when the REI has expired.

A fixed, 30-day decontamination period does not create incentives for farmers to use lower toxicity pesticides -- an objective that is part of the Agency's proposal. Pesticides with a 24-hour REI are treated the same as pesticides with a 72-hour REI. For these reasons, we urge the Agency to consider this change.

EPA should allow field workers to bring decontamination kits into treated areas as early entry workers are permitted to do. EPA should also allow growers to make similar arrangements for provision of decontamination kits for all types of agricultural workers. Currently, decontamination sites for field workers must not be in an area being treated with pesticides or in an area under a restricted-entry interval. Decontamination sites for early-entry workers must not be in an area being treated with pesticides or in an area under a restricted entry interval unless that location is necessary for the site to be reasonably accessible to early entry workers. Handler workers must have their decontamination kits immediately available.

Farm Bureau proposes to permit farmers to harmonize these requirements by allowing decontamination sites for field workers to be located in an area under a restricted entry interval provided that location is necessary for the site to be reasonable accessible to field workers, under similar conditions as required for early entry and handler workers. This change will allow sites to be utilized in more recently treated areas, closer and more available to workers than the current requirement. In short, if it is safe, and indeed a good safety practice, to provide a decontamination kit in a treated area for early-entry and handler workers, it must also be a good safety practice to at least allow a farmer to make similar provision for field workers. At a minimum, farmers should be permitted to furnish decontamination kits in the field, or at the nearest point access, whichever is more convenient.

Farm Bureau believes the above improvements in the WPS meet the dual goals of simplifying the regulation while providing essential safeguards for pesticide workers and handlers and urge the Agency's strong consideration.

Testimony before the U.S. Environmental Protection Agency

Region 3 Hearing on the Worker Protection Standard
Biglerville, Pennsylvania

June 26, 1996

Lori Rottenberg, Senior Manager
National Farmworker Environmental Education Program
Association of Farmworker Opportunity Programs
1611 North Kent Street, Suite 910
Arlington, VA 22209
(703) 528-4141

My name is Lori Rottenberg, and I work with the Association of Farmworker Opportunity Programs, as known as AFOP. At AFOP, I head the National Farmworker Environmental Education Program, which is the largest national pesticide safety education program for farmworkers in the United States. Thank you for this opportunity to share our program's experiences with the implementation and enforcement of the Worker Protection Standard. I believe that our program offers a model in which pesticide safety training really can work to create a win-win situation for both farmworkers and for growers.

Program Description

I'd like to start my testimony by telling you a little about our program. Now in its second year of operation, the National Farmworker Environmental Education Program was created through an innovative partnership with the AmeriCorps national service program. AmeriCorps provides individuals with a minimal living stipend and a small scholarship for college in return for a year of full-time community service. Through AmeriCorps, we have 68 full-time, state-certified pesticide safety trainers in 12 states who train farmworkers and other rural residents on how to protect themselves from pesticides. In 1996, the program is operating in about 40 rural communities in Arkansas, California, Florida, Indiana, Maine, Maryland, New Jersey, New York, Ohio, Pennsylvania, Utah, and Virginia. In 1997, the program will be in these states and will also expand into Georgia, Louisiana, and Washington.

AFOP developed this program because we saw the need for a national pesticide safety program targeted specifically to migrant and seasonal farmworkers. Due to a lack of resources

and bilingual personnel, most pesticide safety education programs run by state lead agencies are targeted to farm owners in the hope that the farmer will then train his or her own workers. Many growers do this, but many others do not, due to time constraints, lack of training materials, and lack of Spanish-speaking ability. The result is that many farmworkers do not get trained as they should. AFOP requires each of the trainers in its program to train a minimum of 350 farmworkers, and many of our trainers train well over 1,000 in the course of a year. This special focus on farmworkers has made us the single most successful program of its kind in the country.

We at AFOP provide intensive national training to all the AmeriCorps members in our program about pesticides and the Worker Protection Standard and ensure that they are then certified by their states to provide farmworkers with pesticide safety training in accordance with the Worker Protection Standard. We station our AmeriCorps members at the non-profit farmworker job training organizations in AFOP's membership network and give them EPA-developed trainer flipcharts, which provide illustrations and a uniform training script that covers the 11 basic points required of all WPS-mandated training, and other EPA-approved materials. However, our members are trained to go beyond the flipchart to provide interactive, high-quality training that includes plenty of hands-on demonstrations, questions, and sharing of experiences while still only taking an hour or so of the farmworker's time. All services under this program are provided free of charge.

Why AFOP's Program Is Successful

Because of the extensive training and support provided to our members and because of their extraordinary dedication to serving their communities, AFOP's program has been a success in reaching out to farmworkers nationwide. Since the program's start, our small corps of AmeriCorps members has trained nearly 59,000 farmworkers on pesticide safety, surpassing its original first-year goal of 27,500 and likely surpassing its second-year goals as well. We have also trained over 10,000 other community residents about pesticide safety and the provisions of the Worker Protection Standard, and referred thousands of farmworkers to other education and human services. There are many reasons why AFOP's program is such an innovative and groundbreaking pesticide education effort.

The most important reason for our success is that we train our AmeriCorps members to serve both growers and farmworkers alike. Our goal is to provide a free service that will make it easier for growers to comply with the Worker Protection Standard at the same time that we help farmworkers to protect themselves from pesticide exposure. Our trainers know that their role is to serve as a grower resource and to train farmworkers on pesticide safety and link them with other social services on an as-needed basis. Period. Our AmeriCorps members tell growers that they are not visiting farms as inspectors, union organizers, or other controversial figures, and that they are there to build rather burn bridges in their communities. We are proud that so many farmers across the country have come to rely on our program to train their workers on pesticide safety, and feel that grower participation is the key to the success of the program in a local area.

In addition to establishing ourselves as a resource for both farmworkers and growers, we are successful because we offer free, bilingual training whenever and wherever it is needed, and we save farmers lots of time in conducting the training and in handling paperwork. Just over half of our members are former farmworkers themselves, and 75% come from a Latino background, so they figuratively and literally "speak the workers' language." Trainings are offered whenever they are needed, whether it's before the sun comes up, late at night after the normal workday, or on weekends to accommodate harvesting schedules. In addition, our members save growers time by taking the time to do the trainings for them and by providing them with copies of the detailed logs they keep of the workers who they train and issue EPA training verification cards to so that the grower can show his compliance with the regulation. We also provide EPA worker handbooks to the farmworkers we train and frequently help to distribute safety posters and other helpful materials to growers.

While we try to work through growers whenever possible, our members have also been successful in areas where growers have been slower to embrace pesticide safety training. In these cases, our members seek out farmworkers through churches, housing complexes, flea markets, schools, stores, parks, and community centers. Because AmeriCorps is community service rather than employment, our trainers have an uncommon dedication that makes them help farmworkers in whatever ways they can.

Another reason our program is successful is because it emphasizes hands-on, interactive training. While some other providers of pesticide safety training use a brief video to train

farmworkers, we believe in live, interactive, hands-on training to best meet the needs of the farmworkers we are serving. Live, bilingual trainers provide opportunities for questions to be asked and answered, for simple demonstrations to be done (such as pouring baby powder on a piece of fruit and passing it around to trainees), and for the sharing of experiences among workers and growers. We have had farmworkers who had already been trained using the video who asked if they could attend the live training session presented by our trainers; they usually explain that they fell asleep when the video was shown or that they did not understand the information as it was presented.

Finally, our program is innovative because we conduct extensive evaluation activities to examine our trainers' skills and to see if the workers are truly learning. Our trainers are required to use short multiple-choice questionnaires with at least 25% of the farmworkers they train before the training begins and after the training ends. We have the training questionnaires in two languages (English and Spanish) and in two formats (traditional written and picture-based for low-literacy groups) to accommodate the needs of our trainees. The results of the questionnaires show us that a majority (56%) of farmworkers increase their knowledge by 30% after participating in the training. The data also show that fewer than a third of growers and farmworkers in rural communities knew how to obtain pesticide safety training other than through AFOP's program.

Our Program's Experiences with the Worker Protection Standard

Now that you know a little about the structure of our program and why it's been so successful in reaching farmworkers and growers, I'd like to discuss our AmeriCorps members' experiences with the implementation and enforcement of the Worker Protection Standard.

Overall, we recommend that if any changes are made to the Worker Protection Standard, they should strengthen rather than weaken the regulation. We have been concerned that EPA has granted early-entry exemptions to several industries and that they may be considering additional changes in the future. Considering the widespread presence of children and pregnant or nursing women in the farm labor force, we urge EPA to not reduce restricted entry intervals but to increase them to protect these special workers. EPA should also carefully field-test any proposed changes in signage with farmworkers to ensure that any changes truly enhance worker safety. Finally, we urge EPA to maintain consistency of WPS implementation among states to protect agricultural workers as a whole, as other industries' workers are protected.

Through our work with the National Farmworker Environmental Education Program, we have found that the Worker Protection Standard provides basic but vital pesticide safety information to farmworkers. All too often farmworkers have been told or come to believe that pesticides are "medicines" for the plants and that they are not harmful to humans. In other instances, I think that farmworkers have not really considered the potential hazards that they work with on a daily basis. Although the frequency and technical content of the WPS-mandated training falls short of what is required for hazardous substance workers in other industries, I have

hand how after receiving pesticide safety training, farmworkers make the connection between a current skin, eye, or lung irritation and a past exposure to pesticides.

I have heard many heartbreaking stories on my visits to the field to see our AmeriCorps members do training. A worker in California who asked if the sulfur he had been accidentally been sprayed in the eyes with could be causing his current eye problems. Many others who told of getting wet with pesticide drift, and not being allowed to leave the field they were working in. Another who asked if his breathing problems might be related to his 20 years of work in the fields. A story of a child who drank pesticides that were carried home in a Coke bottle. I have also been shown many skin rashes and irritations that workers suspected may have been due to pesticide exposures. Each of these sad stories could have been prevented had the workers had been required to have our training years ago.

As you know, the flipchart covers such basic information as where pesticides may be found at work, how pesticides enter the body, possible effects and symptoms of pesticide exposure, and how to protect one's self through proper handwashing, work clothing, and first aid procedures. Each of the 11 points in the Worker Protection Standard must be maintained so that workers can continue to get this important information.

While I am very proud of the work that our AmeriCorps program has done with farmworkers in the last two years, we could be even more successful if we could have EPA's assistance in overcoming several challenges that we have faced.

The most prevalent problem our AmeriCorps members face is lack of enforcement of the Worker Protection Standard. While staff at several state lead WPS agencies have been actively supporting our pesticide safety training program (such as in Arkansas, Indiana, Maryland, Maine, New Jersey, Utah, and Virginia), lack of enforcement of the WPS gives growers the message that they do not have to train their workers. Some growers then disregard our members' attempts to market their pesticide safety training services. In California in particular, we have learned that some ag commissioners are even discouraging growers from training their workers this year since the state is considering very small modifications to its own pesticide regulations on signage. If growers got the clear, unqualified message that their workers had to be trained, most of our AmeriCorps members could easily double the number of workers that they train.

EPA could help in this area by establishing worker training as a top priority for state lead WPS agencies and applying pressure to states that choose not to comply with WPS provisions. While we also believe that EPA's current emphasis on evaluating the success is important, we feel that it is a mistake to de-emphasize worker education efforts. There are still millions of farmworkers in this country who have not been trained, despite the success of our own program in some states. Given the current scarcity of federal resources to fund such education efforts, EPA should consider establishing a fund that pesticide manufacturers contribute to, based on the toxicity and the amount of the pesticide used, that could fund future farmworker pesticide safety education programs. AFOP's AmeriCorps program could also serve as a model of an education program that also incorporates extensive evaluation efforts.

Lack of enforcement also shows workers that EPA is not serious about anti-retaliation protections. In most trainings I attend, at least one worker doubts that a grower will not fire him if he refuses to work in a field freshly applied with pesticides and shares a story about how someone was ordered to work through a pesticide drift or spraying. While our members explain to workers that change is a slow process, and that most growers want to do the right thing for their workers both for moral and financial reasons, workers are often skeptical that they will be listened to if they complain. Strong enforcement is crucial to give workers the message that the careless practices that caused the need for the WPS in the first place will no longer be tolerated.

Another challenge for a national program like AFOP's are the varying requirements for trainer certification and training verification from state to state. While most states have welcomed our program's trainers as the resource that they are and have been extremely helpful in providing free or very low-cost trainer certification, some states have rigid policies in place that make it difficult for our members to get the state trainer certification that they need. For example, in California, we were recently not able to replace a trainer who left the program because the state only offers train-the-trainer classes in the spring and fall. We had an excellent individual identified who could have served in the program from June through its close in December, but we could not take them on because they couldn't be certified until the fall, which means that a key agricultural area in will lack training services for farmworkers. In other states, the lead agency tries to set unreasonable goals to get our trainers certified, such as requiring that they become licensed pesticide applicators. Ohio has been discussing making this a requirement of our trainers in 1997.

In addition, states' varying approaches to training verification also makes it confusing for our trainers and growers alike. Ohio and Pennsylvania, for example, have decided against issuing EPA training verification cards, yet many of the growers that our members deal with in those states still ask our trainers if they could offer their workers the card, since it has taken on a life of its own as an easily recognizable compliance document. While the training verification cards were never really pushed by farmworker advocates, since we hope that workers will get trained over and over again rather than just once every five years, states should adopt a uniform policy on training verification so that growers will not be confused and workers who migrate from state to state will not face differing requirements. EPA could also designate organizations like AFOP to issue EPA cards nationally.

Despite these problems, however, I want to stress how positive our experience has been with this program. State lead agencies have on the whole provided useful and timely certification training to our members and have been pleased with the extra manpower our program has brought to their pesticide safety education efforts. Many growers have been extremely supportive of our program, since it allows them to protect their workers and comply with the WPS without having to spend any of their time or money. The farmworkers of course have also benefited greatly from our program, and we have documented knowledge gains and anecdotal evidence of improved diagnosis and reporting of pesticide-related illness. And finally, our AmeriCorps member benefits through the experience and training they receive, as well as their AmeriCorps education award. We believe that our program offers a model of success that shows that worker training does not have to be expensive or cumbersome for anyone involved.

We welcome questions on our program and would be happy to provide you with any additional information you might require. Thanks again for this opportunity to discuss our program's experiences with the Worker Protection Standard.

Sirs:

Thank you for this opportunity to comment on the Worker Protection Standard.

I farm in Delaware with my brothers and father. We till approximately 3,000 acres and do as much of our own crop protection application as possible.

All too common in this day and age of regulations, well intentioned rules are enacted without any regard for the real world practical application that the changes will cause. Consequently, the industry is strapped with costs and burdensome minutia that is designed to solve a perceived problem that may not have actually existed in the real world.

An extensive study should be conducted to determine the costs and the real benefits of such sweeping regulations that change the way farming is practiced. Particularly bothersome are regulations and labels that give states or regions competitive disadvantages as compared to their competition.

The most worrisome times that I experience as a handler of chemicals are the following: 1.) jugs that glug and dribble. 2.) struggling to get into and out of PPE's. I would estimate that 90% of the exposure that I have is a direct result of these two things.

Household laundry soap and motor oil come in containers that don't glug or dribble, yet hazardous chemicals arrive in the same types of jugs that have been used for generations that do.

The PPE struggles are nearly all related to wearing layers of clothing in summer heat. The coveralls and gloves are always sweat soaked and stick to your body. Also, the threat of heat related problems is compounded by these layers. Heat warnings are posted to limit outdoor activities. I am forced to work outside all day in coveralls over long shirts. This is a good time to challenge each of you to send a day in the summer heat and humidity while wearing: "shoes and socks, long-sleeved shirt and long pants, coveralls, and chemical-resistant gloves."

I think that the desired results could have been obtained from the farm community with an educational program. If there is statistically significant data to warrant these regs, shouldn't it have been published repeatedly in trade magazines and talked about within the leading trade organizations? Is there evidence that I have endangered my own, my families, and my employees health? If this data does exist, who is liable for this withholding of information?

Sincerily,

Robert L. Baker

Robert L. Baker

BISHOP'S ORCHARDS
B.W. Bishop and Sons, Inc.
1355 Boston Post Road
Guilford, CT 06437
Phone: (203)453-2338
FAX: (203)458-7125
E-mail: j_bishop@ix.netcom.com

Jeanne Heying
Office of Pesticide Programs (75067C)
U.S. EPA
401 M Street, S.W.
Washington, DC 20460

Dear Ms. Heying,

My name is Jonathan B. Bishop of B.W. Bishop and Sons, Inc. d.b.a. Bishop's Orchards. Our farm is located in Guilford, Connecticut, where we have been growing a variety of fruits and vegetables for 125 years. Although I will be unable to attend the EPA public meeting in my area (Biglerville, PA) on June 26, I am appreciative of this opportunity to comment on the Worker Protection Standard (CFR, Title 40, Part 170)

When the standard was proposed in 1992, I was disappointed that comments from individual growers were not accepted. As then President of the Connecticut Pomological Society, I felt the concerns of small diverse operations were being largely ignored. Further, as we became familiar with the provisions of the Standard, it became clear that the authors had little understanding of farm operations, and surprisingly little understanding of the principles of Integrated Pest Management, an environmentally responsible approach to pesticide use.

I was also somewhat baffled by the need for such regulations, given that I couldn't recall a single incidence of illness or death due to exposure to pesticides in a Connecticut orchard, certainly there had been none on our farm in its 125 year history. If problems did exist in some types of operations or agricultural regions, surely they could have been rectified with well crafted measures designed to address the conditions in those specific situations. In many ways the WPS typifies everything that is wrong with the "designed in Washington" approach to solving problems.

Having made these general criticisms, I would like to offer more specific comments on the various provisions of the standard.

1. Safety Training for Workers and Handlers

Initially I thought this would be the most difficult part of the WPS to implement. Fortunately this has not been the case. We trained our full time staff as workers and handlers during the 1994 season. Our H2-A(Jamaican) workers came to us already trained, so there was very little additional training effort required on our part.

During the 1995 season once again both Jamaican H2-A workers and referrals from Florida had received training prior to working for us, and were carrying EPA approved cards issued by the trainer. During both the 1994 and 1995 seasons we experienced very few walk-in job applicants.

This season (1996), some of our workers were not previously trained or had received training , but had not been issued cards, so we have had to trained them. Training workers is not too difficult as long as it can be done in groups in scheduled sessions. All employees hired in a 5 day period can receive training in one session, rather than needing to hold a training session every time someone is hired. For this reason, I would be in favor of retaining the 5 day grace period for giving new workers their full WPS training. In reality, this poses no threat to worker safety, because new workers are never on their own. They are working in groups with other experienced workers, or in the company of a manager who is imparting knowledge necessary to complete work tasks.

2. Central Posting Information

In anticipation of this requirement, in 1994 I began shopping for a computerized pesticide record keeping program which would simplify the job of maintaining an application list which met all the provisions of the standard. I have found such a program in Chemtrak by OCS software ($595.00). Unfortunately, maintaining an up to date application list still consumes a huge amount of time, not to mention paper.

The WPS calls for applications to be posted 24 hours in advance of the application. This is where the authors of the Standard really show their ignorance of IPM(Integrated Pest Management)and Mother Nature. It is impossible to know 24 hours in advance if weather conditions will be acceptable for making a pesticide application. Often we will scout intensively in anticipation of a pest event (for example 2nd generation Pear Psylla egg hatch, or timing a post infection Apple Scab spray based on data from an orchard weather station) so that a pesticide application can be timed to do the most good. The WPS actually encourages calendar spraying (not very environmentally responsible), as that is the only way a grower could possibly know 24 hours ahead of time what and where he will be spraying.

Posting information in a timely fashion is also more difficult than I expected. The logistics of getting completed worksheets from the pesticide applicator entered into the computer, and a list printed can be extremely difficult. I am already spending a considerable amount of time trying to comply. I am not sure that if my only job was to keep the applications list updated, that I would be entirely successful.

Our farm is not that big that we can't communicate essential information verbally to work crews or field supervisors. Additionally, all our sprayer operators, managers and field supervisors are in

radio contact so up to date information is always accessible. The WPS is not flexible in recognizing alternative methods of accomplishing the mission of the Standard. EPA should set goals for what it is trying to accomplish, then allow employers to work with local and state agencies to develop strategies which make sense for the agricultural conditions in their area.

3. Notice About Applications For Workers

In Connecticut we have a posting requirement which predates the WPS, and is designed to notify the public of applications of restricted use pesticides. Growers can choose to avoid posting by using non-restricted use materials. The State publishes a list of restricted use materials so the information is readily accessible to growers. I would prefer to use materials which do not require posting under the WPS to avoid this time consuming chore.Unfortunately, The EPA has not published such a list so there is no way of knowing ,in advance, which materials will require oral AND posted notification short of obtaining labels for all pesticides from the manufacturers. Surely someone at EPA must have a list of pesticides which contains all the pertinent information, such as posting requirements, which could be made available to growers. Alternatively, EPA could make pesticide labels and MSDS sheets available in electronic format which could be downloaded and printed. Some pesticide manufacturers, such as E.I. DuPont are already doing this for the materials they manufacture. While not all farmers are set up to access the internet, a growing number have computers and/or FAX machines. The EPA is already maintaining a site on the World Wide Web. It would be very easy to incorporate this kind of information into the existing site, or make it available through an automated fax-back service.

Once again, I would like to thank you for this opportunity to comment on the WPS. Our goal is, as it has always been, to provide a safe work environment for our workers.If you have any comments or questions, please feel free to contact me.

Sincerely,

Jonathan B. Bishop

NELSON CARASQUILLO

C.A.T.A.

Biglerville, PA Public Meeting

WPS PUBLIC HEARINGS
JUNE 26,1996
BIGLERVILLE, PA

Good evening. My name is Nelson Carrasquillo. We are here tonight, representing both the Farmworker Health and Safety Institute and CATA. I am the director of CATA, The Farmworker Support Committee. We are based in New Jersey, and also have offices in Puerto Rico and Kennett Square, PA - representing thousands of farmworkers who travel along the eastern migrant stream. We are glad to be here tonight and to speak on behalf of the farmworker - those men, women and children who are most adversely affected by pesticides but whose voices are seldom heard.

As a farmworker organization, we have struggled to get the Right-to-Know Act passed in New Jersey and are pleased with the creation of the WPS. While this may represent progress in environmental justice for farmworkers, it is only the beginning and much work still needs to be done. In Pennsylvania, the WPS has yet to be fully implemented. The Farmworker Health and Safety Institute has developed and implemented a unique WPS training for farmworkers. We have been approved by EPA nationally, and by numerous State Lead Agencies. We are appalled at the EPA's Puerto Rican office's unwillingness to certify the trainings that we provide on the Island, and we are considering legal action. In particular, I would like to comment about the flagrant violations committed by farmers, WPS trainings and the lack of the enforcement of the WPS by both EPA and DEP (Department of Environmental Protection).

(We have heard/I'm sure that we will hear), testimonies given by farmers on how the WPS is complicated, there are too many pages to read in the WPS book, some Re-entry Intervals (REI's) are too long and that it is costly, especially in regards to decontamination sites. Their focus is a monetary one, not human.

We have received reports from farmworkers working in Southern NJ, that it is common practice for pesticides to be sprayed in the same area where they are working. **THIS IS AGAINST THE LAW AND IT GOES ON NOT ONLY IN NJ AND PA, BUT ALL OVER THE COUNTRY!** Farmers are not complying with their responsibilities as stated in the WPS: they are not providing transportation for farmworkers who need medical care, farmworkers are handling

pesticides without special training or clothing, and the workers are not aware of the Re-entry Intervals (REI's). In those cases where the farmer is providing the information and the workers understand it, **most are afraid to complain for fear of retaliation by the farmer**. The 5 minute limit prevents me from citing additional abuses committed by the farmers.

We are also concerned about who is training the farmworkers and the quality of these trainings. The video seems to be the most popular method used by farmers and state DEPs. They usually show this video to large groups of farmworkers without monitoring the training or providing the additional information required by EPA. In one case, the farmer told the workers that they needed to see this video, put the video on the table (without hooking up the VCR or putting the video in the VCR), left the room, returned, and gave the farmworkers their WPS cards without them ever having seen the video. It seems to me that there is a conflict of interest in allowing farmers to train farmworkers. What farmer do you know that will inform his/her employees where and how to file a complaint if he/she is not complying with the basic requirements? Even if the farmer is meeting the minimum requirements by showing the video or handing out the booklets, the quality of training is severely lacking. While I believe the card system is needed, how is EPA/DEP monitoring that the workers with cards actually received the training or understood the booklet or video?

Both EPA and DEP are not doing their jobs in insuring qualified trainers and training that is culturally sensitive and effective. Last week at the pre-season conference in Milleville, NJ, a train-the-trainer workshop was given by a the NJ DEP. After only an hour and 15 minutes of instruction and seeing the video, those present could be certified as trainers. This is not sufficient time to learn how to train someone in something as complicated as the WPS. It appears that the emphasis on this type of training and the excessive use of the video is to demonstrate the quantity of the trainers being certified and the number of farmworkers being trained rather than the quality of both. This undermines the power of the WPS trainings. Is this the type of training that you all condone? EPA and DEP, you all need to start monitoring the trainings and being more stringent in your requirements in certifying trainers, so that farmworkers are not only receiving the information but are understanding it.

In closing, I would like to challenge both EPA and DEP. You need to take a stance and hold farmers accountable. This is your job and if you don't do it, who will? We at CATA are involved in this ongoing struggle, but we can only do so much. Despite the current political climate and budget cuts, we are asking you both, to make a commitment to strengthen the WPS by enforcing it and by not weakening the regulations (ie. don't lower the REI's). We are asking you to ensure quality trainings and certify trainers who are concerned with the well-being of farmworkers and not to certify trainers (FARMERS) who provide the training and then go spray pesticides on their workers. If you don't do this, then what good is the WPS? Thank you.

FARMWORKER JUSTICE FUND, INC.
1111 19th Street, N.W., Suite 1000
Washington, D.C. 20036
Phone (202) 776-1757

August 21, 1996

Jeanne Heying
(7506C)
Environmental Protection Agency
401 M Street S.W.
Washington, D.C. 20460

Re: Worker Protection Standard

Dear Ms. Heying:

Please accept for filing the complete, written version of the testimony we provided at the June 26, 1996 meeting in Biglerville, Pennsylvania, on the Worker Protection Standard.

Your assistance with this request is much appreciated.

Sincerely,

Shelley Davis

Shelley Davis
Attorney at Law

Enc.

FARMWORKER JUSTICE FUND, INC.

1111 19th Street, N.W., Suite 1000
Washington, D.C. 20036
Phone (202) 776-1757

COMMENTS OF THE FARMWORKER JUSTICE FUND, INC.
Presented at WPS Meeting, Biglerville, PA.

By Shelley Davis
Co-Director

The Farmworker Justice Fund, Inc. (FJF) is a national organization that advocates for the rights of migrant and seasonal farmworkers, including their right to a safe and healthy workplace. FJF submits these comments on behalf of its clients, who are farmworkers and farmworker organizations.

To put in context any discussion of the effectiveness of the Worker Protection Standard, we would like to begin by describing several pesticide poisoning incidents that occurred recently in the states of the Eastern Stream, which illustrate the kinds of problems which occur and their consequences.

Incident One: Farmworker Who Was Assisting Pesticide Applicator Was Not Given Personal Protective Equipment. A few short weeks ago, on June 13, 1996, a farmworker was assisting a tractor driver who was applying the organophosphate insecticide ORTHENE to shade tobacco in Massachusetts. The worker was clearing debris and opening the enclosure for the tractor driver. As such, during most of the day, the farmworker was working about 12 feet from the tractor. The tractor driver was given personal protective equipment to wear, the farmworker was not. As could be expected, however, the pesticide DRIFTED onto the farmworker. That night the farmworker became very ill, with nausea and vomiting. For several nights the symptoms were so severe he couldn't sleep. And now, weeks later, his headaches persist. Orthene is a Toxicity Category III insecticide. That means that it is NOT the most highly toxic pesticide, but is a moderately toxic product. Nonetheless, it can cause significant harm.

When the farmworker went to a migrant clinic on the day following the incident, he reported to clinic personnel that he believed that he had been poisoned by pesticides. The doctor on duty that day was inexperienced and, notwithstanding the signs and symptoms of organophosphate poisoning, failed to administer any RBC or plasma cholinesterase test. Consequently, this is the kind of incident which goes unreported and is never reflected in the statistics on farmworker poisonings.

What occurred here: The grower mechanistically applied the Worker Protection Standard (WPS), treating the tractor driver as a pesticide handler, but ignoring the participatory role played

by the farmworker in the application process. The farmworker's direct involvement in the pesticide application process entitled him to appropriate training, PPE and other related protections. Since these protections were not provided, he was injured.

Because pesticides are used routinely, there is a sense of familiarity with these products that leads employers to forget that these products are dangerous. This is the attitude that needs to change.

Incident Two: Employer Retaliation. In another incident this summer, several farmworkers in New York State were sprayed with pesticides while working. When one of the workers asked the grower what pesticide was being used, the grower fired the three workers, one of whom had been employed on that farm for 19 years. This kind of retaliation, if not severely punished, will sound the death knell to these regulations, because workers will never assert their rights if they fear that doing so will cause them to lose their jobs.

Incident Three: Pesticides Can Be Fatal. Some incidents end in tragedy. One such case concerns Raymundo Hernandez. Raymundo worked in a tobacco farm in North Carolina. On July 21, 1995, his first day on the job, he was sprayed with pesticides, from a tractor, which was about 40 feet away, according to other workers in the crew. Raymundo became dizzy, disoriented and nauseous and began to vomit. The grower agreed to take him back to the labor camp. On the way back, the grower stopped at his house for a few minutes to do something. The employer claims that when he came back to his truck, Raymundo was walking away and wouldn't get back in the truck. The grower simply went back to the field and continued his work. 2.5 months later, Raymundo's body was found, near the growers' house, about 12 feet off the road. His badly decomposed body could only be identified by his sandals.

This is a terrible story, because this is a tragedy that could have been prevented: First, the poisoning itself could have been prevented by keeping workers out of fields when they are in the line of fire for DRIFT. Second, when someone is very ill, they must be taken directly to a medical provider -- here a hospital was only 15 minutes away. Third, the state department of agriculture never fully investigated this incident. One of the main things they failed to do was to interview the workers in this crew. They were impeded in this effort by the fact that they had no Spanish speaking personnel. The 2 crew members, who eventually spoke to the Sheriff's Dept to identify the body, were extremely reluctant to do so for fear of losing their jobs. Apparently, the grower told the state dept of agriculture that no spraying occurred on that day and that was enough to end the matter for the state. This is not the way the WPS should be enforced.

WIDESPREAD LACK OF COMPLIANCE PERSISTS

In the last few weeks, we have spoken with farmworkers and their advocates from North Carolina, Virginia, Maryland, New York, and Massachusetts. The experiences people are having are remarkably similar throughout the region.

Training: The single provision with which there is the most compliance is training. This is very good, because in many respects training is the linchpin of the program. And getting tens of thousands of farmworkers trained remains one of the most daunting tasks imposed by these regulations.

Nonetheless, not all have been trained: This job is underway, but more needs to be done. In different states, there are many groups, including Americorp volunteers and grower associations who are doing training. But many workers remain untrained. This must still be a priority.

Trainings are conducted without translators for questions and answers: Many workers are being trained through the use of videos. This is an acceptable method, but it must also be accompanied by the presence of someone who can answer the workers' questions. All too often there is no one there who can speak the language of the workers (and/or no time is set aside), so that there is no opportunity for the workers to get their questions answered.

The workers still feel vulnerable to employer retaliation: One interesting affect of the training is that workers now KNOW that pesticides can be dangerous, but they still feel unable to do anything about it. Let me give an example: One worker applying an herbicide in a Virginia tobacco field became so ill he had to be hospitalized for several days in very serious condition. He was too afraid of losing his job, however, to file a complaint with the state pesticide agency. This is common. Workers are dependent on the jobs they have and they believe that they will lose this employment, if they file a workers compensation claim or a complaint of pesticide poisoning.

Posting of warning signs: Posting of warning signs has led to another curious phenomenon. In the Eastern Shore of Maryland and elsewhere, growers are posting signs and then leaving them up throughout the season, even though they continue to direct workers to work in those fields. That really defeats the purpose of the sign. The purpose of the sign is to inform workers of when it is too dangerous to reenter a field. If the grower posts a sign and then instructs the workers to work in that field, no accurate information has been conveyed. The workers remain COMPLETELY in the dark as to when it is safe and when it is dangerous.

Posting of Chemical Lists: Throughout the region, workers are reporting that they have NO ACCESS to workplace chemical lists. Perhaps workers don't know where these lists are posted. So I asked workers about this. As one Virginia tobacco worker

put it, "all workplace notices that I know of are posted in the labor camp. No chemical list is posted there. If one is posted somewhere, no one ever told me where that is."

Decontamination water: Washing with soap and water immediately after a pesticide exposure is one of the most effective ways of preventing or minimizing illness or injury. For that reason, the WPS has required growers to provide decontamination water to their workers for the first 30 days after application (or 7 days for so-called reduced risk pesticides.) But NO WORKER or ADVOCATE that we contacted reported that decontamination water was available.

INEFFECTIVE ENFORCEMENT REMAINS A PROBLEM

Enforcement of these regulations is critical, because it is necessary to change behavior. When you think about how the use of seat belts has increased over the last 20 years, it's obvious that people can learn to take health and safety measures but it takes a lot of repetition and reinforcement to get them to change their behavior. Growers aren't going to take the WPS seriously if they don't see any consequences from ignoring it.

One effective way of enforcing the regulation, would be for agencies to make inspections, inform the grower of the areas of noncompliance and then return 2 weeks later to determine whether the employer has come into compliance. At that point, a grower who is not in compliance should be fined. Purely informational visits are insufficient, however, to convey a message.

Complaint Driven System: All too often, agencies operate like the North Carolina Department of Agriculture and are only going out in response to complaints. GUESS WHAT, IT WILL BE A QUIET SUMMER. Workers will not complain. I can't say this too often. They are too afraid. They have too much to lose -- and have seen too much retaliation. State agencies have to be proactive to make the WPS more than a paper promise.

Lack of Appreciation of the Danger: Because of frequent use of pesticides, there is far too little recognition by employers of their potential for harm. Compliance with the WPS is spotty. On one North Carolina farm, the grower provided the workers with training, but then allowed them to be sprayed by drift from an adjacent field. This shows that the employer still doesn't realize the risks to which he's exposing his workers.

THE WORKER PROTECTION STANDARD ITSELF REMAINS FLAWED

The WPS was written with an ungenerous hand. It is difficult to understand or enforce because every rule has exceptions -- and even the exceptions have exceptions. This is a problem that should be corrected by EPA. Instead, the agency appears willing to make it worse by continuing on the road of creating ever more exceptions.

Both the growers and the workers agree that the regulations need to be simplified. But "simply" doesn't mean weak, it means less complicated.

Many of the changes since 1992 have significantly increased the risk of harm to workers. On May 3, 1995, the EPA issued five changes in the Worker Protection. Four of the five changes seriously erode the fundamental protection afforded by the restricted entry interval (REI). These provisions allow "early entry" exceptions and exemptions and shorten the minimum re-entry interval ("REI") from 12 to 4 hours for a large and growing number of pesticides, even though some of these products cause eye irritation and chronic health effects. At the same time, the EPA reaffirmed the right of employers to expose untrained workers to toxic pesticides before they receive pesticide safety training. The EPA decided to permit growers a 5-day grace period before workers must be trained, as long as workers are given seven safety "tips" before they begin work. But this turns occupational safety principles on their head. At a minimum, no worker should be exposed to toxic chemicals without first being taught safe work practices. The EPA also kept the retraining interval at five years, even though annual retraining is needed.

More recently, in June, 1996 the EPA permitted a reduction in the size of the sign posted to warn workers to stay out of pesticide treated areas and significantly limited the time period for which growers must provide decontamination water (which is the most effective way to mitigate injury in case of accidental exposure). Not only are these changes harmful, but they were also promulgated in flawed and improper processes. For both reasons, these changes should be rescinded.

By contrast, other initiatives to protect farmworker health have languished. Most notably, EPA has violated its 1992 commitment to providing farmworkers with the same protection under the WPS as other workers receive under OSHA's Hazard Communication Standard. For although OSHA's Hazard Communication Standard guarantees that workers receive chemical-specific training and information about the products to which they are exposed, farmworkers do not receive these protections. Similarly, although OSHA requires workers to be trained before they come in contact with a chemical, the WPS allows untrained workers to work in pesticide-treated fields for 5 days without training. Nor has the EPA issued regulations to prevent farmworkers from injury from pesticide drift, which remains one of the most common ways in which workers are injured.

CONCLUSION

Compliance to date has been grudging. Some have followed some provisions, few have done all that is required. This needs to change.

For the memory of Raymundo Hernandez and the many others

like him who work hard in order to a make a decent living for themselves and their families, we owe them a safe place to work. A whole lot more needs to be done to achieve that.

FREDERICK COUNTY FRUIT GROWERS' ASSOCIATION, INC.

P.O. BOX 2735 - PHONE 667-1396
WINCHESTER, VIRGINIA 22604
HOME OF
SHENANDOAH APPLE BLOSSOM

June 25, 1996

Jeanne Heying
Office of Pesticide Programs
(7506C), EPA
401 Main Street, SW
Washington, D.C. 20460

Dear Ms. Heying,

As Executive Secretary of the Frederick County Fruit Growers' Association (FCFGA), I represent 37 growers of tree fruits and vegetables in the Northern Shenandoah Valley. Also present this evening are Tupper Dorsey, President of the Virginia Horticultural Society, and Stan Bauserman, President of FCFGA. Thank you for the opportunity to comment on concerns and experiences with Worker Protection Standards (WPS) Regulations.

I.

a. Harvest workers are well protected with the current level of regulations. In 1995, our Association trained and issued 424 cards for English, Creole, and Spanish speaking workers. Some workers arrived for the harvest with cards indicating training received in other states. However, most of our growers re-trained their workers in order to feel more secure.

Spraying is completed well ahead of the arrival of our workers. All these materials have strict re-entry and pre-harvest standards. Naphthalene Acidic Acid (NAA), a stop-drop, which may be used during the harvest, is so innocuous, it has a re-entry period based on drying time. Our workers are also provided with hygiene and field sanitation material in their native language. (attached) We sincerely believe harvest workers are well protected by the current standard.

b. Applicators are also receiving extensive training in their native language. The greatest problem from the grower perspective is making the applicator wear the Personal Protective Equipment. (PPE) As most spraying is done in the heat of summer, wearing the extra equipment is difficult. Employers are providing and requiring the workers wear appropriate clothing. However, there needs to be some stated defense for employers when workers refuse to use protective clothing.

This is especially frustrating for growers who are employing more environmental friendly Integrated Pest Management (IPM) systems. Instead of using the "shotgun" method, IPM targets specific pests at specific times. Growers and applicators need alternative options to resolve heat stress issues other than simply stopping work.

II. Consultants are critical to IPM management as well. These folks are needed to collect accurate data used for the monitoring of pests and diseases. Currently, consultants may enter areas otherwise not permitted, without PPEs. We hope there are no changes being considered in this part of the regulations.

III. The new standards for re-entry (12, 24, and 48 hours) should be re-examined. For example, Stop-drop is used to keep apples until they can be harvested. Having to wait 12 hours to begin picking defeats the purpose of the application; especially when the product is safe after drying. Scientific study has confirmed re-entry times for each product. Re-entry should be returned to those times.

IV. Integrated Fruit Production (IFP), currently is becoming the standard in Europe. This "holistic" concept blends all horticultural, worker, grower, environmental, and consumer market concerns regarding the use of chemicals. Fruit and vegetables grown using fewer sprays for pest and disease management, are granted a label that indicates to the buyer that the fruit was grown with special management techniques. Perhaps the Environmental Protection Agency could consider establishing guidelines similar to the European model that would be helpful to american growers, workers, and consumers.

Thank you again for the opportunity to provide these comments.

Sincerely,

CB. Ashby

Charles B. Ashby,
Executive Secretary

enclosure:

NOTICE

Good hygiene protects your health.

Field Sanitation

*To reduce transmission of diseases and parasites
*To prevent dehydration and heat stroke
*To reduce pesticide poisoning
*To reduce urinary infections

Use facilities provided for drinking, hand washing and elimination.
Drink water frequently—especially on hot days and even if not thirsty.
Urinate as frequently as necessary.
Wash hands before and after using the toilet.
Wash hands before eating and smoking.

I have read (or someone has read to me) the information on good hygiene and field sanitation.

Name_____

Date _____

NOTICIA

Buenos hábitos de higiene protegen su salud.

Sanidad en el campo

*Para reducir la transmisión de enfermedades y de parásitos
*Para prevenir la deshidratación y las afecciones cardíacas provocadas por el calor
*Para reducir la intoxicación con pesticidas
*Para reducir las infecciones urinarias

Hagan uso de las facilidades que les proporciona su empleador.
Beban agua frecuentemente—especialmente en días calurosos y aún cuando no sientan sed.
Orinen tan frecuentemente como sea necesario.
Lávense las manos antes y después de usar las letrinas.
Lávense las manos antes de comer y de fumar.

He leído (o alguien me ha leído) la información sobre buena higiene y sanidad en el campo.

Nombre_____

Fecha_____

AVI

Bon abitid pwòple pou pwoteje sante no

Abitid pwòple nan chan-yo

*Pou nou pa bay lòt moun maladi ak li bè
*Pou nou pa dezidrate e pou nou pa gen k
ke chalè kapab fè nou genyen
*Pou nou pa enpwazonen pa pwazon p
rat
*Pou nou pa gen enfeksyon irinè (pipi)

Se pou nou sèvi ak wobinèt pou bwè dl
lavabo ak watè yo ban nou.
Se pou nou bwè dlo tout tan—espesyalm
lè fè cho anpil, menm si nou pa swif.
Se pou nou pipi tout lè nou bezwen.
Se pou nou lave men nou anvan e apre n
sòt nan twalèt.
Se pou nou lave men nou anvan nou ma
je e anvan nou fimen.

Mwen li (oswa yo li pou mwen) tout e
fòmasyon sou bon abitid pwòple pou
mwen e nan chan-yo.

Non _____

Dat _____

Prepared by:
Virginia Farm Bureau Federation
American Farm Bureau Federation
Virginia Department of Agriculture and Consumer Services
Virginia Department of Labor and Industry

37/OPP00427
Public

RECEIVED
JUL 10 1996
OPP PUBLIC DOCKET

280

Comments to EPA on Worker Protections Standard

Submitted by
Richard Pallman - Partner
Pallman Farms
1511 Summit Lake Road
Clarks Summit, Pa. 18411

My name is Richard Pallman. My brothers and I grow 300 acres of green tomatoes, 275 acres of wheat, 12 acres of strawberries and maintain 300 acres of hayland in our rotation. We are also in the poultry business. I am here today speaking as president of the Pennsylvania Vegetable Association, as chairman of Pennsylvania Farm Bureau's Labor Advisory Committee, and as a concerned farmer. I would like to thank you for the opportunity to present my views on WPS and how it has effected our farming operation. I continue to be frustrated by regulations which are forced upon us by governmental agencies which have no working experience in the industry which they are trying to regulate. Apparently the agricultural community is still regarded as an employer who treats his employees with no respect or regard for the health and safety of his workers. The workers are the backbone of our business. Without them we do not exist. We therefore want them to work in an environment which is safe and healthy and that would cause the worker to want to return to our work place.

New regulations usually mean additional expense. Other industries usually can pass that additional expense on by raising the price of the product that they sell. In the agricultural industry we work on a supply and demand pricing of our product. We do not have the luxury of saying that because we had an increase cost of $5000.00 in implementing WPS on our farm that I need 10 cents a box more for my tomatoes. Unfortunately that ability to increase our selling price is out of our control.

Most of the WPS we have been able to deal with in our operation with little change in our operating procedures. But several areas of the WPS have caused us some major problems and I would like to discuss them.

The biggest problem is re-entry times which have been assigned to chemicals with little if any scientific evidence to support it. How can a chemical like benlate have a zero days to harvest label for spraying and them have an REI of 24 hours ? Our biggest problem is with soil incorporated herbicides which are used prior to our planting tomatoes. Specifically if I incorporate Tillam into the soil, I must

wait 12 hours for my planting crew to enter that field because 3 of the workers must walk on and occasionally touch the treated soil. This system is fine as long as we are dealing with dry weather and extended periods of dry weather. We have a very small planting window for our tomato crop, approximately May 15 to June 15. Days become very critical to us. Our heavy soils do not dry out very quickly once they become wet. A field which has been prepared for planting will dry out much slower than a field which has been only plowed. Therefore if I prepare a field for planting this afternoon and it rains during the night, the soil could be to wet to plant the next day and now I have no place to plant that day and the workers have no place to work because now even if I can work plowed ground I still have to wait 12 hours again to enter the new field. This all translates in lost dollars for me and my workers. I have to rework the field that was rained on after it was prepared for planting, I loose a day planting, and the workers loose a days work. First of all when these regulations were first proposed in 1974, soil incorporated herbicides were meant to be excluded. Secondly, why after 30 years of use of Tillam according to the label without any known health concerns, do we now have to wait 12 hours before someone can go in and touch the soil? We are not dealing with a fumigant, it is a herbicide.

My second problem area with WPS is with the central posting of the time when a field is to be sprayed. I can post the day when we will be spraying a particular farm or field but we cannot post the time it will be sprayed until after it happens. Breakdowns, weather, and road travel make it impossible to be that specific in timing of a spray on a field. Also the information that is required to be posted is very similar to but not exactly the same as the United States Department of Agriculture's Federal pesticide recordkeeping requirements. Why can't we have better co-ordination of regulation requirements between agencies so that we as the one's being regulated have less duplication of what we have to do. Both agencies are trying to do the same thing but each wants it in a different form.

I hope that after hearing from farmers around this country, that some changes can be made to the WPS that will make our compliance easier to deal with without compromising the health or safety of our farm workers.

Once again thank you for the opportunity to make these comments.

Pallman Farms

Richard Pallman

Richard Pallman
Partner

Virginia Cooperative Extension

Accomack County Office
23201 Front St.
P.O. Box 60
Accomac, Virginia 23301-0060
804/787-1361 FAX: 804/787-1044

August 1, 1996

Jeanne Heying
Office of Pesticide Programs (7506C)
EPA
401 M St., SW
Washington, DC 20460

Dear Jeanne:

The following are comments I have in regards to the Worker Protection Standards Regulations that are currently open for public comment.

1. Trying to comply with the Worker Protection Standards guidelines as written and be completely legal all the time is a legal nightmare. The regulations are still too complex and are a major challenge to farmers who want to do things right. They also are very discouraging to new potential farmers.

2. The responsibility situation is out of balance. All the responsibility is on the grower, not on the migrant. At the most, responsibility should be shared 50/50.

3. Growers tell me trying to comply with the regulations is very time consuming. Most farm managers and owners say that it consumes 10% to 25% of their time, thus making the industry less efficient.

4. Emergency entry is still a problem. If the wind in a storm blows stakes over in a tomato field, growers must immediately reset the stake by hand. As a result, workers must enter fields in many cases dressed in protective clothing that is so hot that it is usually more of a health problem than the pesticides. The issue of reentry needs further study as well as that of types of protective clothing needed, especially for the less toxic pesticides.

5. Is the posting of all fields necessary? If it could be handled any other way, it would greatly help with the situation.

Accomack County is the third largest agricultural county in the State of Virginia. In terms of crop production, it is number one in tomatoes, peppers and cucumbers. Most years, anywhere from 3,000 to 5,000 migrants are employed by area farmers. The comments I have made concerning the Workers Protection Standards are a result of observations and comments I have received in my experience in working with the county's agricultural industry.

Land-Grant Universities—The Commonwealth Is Our Campus
Extension is a joint program of Virginia Tech, Virginia State University, the U.S. Department of Agriculture, and state and local governments.

Virginia Cooperative Extension programs and employment are open to all, regardless of race, color, religion, sex, age, veteran status, national origin, disability, or political affiliation. An equal opportunity/affirmative action employer.

I thank you for the opportunity to make these comments.

Sincerely,

James N. Belote III

James N. Belote, III
Extension Agent, Agriculture

cw

cc: Kenny Annis
Don Delorme
Gary Young
Mike Weaver
Pat Hipkins
Fred Diem
Fred Custis
Lynn Gayle
Butch Nottingham

7. California

Public Meetings:

Fresno, CA

- July 23, 1996, 7:00 p.m.
- 33 participants (33 registered), including 19 speakers

Salinas, CA

- July 25, 1996, 7:00 p.m.
- 56 participants (56 registered), including 19 speakers

Site Visits and Small Group Discussions:

Farmworkers, Fresno, CA

- July 22, 1996, 6:30 p.m.
- EPA staff met with farmworkers; Rudy Treviño of Líderes Campesinas; Celia Prado; Luis Magaña; Gloria Hernández.

Chandler Farms, Selma, CA

- July 23, 1996, 9:00 a.m.
- Visit to 500-acre farm, observation of harvest work in vineyards, orchards (peaches, plums).
- EPA and state staff met with owner Bill Chandler.

AmeriCorps & Sponsor Organizations, Fresno, CA

- July 23, 1996, 12:00 p.m.
- EPA and state staff discussed training issues with AmeriCorps trainers from the California Human Development Corporation and Proteus, Inc., and representatives from an insurance company and the University of California Extension Service (Fresno).

Farm Labor Contractors and Agricultural Employers, Fresno, CA

- July 23, 1996, 1:30 p.m.
- EPA and state staff discussed training issues with farm labor contractors, growers, and the Cooperative Extension Service.

Fordel, Inc., Mendota, CA

- July 24, 1996, 9:00 a.m.
- Visit to 500-acre farm (cantaloupes) and observation of melon harvest.
- EPA and state staff met with owner John LeBoeuf and farmworkers.

Monterey County Office of the Agricultural Commissioner, Monterey, CA

- July 24, 1996, 9:00 a.m.
- EPA and state staff met with Francis Pabrua, Robert Roach of the Monterey Agricultural Commissioner's Office.

Matsui Nursery, Monterey, CA

- July 24, 1996, 2:00 p.m.
- EPA and state staff toured the greenhouse, led by Tina Chapman and José Renteria, Matsui Nursery.

Farmworkers and Labor Representatives, Salinas, CA

- July 24, 1996, 8:00 p.m.
- EPA staff met with 15 farmworkers; representatives of Teamsters, United Farm Workers, Independent Agricultural Workers Union, California Rural Legal Assistance.

Kohatsu Strawberry Farm, Salinas area, CA

- July 25, 1996, 9:00 a.m.
- EPA and state staff visited this 120-acre strawberry farm and met with owner Paul Kohatsu.

Misionero Vegetables, Salinas, CA

- July 25, 1996, 11:00 a.m.
- EPA and state staff toured the in-house laboratory for pesticide testing and met with laboratory scientists.

Clínica de Salud, Salinas, CA

- July 25, 1996, 1:30 p.m.
- EPA and state staff visited this health care clinic and met with Dr. Maximiliano Cuevas and Dr. Rafael Siqueros.

Transcript of Public Meeting
Fresno, California
July 23, 1996

Beatriz Rubio: Good evening, my name is Beatriz Rubio and I will be the interpreter. I'm going to explain how the interpretation will be done. Those of you who need an interpreter, and want to listen to everything in Spanish, please sit down here where the headphones are. Each one of you put on a headphone and everything that is said in English you will hear in Spanish. If any of you want to talk to the people, you have to come to the microphone and I will interpret from here. Thank you.

Jim Wells: Good evening. My name is Jim Wells. I'm the Director of the California Department of Pesticide Regulation and I'm here basically just to welcome you all to this meeting on behalf of the State of California. We've had the privilege and the pleasure, and the task, I guess also, of working with EPA on this rule going back clear to 1985 when we started developing this rule through a negotiated rule making process. We're still very much involved working with Region 9 in trying to blend the federal Worker Protection Standards into the California regulations. That process isn't quite complete--it will be complete this year, so that you have the label on the California regulations and they incorporate everything you need to know about Worker Protection Standards. So I'm not going to get in the way of the people who really came here to talk; I know a lot of you have been waiting a long time. I'm going to turn this right over to EPA; but we're certainly happy to have you. This is a good turnout for a hot July night during the Olympics and we certainly appreciate your attention to this program and we will appreciate your comments. It will make our program, as well as EPA's program, better. Thank you.

Bill Jordan: Thank you, and good evening to everybody here. My name is Bill Jordan. I'm from U.S. EPA in Washington and I'm very glad to welcome all of you and join with Jim Wells in thanking you very much for coming to be here with us tonight.

You know, so often people in Washington talk at you and to you and tell you rules and laws and regulations. Tonight we want to turn that around. We want to hear from you. We want to talk particularly and hear from you about the Worker Protection Standards that the U.S. Environmental Protection Agency put in place to try to provide some basic protection for agricultural workers--both the people who apply pesticides and the people who work in the fields that have been treated with pesticides.

We think this is a very important regulation. There are over 3.5 million agricul-

tural workers and pesticide handlers in the United States. We have spent a lot of time trying to figure out what rules need to be put in place so that those people can use pesticides and be around pesticide-treated areas safely and, at the same time, have it work for agriculture. We have an enormous challenge trying to do that because agriculture in the United States is quite different in different parts of the country. There are small businesses and big businesses. There are row crops and tree crops and field crops. There are people who work on the farm all year; there are people who move from place to place. There are people who speak many, many different languages and we are trying to find a way that will work well for everyone.

Fortunately, we in the U.S. EPA are not alone. We have working with us the people in all of the states and I want to introduce tonight to you some of the people here in California who are our partners in making the WPS a success. You've already met Jim Wells, who is the Director of the California Department of Pesticide Regulation. Also here with us at the front table are Maureen Lydon who is with the U.S. EPA in the Office of Enforcement and Compliance Assurance; Pat Matter, who is with the University of California Extension Program in UC-Davis; Deanna Wieman, who is with EPA's San Francisco office working on pesticides, and I'll be talking in a moment a little bit more about Kay Rudolph, who is also from the San Francisco office and will be facilitating the meeting.

There are other people from the state's and federal government here in the room and I'd like to take a moment to introduce them and ask them to stand up. The reason to do that is so that you can see that we don't all wear ties and coats and dresses; they have had the good sense to dress more casually. I'll start with Bob Chavez (who has just taken off his tie), who is with the California Department of Pesticide Regulation. Also from California DPR is Dan Lynch. From the Fresno Agricultural Commissioner's Office, Doug Edwards. And from the EPA, Cathy Kronopolus in Washington whose group is particularly responsible for writing the WPS rules and policies. With her is Jeanne Heying. We have Kathy Taylor from the San Francisco office; Mary Grisier, also in the Pesticide Section; and Jeanne Cevera. Finally, Delta Figueroa; she is from the Office of Environmental Justice in Washington, DC. Jim reminds me that also Ruth McHenry is here from the District Office, as well.

We've seen a lot of work to implement the WPS. A lot of hard work by people in the government, certainly, but, more importantly, by the people who are affected by it. By the growers and by the farmworker organizations individuals who have spent an enormous amount of time learning about a new regulation, trying to put it into effect, trying to make it work in their businesses and their daily lives. We have heard, over the course of the last two years, a number of things that have not been as effective, as successful, as they could be and we have tried to make changes. I won't spend a lot of time talking about all of the changes that we have made, but we certainly recognize that there is always a way to make it better. That's what we are here for

tonight; to hear from you what has worked, what you think is successful about the WPS, and we'd also like to hear from you what you think needs to be changed so that it can work better--so that it can be more effective, that it can cost less, that it can provide better protection for farmworkers. I guess I think we spend a lot of time talking--I'm going to stop and let Kay talk about the ground rules for this evening. But let me just say again very much how we thank you and appreciate the fact that you have come to spend time with us this evening and to give us your thoughts. They matter a lot to us and we look forward to hearing them.

Kay Rudolph: Thank you, Bill. I'll be your facilitator tonight and I want to let you know we expect the meeting to run until about 10:00; we'll be taking a break midway through. Mr. Jordan will let us all know. We are going to be calling speakers in the order that they signed in and so you have a card number. Just refer to that and we'll be calling you out by name and number. Please face the microphone when you speak. We'd like you to keep your comments to five minutes. I will be standing up at the four-minute mark so that you can be reminded that you are four minutes into your presentation. If you have additional remarks, we ask you to please provide written comments to us. We welcome adding these comments to the public record. Please leave a copy of your remarks, if you have brought some, at the front desk where you registered. You can also send comments to us and we have a card from Jeanne Heying, so please take a copy of that card if you would like to send comments later.

If you decide at any time during the meeting that you would like to register to provide comments here tonight, please just go to the front desk and let them know that you would like to give comments. Likewise, if you were signed on to give comments and decide not to, when we call your name, just let us know.

The translator will be translating the English comments simultaneously. The Spanish comments, you will come to the podium and she will do alternate translations. Other things that you might be interested in: the restrooms are just outside down the hall on the right, smoking is outside the building, and we do want to let you know that the materials on the front desk are free, so we hope that you will take those. Thank you.

Ephraim Camacho: Good evening. My name is Ephraim Camacho. I've noticed that, don't take any offense now, but could some of that water be distributed back here? You are thirsty back there, right? Some of that water could be distributed back here. We would appreciate that. You know farmworkers are constantly with that problem--that they don't have any water, enough drinking water in the fields and this we should make a good example being that US EPA is here.

I am employed with the California Rural Legal Assistance Migrant Farmworkers Project in Fresno. I've been in the office since 1980 working as a community worker. I personally am also a farmworker and in the last three years I went to work pruning trees by the

hour for two weeks during my vacation, believe it or not. And, to my surprise, what I found out is that the toilets in the fields were non-existent. It was not until one of the workers themselves had to talk to the foreman is when one was brought in. You are not going to believe what I'm going to tell you. At lunchtime, the foreman started up a campfire to warm up the lunches. He had a plastic container with the wording "Roundup." He used it to store gasoline which was used to ignite the fire. This is just three years ago; you say, well, three years ago the regulations were not adopted yet. I'm just making this point that sometimes even the foremen don't realize the danger in using containers that were once upon a time used for pesticides.

Our office on a daily basis receives many telephone calls from farmworkers and other interested parties. Some of those calls are regarding pesticide exposures which are... I have some examples and here's one. On May 23, 1995, a crew of 22 women became ill after entering a seed alfalfa field that had been sprayed that evening, May 22, approximately nine hours before. The crew did not see any warning signs. The crew was sent home for the day while some of the other workers were sent to the company doctor. Several of them were hospitalized. Some of the women have never recovered from this exposure. The employer was not cited because, according to the King's County Ag final investigative report, "Boswell Company had no way of knowing that the field had been treated with Monitor." I have one copy of the investigative report that I can present to the panel if they wish so.

Another incident: April 16, 1996, approximately six women entered a greenhouse without any protective gear. They complained about skin irritation. They were taken to the company doctor for medical treatment. Upon their return from the doctor is when they were given the safety gear--two things: the overalls and what they called doctor gloves (thin white gloves) to protect themselves.

Same site: on April 30, 1996, some of the same crew members were again exposed to pesticides. This time they were training tomato plants in one of the greenhouses. Only two of the three women were taken to the company doctor and this is why--what the forewoman told them-- there's only appointments for two people that day. The women were complaining of coughing and shortness of breath. As soon as some of the other workers found out that there were some complaints in this particular greenhouse, other workers started complaining. They, too, were saying that they had been poisoned during the tomato thinning season. The names of the pesticides they were exposed to (and these are the names they gave me) were Ridomil, Orthene, Prime +, Maxim, [Inaudible]... and Temik. Their symptoms were headaches, skin irritation, irritated eyes, nausea, weakness, flu-like symptoms, and loss of memory. The Merced County Ag Commissioner's Office is conducting an investigation on this matter.

This year in June our office received a telephone call from some workers in Kern County. They were working in the grapes handling a chemical which they were unfamiliar with. They were complaining about

headaches, nausea, and vomiting. The clue, I found out later after talking to the employer, was that the workers were treating the grapes with gerbrilic acid. It's not a pesticide, I know. The employer then agreed to inform the workers about the symptoms of the acid. However, he stated that he wanted to wait to provide the workers training until later in the season when more workers were hired.

There are many other horror stories like this. Farmworkers continue to suffer either because of someone's honest mistake or they just don't care about the health of migrant seasonal farmworkers.

Kay Rudolph: Excuse me, Mr. Camacho, I'm afraid that our time is up. If you could give us your additional comments, we would like to include them in the written record, if that would be possible.

Mr. Camacho: Thank you very much.

Leticia Maravilla [Speaking in Spanish with English interpreter]: Good evening, my name is Leticia Maravilla. I hope I can have the five minutes.

Kay Rudolph: We'll have Ms. Rubio translate and will not count the translation time.

Leticia Maravilla: OK. I'm here to testify concerning the pesticides. Because I am one of the workers there that has been affected by these pesticides, along with my working companions. Last Monday I went into a field that had been sprayed a 4:00 that morning. I started working at 5:30 and it seemed like nothing had been done concerning that. I have been working for 16 years in the fields in the United States. My feet are rotten because of pesticides, because I work in the lettuce and the soil fall on my feet. I have never seen those agencies that are supposed to protect us against pesticides do anything. I have gone to Washington to give these testimonies. In '96 I was poisoned at John Harris' and the reactions I have--I'm not going to be embarrassed, I will show you so you can see that my testimony is real. I can't have steady work because chemicals are killing me. Up until now there has been no agency that has done anything for the farmworkers excepting for CRLA [California Rural Legal Assistance].

I have an appointment for Friday. They have already found many chemicals in my body. My eyesight is bad because of the chemicals. And the ones responsible are the state and the agencies. I only get five minutes, but then after all one has to pay for all these people sitting here. We do our duty to government by paying our taxes but government does not fulfill its duty to us, and here is proof and I will bring more. Many of my companions have children that are deformed and this isn't just five minutes--it means more than this. Would one of you like to have a deformed child because of chemicals and receive $500 a month and stay quiet and take it? Excuse me, but we are paying a high price to have you sitting there and speaking to us. Thank you.

Lori Rottenberg: It's very difficult to follow a moving testimony like that; but my

name is Lori Rottenberg and I work with the Association of Farmworker Opportunity Programs. I came here today representing the National Farmworker Environmental Education Program. Our program helps growers in 12 states across the country maintain a safe, healthy, more productive work force by providing farmworkers with high-quality, bilingual, interactive pesticide safety training free of charge. We are able to do this through a unique partnership with the AmeriCorps, which is a program which provides college scholarships for people who volunteer for a year of community service. I've got a bunch of my AmeriCorps members here with me today because our program has such a heavy emphasis in California. Twenty-five of our 68 Ameri-Corps members nationwide are in California--stationed in offices in northern California as well as central California and in the area that we are in tonight. Over half of the 45,000 farmworkers who we trained in pesticide safety in 1995 were in the State of California, so it's very important to us to be here tonight.

What we've found through our experience is that we've had the most success in areas of California where ag commissioners and county extension agents have actively supported our program and passed the word along to the growers that they serve and represent. In areas where there has been less support, growers have been slower to take on the required training responsibilities that they have under the WPS. But I'm going to let our members speak for themselves and tell you more about our program's experience with the WPS.

Let me state at the outset that although we were asked to share our problems with the WPS and some of the things that we've seen out in the field and the very real experiences such as the one which was just described to us, our program does prove that there can be some kind of dialogue, some kind of solution, to the very real issue of pesticide safety and that there can be a win-win kind of a solution for both growers and for farmworkers. Thank you.

Lisa Alemán [Speaking in Spanish with English interpreter]: Good afternoon. My name is Lisa Alemán. I am a member of AmeriCorps and I work in Proteus in Selma. First of all, I want to thank you the organizing committee, EPA, to provide these moments for me so I can share my experiences with the farmworkers as a volunteer worker and to tell you what we are doing in Fresno, King's, Tulane, and Kern counties. The training that we provide is complete information because we cover all 11 points of the WPS. My experience with the farmworkers is very positive because we encourage them to take part in the training. We motivate them with dynamics so that learning can be effective for everyone. We keep in mind to keep these dynamics simple and easy so that they can learn and remember how to protect themselves. We have hours at the convenience of the ranchers or the contractors. We can also provide lists or copies with the names of these people who have taken the training with numbers corresponding to the EPA cards. Thank you, and we're here to serve you.

Mary Bautista: Good evening everyone. I'm glad that we have a translator here today because I think it's really important that all farmworkers understand what we're here for. Hello, my name is Mary Bautista and for the last two years I have been providing pesticide safety training to farmworkers for the Proteus/AmeriCorps program in the Vasilla area. During this time I have met farmworkers of different ages, races, and experiences. Even though I had worked as a farmworker when I was younger, I was very lucky that I never suffered an illness related to pesticide exposure. On the other hand, I have spoke with farmworkers who have had bad experiences with pesticides but have never made a report because of the fear of being fired or because of the language barrier.

For example, one man who walked into our office for pesticide safety training told us that he was never trained appropriately on how to apply pesticides, since it was his boss that trained him and neither one of them was bilingual. So the worker could not ask his boss any questions. Basically, his boss showed him how to mix and apply but was unable to explain the hazards of the job. One day the worker was getting ready to apply the pesticides and one of the pumps blew out of place, spraying pesticides onto his body. He immediately felt a burning sensation all over his body and his work partner quickly took him to get washed off and drove him to the hospital where the doctor gave him a cream and released him. That was one year ago, and he asked me if I wanted to see some of his burns and I responded by saying no. That was because of the fear; I didn't want to see his burn marks. But he insisted and he took his shoes off, removed his socks, and showed me his feet. I was truly shocked to see his feet with burn marks and his skin was still peeling off. I am not a medical expert but it seems to me that this worker is still suffering from the result of this pesticide injury. This accident might not have happened had this worker been trained in his own language and by a person who had the expertise to train workers in a correct and appropriate manner.

As a bilingual pesticide safety trainer, I always make sure the workers can understand the information and encourage them to ask their employers questions when they don't understand something. I feel that I am a good resource, not only for the workers but also for the growers and contractors in case that I can assist them in having a safe and a healthy work force. Thank you.

Javier Borboa: Good evening everybody. My name is Javier Borboa and this is my second year as an AmeriCorps member providing pesticide safety training and working in the West Fresno area. One of the biggest problems that I see regarding the Worker Protection Standard is the lack of bilingual personnel available to enforce the regulations. I would like to see someone checking the fields where farmworkers are working to make sure that they have received the proper training before working in any areas that have been sprayed with pesticides. Some workers have complained to me that it has been difficult for them to complain about abuses in the fields because there is not bilingual staff to take the workers' complaints. They also

have told me that it is discouraging for them to try to complain because usually they are working between the hours of 8 to 5 when the office is open for workers to file complaints.

I believe all the training should be given in the farmworkers' native language and that questions and concerns regarding safe working practices should be addressed by bilingual trainers who can understand the workers, not by those who may only be able to guess what they are trying to communicate. Another issue is that there is no assistant to monitor the quality of training sessions. Some workers have told me that they were already trained and that the training took place in half an hour which, to me, is not enough to cover the 11 points of the WPS. In other words, farmworkers are getting the training but the training is not detailed enough in how to protect themselves from pesticide residue. Our training takes about an hour and we go over very clearly all of the information in the flip chart. We always use visuals and pass out prizes as fun incentives for the workers to answer the questions. We can train workers day or night and we are always open to any grower or contractor to visit one of our training sessions before scheduling training with us. Thank you.

Eduardo Barriga: Good evening to the panel and people here. My name is Eduardo Barriga and I'm very much concerned about farmworkers' welfare. Therefore, I'm convinced that the WPS is an essential and effective way to bring awareness of pesticide safety to the farmworker community. For instance, an instructor's assistant at a Sutter County preschool was trained in pesticide safety. She then transmitted that information to her husband, who is a farmworker in that area. She emphasized to her husband the importance of avoiding contact with their only child after work because of the risk of contaminating the child with pesticide residue that might be present on his clothing. Before, the farmworker husband would arrive home from work and greet his spouse and child with hugs and other family gestures and eventually play with his child for a while and then, afterwards, shower. Now, as a result, the spouse reminds her husband to clean up before any contact with their child or with her.

As a second-year AmeriCorps member, I have seen and heard how pesticide awareness information can have a great impact on the farmworker families, thus creating, eventually, healthier living conditions for them and their immediate family members. Thank you.

Jorge Beltrán: Good evening. I'll just keep this very brief. My name is Jorge Beltrán and I am here representing myself. I think the need has already been stated very dramatically and very graphically by the lady out here. So what I really want to do is congratulate and thank the EPA for the efforts in forming the WPS as well as the California OPR for finally ceasing their whining about who should get credit for what. However, I cannot help but think that if all negotiations had been done under 115-degree weather with miles already behind their steps and unsanitary working conditions, this would have been accomplished long ago. I believe that there are

those who have stopped seeing and treating farmworkers as another commodity and begun to see them as fellow humans with the same needs and wants that all of us expect for decent hard work. They are not the disposable masses that we believe them to be. I think that this is the least that we can do and the least that they deserve.

Other things that we should do to see that this gets done is to ensure that the level of enforcement for noncompliance with the regulations increases so that it may provide results and that all this undertaking does not stagnate in political circles. Thank you.

Carlos Lara: Good evening, ladies and gentlemen of the panel. My names is Carlos Lara. I am an AmeriCorps member with Proteus serving in the King's County area providing pesticide safety training to the farmworkers. I believe that the new WPS are a good idea and strongly feel that it should continue to be mandatory for the farmworkers to be trained prior to working out in areas where they run the risk of coming in contact with harmful residues and pesticides.

My job for the last year and a half has been to provide farmworkers with the worker training required by the WPS and to make sure that all the information is easily understood by our trainees or the field workers. Through our personal outreach and close contact with the farmworkers, we have learned first-hand how to effectively teach low-literacy workers. We have found the best way for the WPS training to be conducted is by a live presentation; in other words, to have a real person do the training and not just have the workers see a video. This method, which we use in our program, promotes two-way communication involving questions and answers. We use demonstrations and visuals in addition to the EPA flip chart and, unlike the video, the farmworkers can ask questions on the spot and get their answers right then and there.

One of the problems I see with using the training videos is that many of the farmworkers have told us that they can't follow the information as fast as it is given sometimes, so much of the information is missed. I realize that the videos are easier to administer, but the purpose of the WPS is completely thrown out the window if the workers can't understand or follow the videos because they lack the effectiveness that only a real person can provide. The bottom line is that it is better to have workers trained by a certified person than just throw a videotape in the VCR and walk away thinking that it's the worker's problem to make sure he understands everything on the video. So we at Proteus can also help growers save time and energy by providing them with rosters of their workers who were trained and issued the EPA cards. We also help growers and contractors by providing the workers with EPA handbooks and at times we have donated long-sleeved shirts for them to wear at work. Thanks.

Randy Semple: Hi. I think some of you have already spoken with me or are familiar with my situation. I wish I could speak Spanish so I could speak directly with some of

the people who aren't English-speaking at this time.

What I'd like to address is the absence of good faith. None of the laws or none of the programs or none of the government entities are going to be able to regulate anything in this society, including morality, laws, safety, without good faith. You are going to have to have a lot more enforcement than you have, a lot more people in the field, without the good faith of the people who are supposedly being educated. I've run into the fact that the educators are, themselves, lacking good faith. I graduated from Fresno State University in 1981. I've been a crop technician since 1983. I've been around pesticides for a long time. I've trained people around pesticides.

But I've discovered in the absence of actually following through with those safety programs and laws that none of this means anything. It's just too hard for all of you to enforce this. I realize that. The bureaucratic terminology that I've gotten over the last five months is I allegedly dump chemicals. I allegedly also had a seizure and was in the hospital for four days with a grand mal seizure. I attempted to handle everything in-house. I tried to contact the school. The school has a public safety office--occupational health and safety--an obvious misnomer because I tried to contact them for 18 days after I got out of the hospital, with no response. I wrote certified letters; no response. The cover-up became the action. In order to recognize my illness and my reaction to the pesticides, they had to recognize their responsibility and their complicity in the actions taken and the attitudes were more repulsive and more damaging that the actual pesticides themselves. When you are injured and you expect that your fellow worker or your employer is going to take care of you when you're unconscious or in this hospital and when in fact they turn their backs on you and try to cast the blame and disassociate with you, it is more damaging than anything else.

And I just wish to tell everybody that if you are going to be a whistle-blower, if you're going to speak out and say, "I am injured" or "This is not safe," be prepared to lose your job, be prepared for retaliation because I have called unlimited entities, government agencies, private agencies, individuals that are working for safety awareness, etc., and many of those doors or many of those phones weren't answered to me or disinterest was there. And I found it really--I was really afraid for the people that didn't have the tenacity or the awareness to not take no for an answer, to keep going. I eventually had to write a certified letter and give them my nine-page written statement regarding these incidents. I sent it to the Chancellor's Office, Dan Bartell, the Dean of Agriculture; Cy Bader; Gino Fasagasto, the individual that had me spray these pesticides. I sent it to Lt. King of Public Safety at Fresno State. I sent certified on June 10th. After that I waited until June 27th before I went public to the newspaper because I figured five months was enough to be ignored and have my situation ignored and for no one to even respond to any of this. So people have my deepest sympathies who have to work in the fields every day and be more afraid of losing their job than they are of

having their families safe. Thank you. [Applause]

Celia Prado: Good evening, my name is Celia Prado and I work with the California Institute for Rural Studies. Over a period of four weeks I conducted an informal study asking farmworkers whether they had been trained. My first question to them was, "Do you know anything about the EPA?" My second question was, "What do you know about the WPS?" My third question was "Have you received the pesticide safety training?" What I found out was that out of 115 farmworkers that I interviewed, only 37 had received the training. I could go on and on telling you the facts that I found out but you may see a copy of my report--I have a copy for anyone who is interested. What I would really like to say is that there needs to be more coordination with Cal OSHA, Ag Commissioner Office ...[Taping suspended while tape was changed]

... Farmworkers continue to be abused, farmworkers continue to be unprotected, and the people who are supposed to be representing us are not doing their job. I could tell you horror stories of people who have been in contact with pesticides, who have been exposed to pesticides. For the last two years I coordinated a health promoters program. Twenty promoters came back every week with stories such as Leticia Maravilla's story and it's shocking. There is absolutely no one who is willing to stand up for the farmworker. There is no one who is willing to help the farmworker. Insurance companies, lawyers, no one will take their case. People are dying. We are trying to get rid of pests with the pesticides and people are dying like animals and we're not doing anything about it. That is my plea to you. I hope that the EPA's efforts...This is great that you are taking the time to listen to what people have to say, and I really appreciate this and I'm with all my brothers and sisters; I work for them and I care a lot about them. And so we wish to ask that you please, please look into this huge problem in California. Thank you. [Applause]

Luis Magaña [Speaking in Spanish with English interpreter]: Good afternoon. My name is Luis Magaña. I am representing a migrating farmworker organization north of San Joaquin Valley--a farm laborers' organization. One person said one time how fortunate Mexico is to have the United States as a neighbor. I say now how fortunate the farmers are to have this influx of migrant workers who have no rights. As we have seen in the last few years, the increment in millions of pounds of pesticides in the fields of California, farmworkers numbers have increased in the same way. I'll give an example of a worker named Raul--he was infected by pesticides while he was a foreman for a crew in asparagus. Obviously, also the workers, many of them undocumented workers from Oaxaca and Guatemala, this happened in San Joaquin County. A week ago we went to the office of the Agriculture Commissioner. No one spoke Spanish except for one of the secretaries, that did not speak it right, Angela. They told us there was a price for the records that would include the exact place where the person was infected. He

stayed because he has been working 30 years in all kinds of farm work. The others--you know where they are, and were also affected. We called seven offices in the Central Valley. Only one county had an inspector that spoke Spanish, with the exception of one biologist that is used like an interpreter, but he's from another county. Here in Fresno they told us, "That's classified information" and they could not tell us anything. You proved this yesterday with migrant farmworkers that these offices are not known to the farmworkers. In our organization it is a shame that we work with the farmworkers that have been affected as if we were in a fascist nation because we protect the workers from retaliation.

The responsibility of educating, training and informing the workers is that of the agriculture or the farmer. Other groups are doing good work--for example, the things that we've heard here today. They are doing good work. But let us not forget that the farmer is the one who is responsible. And that is where the norms for the protection of the farmworker or WPS should be implemented and the objective is that the farmer is the one who is responsible. I have more information, but I will share this with you later. Thank you.

Alicia Medina: Good evening, my name is Alicia Medina and I am representing the AmeriCorps program and I'm stationed with Proteus in Delano. I graduated from Cal State Bakersfield in Liberal Studies and I am currently a certified pesticide safety trainer. While working in the fields I was exposed to pesticides. One of the symptoms I had was dizziness and rashes. I do not know the cause of those symptoms. After working for about three weeks, I told my contractor and he not only told me to go to the doctor, but asked why I did not say anything earlier. At that time I did not know those symptoms were possible effects of pesticide exposures. If I had been trained in the WPS, I might have recognized those symptoms immediately as being possibly pesticide-related and I could have received medical attention a lot quicker.

Recently a farmworker in the Lamont area was told by a grower to come to work dressed with two pairs of pants, two shirts, and five handkerchiefs because she was going to be working in a very ugly field full of weeds. She went to work dressed this way and while working she and a number of her coworkers began to feel faint and their eyes were very irritated and watery. Not until she attended our pesticide safety class did she realize that she was probably exposed to pesticides and had been asked to work before the re-entry date had expired. I am sure that the next time she is asked to wear double clothing she will refuse in order to protect her health. I feel that the information that we provide the workers regarding the safe usage of home pesticides and the danger of allowing our children to play in irrigation water is very valuable for farmworkers to know. It also helps the growers and contractors because we know that they do not want their workers to get sick either. Thank you.

María Romero: Good evening ladies and gentlemen. My name is María Romero and I represent AmeriCorps from Merced County. I would like to share my experiences in

have someone already trained to train their field workers. I do not give up. I go out there and I find out that the ones that the growers have trained are the crew leaders, the foremen, or the pesticide applicators. A lot of those people, the farmworkers who are pesticide applicators, only receive the pesticide training that we give, it's not the extensive one. So, I do not give up. I go to the farm labor camps, to the migrant family housing and I train farmworkers.

I found out another thing. Farmworkers are reluctant...While training them and when they ask questions and when I answer their questions regarding pesticide safety, they do not report any symptoms regarding pesticide exposure because of the fear that they are going to be laid off or fired from their jobs. I have an example. There is a man who was working one summer sorting chili peppers. Those chili peppers contained some type of pesticide that got on his arms and got on his neck and he developed a really bad rash. He went to the hospital because he more or less knew what to do. He went to the hospital and he said, "I got this rash from working out there in the pesticide, sorting chili peppers." When he went back to work, the grower (she's the owner there), she said, "I'm sorry, Mr. Joaquin, but I have replaced you with someone else." And that is very sad. That does not have to be. Farmworkers should not fear that they should be laid off or fired from their jobs, because without the farmworker we will not have the fruit or the vegetables at our tables. I see that it is not that hard--they pay their workers' compensation. I mean, they have a right to use it but people are out there and they do not want to come forward and say anything. I'm just out there as a pesticide safety instructor and make sure that they are aware--you know, that they dress properly for work and that they take care of themselves, that they wash their hands and I go through the whole 11 points of the EPA flip chart and I make sure that they understand, that they aren't misinformed, that because of a lot of situations that we face...I have something--a very important letter in writing from our Central Valley Opportunities Center there in Merced County which is housing AmeriCorps there. So I will give you this later. Thank you very much for your attention. Thank you. [Applause]

Kay Rudolph: Have all the people who wish to speak had a chance to register? We want to make sure that we do get a chance to hear from everybody who has anything they would like to say and, again, if people would prefer to provide written comments, you can leave it with us tonight. If you would like to send it to us later, we have a card with an address on it where you can send it. Thank you.

Bill Jordan: There are people here, in particular Señor Camacho, who did not get a chance to finish his remarks. And if there are others who have things they would like to say, listening to what you have heard, we can... I think we have the time to have more conversation if people would like to speak.

Ephraim Camacho: Thank you very much. My final comments were as follows. I was going to say that the WPS laws must have

Ephraim Camacho: Thank you very much. My final comments were as follows. I was going to say that the WPS laws must have teeth in them in order to protect farmworkers who many times put their lives on the line to place food on our kitchen tables. We need more monitoring by the local county Agriculture Commissioner's office. During the seasons (we have several seasons; as some of you already know: the grape, the stone fruit, lettuce, tomato, and other major crops that we have in this area), that would at least help to hopefully alleviate some of the problems that have been discussed this evening as far as workers being exposed to pesticides. We also believe that what AmeriCorps is doing regarding the training of farmworkers is an excellent work--not only educating farmworkers but farm labor contractors and growers. But I think that, just like everybody else, we all need to be held accountable to someone. And I think that's pretty much the bottom line. EPA, growers, and farm labor contractors all have to be accountable for any mistakes that are done. If EPA is not enforcing the laws then they should be accountable for not performing their jobs as required.

The CRLA Foundation staff prepared and submitted formal written comments on the proposed regulations of the WPS and that is basically what my final comments were. I'd be glad to answer any questions from the audience or the EPA panel and I'd like to give you my toll-free number, we have a toll-free number where farmworkers can call us if you have any questions regarding our legal services office here in Fresno. My toll-free number is 1-800-242-2752 and our office does provide free legal services to migrant and seasonal farmworkers. Thank you very much.

Leticia Maravilla [Speaking in Spanish with English interpreter]: We're talking about pesticides and we notice that you're not conscious of this: They said on TV that the strawberries have poison on them. I ate some strawberries; I had a stomach ache and I threw up, dizziness. Watermelon also has these poisons and I don't see anybody doing anything concerning these chemicals. Randy Jonshon is a rancher that grows chilies and watermelons and he cut a watermelon and gave us and made us sick and he offered it to all the workers and what was the reaction? Where is the information that you brought in Spanish, because I don't want to offend you, but you all came to listen to my testimony. Where is the information in Spanish? In the fields there are no gringos, we are latinos. And be conscious that the [Inaudible] ...what we do is contaminated and go to your table and you have no idea how poisoned it is. Please consider, you are human beings just as we are. We are offended, that state is going to pay a lot, all the poisonings. We don't have MedCal, we don't have insurance, the state will have to pay. We are offended by what you are doing to us. Thank you.

Domingo Zapata: My name's Domingo Zapata. I work with three nonprofit organizations that provide services for farmworkers. I have been training farmworkers, I'm trained through the EPA program using, through Pat Matter, the IPM program to

provide these trainings as well. I work for a medical facility and constantly when I go out and do the farm safety activities, we find that a lot of farms are doing some types of trainings.

One question I have for you is, one speaker training 200 people for one hour--do you consider that training? That's a question that I just wanted to pose, because I've seen that happen where one person is training over 200 people and you've got people in the back who are talking and doing their own little thing. I did a survey of 50 farmworkers and asked them if they had been trained through the WPS. One in 15 said they had. I was shocked to see that many people were not aware of this WPS or training. Those that have been trained are telling me that it's a very beneficial, very helpful program. They say positive things about it. Those that haven't been trained are indicating to me that they will be fired if they do anything about it. Their fear is reprisals, as we talked about earlier today. There's definitely a lot of positive in providing these types of training, in my opinion. The only thing is that not everybody is providing the training. There are a lot of good farms and farmworkers and labor contractors that are doing the best they can. But there's a great deal more that are not. Thank you.

Speaker from Audience [Speaking in Spanish with English interpreter]: Thank you again. After hearing the comments from Mr. Zapata, I remembered something that we do in AmeriCorps. We are calling on contractors and growers and we are asking that the groups that we train should be from 20 to 25 people because I know that the materials that we are using have been approved by EPA. The book that we use, I don't know the name of it, flip chart, we make sure that they can see it and they understand it. Thank you.

Luis Magaña [Speaking in Spanish with English interpreter]: There are two photos, please look at the photos. Both photographs show two farmworkers spraying herbicides. First I will talk about the color photo. The other one is black-and-white. In the color photo the farmworkers are from the San Joaquin County. They are spraying the grass around the walnut orchard. They say that they did not receive training to do this. All they were shown how to do was how to run the equipment, how to run the tractor, etc. They were given gloves and masks but nobody told them that they should wear it. Now this shows that they are farmworkers without documents and they make minimum wages of $4.25 per hour. They commented that their farmer doesn't have big farms and that they know nothing about the protection through EPA.

In the other photo--the black-and-white--we see a worker that's well-equipped and he's doing the same kind of work in an almond orchard in Fresno County. He says he did receive training on how to use this clothing and equipment to do this work. He works at this ranch steady and he has been working there for many years. He's not a migrant worker; he's there permanent. He says they pay him more or less OK and he's happy. It's

a large farm or farmer; I think it's Harris Ranch. He knows about the protection rules.

In our organization we're doing a survey and we've passed out some forms which we will collect and present to you tomorrow. We saw a great difference between farmworkers in Lodi and the farmworkers that live at the migrant camps in the state. What everybody does agree on is that all these protections for the farmworkers should be implemented. It's easier for those that are here legally to get this information but those that are here illegally, it's very difficult for them to receive this information. I regret to say that they stopped funding to provide legal services to those people with no documents. This is too bad because part of the education or the training...these people should also receive the laws and how they can be affected by these pesticides. And they should know their legal rights. Thank you.

Salvador Sandoval: My name is Salvador Sandoval and I'm a family practitioner in Merced County and I've worked with migrant farmworkers for about 16 years. I'm also a member of the National Advisory Council on Migrant Health. I'm glad to see you here. I'm glad to see that after such a long delay there is finally a national standardfor farmworkers that deals with pesticides. I wanted to address certain concerns that I have primarily on the exceptions that are weakening the WPS. I just noticed another one in this material that I had gotten recently and this is, for example, about not having to have soap, water, and paper towels for certain chemicals that are considered less toxic. I ask you, what does that really mean? We're dealing with acute toxicity but we know that are chemicals that have longer-term effects and there are chemicals that cause, for example, skin rashes. They may not be considered as dangerous as some of the organophosphates. It seems like this is really a poor economic move, because soap and water and paper towels really should be available anywhere. As I understand it, the sanitation standards require such measures so I'm real confused about why this is being presented as an exception.

I have just brief comments on other exceptions to the rule. For example, there's a 5-day grace period before workers are trained. I've found workers that have been poisoned on the first day. One gentleman that was crushing cans and didn't know what the chemicals were became ill. I'm concerned about the training interval being five years. As a physician I have to be recertified every year or every two years for certain standards to keep up my information. Workers that are just getting one hour of information, I think their recall is going to be very poor. I think it should be more often--every year, preferably. Thank you. I really didn't come prepared but I wanted to deal with these exceptions which I think weaken an otherwise good law.

Bertha López: Good evening. My name is Bertha López. This is the first time I've ever been to any of these kinds of meetings. Just listening to this brings a lot of questions to my mind. I want to leave you with this question. What's going to happen if we don't enforce these laws to give the training and the education from the rancher, the supervisors,

the contractors, that they need so that the farmworkers can be protected? If we don't protect them, what's going to happen when they start disappearing, when they get sick, when they can no longer do the picking of the fields or do anything for us? Who's going to do it? You and I? I don't think so. I have asthma; I can't even stand the dust in my own home. Could you imagine if I went out to a field? And I feel for these people, because they work hard. And these ranchers get rich by what they are doing. If they don't go out there and do it, who is going to do it? So they need all this protection and I think that we owe this to them, to at least protect them and give them the right training and the education everybody needs to protect the workers out there in the fields. Thank you.

Joaquín Díaz [Speaking in Spanish with English interpreter]: Good afternoon to everyone. My name is Joaquín Díaz. I want to make a comment. Well, it's somewhat related with what is being said here. I have a lot of questions concerning the job that I do, myself. I think that I'm exposing myself on my work, in my job, with asbestos. And I would like to know or to be given information if someone here... Is there someone here who can give me information on this? Someone that could tell me how dangerous this is? Because I understand that it's very bad to one's health. Up to now I have not found anyone that can give me information on this. This is what I'm asking.

And something else that does pertain to what's being said here, I want to comment--it's going to be brief--concerning the pesticides. My comment is as follows: how expensive is it to be ignorant? Are you saying the people who work in the fields who are not educated, is that being ignorant? How expensive is that? I think, myself, that is sometimes called ignorance and maybe because one has no education, one works in the fields. Is that a sin? Nobody wants to be working this way and have these health problems. And, again, what price are we paying for working in the fields? Is it ignorance? Thank you for listening to me. [Applause]

Bill Jordan: Thank you all for your comments. They have been very, very helpful. Let me tell you a bit about what we will do. We are having these meetings around the country. We have had them in Florida, in Washington State, in Texas, Mississippi, Pennsylvania, we will be going to other parts of the country still. We will take the stories that you have told us, we will take the information that you have collected and given to us, we will take the letters that you have written and we will study them carefully. We will work with our partners in the states to try to find answers to make the regulations stronger and better, to make the enforcement appropriate so that every farm, not just some but every farm, is following the rules.

Tonight many of you have told stories for yourself, for your brothers and sisters who have been exposed to pesticides, who have been hurt by them. We all know that pesticides are dangerous if they are not used carefully and properly. We also know that training can make a very big difference in the

way that pesticides are used. It can make the difference between being safe and being dangerous. It can make the difference between being hurt or being well. Many, many of the stories that were told tonight show how important good training is. And the stories--particularly of the AmeriCorps workers who have been here in the Valley working with growers, working with farmworkers in their homes, in their camps, in the fields, teaching them--have shown how you can be a success. And that is what we want to find a way to have happen, not just in a few places with a few farms, but everywhere in the country.

We know there are many places that are doing a good job. We also know that there are places where a better job can be done and we who work for you--whether it be in Washington or in San Francisco or in Sacramento or in Fresno or in Merced or around the state or the country--want to try to be accountable, to be responsible to do our job so that you can all do your jobs safely.

Tonight we will stay here and talk with you, listen to your stories, answer your questions. We have materials outside that help to explain how to use pesticides safely in English and in Spanish and we hope you will take them, we hope you will give them to your friends to study and to learn so that they can be as safe as possible.

We'll take a break now and be around to answer your questions. Let me close by saying, again, thank you very, very much.

[Meeting adjourned]

Registered Participants in the Fresno Public Meeting

Lisa Alemán
AmeriCorps

Eduardo Barriga
AmeriCorps

Mary Bautista
AmeriCorps

Jorge Beltrán
AmeriCorps

Javier Borboa
AmeriCorps-Proteus

Ephraim Camacho
California Rural Legal Assistance

Roy Castrillo
Western Growers

Silvia Ceja
AmeriCorps

Joaquín Díaz de León
Farmworker

Robert Enos
Western Farm Service

Jenny H. Estrada
AmeriCorps

Marco Figueroa
Western Farmers Insurance Co.

Dolores Flores
AmeriCorps

Agostino Cruz Gutierrez
Farmworker

Alvin Humphrey
USDA-Agriculture Research Service

Scott M. Kenedy
Kingsburg, CA

Carlos Lara
AmeriCorps

Bertha D. López
California Rural Legal Assistance

Luis Magaña
Organización de Trabajadores Agrícolas de California

Leticia Maravilla
California Rural Legal Assistance

Ruth McHenry
Assemblyman Cruz Bustamente

Alicia Medina
AmeriCorps-Proteus

Celia H. Prado
California Institute for Rural Studies

Humberto Rodas
Radio Bilingue

Salvador Romero
AmeriCorps/Central Valley Opportunity Center (CVOC)

María Romero
AmeriCorps/CVOC

Lori Rottenberg
Association of Farmworker Opportunity Programs

Leticia Sánchez
AmeriCorps/Proteus

Salvador Sandoval
National Advisory Council on Migrant Health

Randy Semple
Cal State University, Fresno

Steve Smith
University of California

Paul Sweet
Western Farm Service

Domingo Zapata
United Health Center

Transcript of Public Meeting
Salinas, California
July 25, 1996

Dr. Lynn Goldman: We are going to get started now with our public meeting on EPA's pesticide Worker Protection Standard. To get us going, I'm going to turn to Kay Rudolph. She is with the Environmental Protection Agency in our Region 9 Office. She will be our facilitator for the meeting tonight and she will go through some of the logistics for the meeting.

Kay Rudolph: Good evening. The first thing I would like to do is to let you know that we will have simultaneous interpreting of the English comments into Spanish and I'd like to introduce our interpreter for this evening, Beatriz Rubio.

Beatriz Rubio: I am Beatriz Rubio. I am the interpreter for those of you who wish to hear the presentation interpreted from English into Spanish or from Spanish into English. Please sit here where the audiophones are. You will be hearing simultaneously what the speakers are saying and if you wish to make any comments, you will be heard in English as well. I will bring you here to the front and I will interpret for you into English. Thank you.

Kay Rudolph: I just want to give you a few of the logistics of the evening tonight. We'll be calling speakers in the order in which they registered (the number on the little white card you were given when you signed in). We ask that you try to keep your comments to about five minutes and I will stand up at five minutes to let you know where we are. We ask also that you speak towards the microphone and, if you decide at any time in the evening that you would like to speak and you haven't registered, just go to the front desk and let them know and they will add you to the list. If you have additional comments or if you have brought written comments and you'd like to leave written comments with us--leave those at the front desk. We also have the address where you can send additional comments afterwards and we have a card for Jeannie Heying with her address. There is a pay telephone downstairs to the right. The rest rooms are out this door on this level to the left, and there is a drinking water fountain next to that. We also have some water and cups at the back of the room. We'll be taking a break approximately midway through the meeting and we will announce that to you. I think that covers everything.

Dr. Lynn Goldman: Good evening and welcome. My name is Lynn Goldman and I am at the EPA and I serve as Assistant Administrator for the Office of Prevention,

Pesticides and Toxic Substances at the EPA. I'm here tonight, along with my colleagues from various government agencies, to listen to your experiences with the Worker Protection Standard or WPS. Too often, we in government are faceless people that you do not have a chance to meet. Too often, government passes regulations without realistically evaluating the effects. The purpose of this meeting is to have face-to-face communication that lets us know the real effects of our regulation. President Clinton has told us to get out of Washington to listen to people, to find the solutions to the important problems that we face. The WPS does address a very important problem and that is the problem of providing basic protections for agricultural workers by informing them about the hazards of pesticides, lessening the exposure to pesticides, and mitigating or treating the exposures when they occur. It is a high priority for the Environmental Protection Agency.

Our standard strengthens safeguards for over 3.5 million agricultural workers and pesticide handlers. We have made extensive efforts to implement the Worker Protection Standard, but we could not have done that without our state partners. Together, we produced and distributed large numbers of training materials and conducted extensive education of employers, pesticide handlers, and agricultural workers.

Tonight is another phase in our collective education. We know that the work is not done, and we are here tonight to find out what we need to do to finish that work. During the process of implementation we have had to respond to concerns that have been raised by many--by farmworkers and by agricultural employers alike. We found that not every situation that occurs in agriculture is exactly the same in every part of the country. Inevitably, situations arose that needed interpretation so that everybody could follow the regulation. This has been a complex process and one that has needed the involvement of a lot of people.

Some of the changes that have been made in 1995 include: we established five days as the number of days of employment before workers must be given safety training, but then assured that there would be some information given on the first day so that no worker would go into the field without some level of information. We exempted qualified crop advisors from some requirements; we allowed early entry into pesticide-treated areas to perform certain limited contact and irrigation activities; and we established criteria that allow lower toxicity products to qualify for four-hour restricted entry interval. More recently, we issued an amendment to the warning sign requirements so that in parts of the country where farmworkers speak other languages than Spanish that those languages could be on the sign, and an amendment to the decontamination requirement that reduces the number of days that decontamination supplies are required after a low-risk pesticide with a restricted entry interval of four hours or less, has been applied. Shortly we will issue a proposed amendment to address issues of glove requirements. We will continue to work closely with you to identify and address your concerns.

Let me emphasize again that tonight is the time, for those of you who have concerns, to talk and for those of us who work for the EPA and for the state, to listen. We want to hear your thoughts about the Worker Protection Standard--what is working and what is not working. Before we begin the public meeting, I want to express our appreciation for the leadership of state officials here in California, the county officials here in Monterey County, the creativeness of the State Extension Services, and the commitment of local service and agricultural organizations. I should also say that I appreciate the turnout that I see here tonight among growers and farmworkers alike. I know that all of you are taking time from your very busy days, from your families, to be here with us and I want you to know that we appreciate and value that time.

I want to close by saying that, under President Clinton's leadership, we have made a commitment to making this program work in a way that protects the health of the public and lessens the risks to the workers while providing the needed flexibility. I look forward to hearing all of your comments and I want to thank all of you for being here tonight.

And now I'm going to turn the meeting over to Kay--actually, before that, there are a few people that I see here that I want to recognize, to make sure you are all aware that they are in the audience. If these folks could stand up so that we could identify them (some are up here): Karen Stahlman from the Department of Pesticide Regulation; John Donahue, who is going to give us a welcome from the state; Bob Chávez from the California Department of Pesticide Regulation; Joe Karl from the Santa Barbara Agricultural Commissioner's Office; Rick Bergman from the Santa Cruz Agricultural Commissioner's Office; from the University of California at Davis, we have Pat Maurer and Melanie Zavala; and from the Monterey Agricultural Commissioner's Office, Francis Pabrua, Dan Rochester, and Bob Roach. Thank you all for being here and I think, actually, John Donahue is next.

John Donahue: Thank you, Lynn. Here in California we have had our Worker Protection Standards in place for a number of years and what we are going through now is a process of amending our regulations to bring certain aspects of them up to speed with the federal Worker Protection Standard. We are in that process now and possibly we should have those in place completely for implementation on January 1, 1997. We are now going through the final phases of our rule-making package. So, that's where we are here in California. Thank you, Lynn.

Dr. Lynn Goldman: OK, I think we turn things over to Kay at this point and begin public comments.

Kay Rudolph: Our first speaker will be Don Rochester, who is #1.

Don Rochester: Thank you. My name is Don Rochester. I am the Assistant Agricultural Commissioner with Monterey County. I'll have a few general comments and then I'll

leave it to you for the specifics of your concerns.

Since the Agricultural Commissioner's Office in this county--and the Commissioner's Offices in all counties--is the chief enforcement office of these regulations, we feel that we should make a few comments relative to the effectiveness, some of the problems that we see, and some of the resolutions that we hope to see come down the pike through meetings like this and people getting together and working these things out in a calm, rational way.

I was pleased to hear Dr. Goldman's comments regarding her view of the dissimilarity of the country's farming communities. They definitely are. She got into some of my remarks, but that's all right, because that's a key--that we all understand that it is not the same in one part of the country as it is in another. The safety requirements are essential in both areas, but they are not the same as far as how you achieve them. I'm sure that you folks from Washington and I know that California has the largest and most diverse agricultural economy in the nation. Around $22 billion of income was generated by agriculture in California in 1995 and Monterey County accounted for over $2 billion of this total, or roughly 10% of the state total. We are one of the top three producing counties in the state.

California has developed over the past 25 years a program of worker protection standards that has been effective, fair, and generally supported by those affected. This program was developed taking into account the vast array of agricultural crops and commodities produced in California. Over 250 commodities are produced in this state, at last count. It is difficult to argue that the federal Worker Protection Standards were not needed. They, indeed, were. The standards needed in Kansas, however, might not fit the same situation in Florida or California. The imposition of an overall rule nationwide that might work well in one area of the country while causing severe problems in another was not the way, I would hope, that the rule was envisioned. The farming and harvest conditions in California are as varied as the crops we grow. Smaller growing areas, labor crews that move rapidly from one field to another performing various cultivation and harvesting operations are normal. This scenario is far different from large plantings of less labor-intensive crops such as barley, wheat, or corn. California growers are concerned about worker protection. They make the effort to comply with all existing regulations. There is no advantage to anyone to have less than the safest farming operation possible.

However, toward this end, these same California growers are concerned about the logistics involved in providing individual notice of pesticide applications to the multitude of labor contractors, harvest companies, pest control advisors, and others that might now be required to be notified. Nursery operators are concerned about the restrictive re-entry requirement now coming into place that makes it difficult for them to harvest their crops. I'm sure these and other specifics will be addressed by some of the growers and farmworkers and others of you that speak tonight.

The farming and harvest conditions in California are as varied as the crops we grow. Smaller growing areas, labor crews that move rapidly from one field to another, providing harvest operations--these are the norm. What we need is to realize, and I think that we are well on that track, that regulations that fit the work site are the ones that will be applied and used effectively and will get the desired result: that is, safety for the worker and the crop harvested, treated, and grown in a safe and effective manner. The work site in this country is not one large work site but hundreds and thousands of various ones. So, again, thank you for letting me speak, and I'm sure that there will be others here who will speak to the specifics, and more, that I have brought up this evening. Thank you very much.

Alan Mitchell: Hello there, my name is Alan Mitchell. I'm a co-owner of California Pajarosa. California Pajarosa is a rose-growing operation which my partner and myself started in 1979. At this time we have 50 employees and some of these people have been working with us since we started the operation. When we first started this business, it used to be a very profitable business. We gave raises to our employees every year; up until last year, we gave them bonuses; we have a health program for employees. Since we have been working with them for so long, it's more like a big family operation, and we try to treat it like that. If we are making money, our employees are making money. My kids have also worked in this same atmosphere since they were able to walk. Now we are starting to have problems with countries like Columbia and Ecuador that are sending cheap flowers and making it a real threat for a lot of us to stay in business. In fact, some of us have already closed our doors.

The next thing that has happened, we got our state regulations for pesticides, which we all followed. We did a lot of the things that the new EPA is having the whole country do now. We were willing to do that, we had no problem with it, we want to do something to keep our employees safe and ourselves safe. But some of the new things that are in this new federal EPA--these new re-entry or something--that may put the final nail in the coffin for any rose grower. We cut our roses two times, some varieties three times, a day. And that's every day of the year except for Christmas and New Year's, which we cut just one time a day. Without doing that, we have to throw away the product. We are running such a tight line right now that if we were to do that, we would be out of business. So, potentially, these new re-entry standards are something that could put an end to rose growing in the United States. So this is a very serious thing for ourselves and the 50 people who are working with us. We are probably the largest rose-growing area in the United States, between Salinas and Watsonville. We want to follow the regulations, we want to be legal, and we have other problems not even being legal. We have a problem that if somebody gets sick, we have litigation problems. We can have somebody come back on us and make claims of illness or sickness due to what we've been making them do. So this is a threat. I've been in business since '79. I've yet

to have one sickness or illness due to pesticide-related causes and I think that maybe the county man could agree to that. I think that there are many other rose growers that can say the same thing.

We need to have some type of an exemption, some way that we can go in and cut these flowers after we've sprayed with pesticides. Some of our feelings are that the state programs have worked great in this area and we have really found very little to prove that there has been any type of a problem. I fear more for my mother, who lives in San José, with the smog problem; I fear more for my sister, who smokes cigarettes, than I ever will be concerned about my workers or my kids or myself working in my greenhouses. We need something or otherwise I think rose growing in this area is going to come to an end or you are going to have a bunch of outlaws here. Either they don't follow the regulations, or they get an exemption, or they close their doors. Thank you.

Juanita Martinez [Speaking in Spanish with English interpreter]: My name is Juanita Martinez and I come from the Employment Development Department (EDD) in Watsonville. I am the migrant seasonal farmworker (MSFW) outreach worker. What justifies an EDD office to have an MSFW outreach worker like myself is that 10% of the work applications in the job service section are farmworkers. My duties as outreach worker are to inform the farmworker about services offered by EDD. I explain deductions that employers make from their checks. Many workers do not know what those deductions represent. I also give them information on the list of agencies offered in the community, such as ESL training. I also inform them about complaint procedures--complaint procedures against EDD staff and problems in the work place. I feel that this is fair for the employer that is complying with the rules and regulations as against the employer that is not complying with regulations. I also give them information on the Africanized honey bee, which is already in the San Diego area; give them information on pesticide safety; changes that are being implemented in EDD at this time such as, in the future for this area we will have telephone claim filing for unemployment insurance. Telephone claim filing is going on in other parts of the state.

Just out of curiosity: how many employers do we have here? How many farmworkers are here? Two farmworkers? Three? How many of the three farmworkers are foremen? OK. How many employers notified their workers about this meeting? One, two? OK, that's all I have to say.

Salvador Carillo: Good evening. My names is Salvador Carillo. I'm a business agent for Teamsters Union Local 890. And I have also worked as a field worker for several years. This local union is based here in Salinas, California, and we represent about 12,000 members; around 7,000 of those are field workers and around 4,000 or more work in agricultural-related occupations. They all come into contact, at one point or another, during the performance of their duties, with pesticides and/or residues. Let me thank the Department for holding this public hearing

here in Salinas and for the opportunity it provides to express our opinions on these matters.

You will be listening to all kinds of complaints against the use and abuse of pesticides. And if we might sound bitter or disappointed against the Agricultural Commissioner, your agencies, the growers, the system in general, it is because we are. There is something wrong with a system that seems to work on behalf only of the growers or the companies, not on behalf of the field workers. Some people might want to cease the use of pesticides altogether. Some are working to gradually phase out chemicals like methyl bromide, mainly for strawberries. We hope that through future research, viable alternatives to the use of pesticides will be found soon. But in the meantime we think that it is a moral obligation for the Agency, for the state, to improve safety for the workers--both handlers of pesticides and field workers in general. But you are not going to attain that by weakening the existing regulations.

We strongly oppose your proposal to change the clarity of employers' [responsibilities] strictly by adding the words "assure" and "ensure" to the regulations. Hazard pesticide information must be posted on a prominent place on the employees' work site, be it at the entry to a field or on a plant bulletin board. But not filed away in a file cabinet in an office away from the immediate work site, accessible to employees only during office hours. This is preposterous. Field workers start very early in the morning and sometimes work until late in the afternoon with no time to go to an office besides. Relevant information needs to be posted in the fields because many people not only work in those fields, but people pass by or remove equipment from treated field to field like irrigators that need to be included under the definition of hand labor.

We also strongly oppose the addition of Section 6130B that provides fines against the worker for failure to follow guidelines. Most of the problem with pesticides is lack of training by the employer and/or the lack of protection or protective equipment that must be provided by the employer to the employees. How can you possibly justify fining an employee for not using protective equipment when none was given to him? Is it the employee's fault that he did not get appropriate training from the employer who is responsible for getting it first and then providing it to the employee?

Change areas and appropriate decontamination facilities for materials must be provided for pesticide handlers of all toxicity levels to reduce work-site and take-home exposure to other pesticides being handled by other workers. Safety equipment like coveralls and respirators must continue to be provided as often as necessary for the protection of all their employees from being sprayed while working on the field. That must not be deleted from the regulations, Section 6762A, since it is one of the most important provisions protecting the safety and health of the field workers.

Adequate ventilation for greenhouses after an application should be done by exhaust ventilation with a minimum of 10 exchanges per hour, or more exchanges in more time for

less powerful systems, because 24 hours with no ventilation is unacceptable. If no ventilation is done, the greenhouses will be extremely hot upon re-entry and employees will tend to use less protective clothing, and the danger of dermal absorption will dramatically increase.

The re-entry wearing periods must be strictly observed. No early entry should be allowed to fields recently sprayed, particularly for irrigators, and the skull-and-crossbones signs must not be removed from treated areas. On the contrary, information contained should be expanded to provide more information.

In closing, under no circumstances should regulations be weakened. Employers and big corporations do not really need your protection. Farmworkers do. Enforcement should be stepped up to provide as much security and safety as possible for the people that work the ground and put food on this nation's tables. We deserve it. Thank you.

Joe Karl: I'm Joe Karl. I'm with the Agricultural Commissioner's Office in Santa Barbara County, where I supervise the Pesticide Enforcement Program. I would like to run through three scenarios that appear to be problems in either enforcement or for the ability of employers to be in compliance and I did provide it in writing, so you've got it to review at your leisure.

The first suggestion I have has to do with modifying the quarter-mile notification requirement. The suggestion I would make is to modify the requirement to allow employers to adopt a strict policy of prohibiting entry for their employees so their employees are clearly notified that they should not enter any field other than the fields that they are specifically directed to work in. The reason I would make that suggestion is that, at least in many agricultural situations, a grower may be farming a number of different fields and may be spread out over a large area, and pesticide applications may be required to take place in any of those fields at any given time. The notification process for field workers, or any workers who may pass within a quarter-mile of that employer's own fields, misses the fields of other employers. Those workers won't ever know about those fields which may have been treated. It also is a major burden as far as a large operation being able to actually get clear information to all the workers who should be receiving it. The suggestion I made where a grower gives clear direction that his employees should enter only the fields that they are assigned to work in could be enforceable under the discretionary policy that California already has in place. It could be an enforceable situation and it would also be clearer--we would just get better compliance.

Another issue that I would like to mention has to do with providing field workers with clear communication. There is a situation where, if a pesticide is injected below the soil surface (for instance, Disulfoton is used prior to the planting of several crops). If that material is injected below the soil surface where workers would not be expected and would not come in contact with it, workers can, under federal regulation, enter that field to place irrigation pipe. At the same time, that field is required to be posted with signs

warning workers to stay out. My concern is we are developing a situation where workers are given conflicting information. They are allowed to enter the field because they are not going to come in contact with the pesticide but at the same time there are signs up that give them warning about the pesticide application that took place. My suggestion would be that there be an exemption for posting for that field because, while it is reasonable to expect that the workers could enter it safely, that sign at the edge of the field can result in confusion to the workers that are entering and also other workers who may see the irrigators in that field.

The last suggestion I have has to do with the method in which records are required to be made available to the workers. The requirements, under the federal standard, are that workers must have unimpeded access to the records and I see a problem with that. The records, in many vegetable production situations and other farming situations, can be complex and, just due to the complexity, to expect a field worker, or to expect anyone to be able to go to the records, a file cabinet for instance, open that file cabinet and find the record that refers to the field that they were concerned about and the date they are concerned about is expecting, I believe, too much. In a large farming operation, there can literally be thousands of records. The ability to find the right record and take that record to their physician and say, "This is the pesticide application that I'm concerned about," "These are the materials that I'm concerned about," and for the physician to base some diagnosis or decision on that record--I just think we should have a clearer process by which those records can be given to the worker so that we know that the worker gets the record that is the correct one.

Another area where I see problems is that workers may go through those records and take out the files that interest them because they need them for their own use, at which point those records are no longer accurate, the files are no longer accurate. Another situation is where they look at the records they need and they put them back, but they are misfiled and we've all had to deal with a...if a record is misfiled, it might as well not exist.

Those are the areas that I wanted to discuss. As I say, there's...

Dr. Lynn Goldman: I'd like to say a couple of things because some of the things that I just heard, I think there may be some misunderstandings about, at least, what the federal standard requires. I'd like to make a couple of clarifying comments. One is that the notification requirement is a requirement for posting in a central area information about pesticide applications. There is no requirement that anybody, other than the farmer, be allowed to go through the farmer's records. And so I think that is very important--that the standard does *not* allow any other individuals to go through the farmer's record. And so, I don't think there needs to be a concern about people accessing files, getting files out of order--that simply is not a requirement of the standard and, from what you said, we probably shouldn't require it in the future either. So your comments are appreciated on that.

Another area where it sounded like there may be a little bit of--and it may have something to do with the way the California standard works versus the federal standard--is the issue of irrigation. Just to say that, in terms of the federal standard, that we do have an irrigation exemption but it is for entry druing a restricted entry interval in order to do irrigation-related work. It does require some protective equipment and it does require that it be urgently necessary to do the work at that time rather than waiting until after the end of the REI. And so there may be a little bit of confusion about that. And I know that in the past that California's regulation was different in the way that it treated irrigation work. But I think maybe a part of what I'm hearing is a need to iron out some of these differences.

John Donahue: There was another comment made from the representative of the Teamsters Union about fining the employee. That is strictly a provision that California had put into the reg package; that is not an EPA requirement. I just want to clear up the confusion on that. In fact, in the final reg package, some fine guidelines have been pulled so that we can work on them further, but there is still provision to fine licensees versus employees, and that's the way the regs read. We had gotten numerous comments from you on our reg packages and other labor representatives on that. So that the issue, under 6130, of fining the employee, that's a California provision and I just don't want you to get that confused with the federal requirements.

Dr. Lynn Goldman: To restate that: under the federal standard, the employee is not liable, so would not be fined.

Joe Karl: Two things that you've brought up: one is the re-entry into the field (and I've done it so many times). If you follow the federal guidelines for compliance, if you follow that for no-contact activities, and it specifically identifies pesticides that have been injected below the soil surface as a no-contact activity, workers can re-enter the field and the signs are still required to be up, so I think it's a real confusing situation.

Dr. Lynn Goldman: OK, fair enough.

Joe Karl: The other one: the availability of these records. I guess I'm mistaken but I thought use records had to be available for workers and their...

Dr. Lynn Goldman: Not under the federal standard. Is there a California state standard that requires...?

Joe Karl: That was an example of how someone would comply and how people would access records, that was thrown out as an example--in other words, they didn't have to be posted but they had to be available. With the condition of unimpeded access it would be like a grower would have his records for himself and a duplicate set for people to look at. I think that was thrown out as an example of how people could comply with that in our discussions over the years with EPA. It's one of the ways of complying with

it. It could happen but I would think that it would not be the growers' only records. It might force them to keep two sets of records to comply with this provision, though. One for people to look at and one for them to keep for their own records, but still just duplicate records.

Kay Rudolph: Thank you. We appreciate your patience as we try to respond to some of the questions that were raised. Our next speaker is Joseph Prandini.

Joseph Prandini: Good evening. I'm Joe Prandini with Betteravia Farms in Santa Maria, California. First, I'd like to say that we wholeheartedly believe in the protection of the workers from any hazards, and we believe in a lot of the parts of the WPS. And that's why I am concerned with the one-quarter mile notification. There have been people from EPA that have come to our ranch, and some at this table, who I've showed our operation to and asked them a simple question: How could we do it? On all the acres that we farm and all the plots that we farm, we have over 450 plots with 200 or 300 roads, with over 700 employees that change fields during the day that go to all those. If I gave them a list of everything that they might do, they would be so confused that it would be useless and it would actually hurt our operation. If you explain to the people, "This is the field you are going to work in today, that's the one you can go in," and if you tell the people in charge, "If any of those workers go in those fields and you're in charge, you'll lose your job"-- that seems to me to be a much more workable way to do this than to hand them a sheet of paper that, first of all, they may not understand and, second of all, it would be confusing to *me* if I saw a piece of paper that had a hundred different plots on it that I might come within a quarter of a mile of in a working day in an area in the Santa Maria Valley.

Second of all, I don't believe I quite understood your explanation on the record keeping. The first time a person from EPA came to our operation they said, "Well, it's really simple; you take a little clipboard and you hang it on the wall and you put up the report for the day and when all the employees come in for their lunch, they sit down and can look through it and see what it is." We've got 5,000 acres with 700 people that work at least 12 hours a day scattered all over the Santa Maria Valley. They don't come and all sit down together and have...[Taping suspended while tape was changed]...and if you can tell me that, if I can put some posters up, that would be fine.

Dr. Lynn Goldman: The requirement, as it's written, is that it be posted and available and there are a lot of different ways that farmers can meet that requirement. One way that we don't require is that people actually have access to your files, can go into your files themselves and pull things out of the files. That's all I was trying to say. But what is important, in order to meet the standard, is that the information is available in a central location however you can best do that,. whether you need to do it in several locations or in one place. In some instances, people are putting the information near the toilets,

whatever toilet facilities there are; that being a central location that many people have to visit in the course of a day. We want you to use common sense, but the standard would say "a central location" and it would say "posted.""

Joseph Prandini: But, realistically, if it's going to be usable for people, does it make any sense to have a board with a hundred pieces of paper on it that someone who may not read English, or who may not even read at all in any language, can walk up to and say, "What do I do with this?" rather than walking to some place and say, "I worked five days ago Ranch 7, Plot 14, and I'd like to know what was used there." That's just a comment.

Dr. Lynn Goldman: I've just a comment back. If you can have a person there to help explain it, so much the better. I mean, that goes beyond what we require but that's even better, if there is someone there who can explain the information.

Joseph Prandini: Then we can do that? That's all right? Because we were told that we couldn't, that we had to leave them alone and they could look through and do whatever they wanted. So we can have someone there to help them?

Dr. Lynn Goldman: Yes. I mean, I think what the issue is, that it needs to be there and available in a central location. And we say in the standard "posted" and I guess that's the minimum. That's the minimum. If you want to go beyond that and have somebody there who can explain it, that's fine. If you want to give people access to your files, that's fine--but we don't require those things.

Joseph Prandini: Then could you make that a little more clear in the regulations in saying that you can have someone at the central location to explain to people what is there rather than having them dig through the files?

Dr. Lynn Goldman: But that would be in addition to posting it.

Joseph Prandini: I want to comment. Since the quarter-mile provision seems to be such a sticky one, I believe that you must have done a lot of research to come up with the fact that we need that. I'd like to have some of that information available. Like, for instance, how many people in the Santa Barbara and San Luis Obispo County were exposed to pesticides from early re-entry? Do you have that, Doctor?

Dr. Lynn Goldman: What I can provide to you is the record that the Agency used when it issued the rule in 1992. I will say that the EPA spent a long time putting together the rule. I will also say it was before my time. I do not know what that record was, but we can certainly get that to you, if you'd like to see it.

Joseph Prandini: Could you please? Thank you.

Dr. Lynn Goldman: I would be quite doubtful that they would have specific data for Santa Barbara County, but you never know.

JosephPrandini: One last comment. In your notice, you say that 3.5 million farmworkers are exposed to pesticides. Does that mean that 3.5 million people were poisoned by pesticides?

Dr. Lynn Goldman: No, exposed does not mean poisoned.

Joseph Prandini: What does it mean?

Dr. Lynn Goldman: Exposed means that in their daily work they are in contact with pesticides and, certainly, may be at risk for being poisoned, but have some level of exposure.

Joseph Prandini: And "contact" meaning, you mean that some of those were entering fields before they were supposed to? Or is it just that they might work in the area where pesticides have been used, are used?

Dr. Lynn Goldman: Exactly. These are the people for whom the Worker Protection Standard applies.

Joseph Prandini: And I agree it should be. But if it were stated a little more clearly, I think it wouldn't look like that people in agriculture are poisoning 3.5 million people a year.

Ron Cisney: I'm Ron Cisney and I'm with Olocco Ag Services, a full-service crop protection company in Santa Maria Valley. California's Worker Safety Regulations and the compliance of those regulations over many years have served the entire ag community, farmworkers included, and the public at large extremely well. EPA WPS has enhanced those regulations in some cases. I'm sorry I can't agree that it enhances the regulations and the compliance of those regulations in every case.

A little bit redundant, but I must make comment myself on the quarter-mile issue and the notification. The way it's written and the way it's interpreted in the federal regulations is going to be extremely confusing in the vegetable producing areas on the coast of California. I think it is perhaps going to work reasonably well in other production areas but it is extremely difficult. I think that Joe Karl probably has the best example of how to address that and I would urge you--please! (exclamation point on that). Thank you very much. Unless you have questions.

Guillermina Garnica [Speaking in Spanish with English interpreter]: My name is Guillermina Garnica and I am a farmworker or an agricultural employee and at the same time I also work in packing pesticides for two employers in my working area. One of the things that I hear today from my union concerns the re-entry period in the working area, which means we are risking more our lives. Because everything depends on that. We came here to make sure that the regulations don't go down. The re-entry period for us is

very important. When we read the labels and those packages that we are using, sometimes they say 24-hour re-entry period or 48-hour re-entry period. And sometimes we spray in the afternoon and they say, first thing in the morning we need to go inside of this area to continue doing our job, and that is risking us more.

One of the things that I hear is that the growers produce a lot of millions of dollars. That's good for everybody, it means that you are doing a very nice job. But you forget that we are the ones who do the job. The growers, they give us the orders--"Do this, do that"--and that's it. The ones that are doing the whole thing is us. It's not the same thing to do the job than to order you to do it.

Mr. Alan [Mitchell] said earlier that he is concerned about the re-entry period because of his roses and that he thinks of his workers as family. If he really thinks like that, why didn't he bring one of his workers so he can explain how the job is doing in his own area?

Mr. Joseph [Prandini] from Betteravia Farm said there's a lot of people in his area that do not know how to read. If he's really concerned about his employees, one supervisor, one foreman can take a few minutes every single day to read something so these people know a little bit more about the job that they are doing. This year and last year I read in the newspaper that full crews were taken to the Memorial Hospital to be taken care of because they were working in those fields--pesticides. I had an injury 10 years ago. It was nothing, just a scratch on one of my legs, but the fertilizer went into my blood and I was laid up for two weeks; workman's compensation right away. And it was nothing, just a small cut with a little bit of blood. So if the fertilizer can do that to me, what can pesticides do? It is very risky.

When we start into training, people say, "No, it's too much for me." Just to read, at the beginning, you know, when you're starting to take those examples when they are training you to do pesticides, they said, "No, I won't do that." Why? Because if you don't follow those rules, if you don't use the right equipment, if you don't feel comfortable, you could die or you could kill another person if you spray more.

Those labels are hard for us to understand because they are talking about so many acres, so many gallons sprayed, maybe 100, 200 gallon of that chemical. So we need a label that we really can understand. Plus, most of the labels are in English and the agricultural employees in this area are mostly Spanish-speaking only. It is really the growers' concern about us to give us a little bit more of your time. Personally, I have nothing to say about my company because we have very good training and that's why I learn more. I see people spray on the strawberry without any safety gear. Does this mean that you really care about the employee? No, I don't think so. And you can drive by in the afternoons, after 3:00 p.m., they are doing it almost once, twice a week. Because I drive this area almost every single day.

The re-entry period is important for us in the same way that it is important for you. But I believe that each one of you have one [Inaudible]...to follow and you need to fit at what time is best time to spray your

[Inaudible]... I have a question for you. If one grower is spraying on a single crop, like broccoli, cauliflower, maybe lettuce, on Monday, and then goes to the same field and picks it maybe by Thursday, is there enough time for sending it to the customers? Because we are eating that product and I believe there are still some small amounts of residues in it.

Dr. Lynn Goldman: I can tell you that not only do we have the re-entry interval, the time after the spraying before the worker can come in, but we have another regulation that is the pre-harvest interval, that is the time in between the spraying and when it can be harvested and go to market. And sometimes those times are different. They're both on the label and one takes into account the risk for the workers and the other one the risk for the consumers. So we look at both of those things.

Guillermina Garnica: OK. One of the other things is, in the working area once a year one person from the Agriculture Commission stops by and reviews those files. You know, in the last 10 years I've never seen any one of those people come and ask us how we feel to do the spraying, is the company taking good care of you, did he really see our equipment...In 10 years I don't see anybody speak with one of the employees. Thank you. I wish to say more but a lot of people are waiting too and everyone deserves to say something. Thank you.

Don Howell: My name is Don Howell. I'm a grower with the Pajaro Valley Greenhouses. I'm an employee, also a mixer and a handler. We have about 850,000 square feet of greenhouses with over 40 greenhouse workers. Roses are our main crop. We've been working with Worker Protection Standards for over two years. We've tried very hard to be ahead of the regulatory process in adopting new procedures as we become aware of them. In general we have found the regulations to be of benefit to the agricultural worker. It has encouraged employee and management awareness and I'm sure it's helped in the development of safer pesticides.

At the Pajaro Valley Greenhouse we've been using the exception since it was granted in June of 1994 and we are pleased to say that we've had no pesticide illness problems. Our employees have all been trained using the EPA-approved floricultural alliance training video, our areas are all posted, we use the proper postings on our employment bulletin boards, and proper personnel personal protective equipment are supplied.

The biggest problem facing the rose cut industry is having the ability to cut our roses twice, or in some cases, certain varieties require that they be cut three times a day. As an earlier speaker said, we do that every day of the year, except for Christmas and New Year's which is only once. Roses must be cut that often for us to be able to supply and ship, in some cases, to the East Coast and other parts of the United States, the cosmetically perfect bloom that our customers demand. Otherwise, if they are not cut at that stage, then we end up throwing it away. We estimate that if we were unable to cut those

roses twice on any particular day that we could lose 20% to 30% of our production.

We are moving as fast as possible to have materials that have lower REIs and we incorporate them into our programs whenever possible. However, certain situations arise where it is necessary for us to use materials that have 24- or 48-hour re-entries. Without the exception, we are forced to decide upon losing tremendous amounts of product or asking our employees to break the law and cut the flowers before the REI has been met. Unfortunately, with the industry being attacked as it is by offshore production, in fact it leaves us with very little decisions at all. We are, in many cases, dealing with a number of diseases and pests such as whitefly, mildew, thrips, to name just a few. It is often necessary to spray a particular area three or four times per week. In those cases it is impossible to manage a program without the early re-entry exception. Also, by relying only on 12-hour REIs, we face the potential of resistance to those materials. It is of utmost importance that we rotate the categories of pesticides we use in our control preventative spray programs.

As new materials become available, especially ones that are safer, not as hot (or, as we like to call them, biological), it is important that we make them as easy as possible to use. Materials such as Margosan, Azatin, and M-Pede, which fall into the biological category, all have 12-hour REIs. We are not making them easier to use when we put an REI of 12 hours on those. It's also hard for us to get across to the workers that those materials are natural products. Some of them come from juices and fruits of trees. And when they see the 12-hour REI on that, that confuses them as to the potential because they see pesticides and they categorize them all together.

Workers need to have the confidence to know that, as an industry, chemical producers, suppliers, and users are all moving in the same direction with the same goals. As these biological materials become available, it's to everyone's best interest to use them. But we must find a way to encourage their use through lower REIs and not treat them the same as every other material that is now on the market.

In closing, I would like to reiterate that this is imperative for us that we have the exception extended. As I have stated before, it has worked well for us in the past and we have had no illnesses whatsoever. We are professionals, our staff is well trained, and we have supported the changes but we must remain profitable to stay in business. Thank you.

Dr. Lynn Goldman: One question for you. Could you list again the three pesticides that you said were--that have 12-hour REIs?

Don Howell: Yeah. I listed Margosan and Azatin and M-Pede (which is an agricultural soap).

Dr. Lynn Goldman: OK. That's something we'll need to look into. I know that there are a number of them that we lowered the REIs for, but then I also think that perhaps a product that was still in commerce may still have the longer REIs on

the label. We'll need to look at that and get back to you about those specific pesticides.

Don Howell: Yeah, there's a lot of materials like that that are coming down the pipe in the marketplace. And we are very encouraged by those. But I think it's in the best interest to make them as available and as easy to use as possible.

Dr. Lynn Goldman: And our philosophy is that if a 4-hour REI is sufficient for a very safe product, then we would like to do that. But these may already be on the list that we created 4-hour REIs. That's one of the things I want to look at.

Grady S. Van Cleve: Hi. My name is Grady Van Cleve. I work for Western Farm Service as a pest control advisor. I have worked for Western Farm for approximately 12 to 13 years. When I originally started with the company I actually did pesticide applications for about three years. So I actually applied a lot of the things that I advise on at this time. I will say that in 1994 that the impetus of trying to develop a Worker Protection Standard was a good one. I felt that it was something that was going to push us forward into the future. However--and I work with a lot of these flower groups--I specialize in floriculture and mushrooms. That is intensive agriculture and I am not going to reiterate what some of the earlier gentlemen had already said.

One of my frustrations as a PCA [pest control advisor] is that it does not seem like some of the safer materials that are coming on the market now are expedited more quickly than something that would be, say, a carbamate or a chorinated hydrocarbon or an organo-phosphate. You're still forced to go through the same steps, the same processes. And, furthermore, a lot of these companies that are on the cutting edge of developing some of the safer products are very small companies. They are not the Miles, the Bayers, the Valents. What I'm trying to say is that they don't have the big bucks that the government can soak (and that's the way we look at it--it can soak) to do all these extra additional studies. Furthermore, they are gambling by saying, "OK, we think this is safe," and you guys say, "We need this test, this test, this test, this test," and it's $3 million. So they invest $3 million and they don't know that they are going to get a return on that investment. So, in minor crops like I deal with, floriculture and mushrooms, there is no motivation for these people. The market is so small by comparison to corn and soybean and wheat. That's a big frustration for myself and for my growers.

We do implement integrated pest management whenever possible. I'll tell you--a big motivation for that is financial. Some of the stuff that I see these guys use is upward of $800 a gallon. You cannot tell me that there is a farmer in this group that wants to apply a pesticide. It is just not the case. If these guys could grow a product without having to use it, they absolutely would. OK? And that goes for the farmworkers, too. I solemnly believe in most of my clients that I deal with have their employees' best interests at heart. Of

course, there is always a rogue guy here and there--we could say that about any industry.

Going back to what Mr. Howell indicated with the Safer Soap (it's now called M-Pede), part of my job is to work with the manufacturers in the county and the state in order to try to get the REIs lowered. But the process and the politics involved in it is just ridiculous. For it to filter down from a national to a state level is very frustrating.

And this doesn't really apply to the WPS, but it's a statement I'd like to make. We've removed--or the government or the state has removed--a number of "hard pesticides" over the years. And I would like to make a statement that I feel that that alone (even though maybe you feel that it's in the best interests of everybody) has increased the pesticide use by growers because we have less--we have to use more of a lesser potent--I don't know, maybe the terminology is not correct. In other words, we are using softer pesticides but we're spraying a lot more to get the same job done. In other words, if I had something that was stronger that was more efficacious...OK, let's set aside that it's not endangering the human population. A lot of the owners that I work with cut roses along with the growers, so they are endangering themselves by your standards. It's just a situation that is...it just doesn't make any sense. An example that Mr. Howell gave in terms of working with workers--and here we've got an REI of 12 hours for one thing that is obviously an organophosphate, if it's microencapsulated it is a 12-hour re-entry, and then I spray soap which is a long-chain fatty acid, it's a 12-hour re-entry. If there was some way we could expedite the lowering of those REIs, we could go ahead and do our work. Because I can guarantee you that every grower in this room, if he didn't have to use another pesticide for the rest of his life, he would do it. It is not something that we want to do. It is something that we have to do to produce the food to feed our people. Thank you.

Howard Hofmann: Hi, I'm Howard Hofmann with Campbell's Fresh; manager, and I grow mushrooms. I've been doing it for 13 years and I'm proud of the safety record that we've got. It's due to the great work of all the people at our facility and the state, federal government. We use the largest-use pesticide, probably in the world. And that's chlorine. It's got a 12-hour REI for swimming pool chlorine (HTH) and I don't see warning signs up at the health spa or the town pool and they use far greater amounts than we're talking about. I don't know how they arrive at an REI like that and I'd like some scientific background or let's use some science to get these REIs nailed down. Thank you for your time.

Dr. Lynn Goldman: Great question. This is the first I've heard about it and I can't answer the question either. It's a great comment--thank you.

Laura Caballero [Speaking in Spanish with English interpreter]: I will speak in Spanish because my English is limited. I've been working 22 years. I've heard everybody's comments and opinions. I am surprised to see that there are so few agricultural workers

here. It seems like we need to know more about the problems the workers have--the workers who work in all industry. And I hear you say about the Commissioner of Regulations, laws and rights of the workers and the chemicals that exist. Everything is on a piece of paper. In reality, it's not a lot, in my opinion. Twenty-two years that I have been working in the fields, I've seen more illnesses, more children being born ill, more families that miss work because every day they have more problems, headaches. Sometimes their children are sick and they have to miss work. And this has been holding us back. We live in a depression. We don't know if it's because of the chemicals.

In 22 years I don't know one name of a pesticide being used in each product. I have worked in Washington, California, Central Valley, on many products--cherries, broccoli, apple. I don't know the names of these products, and I don't know the damage they can do, in short or long-time periods or whether it produces harm instantly. The regulations are in English. Companies receive instructions that they should use [Inaudible]... their workers. But they...do it in their own way, because they're trying to protect themselves. Our side is that we should tell ...they should train us...We should have seminars--they should have seminars for us, the workers, directly. Not give it to the ranchers or the buyers of the product. And then they give their opinions second hand...When one goes to the doctor, we also see a nurse but we complain to the doctor, and the doctor is the one who prescribes. Right? Because if the doctor gives the prescription to the nurse then everything could turn out wrong. The posters out in the field just say, "Do Not Enter--Danger." It doesn't say the date or the time that this was applied nor the consequences that they could produce in a short time or long time. It's true, chemicals cannot be reduced from one day to the next because daily we are experimenting...They're not saying this is done to have healthy food at the market. It's more to produce business and earnings and also to produce work. But what is the problem? We don't have insurance. People are under social programs. And then, they blame the poor people because they are poor and do not have money to pay for illnesses and don't know what has caused them. The poor don't eat well, they drink too much... this is the message that they receive. Chemicals are harming us socially, nationally, worldwide--the children and also our grandchildren and generations to come. Thank you.

Luis Magaña [Speaking in Spanish with English interpreter]: Good evening, my name is Luis Magaña. We have had an opportunity to gather with other workers that have given their testimony and I don't want to repeat but something came to my attention. I want to review something.

When an agricultural worker told me that he was affected or injured, one of many, that's normal, and I could not find out what pesticide it was, I told him that there is an office in the county, in this county to which you have contributed economically, and your taxes should be worth something. And that's the office of the Agricultural Commissioner.

What we found was that nobody spoke Spanish. They brought a secretary from some corner (that was in San Joaquin County). This happened the 13th of this month. They told us, "You have to pay 20-some dollars and the cost of the copies and give us the exact place where you were affected." He took photos, and he said, "Well, I need to ask permission of the farmer to go in there."

We said, how many officers at the Commission of Agriculture are familiar with the worker, not only with the farmer? In the Central Valley, we made seven calls. Only one of them spoke Spanish. And it was someone else--a biologist--who said that he could speak Spanish. Fresno--they said "No, that's classified information." This is a new... My father, who is here, when he got home one day from pruning almonds, he said the boots are ruined because the chemical destroyed them. Nobody knew what it was. Fortunately, nothing happened to them. So then I tell myself, "We, ourselves, need to do something." I represent an organization of migrant workers. When I found out about these hearings, I thought, it's for our protection. We need to invite all the workers to come here. I made posters, I made fliers. I talked in Fresno on Radio Bilingue; people who had been injured called, some ladies, somebody from Selma spoke on how the farmer would remove the labels from pesticides. But where are the workers? It's sad. There's an important question about the agriculture. If the farmers would invite their workers, I assure you that there would not be enough space here in this room. The testimony--I don't know if it would be in favor of the farmer.

To conclude, 317 workers were asked what the rules were and how they were enforced. These are the responses. Each one had five questions. The first one is, "Do you know how dangerous pesticides are when you work in the fields? And these are the results... Number 2: "Do you know EPA's protection rules for the worker?" And we have the response... Number 3: "Have you received information and training from the farmer or your boss?" And the response is right here... Number 4: "Do you know that it is your boss's responsibility to give you information according to these laws?" And the answer is here. The last one: "Should EPA's laws be enforced?" The response is here. Number 2 and 3, we see the results. Many of the workers that were asked that question responded more positive because they received more information because they work in a large cannery or in a large place. Out of the 300 workers, 100 live in migrant camps and are helped by government money. So each year they come back to work in agriculture. The rest of them, the majority are undocumented and we see the answer. We know the lack of enforcement of this law and many others...

Yesterday [there] was an article in the Fresno Bee where it talked about farmers. It said that in this state they all comply with the law. At the meeting I had yesterday with some farmworkers, they did not believe this. They just laughed. I wish that they had weapons that they could give the workers and their organizations to enforce these laws. We

really need for these laws to be enforced. Thank you.

Tina Chapman: Good evening. My name is Tina Chapman. I work for Matsui Nursery. Our primary crop is roses, but we also grow other specialty crops like gerbers, snapdragons, iris, etc. We employ about 160 people on a year-round basis. This is our slow season. Today we bunched about 3,000 bunches of roses and 2,000 bunches of specially cut flowers. At Valentine's Day we will cut well over a million stems of roses. Last year, U.S. consumers purchased over 2 billion roses, but only 35% were grown in the United States. We are under considerable pressure from foreign competition. We are working very hard at improving our cultural and handling practices so that we can offer our market a quality product at a competitive price. In the cost analysis done regarding the economic impact that the EPA regulations would cause under the section titled "Impact on Jobs in California" (it's Title 3 and 26), I quote: "This action is not expected to result in the creation or elimination of any jobs or businesses in the state. Neither is this action likely to result in the expansion or reduction in size of any business in the state." I guess they didn't talk to any rose growers.

What is our main problem with the implementation of the WPS? The re-entry intervals and the prohibition of harvesting under any circumstances during the REI. We must cut roses twice a day. In order to insure our customers a quality product, we must cut the rose while it is still fairly tight. If we don't do a second cut, we stand to lose at least 20% of that day's production. Someone asked me if we couldn't sell cracked roses as seconds. Our market for that quality of rose would pretty well be limited to the local area. With so many rose growers in this area, how many seconds do you think we could sell on the local market? At any price?

It has also been suggested we do our pesticide applications at the end of the work day after the second cut. The problem with that scenario is that on a good many days, the greenhouses are too hot. The greenhouses are generally 10 to 15 degrees warmer than outdoors. And that's with our nice wind that we have here in Salinas. Our applicators wouldn't like working in this conditions and the chemicals are generally not effective at those high temperatures. Not to mention the damage that would be done to the roses--it would probably cause much more damage than we would eliminate.

Besides losing the 20%--or I think someone else mentioned 30%--of our production by not being able to do the second cut, I also would like to point out that we also would incur the additional expense of having to pay for labor to clean those roses that we weren't able to cut. We cannot simply leave them on the plant. Roses are in continuous production. Flowers are generally given as gifts and used for special occasions such as weddings. The customer demands a perfect flower and perfect foliage. We need to constantly care for the crop.

I am also concerned with the potential loss that may result from delaying a pesticide spray because of our need to keep cutting. At Valentine's Day we cut nearly a million stems

of roses. We can't do that all in one day. Powdery mildew can get out of control in a very short time, given the right opportunity. You heard a lot from rose growers, but there are also other flower growers that will be hurt by this. Because I know that iris and tulips and other specially cut flowers also have the need to be cut twice a day. Rose growers won't be the only ones adversely affected. And if the rose growers go under, how long do think other flower growers will stay in business? Would there be enough shipping for the trucking companies and the other support companies to stay in operation? I don't think so.

We do not want to put our employees at unnecessary risk. Help us to find solutions to this dilemma. There are probably more chemicals that could be applied using automated foggers, etc., at night, but they are not labelled for that use. Perhaps there are other criteria that we could use to judge the safety of a treated area other than merely the passage of time. We want to keep our employees safe. But we need to stay economically viable in order to keep our employees' jobs. Thank you.

Rosendo Franco: Good evening. My name is Rosendo Franco. I am a worker in Baja California, back sprayer in STC Salinas Transplants. It is a greenhouse where we grow celery and cauliflower. So I am working in there for 10 years, maybe more, and before we were very upset because we weren't receiving any training in there. I am talking about four or five years ago. But now, we are getting the right training and and everything in there and now we are working better than before. But the workers are very scared about the pesticides and every one of the workers in there works with lots of pesticides and is scared. I think the best thing for the Commissioner or for the people who are in charge of that thing is to give more education to the workers. Because even some of the workers can read and speak English. I think this is the best thing to do--get more information about pesticides, the sickness, the illness to us, to the workers. That's all I can say. Thank you.

William Young: My name is William Young. I'm a rose grower in Watsonville. Before I was a rose grower, as I was growing up I also was a farmworker. I worked for my family farm. I handled and sprayed pesticides at the farm. In fact, I was the main person who was doing all the spraying on the farm. I understand the concern of the farmworker. I understand how important it is to have a safety program. But I also understand the economics of the business of growing flowers. We are impacted by imports. It's a worldwide market now; it's not just a California market. The economic strain on our business and various regulations is impacting our industry.

I'm not going to talk very long tonight because many of the other growers and managers have already pointed out the major points. But, in our nursery, I just want to point out there are other growers who are trying to implement an integrated pest management program (by that I mean that they are using less toxic chemicals or using predators for the control of spider mites). We

are also doing a lot of monitoring. With our farm extension people we are working for an integrated pest management program which will be safe for our industry and also for our farmworkers. I ask EPA to look into various alternative methods that we are using and try to set up a shorter REI interval on some of the safer materials that we are using and experimenting with the farm extension agents.

This industry involves all of us. We need to work together--government agencies, grower, and farmworker. We need all, as one unit. This is not pros or cons. This is needing to work as a unit. I think that if we put our heads together we can come up with a suitable program. Thank you.

James Nagamine: Good evening. My name is James Nagamine and I am employed by Nagamine Nursery in Watsonville. We are rose growers and I am also this year President of the California Floral Council which is a statewide organization of about 132 nursery operations. This is a voluntary position that I take.

If I can indulge a little bit, I'd like to give you a little background on myself and our operation. My parents came over from Japan in the mid-'50s as immigrants, worked as field workers, lived their American dream, saved up enough money, and started a little nursery operation in Watsonville in the early '60s. And if you look at most of the nursery operations across the state, this is not an isolated story. The majority of the people are family-operated nurseries and they are owner-operators. They are not absentee owners. If you look at the majority of the nurseries, they are small operations, with everybody in the family working alongside with the workers. We've been in operation since 1963. I don't want to take up too much time because I know it's getting late and a lot of us have to get up early to go to work and I appreciate the time.

You've been hearing a lot of opinions tonight. I'd like to take a look at a third party --someone that's not in agriculture or in a government regulatory situation. I called an insurance company that provides most of the worker's compensation for the nurseries in this area and I asked them, "What's our safety record?" They said well, if you look at worker's compensation, they have what is called a loss ratio with the amount of money they take in and the amount of money they expect to pay out on not just pesticide-related claims, but on all claims--lifting claims; walking into an operation, slipping on a floor; all claims, not just spray-related claims--and they were saying that the average is about 65% for all industries. All industries. And I said, "That sounds kind of high. What is it for nursery operations?" They said, "It's around 30% or less, and the last ten years it's been below 30%."

I don't want to go over a lot of points that a lot of people have made, which I think are good points. But I just want to bring up that our industry is not one...we're not a dirty industry; we've been clean given our history and looking at our track record--not just coming from us but coming from an insurance company whose business it is to make money and to insure people who are sick. That's all I have to say. Thank you.

Kay Rudolph: Before we close, I would just like to check and see if there are any others, perhaps things that you've heard tonight, you would now like to make a comment. The floor is open if there are any others who would like to make a brief comment. If not, what I'd like to do... oh, yes, there is somebody. That's OK, you can make an additional comment.

Speaker from Audience: The only thing I wanted to say, if you keep a record of every single worker who works with pesticides in this area or in all the State of California, it will be more easy for us to know about those meetings instead of waiting for a company to go and tell us. It would be a meeting over here and you can go find new information and apply something to your own protection. I appreciate that more. It would be easy for you to call the news, the radio, information in the newspaper--for you guys, everything free. For us, we pay for everything. And the growers, they are supposed to have more communication with employees, especially the ones who work with pesticides and make sure they are using the right equipment to apply pesticides because there is a lot of different stuff to use. And you need to buy the one that is appropriate for that specific employee. That's it.

Dr. Lynn Goldman: In closing, I want to once again thank all of you for coming here tonight. And I will tell you that this is the third of these meetings that I have personally attended and, I think, the seventh one now for the program. We did hear things that were very unique in terms of the situation here in this area. Certainly, a lot of concerns with the roses and cut flowers industry and the nurseries and how we can make the standardworkable. And I will tell you that we have been working with the cut flowers industry and I think we need to continue to do so. I agree with the comment that the last gentleman made that this is something that we can work out if we all work together. I think that that was absolutely right and in the spirit of why we're here tonight.

I also heard today some concerns about the one-quarter-mile notification. Although this is a national requirement, I will say that this is the first of these meetings where I've really heard about problems that are arising. And so I think that this is something that we are really going to need to work on. We'll need to work with the State of California on that issue and work with all of you. It's an interesting issue and, as I said, one that is new to us tonight.

Other issues that we've heard about, I will say, are quite consistent with some of the things that we've heard in other parts of the country in that there seem to be issues with what's the right way to comply with the posting requirements, get the information available, and there still seems to be a need for training and education of all of those involved in the process. One thing I'm going to take back with me is a commitment to find the resources to make sure that we can continue those efforts because I think that it is apparent that we need that.

Last, and not least, were the concerns that we heard about the compliance with the

standards and that there is more work that is needed there, as well. That's another area where we will work with the state. I'm encouraged by the fact that the state is developing the new regulations to bring the California standards and the federal standards together. I think that will help and I think that that's going to require cooperation by the region, the state, the counties, to make that happen. Obviously, just having the regulations on paper is not the point of the regulations. The regulations have to work. They have to be implemented. And that's why we're here tonight.

Again, thank you so much. I realize that this has been a difficult issue for many of you. It's also a very important one and it's important to us to make to work right. Thank you so much.

[Meeting adjourned]

Registered Participants in the Salinas Public Meeting

Juán Aguirre
Teamsters Union 890

Laurel Bell
California Rural Legal Assistance

Donald G. Bennett
AgSafe

Rick Bergman
Santa Cruz County Agricultural
Commissioner's Office

Yvette Black
SoilServ Inc.

Tim Brown
Pajaro Valley Greenhouse

Laura Caballero
Campesinos

José Luis Carreno
Dole

Salvador Carrillo
Teamsters Union 890

Tina Chapman
Matsui Nursery

Bob Chávez
Dept. of Pesticide Regulation CAL-EPA

Ron Cisney
Olocco A6 Services

Leonard R. Cordova
Barlocker Insurance

Max Curiel
Farm Employers Labor Service

Louie Curtis
Green Valley Floral

John Donahue
Dept. of Pesticide Regulation CAL-EPA

Rosendo R. Franco
Salinas Transplant Inc.-Bud of California

Guillermina Garnica
Teamsters Union Local 890

Denise E. Graab
National Radio Project

Howard Hofmann
Campbell's Fresh

Don Howell
Pajaro Valley Greenhouses

Elaine Hunt
Agricultural Personnel Management
Association

Tony Johnsen
Johnsen Nurseries Inc.

Joe Karl
Santa Barbara County Agriculture
Commissioners Office

Akira Kawihira
Asahi Greenhouse

Rick Kyutoky
Kyutoky Nursery Inc.

Robert Lievanos
Safety Consult

Luis Magaña
Organización de Trabajadores Agrícolas de
California

Juanita Martinez
S.D.D.

Pete Mercado
Pemer Packing Co.

Mike Meuto
California Rural League Association

Alan Mitchell
California Pajarosa

Tash Miyashita
Miyashita Nursery, Inc.

James Nagamine
California Floral Council/Nagamine Nursery

Jack Olsen
San Mateo County Farm Bureau

Dr. Ana María Osorio
Occupational Health Branch California
Department of Health Services

Frances Pabrua
Monterey County Agricultural
Commissioner's Office

Joseph Prandini
Betteravia Farms

Ronald Pummer
San Mateo County Dept. of Agriculture

José Renteria
Matsui Nursery

Tobías Rís Márquez
Dole

Robert A. Roach
Monterey County Agricultural
Commissioner's Office

Don Rochester
Monterey County Agriculture
Commissioners Office

Carlos Ruiz-Martinez
California Public Health Foundation

Roy Sakae
Roy Sakae Roses

Sam Sakamero
Saq Nursery

John P. Sestito
CDC-NIOSH

Bodie Taylor
Top Quality Farms

Barbara Todd
California Dept. of Food & Agriculture

Grady S. Van Cleve
Western Farm Service

C. Watte
California Farm Bureau Federation

Jennifer Weber
University of California at Davis-- IPM
Education and Publications

Mark Yamaguchi
Yamaguchi Greenhouse, Inc.

Kenji Yonemitsu
Central Coast Greenhouse

William Young
Aspen Nursery

Melanie Zavala
University of California at Davis
IPM Education and Publications

Site Visits and Small Group Discussions

Farmworkers, Fresno, CA

- July 22, 1996, 6:30 p.m.
- EPA staff met with Rudy Treviño of Líderes Campesinas and a group of farmworkers at the Mosqueda Community Center in Fresno, with Luis Magaña, Celia Prado, and Gloria Hernández. Workers represented both field workers and packers.
- Among the issues discussed at the meeting were:

  — Meeting participants highlighted the particular concerns of women farmworkers and Mixtec workers.

  — Reports of incidents of pesticide exposure and concerns about health effects (miscarriages, nausea, rashes). Participants stated that workers are afraid to report, and when they do, doctors are unable or unwilling to diagnose pesticide poisoning.

  — Concerns that appropriate personal protective equipment (PPE) is not being distributed, or is distributed but not used due to heat stress.

  — Workers reported that application records and warning signs are not being posted, and it is difficult to obtain records from the foreman or from the Agricultural Commissioner's office.

  — Participants also noted a lack of washing/decontamination facilities, bathrooms, and clean water for drinking.

  — The group felt that English-speaking workers were given information orally before others. Posters are difficult to read or workers have no time to read them.

  — Workers are not sure where to go with complaints, do not feel comfortable contacting the Agricultural Commissioner's Office, and lack a network of support.

  — According to participants, training may be given to foremen but is not passed down to workers (prior to WPS, California law required foremen to be trained). Farm labor contractors do not want to train workers and seem to think that workers do not care about their health.

Chandler Farms, Selma, CA

- July 23, 1996, 9:00 a.m.
- EPA and state staff visited a 500-acre vineyard and orchard (peaches, plums) and observed harvest work. A total of 95 workers were on the payroll last year. The farm has a labor camp for 13 persons in three units; other workers live off-site. Five certified applicators/ employees of the farm apply pesticide sprays.
- EPA and state staff met with owner Bill Chandler.
- Among the issues discussed at the meeting were:

  — Owner expressed interest in closer alignment of pre-harvest and restricted entry intervals.

  — Owner received permission from the state to have all pesticide application records in a binder hanging from the washing/decontamination site. As a result, he believes the information is more accessible and more easily managed.

AmeriCorps & Sponsor Organizations, Fresno, CA

- July 23, 1996, 12:00 p.m.
- EPA and state staff discussed training issues with AmeriCorps trainers from the California Human Development Corporation and Proteus, Inc., and representatives from an insurance company and the University of California Extension Service (Fresno).
- Among the issues discussed at the meeting were:

  — According to AmeriCorps workers, the Agricultural Commissioner's office is not telling growers about free training from AmeriCorps because they consider it inappropriate to promote one organization when private organizations also offer training. It was suggested that the Agricultural Commissioner release a list of qualified trainers with a description of each organization.

  — Need for more quality control of training and testing following the training. AmeriCorps trainers do not use videos; they give a presentation followed by dialogue.

  — Continuing reports of growers hiring only workers who already have WPS safety training verification cards. AmeriCorps trainers and their sponsors would like to see these training verification cards made mandatory.

  — Concerns expressed that the WPS is not enforceable yet.

— The insurance company represented at the meeting offers free worker training for its clients, but this may change in the future. The company uses a video and hand-outs, explains why workers are being trained, and summarizes information.

Farm Labor Contractors and Agricultural Employers, Fresno, CA

- July 23, 1996, 1:30 p.m.
- EPA and state staff discussed training issues with farm labor contractors, growers, and the Cooperative Extension Service.
- Among the issues discussed at the meeting were:

  — Logistical difficulties of providing training. Need to make it easier for small establishments (80 to 120 acres) that try to provide training in-house.

  — Participants noted the need for a training hand-out that any grower can distribute, then follow up to see if workers understood the training.

  — High turnover of farm labor contractors; need more train-the-trainer classes for contractors.

  — Cost of training is justified; fewer workers are taking pesticide containers home, etc. If growers took greater precautions jobs (e.g., not leaving pesticide containers out, posting fields), there would be no need for training. Some employees stated that their workers are primarily concerned with getting their pay, not other issues.

  — Concern of growers about liability with regard to workers whom they have trained and given WPS safety training verification cards to.

  — Difficulties with training verification cards: workers lose them or forget they have them. Sometimes workers cannot read or write. Having a training verification card is no proof that worker has been trained adequately.

  — Participants expressed the need for more EPA-approved training materials. Videos developed by agricultural chemical companies do not fulfill the needs of seasonal workers.

  — Participants expressed the need for more knowledgeable inspectors familiar with agricultural production. Growers need to do both WPS and OSHA training at the same time in order to save time, money.

— Suggestion that EPA create an employer/labor advisory committee to come up with simple ways to comply.

Fordel, Inc., Mendota, CA

- July 24, 1996, 9:00 a.m.
- EPA and state staff visited this 500-acre farm (cantaloupes) and observation of melon harvest. Fordel has 500 employees; with turnover, averages 1,200 workers/year.
- Discussion with owner John LeBoeuf.
- Among the issues discussed at the meeting were:

  — Fordel has created database of training records and a binder that has safety information, application records, etc. Application records are also put in office window.

  — Fordel started using biological controls six years ago. Fordel is participating with USDA and National Academy of Sciences in writing a book on precision agriculture and lower application rates.

Monterey County Office of the Agricultural Commissioner

- July 24, 1996, 9:00a.m.
- EPA and state staff met with Francis Pabrua and Robert Roach, Monterey Agricultural Commissioner's Office.
- Among the issues discussed at the meeting were:

  — In 1980, Monterey was the first county to have an ordinance to post treated fields. There are about 38,000 farmworkers in the county. Lettuce alone has about 200 crews working per day, with 40-50 harvesters in a crew.

  — Office has 30 inspectors doing lettuce quality inspections. By contrast, 10 inspectors are dedicated to pesticide use activities, including WPS.

  — Inspectors conduct about 200 investigations annually. Each inspector is assigned a section of the county and gets to know the growers. The office emphasizes a philosophy of improving compliance through education.

  — Misunderstanding that notification must be given to every person who lives within a quarter mile of the area, not just workers who come within a quarter mile of a treated area on the establishment.

Matsui Nursery, Monterey, CA

- July 24, 1996, 2:00 p.m.
- EPA and state staff met with Tina Chapman and José Renteria, who led a tour of the greenhouse. Built in the 1960s, the nursery produces 2 million square feet of roses and 500,000 square feet of other flowers.
- Among the issues discussed at the meeting were:

  — Costs have gone up to comply with regulations, including the WPS. It takes several weeks to train each of Matsui's 160 to 180 employees to meet all regulatory requirements, according to operators.

  — Cut flower production requires a lot of hand labor. Workers may work 16-hour days. The plant needs to be perfect or is thrown out. Roses are cut at least twice a day (morning and afternoon), beginning with two hours of harvesting at 7 a.m. Each plant flowers 10 times per year.

  — Matsui uses hot water treatments on cut flowers as an alternative to pesticides. University of California (Davis) and pesticide companies come to Matsui to do research trials.

Farmworkers and Labor Representatives, Salinas, CA

- July 24, 1996, 8:00 p.m.
- EPA staff met with 15 farmworkers; representatives of Teamsters, United Farm Workers, Independent Agricultural Workers Union, California Rural Legal Assistance.
- Among the issues discussed at the meeting were:

  — Some participants advocated the elimination of pesticide use. Participants stated that violations and incidents still occur; the problem belongs to the community; not just to the grower, chemical company, or EPA.

  — Reports continue of pesticide exposure incidents, symptoms of pesticide poisoning not recognized by doctors, lack of washing/decontamination facilities.

  — Workers expressed a need for more information about the chemicals they are dealing with. They asked: How can workers know if they have been exposed to chemicals in a nearby field? How will a worker know if an exposure from years ago caused an illness today? Participants asserted that neither farm labor contractors nor applicators know much about laws or pesticides.

— Participants expressed concerns about the toxicity of methyl bromide and questioned the need for its use. They stated that only 10% of farmers currently use it.

— Participants stated that workers need to see that enforcement works and that they won't be fired, in order to be encouraged to report incidents/violations. Violations should result in large fines, according to attendees.

— Participants felt that Agricultural Commissioner's offices see their job as protecting growers, and therefore advocated giving WPS enforcement responsibility to another entity.

— Participants recommended improving systems for reporting violations. Workers do not know whom to call and they lack trust in the Agricultural Commissioner's offices. They stated that current office hours and their limited access to telephones were problematic. Information on the process for reporting violations should be disseminated through radio, television, etc., in workers' languages.

— Participants gave avorable responses to EPA's suggestion of appointing an adjunct, community-based person selected by the community to improve reporting and assist in enforcement efforts.

Kohatsu Strawberry Farm, Salinas area, CA

- July 25, 1996, 9:00 a.m.
- EPA and state staff visited a 120-acre strawberry farm and met with Paul Kohatsu, a third generation strawberry grower. Kohatsu farms 120 acres of strawberries, owns over 900 acres, and contracts over 5,000 acres throughout California.
- Among the issues discussed at the meeting were:

  — Owner uses little migrant labor and relies on a stable, non-union workforce. The owner stated he does his own training and has a three-day harvest rotation to allow for spraying and re-entry periods.

  — Minor use for specialty crops is a huge issue because the grower cannot pass the cost of pesticides onto the consumer. In the last 20 years, they have been working more with integrated pest management (IPM).

  — The grower uses methyl bromide and believes that nothing else works as well.

— The Monterey Agricultural Commissioner's office has been working with the University of California (Berkeley) and the California Department of Pesticide Regulation for the past four years trying to breed resistant strains of berries. Methyl bromide is used to control root diseases that can go down 10-30 feet or more below the surface.

— The owner reported that virtually all spraying in the area is done under the advice of a pest control advisor.

Misionero Vegetables, Salinas, CA

- July 25, 1996, 11:00 a.m.
- EPA and state staff toured an in-house laboratory for pesticide residue testing and met with laboratory scientists. Misionero set up its own in-house, state-accredited lab in 1990 in order to obtain same-day results from testing of samples for pesticide residues during harvest season.
- Among the issues discussed at the meeting were:

  — Very little aerial application is done on the establishment because of the expense, high wind conditions in the area, and small plot size. The company tries to find alternatives to chemical use.

  — Pest control advisor has a 20-year working relationship, is paid by salary, not commission, so he has no incentive to use more chemicals. California is adding a new IPM category for pest control advisor licensees.

  — To meet sometimes more stringent Canadian tolerance levels, the company has to wait several days to harvest to let the pesticide degrade sufficiently.

  — Misionero's primary labor contractor has gone through the state-accredited pesticide safety trainer course in California and Arizona. Workers are updated on pesticide safety practices every three months..

  — Misionero is still determining where to place the central posting. Every morning, the primary labor contractor informs all of the farm labor contractors where applications have been made so that they can give oral notification. They prefer the California skull & cross-bones warning sign because the workers are used to it.

Clínica de Salud, Salinas, CA

- July 25, 1996, 1:30 p.m.
- EPA and state staff visited a health care clinic and met with Dr. Maximiliano Cuevas and Dr. Rafael Siqueros about reporting of pesticide incidents.
- Among the issues discussed at the meeting were:

- — California's Health & Safety Code requires that doctors report any suspected pesticide cases within 72 hours. According to a state official, a dramatic, unexplained decline in investigations into reported pesticide incidents occurred between 1995 (107 investigations) and 1996 (16 investigations).

  — The doctors observed that continuing under-reporting of pesticide incidents may be due to: ignorance of reporting requirement or reluctance on the part of physician assistants and nurse practitioners to initiate reporting process, high turnover of workers, reluctance of illegal aliens to seek timely treatment; racial and class-based discrimination, and lack of public attention to pesticides.

  — Suggestions for making other physicians aware of the reporting requirement and of symptoms of pesticide poisoning included: newspaper and journal advertising, use of 800 numbers with adequate staffing; offering a class as part of an overall primary conference that physicians are likely to attend, and person-to-person delivery to clinics of information that is user-friendly.

Transcripts of Site Visits

Meeting with Farmworkers, Fresno, CA, July 22, 1996

Kay Rudolph [EPA Facilitator]: The purpose of this meeting is to help you get a better understanding of pesticides issues and the role of the Worker Protection Standard to help farmworkers to help themselves. So we are here for you to ask us questions and to give us an opportunity to ask you questions. Who's starting now?

Luis Magaña [Speaking in Spanish with English interpreter]: I am Luis Magaña. For two years and a half I have worked and personally taught the community of farmworkers. In this entire area, from Antigua to the north of Sacramento, California, I have discovered many possibilities that under federal and state laws concern farmworkers.

You said earlier that you wanted to start this meeting with some recent information. Well, I have been sick for three weeks and remembered a fellow country man named José Martinez. He was picking grapes one day and it was raining. From that day forward he began to feel sick. That day I noticed that he had lots of leaves adhered to his head and today I see his case is serious. The rain and the effects of leaves adhered to his head might have caused brain damage. I'm sure he is not here today for distance and financial reasons. The company says the spray has nothing to do with his problems and José says he is convinced that his problems are caused by pesticides because they had been spraying the farm that day and the farmers don't comply with the federal law on pesticide control.

... I wanted to start the meeting with this specific example because it is the most recent one that has occurred.

Kay Rudolph: Has he said that Mr. Martinez has taken his case to an attorney?

Luis Magaña: The lawyer also says that there is nothing wrong with Mr. Martinez. He is looking for another lawyer.

Kay Rudolph: And how did all this happen? Where were you picking?

Luis Magaña: En Federal North... The problem is that Mr. Martinez took three weeks before he reported the accident.

Kay Rudolph: Three weeks?

Luis Magaña: One, two, three weeks, I don't know for sure. [Inaudible]...

Kay Rudolph: Can you repeat the name of the sick man?

Luis Magaña: His name is José Martinez. I have his permission to speak on his behalf at this meeting because he is too far away. I asked him, he told me I could speak for him.

Kay Rudolph: Has any investigation been conducted?

Luis Magaña: I don't know at what phase the case is now. He says he doesn't know what is going on now because he never had a case like this before. I wanted to start the meeting with a specific example because this incident can happen to any male or female worker in the farm. I also want the law to say that if any human life is contaminated with pesticides, that farmer must give the worker and his family all kinds of urban protection. [Inaudible]...

I was driving once on Route 50 and I saw a worker spraying on almond trees. He had no gloves or any type of impermeable [protection]. I asked him why he was not wearing protective clothing, right? Because it is very harmful to his health if he doesn't wear it. He said, "It's too hot." This means that when workers are spraying, it is not mandated by the farmer to wear protective clothing. [Inaudible]...

I'm not saying that's how all the workers are, but in most cases, the farmer can't care less about the worker's health. They only care about going on with the work and the rest is of no interest to them.

A lot of the camps are horrible. Many of them don't have soap to bathe or water in the bathrooms to wash your hands before eating. What I know through many of my connections with workers who pick tomatoes is that these tomatoes have been sprayed with chemicals and if the workers don't wash their hands before eating it would be harmful to their health. [Inaudible]...

I know that there have been experts from the government whose assistance to the workers and the information they provide about chemicals is very helpful. It has been instructive in helping workers learn about chemicals. [Inaudible]...

I only wanted to share this information with you. This has been a great experience. With regards to knowledge and reading, I have a general education and I have spoken in the language that I know, in my own way. Another issue is that many of the contractors who some are Mexicans, say in a degrading way, "These people do not deserve all of these federal laws. They don't educate us because they consider us lower than them. They want to keep us ignorant so that we don't get to know the federal law."

[Inaudible]... She would like to take your photo to take it to Washington as evidence that they spoke with you personally.

Kay Rudolph: Has the state inspector been here to conduct an investigation?

Luis Magaña: No.

Kay Rudolph: Have you seen any official or inspector from the government?

Luis Magaña: No. Gloria, the female foreman, said: "We already spoke with the inspector, but you didn't see them. I have already spoken with them."

Kay Rudolph: Did they say, "You haven't seen them?"

Luis Magaña: Yes, they said, "I have spoken with them, they checked everything and all is well." But I know they haven't been here, if they came it had to be on Saturdays. I say, "No, everything is not well," and they get mad at me because sometimes there is no soap to wash your hands nor towels to dry your hands. Sometimes I tell things to the foremen and they respond, "It is best not to have an inspector here because the farmer already spoke with the inspectors and all is all right."

On the 19th of this month I met a worker who was ill because of pesticides. He had been foreman for two years in the asparagus fields and he wasn't the only one infected. Because he had not registered with the California State Department of Agriculture he thought he did not have any rights. He had been living and working in California for 30 years and he didn't know that the state maintains records of farmworkers and that the office even existed. I took him on the 19th to the Office of Agriculture and they gave us a detailed map and he was told that the copy of his records would cost $20, plus additional costs for preparing the records. None of the inspectors spoke English. Only a secretary, named Angela, spoke some Spanish. I forgot her last name; she told us that the workers who left for Mexico were *mojaditos* [the wet ones], a demeaning way to call them.

Kay Rudolph: Have the workers asked what the rules associated with pesticides are?

Luis Magaña: There is a line of authority. The worker must start talking with the foreman, who later interviews the worker. Then he contacts the farmer. However, the communication stops between the worker and the farmer. The first thing the foreman says is, "What are you doing, are you acting as a politician?"

Kay Rudolph: Has the foreman told you that there is a specific place in the farm where the worker can look at a list of all the pesticides that had been used in the last three days and that they have the right to obtain that information?

Luis Magaña: To know about pesticides is a personal experience for me. The workers don't even know what the pesticides are. Maybe he knows that the field gets sprayed, but he doesn't know where he should step because he doesn't know how dangerous the spray is. The man who works in the office doesn't know. Maybe the supervisor knows, but not the worker. When the worker calls the office and he is asked which pesticide he came in contact with, they say, "I don't know, I only know they sprayed insecticide."

Workers: What they are really saying is, "I cannot pronounce that word," or "I cannot pronounce this pesticide, I have a mental block." My personal opinion is that what the office workers are really saying is, "You don't know how to read or write in English or Spanish. Even if the signs were written you wouldn't understand them." There are big posters out there, this big, all those posters, they can't read them! Secondly, even if they could read they wouldn't understand them.

Kay Rudolph: Let's get her testimony.

Worker: I work in the tomato packing plant. What happens is there are hot tomatoes and cold tomatoes. Sometimes we are working and we feel our noses, eyes and throat itching and we feel nauseated. Some years ago some pregnant women lost their babies. They don't give us protection. They treat us like animals. Sylvia, you had some information to share.

Worker: I was doing cleaning work at the plant one Thursday. It had been raining hard and the wind was blowing strong. The doors of the plant were closed. There was a woman there who began getting very sick. The (female) foreman asked her, "What's wrong with you, woman? What have you all done? I can't open the doors because of the wind."

Some women started vomiting every five minutes. The supervisor was called. He came in and saw what was going on and he stopped the working line because this was not the first time this incident had occurred, it had occurred many other times. It would be 10 years now, but I was there the first time it happened.

Kay Rudolph: Did they send you home this time?

Workers: No, they sent us immediately, in the rain, to another packing plant. They didn't care whether we got wet or not.

When we got there they said, all of you who are throwing up, go over there, those with headaches, over there, those with stomach aches, over there, etc. We all had headaches. The farmer came and he said to the foreman, why didn't she wait until later in the day to have that work done. We said something had to be done about this. They asked the five of us who were sick to stay there for four hours with a mask on. We asked the supervisor that even though we had only worked four hours that day, we wanted to be paid for the entire day because what happened was not our fault. He said that he could only pay them four hours because he didn't know what was going on there. By any chance he didn't know that they had been killing us in there? In addition, we had been required to stay there another four hours with that mask on.

Kay Rudolph: Are the packing houses located inside of the farm?

Workers: Yes.

Kay Rudolph: Luis was talking earlier about a man who had been working in the farms for 30 years and he didn't know that the offices of the Department of Agriculture officials existed. My question is: Do you all know if these offices exist?

Worker: My opinion is that the workers think that the labor offices claim on wages.

Unidentified Speaker: There is a difference between the two labor agencies. Let me give you an example. A couple of years ago I got a case on wages. I was trying to change the law of overtime for irrigators. Farmers don't want to pay them overtime, but irrigators are

required to be on the board irrigating 24 four hours a day. These three brothers came to me and they had perfectly recorded all their overtime. They worked on the citrus and the citrus required sprinkle irrigation and the only time they would have to deal with the sprinklers is if the sprinklers stopped going around and they would make them go around again. They took real good notes. The reason why I bring this to you is because these guys are real smart. They documented all their overtime and they were able to surprise "bust" the foreman I don't know how many times.

We have Alejandra Medina, an intern in my office. The women attending this meeting represent her internship project. Alejandra Medina is the daughter of a fellow worker. One of her projects was to interview women at the farms who had not had the opportunity to speak to anyone about their situations. We asked her to review the interviews and give you a small presentation about what they found because it was very important for this to be shared. We are asking for 10 minutes to speak about this.

Kay Rudolph: Can this information be shared with EPA?

Speaker: We have to talk to the workers because the ones that we interviewed wanted to give us the information, but wanted to make sure that their names would not be disclosed because they already had problems at work. The release of information form that they signed indicates that information can be released but not their names.

Alejandra Medina: My name is Alejandra Medina. I have conducted these interviews with farmworker women. The whole view of these women is that there is a lot of discrimination in the fields. One lady told me that there are a couple of Anglos working in the fields and before they spray they come to tell them first so they can get out of the field. She says after they spray they don't come to work for two days because they can't stand the smell and they don't want to get headaches. Some of the workers are very sensitive to chemicals and they get rashes. Others never go to the hospital for examinations because they are afraid of the results. This lady said that some chemical fell in her hand and she has had a rash for a long time. They are not allowed to wear gloves. Also, they get very hot in them. Having chemicals in their hands, the sweat makes the rashes in their hands worse. Others said bathrooms are not provided and when they are provided they are located far away.

I also interviewed a man who told me that he got infected with pesticides. This man did go to the doctor and the doctor told him that if he would go with him to the commissioner, he would tell the commissioner what this man's problem was.

Another lady told me that at the packing plants when the tomatoes fall to the ground they don't get picked up and they stay there smashed up and smelly. When it gets very hot there, the smell of the smashed tomatoes together with the pesticides and the messy workplace gives them headaches.

Worker: My name is Nicolas. I work in a company where they plant sweet potatoes with a plow tractor. They keep the water to water the plants in a tank of water behind his tractor. They mix the water with the "medicine" (pesticide).

Worker [Wife of the previous speaker]: He calls the pesticide "medicine." He comes in contact with the pesticide when he plows and the dirt is pulled up against his hands and face. One way or another he comes in contact with the poison.

Kay Rudolph: Has the farmer or any other group given the workers any training about protection against pesticides?

Workers: My husband takes this class, but they don't give it in a way that they understand. What he makes is not worth it. They don't bring them water. They don't provide toilets. The workers have to go to the fields for their personal needs and to the canals to wash their hands before they eat so they don't have to swallow "poison" too.

Unidentified Speaker: I had a case in High Point a few years ago. My client reported that there were no sanitary facilities for farmworkers in that ranch. That night I sent a fax to Caleche informing him about the case and indicating the exact location of the ranch by means of a map. We "busted" the guy, the same contractor that we had "busted" on Thanksgiving Day. Later we sent a letter to Caleche and he called us saying that there were toilets on the ranch, but the space was used to store pesticides. Then we went back to the ranch to continue the investigation. They don't want us to go back this year. There is no coordination between Caleche and [Inaudible]. This year we sent another fax to Caleche on the same contractor and they were busted again. Another time they said that they had bathrooms but now the bathrooms have pesticides. We faxed Caleche again. Caleche gave them a "ticket" for storing pesticides in a place where they are not supposed to be kept. In other words, I pressured the guy, but his license was never revoked. I called the Commissioner of Labor, but he said, "This is ridiculous." His excuse was that the five tickets he got were not for violations at the same ranch. They have to be on the same ranch for his license to be revoked.

Kay Rudolph: Let's continue with the introductions.

Worker: My name is Francisco Gómez. I was a member of [Inaudible]. This organization [Inaudible]... I worked three years ago as an irrigator. I have always worked as an irrigator. I worked there by Los Angeles South in a place called Prieta. I used to irrigate the fields. They never told me that that water was already contaminated with chemicals. They kept the water in tanks of 50 to 100 pounds. They used to tell us that what they put in there was the medicine for the plants. Those plants had to be irrigated with hoses. Sometimes the hoses would get stuck and because of the pressure the water would get on my face and clothes. Soon my eyes began to itch and from that day forward my

eyes remained red. Sometime later the foreman started to say to me, you're going to kill your eyes. Then they gave me a job killing animals. They gave me like a sack to kill them, but they didn't tell me how to kill them so I used to kill them with my hands. Although I would wash my hands, they would stay like painted blue or purple. I would eat with my hands like that because in the beginning I didn't know what it was, but about three months later I began to feel headaches and dizziness. I didn't know why. The foreman asked me if I was a smoker because of the color of my hands.

In those days there were no toilets in the camps. There were many workers, normally from 20 to 30 persons, but they put two or three workers in different places. However, there were no bathrooms in those camps. Although there was water far away they didn't want us to go there because they didn't want us to waste time. I remained in that camp for a while and then I moved to the North because I was told there were more protection laws here. They say that, but I think there's nothing here. What they want is that the work gets done and that's it, period. I have worked here with many farmers in the tomatoes, apricots, oranges, lemons, etc. All those plants have chemicals. When I spray they don't tell us how long should we stay away until we return to work. The first thing they say is, "There are the posters," but they don't explain when can we return to work. What they want is that we do the work. That's all.

Kay Rudolph: Has anyone seen the poster that says, "Keep out, this place has been sprayed with pesticides?"

Unidentified Speaker: There is another poster that presents a skull to indicate danger.

Worker: It is not to their advantage to post that skull here.

Worker: I have seen a poster like this on television, but I have never seen one like this out here.

Kay Rudolph: We are making presentations, what area are you from?

Worker: I am [Inaudible]. I work in the fields, with almonds. I don't know what they put in those almonds to preserve them. We don't have bathrooms there. About two years ago I started getting sick and I told the foreman, you know I am starting to get sick. Friday I went home, I took a shower, and I started itching that night. On Saturday, I went to the doctor but he wasn't in. I thought if I would put alcohol on it that it would stop itching. That was wrong. I went to the hospital on Sunday. The doctor asked me what do I do at work. He gave me three injections right then and there. I asked my daughter to ask the doctor what was wrong with me and he said, "Oh, just straighten up the bill at work, they are responsible for what happened."

The shots gave me immediate relief. I asked the doctor what do I tell them at work and he said, "Just go to work. Tell the

foreman, the foreman will tell the supervisor and the supervisor will tell the secretary and so on." Although I paid him $20, he didn't give me any receipts or anything. I went back home. The following day I went to buy the two prescriptions. At work, they wanted to know exactly what happened, what I was eating, etc. They said that I didn't want to work and so on. Two weeks later another woman began to feel sick. She didn't go to the doctor. She went to [Inaudible]... and the only thing they gave her was a lotion.

Worker: I spoke with [Inaudible]...

Worker: Another problem at camps here is that there is no water and the bathrooms are not clean. [Inaudible]... Discrimination is also rampant.

Worker: My name is Celia Garcia. I have not worked for two years because where I used to work I hurt my hip. It still hurts because I haven't received any treatment. I went to the doctor on my own and I asked him to send me to a chiropractor. He didn't send me. Instead he took X-rays. I told him that my bones were broken, because I didn't want to say that my nerves were inflamed and the only thing he told me was that my bones were not broken, that they were shrinking. This statement made me believe that what he really meant was that my nerves were inflamed.

Worker: My name is Nydia López and I live in the area of Madeira. I work in a packing house packing fruit: peaches, mandarin, and apricots. Right now there is a problem at the packing house. The farmer only cares for the fruit to get ripe fast. He puts a chemical on them. When we go to work early in the morning, he wants us to put the fruit in these ovens where they would put the chemicals on them. We are absorbing all these chemicals. Soon after that, we begin feeling sick with dizziness and headaches. When I tell the foreman she says, "No, you are going to work like this. Wait an hour and the discomfort will go away by itself."

What the farmer only wants is for the fruit to get ripe to get them out of the packing plant. He says that the pesticide will go away with the fresh air. I don't know what pesticide that is.

Rudy Treviño: I am Rudy Treviño. I am the coordinator for Líderes Campesinas Project. As I said before, the reason why it is very important for us to have this meeting to talk to you is because we care for your situation. The women know that there's more information that they wish they had more time to explain. What they're saying right now is something that has been happening for years and years. What I'm concerned about as part of Líderes Campesinas is that workers can know or can find out what is the law, what are the rules that companies have to go by, what are the different things that they could do. The problem is that they don't have anyone to support them when they want to file a complaint. They feel like if they complain, what would happen is that either the supervisor or the person responsible will tell them not to worry about it., it's nothing, it's

not going to hurt you when they know the truth is that it is hurting them.

In terms of myself, I also was a counselor for 10 years, but before that I was a community organizer and the situation that the women are talking about now, that men are talking about now, that situation happened to me. I was affected in a long term basis. I always have problems, I cannot say anything that hasn't already been said. My relatives are still working in the fields. They are having the same kind of problems. People come with runny noses watery eyes, having complaints of headaches and not being able to sleep at night because of the problem they are going through for several months while they are working. They have dry skin. Ever since I worked in the fields I have dry skin and I take vitamin E or whatever. There's many, many situations that are going on in the fields.

What we want to make sure is that EPA takes back the problems that are going on right now, which have been happening for years and years. Rules are fine, but implementation is another thing. Implementation is something that doesn't happen. Workers can complain, workers go the Commissioner of Agriculture. The Commissioner maybe is not supportive enough. Workers can know about the law, but if there's no support from the various agencies, it doesn't matter how hard the worker tries to help himself.

Worker: My name is Ed Castro. I live here in Fresno. Everybody knows me here. I was invited to this meeting tonight by Luis Saldaña, because this is an important meeting. One of the things I want to say is that the cases that you have there are pesticide cases. Many times in those cases the ranchers have insurance to protect the workers. The problem is that many workers don't want to complain because if they work for a contractor, he is afraid the contractor will report him to Immigration. They don't want workers to complain against their insurance. That's why the insurance to cover the workers in the farm doesn't work well.

Another important thing is some time ago I used to work at a health clinic and I noticed that the doctors were not very knowledgeable about pesticides and they did not report many of the cases and the treatments were not very appropriate for many cases.

Worker: They have no respect for workers.

Worker: My name is Catalino Pyrokolos. It's Greek. I wish I could speak in Spanish but I don't speak it well. I work everyday in the regulation that is supposed to provide protection to farmworkers and people who apply pesticides and handle pesticides. There are two things I would like to convey to you. One is very brief. Thank you for making your trip to talk to us. Your time and your candor...

Worker: I would like to make a parenthesis here to tell you that the laws that exist in this country are unfair. We are in a country where the worker is abused, but on the other hand we see that there are regulations that safeguard the worker. I would

like to communicate to EPA that there should be enforcement on these regulations. We hope that we can see a change in our situation. What we all wish is that the different agencies would coordinate their efforts.

Kay Rudolph: I am very pleased to have met you. We hope to see you Friday.

Catalino Pyrokolos: I just basically wanted to say thank you for taking your time... And we will be checking all this information. Hold us to it. One year from now we'll see where we are at.

Kay Rudolph: Please say what area you are from.

Worker: My name is Julia Regina and I come from Merced, California. I am a member of the Association or "Campesina" Women. What I want to share is that pesticides are not very necessary in the fields. In my home my husband and I made a tomato and squash garden, and he took care of the insects with salt instead of pesticides. We had mosquitos and he did not spray with pesticides, he just used salt and water. He took care of the insects and the garden looks good. The tomatoes are big like this, and the squash are this long. That's all.

Worker: My name is Teresa Franco. I am also from Merced. I am Julia Regina's neighbor. We have the same problems. I work at a place where there are pesticides also. Right now we have a problem. They take time out of our day for the time we go to the bathroom.

Kay Rudolph: For the men also?

Teresa Franco: Yes, to everybody. We have to write our names and numbers and the time we leave to the time we came back. They were doing this before the peach harvest, but now they can't do it because of the large number of workers for the peach harvest.

Kay Rudolph: Do they take the time from your pay?

Teresa Franco: I'm not sure, I don't know. That's all.

Worker: My name is [Inaudible]...

Kay Rudolph: And what is your job?

Worker: Right now I am the Chairperson [Inaudible]... What I would like to share is that I truly don't know how it feels to be working in the fields or to have experience in pesticide problems but I do say that it's tough [Inaudible]... Not long ago, when I was young I would accompany my parents to the fields, but I don't remember that.

Kay Rudolph [summarizing workers]: In terms of taking a child to the fields, sometimes parents have to leave the kids resting inside the car or if the parents are working under the trees, the kids sit down near them under a tree. The parents work from sundown to sunset...

Workers: My name is Yolanda Hernández and I have worked for 16 years in a canning plant and I have the same problem of my coworkers that every time we go to the bathroom we have to account from the time we go down to the time we come back. Sometimes we have problems because the ammonia pipes explode then workers start running. But the woman in the bathroom faints and she just stays there until they come to get her out, but they never call the ambulance. They don't want to get reported. Another case was that the pot where they make the curry for the carrots exploded and the lady supervisor was the first one to run.

Kay Rudolph: This fellow worker works in Washington at EPA and also works in the enforcement of these standards. He writes and works for the Department of Education in Washington. He also gives classes [Inaudible]...

Celia Prado: I am Celia Prado. I work in the Institute of California for Rural Studies and I interviewed 137 persons in the county. I asked them three questions:

1. Do you know anything about the Office for Environmental Protection?

2. Do you know anything about the Worker Protection Standard?

3. Have you received training on pesticide safety?

Only 37 out of 137 workers interviewed had been trained. They don't know what is going on. When I hear these problems, it seems that I have been listening to them for many years. I was saying the same thing to my sisters here, that the stories I hear today are the same stories that I heard for years and years. I am going to continue in English because I express myself better in English.

Worker: Can I say something?

Kay Rudolph: Yes.

Worker: A few minutes ago you were saying you are also working with the environment. You have to consider that when you deal with something as unnatural as pesticides, it is affecting the earth, the water, workers and all the people that eat the food, and then the air, everything, everything is contaminated.

Unidentified Speaker: Can I say something? The women, the workers, the teachers here in the valley, I was shocked that here they go around spraying like that. The grapes, here they put pesticides on the grapes with injections and in other places they spray them. This is the first place in California to do that. Here they require the workers to taste the grapes because the heat lowers down sugar as you know and workers, before they can even cut the branch, they have to taste the grapes. So, it's not like once every hour, it's constantly and believe me, I have talked to them having stomach aches, having headaches and now I understand why when I was there I wasn't hungry during my lunch break. There is a study that was done by Child Valley and

the Farmers for Women that talks about pesticides because the situations that happen before are still going on.

Some of them say they give training but in some cases we busted a couple of contractors. Some of the women have complained but that's something they are not used to because it is not part of their culture to be that self confident. The other thing is that most of the training sessions that I am aware of are done for the foremen and never filter down to the workers. I had workers using disposable aprons. I had cases where the toilet would be a hole in the ground. That's a violation of civil rights. I had people coming to me lots of times because I had the resources in my office to help. I think what my fellow worker Agustino is saying is if you go to the Labor Commissioner and you try to get the records as to when, where, date of the spray and all that you have to expect a lot of difficulty getting that information. Another thing is that the education is being done but it's not being done by a grassroots program. It's being done by sophisticated trainers. Back in '81 I went out to the California Highway Patrol and I told them I was investigating the fields. Everywhere they told me there were no toilets. I asked them how I could enforce that. They created what we call courage. They publicized farmworker issues. Obviously problems did not stop, but we saw an improvement in the situation.

Celia Prado: One other thing that we want to add is we trained "campesina" [female farmworkers] leaders last year together and this is a model that we must start to use everywhere. In terms of the different projects that we have, we are not only involved in trying to provide a training in terms of the Worker Protection Standard, but we also believe that it should also include domestic violence. The kind of work we put together was that last spring we trained 36 women on a weekend and brought professionals that are experts in working with bilingual-bicultural immigrant women. At the same time, the women themselves, before they left, put together a plan which consisted of going back, working with their local communities and finding out ways to communicate that would open up dialogue to disseminate this information, and to be heard. It also helped that women victims of domestic violence could hear that they are not alone and that they can do something to help themselves.

Well, last year we put together 11 conferences in four months for different groups of women. At the end of that training not only sharing the information, they put together skits and a play on pesticides to be added to all sorts of health issues in order to bring women to the conference because they couldn't say it was on domestic violence. What ended up happening was that the women shared all their experiences and then they went out and they started opening up a dialogue. This was just like an epidemic, spreading the word. They were able to reach more than 15,000 between March and October last year. Of course, we were recognized nationally for the kind of work we did. Do you think we would have received this turnout if we had spoken only on pesticides? This is only one way to educate

women. The women themselves know that when they go back to their communities the other women are going to say yes these are the things that we know are happening. If they complain they know they are not going to get the support. After two years of domestic violence education, they know that now they have to work with agencies, why? Because it is not enough to provide the information, you have to provide the access. You have to provide the services, you have to make sure that there is follow through with the workers so they can get the support. If there is an agency out there for you to complain to, they'll take you, but you cannot just provide education. You have to make sure that they feel protected, they are going to need that support and it worked last year and we know that this year it's going to work.

Each year you have to keep working with those four groups, because it is not enough to just give the information. There has to be a network established with workers so they can feel confident and empowered to be able to go and complain because they will not complain if they know they're going to lose their jobs. We want to keep in touch with you to ask questions. It's really a whole community of people who are involved with pesticides; people who use it, who are around it, and who are exposed to it. We need to educate all of them about pesticide safety so we really want to be in touch with you to find out what we can do.

Worker: You know, that would create a problem for my [Inaudible]... What can you ask about an asbestos problem and you call the Labor Commissioner for information and the answer is no. How can you trust somebody if you don't trust the answers they give you? This thing about doctors not phoning, not recognizing what's wrong. Something has to be done. With the anti-immigrant position coming back in California we see that a lot of our clients are treated worse. I've done community education, I can make a lot statements for two or three days and the people understand. But here you call an agency that's so, so far away from reality. To me EPA is there to save the rivers. The connection with farmworkers and pesticides seems so far removed from the EPA that I wouldn't even know that EPA is involved.

Unidentified Speaker: In the first place your wife should be able to call the Commissioner of Agriculture and that's something he wants to know that we can do.

Worker: My name is Richard [Inaudible]. Tomorrow I am going to be at various places and I am going to be at the Salinas meeting.

Worker [Leaving the meeting]: It's been a pleasure and we welcome the guests from Washington.

Meeting with Farm Labor Contractors and Agricultural Employers, Fresno, CA, July 23, 1996

[Beginning of meeting missing from tape]

Speaker: I have a comment and a concern that's been ongoing regarding training. In the beginning you didn't have classes to train our trainers. In our organization alone we've hired a minimum of 100 trainers. We finally certified all of our trainers, but for a long time we didn't meet the full requirements, so we elected to give up all the EPA assistance. Are you going to have more classes for work trainers? I know that there's going to be only one train-the-trainer session.

Speaker: I think this is a question for the Commissioners and their staff because EPA is authorized to determine who and what programs in that state could qualify people as trainers. In California [Inaudible]... so we really are not knowledgeable about the different types of training programs. So the Commissioner of Agriculture should probably be the best source for information. [Inaudible]...

See, our problem is when Ag comes to check our crews, if we as employers were not progressive and push and push to get this done, then there will be areas that we would be out of compliance, granted. They are all very courteous, extremely helpful. In our organization we have been fortunate when we got these six [Inaudible]... they are happy, but it's an ongoing situation with crew bosses. If you are a grower you are in the same situation. Say there is a crew coming in. I'm going to give them training. We got Steve, he has a book with two or three parts. Unfortunately, in our organization we have about 60-65 certified trainers plus we have QAL's on staff. We are probably at best 1% of the agriculture employers that are set up like this. There's very few that if they are progressive and stay in compliance we can give our classes, and we're getting there. But if the program is put into effect you really have to do it well. I believe in improvement. I believe it is great. I'm all for it. I also ran through a situation with private applicators. They are authorized to train these folks. They don't have the slightest idea how to train them. Why do I have to send 70 or 80 of my people to a 4-hour class? I'm paying those people per class. They give the eight hours worth of class, I believe that. I believe that's what it should be but they don't know how to train them. But then there's a private applicator that is allowed to give this class. These are the areas that I think are not equal, not equal at all, and I think it should be on an even level. Sometimes I run into growers and they say, "I don't care, I don't send them." I think it should be on a more equal basis.

We have three trainers for safety records. John is one of them and they are all qualified. They never stop training. Field representatives have to be trained also, but they don't. Today they have 25 people in their crew and 10 more people will be bringing their crews tomorrow. It is very difficult for my three trainers to handle all this training. We've

done it, but it hasn't been easy. I want to get more trainers. [In response to inaudible question]: Absolutely, by all means, I think this is one of the problems, the regulation is... [Inaudible]...

Let's say that I'm training you folks here and I don't want to give you the blue card, but all of you signed. Well, in the agricultural business, five days later you may be working for someone else, and you go there and the guy asks, "Have you been trained?" "Oh yes, I have been with a whole bunch of crews." I think it should be that the worker receives at least a decent half hour training. I know several people who disagree with me because they are taking up some liabilities and so on. I train you and you go to someone else and you do something wrong, you say, well, you don't want to train me, you should be going. If that person has a blue card, that person has gone through training, whether it be a limited amount of training or full scale training. John wants an hour. I think an hour is too long for a field training, but if that's what John wants to do, then that's what I think he should do. He feels comfortable, so be it. One of our directors, he can do that training in 20 minutes. At any rate, they have the training by a certified trainer. Steve has trained many of our instructors.

Speaker: [Inaudible]

Steve: Sometimes you're talking like they are labor machines. You bring them for at least a half hour prior to work. That's not the law but it makes better relations for us. Sometimes our people have to do training every day if they have the time. It's not easy, but it's possible. I don't like to train three full time [Inaudible]... it's possible, extremely possible, I think morally not a good feel. And then these folks that work in the fields and elsewhere too, I think we have been indirectly saving a lot of medical costs and workers comp costs because we make sure that they are familiar with the posters. We make sure every field has a poster so they can find out about re-entry time. In the past, workers were taking pesticide containers home and they would wash them and use them for water. That kind of training stopped. I think the cost for all of us is very justifiable.

Speaker: I think we come from a different environment. The pesticide containers shouldn't be left out. I feel a little bit differently about this program. If the pesticide containers were handled properly in the first place, they shouldn't be left around. Secondly, it is very expensive for us to train the people and myself, especially growing vegetables. We are farmers also and we do our own farming and our own applications. If you have proper training in the safety program, you're covering all your re-entries anyway. We post every field. On our sign we add where we sprayed, the time we sprayed, the day we sprayed, the re-entry and the time. For us this is another extra step that we are repeating ourselves already.

Now the card deal. We haven't got in the card deal, we are in the sign-out deal. We hire a photo ID card that must be present at the job site before they go to work. The blue

card is confusing to these people. If they lose these things that mean that much to them, I don't care who you have train them. Yes, they understand, yes, that this brings their understanding level up. We get a lot of people from Oaxaca who seem to be very hard-headed and they don't seem to be..maybe it is a lack on our part, but we don't seem to be getting through to them. There's only one grower that I know of in our valley that is giving the actual blue card. He says he goes through a 15 minute program. We have steady employment. So we really don't have a high turnover.

Speaker: What happens in this area is that posting is real power. We have to do posting for three days to cover re-entry laws. Pest control can be awesome. We have QAL's on staff. My QAL's are always studying and they only have to do 20 hours every two years in order to renew their licenses. However, a grower can come in and he gives a 15-minute class where you spend 40 minutes studying for it. And he is qualified to give the field workers training, if he is qualified to spray pesticides and he or she is qualified to train mixers and handlers. We can't do that, we have to go all over the program. We are giving quality stuff here. We don't mind doing it, but we do find containers scattered around. I don't think that's as common as it used to be, but you do go into a big expense and it's very time consuming and I don't have any other answers other than why, because it's the law. There are ways to speed up the process of giving these folks training. There are agencies around that would train your field workers. I tried it. I have had 92 to 96 crews running, from Bakersville to Tracy. But they scared me out. You have all these people in one place under a fig tree, as if it's no big deal, I knew this wouldn't work. Then you train this crew today and tomorrow they have new people there that come back to train again. You keep training these folks. The logistics of it is that it looks good on paper.

Speaker: I have heard that if you go to a 2-hour class each year, you don't have to take the test.

Speaker: It depends on the growers. Growers that have been in the business for a long time, they have the experience. They are the first coming into the spraying business. He may not have the experience but the grower knows when a spraying job is well done. I will have to defend them, I'm a grower too. Experience with a contractor in California alone doesn't qualify you as a trainer. You have to be trained.

Don: What he has to listen to is what deception is going on with the large contractor or the large grower. Let me give you what's going on with the small growers. I'm speaking about a grower much smaller than myself because those are the ones that I represent. He has seen the workers twice a year. What we have to think of, and this goes for the large contractors and growers also, of something that's comparable for all people, something that is easier to be in compliance with, that's not so difficult for somebody to do. Most times you get the 88-year-old

grower. I'm only 40. He's going to try and try to be in compliance and he'll never be able to, especially at 88. So, I think there should be some type of program that a grower can say, when a worker comes to work, a grower can give this worker certain information--whether it has to do with pictures, writing in more than one language--and that, in 24 hours he can come back to the foreman or come to the farmer and within five days he answers short questions. The grower knows he's read it, he knows he's in tune with what the regulations have prescribed for the seasonal workers. Those are some of the things that have to be solved, people, or you going to run the small farmer out of business. If you want to run the small farmer out of business you're doing a good job of that, at the state levels especially.

Speaker: Don, the worker's standard is set up where a new worker who comes on site doesn't have to be trained by that grower until he spends a few days there. There's an instruction booklet available on that.

Speaker from Audience: I understand that in the California law you can wait and give WPS training later.

Don: But on the state level, he has to be trained before he goes to work. As far as the WPS training is concerned, yes, you can wait. But on other types of training you have to do it as the worker comes in. But you can't give one day and bring them back a couple of days later. If you going to do that, you might as well do the WPS training in the beginning too.

Speaker from Audience: There's a 30-minute videotape that's standardized nationwide and you have to show your [Inaudible]... standard videotape, that's it. There's no other big work. As long as you show that video, in the language the person understands, it's done.

Don: And that's a good idea. You put it in the optimum language in whatever ranch you are at and he must come view that video within a 24-hour period or whatever rule that farm has, but it has to be simplified because the people are killing us. They are killing us in the field, and it's killing us at the office because all that has to be transformed. You can use a laptop and you can use all these things but all it does is [Inaudible]... It's the same at school, you have a student that wants to learn, it doesn't take much time to learn in that classroom. But if he doesn't want to learn then there's got to be a special program, spelling out very clearly what has to be included, not for [Inaudible]... perception of it but the organization's perception of it. It's got to be spelled out. [Inaudible]...

Speaker from Audience: That would really standardize it.

Speaker from Audience: The videotape is nice, but I think there has to be some interactivity between the worker and the trainer to be effective.

Speaker from Audience: But remember, it doesn't take very long for a foreman to know if this worker is qualified, five or six questions, that's all it will take.

Speaker from Audience: The one quiz page that went at the end of video might do that.

Speaker from Audience: It's got to be something standard that everybody agrees on. It's the same thing. It doesn't matter how large you are or how small you are, everybody is on an equal thing here.

Speaker from Audience: George, believe it or not, there's something different in SP-198 and the state regs for very large business.

Speaker from Audience: It is precisely SP-198 that needs to get expanded.

Speaker from Audience: I think standardizing it also simplifies it and this could be done on a trial basis.

Speaker: We are doing that already, but you still have to provide for interaction. It could be done in a way that works for everyone.

EPA Speaker: I hear what you're saying and I guess that I have heard that we only get people that are different and it doesn't fit every situation. We need to be able to provide for some people who do not have TVs or videos and maybe they have to work with a flip-chart. Some people don't feel comfortable answering questions [Inaudible]... some folks think that some workers might not be able to pick up what's on the video. Other people say that our choices are too few, that we should provide more choices, so I guess I think we've done the options that you are talking about. We do have a video and that is a way of beating the training requirement. I am not sure if I am quite on track with what is the advantage in making that the only choice.

Speaker from Audience: Do you put out your own video or is that done by the usual contractor?

EPA: Yes.

Speaker: OK. If you are sitting with a group of employees and every time they go home they are watching how to suit somebody, that's not the kind of videos that we want to show the employee. These people are working all day out in the field and they go home and this guy is saying, let's sue your employer if you used a small pesticide today, well, you are sick. And it's on there all the time, this stuff. What I'm saying is, if the training is on TV and the commercial is the same thing, what do you think is in the minds of these people? All day long they are hounded by these attorneys. They also come in the Spanish radio stations. If the video doesn't have the proper education, I would think you are not accomplishing what you need to.

Speaker from Audience: This is a video I ran into.

Speaker: I don't know if that meets all the requirements, but that's the one we found and that we use along with other chapters. This is something that explains in Spanish and reaches people at a level that they understand. A Spanish-speaking man is under a [Inaudible] ...and it doesn't say, "You're going to die when you smell this stuff," or anything like that.

Speaker from Audience: I got a video that was put out by a chemical company and it doesn't get down to the seasonal worker and it doesn't fulfill the need of the seasonal worker. That's not derogatory, that's simple ABC. They always have the advertisement at this level, when it is supposed to be down here, this is what you do, this is what you look for and this has to include it.. This doesn't explain that.

Speaker: [Inaudible]

Speaker from Audience: One of the biggest problems with this is not posting the chemicals in certain sections such as near the workers at workers' sites according to all the state and federal posting laws and regulations.

Speaker: You have been talking about posting, but you haven't talked about pesticides. You need to talk about the gamut of it, because you need some pesticide posting right near where you have the PS-198. We got the feds and the state to go along with the chart. This is the truth, I have yet to see a worker get to see that chart. We don't have a lot of workers, we have 125 out in the fields. At the office site, we have a glassed-in case that I have made. That has no relevance to legality because that doesn't count, but I see people because they have to congregate at certain areas to get their checks and that is at our office. I see people reading it every time they come to pick up their checks. The state will not allow that because the posting has to be near the workers' site. There has to be some kind of compromise on this issue if compliance is to be readily obtained.

And one other thing is, on any ranch that there be one place where the workers come in, like where they park their cars or have to go through, where one large poster is good enough and they don't have to have the ones out there in the fields. That's what I'm talking about. Making it easy to comply. I saw one, not long ago, that didn't have the specifications that I would want. It didn't meet this thing fairly and that is, where the people have to drive in to park. It's got to be a board, like a window, 4x8, all the posting is right there. Workers are not reading. We want workers to look at that and read those things and try to comply with it.

Speaker from Audience: We have signs by all the agencies. Do you have space in a 6x4 window?

Speaker: It would still fit in a 4x8.

Speaker: We have a flexibility there with a grower where he had 100 employees, all in

one place. There could be some flexibility and I think this should be warranted that it would be at one place where they congregate.

Speaker from Audience: I'm sorry, that's already part of the law, as long as it is in a place where they all frequent.

Speaker from Audience: What do you mean, "where they all frequent." It was announced that it has to be in a place where they go to work, that's where it's got to be, because as you enter any ranch there's got to be a place where they can see it.

Speaker: All the posting...Let's say that you have to pick up your check every Friday at the office. If it's posted in the office, outside the office, and it is the central point where they go to--if they all meet at this barn every morning before they get this passed out, there is one set of workers up there--that is legal. But if they don't frequent...like for us, our check is delivered directly to each crew, the ranch spreads out 13 miles in different areas, you rarely report to a single spot, we have to have those posters in the field.

Speaker: I hope you have the impression that there is a lot of posting as far as pesticides are concerned and that you have access to them.

Speaker from Audience: And let me tell you: We have 117 usable whiskers that are working and each board, if used properly, is going to cost you $160. Then you need another container for the A-9 series. This is costly. I met a couple of years ago with Howe. The pesticide records have to be posted on site, on the field, whether pesticide records are kept or not. We have 106 different locations. How are we going to post that board? We have it in a book and it is in every restroom. Each book costs us $10. This is part of the posting, its has to be on site. Also, one agency comes out and says, this is fine, and another agency comes and says, I don't like this. So, we have to overkill to cover all bases.

[Inaudible]

Speaker from Audience: I think most growers want to comply with the law, but some of them feel very frustrated by the bias and that's what we have to prevent.

Speaker: Absolutely. As you say, the bottom line is that the worker refer to us as [Inaudible]... but all of us would like for that worker to work in a safe environment. If we make the posting so confusing for them, the worker says, "You know what? He doesn't want me to understand," and some of the growers are going to say, "Forget this, they're not going to learn anything." Then we have lost what really and truly the law was set up for us to have--protection and knowledge in pesticides.

Speaker [Government Rep]: You guys are the ones to do the job to try to follow through the rules.

Speaker from Audience: We were bitter at first, there are teeth in these laws now.

Before the laws were on the books we ran the show. The agencies now are enforcing these laws. So, I'm not as bitter now. I see that more and more employers are coming in compliance. And for us it's been a big turn around, we are seeing more and more people in compliance. In the labor business, I'm not talking about the growers now, I'm speaking strictly about labor contractors, more and more are losing their license, being fined and if they don't meet the compliance they are out of business. So it is possible that they don't have as many fly-by-nights, not as many fraudulent contractors. I'm not speaking for growers ...

Speaker: [Inaudible]

Speaker: I think these guys are losing their licenses one day and they turn around and get their license again or they put their license under their wife and children.

Speaker: That has happened for a lot of years, but they are closing that gap faster.

Speaker from Audience: When I go to labor meetings and I meet a lot of people from all over the United States, the California laws are far beyond any other in the United States.

Speaker: We have a manual which actually differentiates California...[End of taping]

Misionero Vegetables, Salinas, CA, July 25, 1996

Speaker: This is Kurt Johnson and he runs our lab and he will take you through the whole testing procedures on what we do. So I will turn it over to Kurt.

Johnson: I am going to walk you through this. Are you lab people?

Government Rep: For the most part, no.

Johnson: I just need to know that so I don't talk over you or under you. I don't want to bore or blow you away. What we'll do is that we will start in here and we will work our way into it. If you have any questions, I will stop. I am not quite sure to the extent of what Anthony has talked with you about, but I may overlap a little bit. What we are is a state accredited lab for the state of California through the Department of Health Services and we are monitored by the Department of Food and Agriculture. We get our test samples from Food and Agriculture. We use these bulk chemical screens for a wide variety of pesticides. We do this on every sample for every field before we harvest it.

What we did is originally set up the lab with the idea that we had to get same-day analysis so that we could sample as close to harvest as possible, but yet get our results back before we cut it. We could just not do that with an outside lab. It was next to impossible to do that, day in and day out. So we felt that if we were going to do a program

at all, we would have to have same-day results. So the only way to do that was to do it ourselves. So we started out with some empty rooms, we put in our labs, we got them accredited, and we have been running them for about six years.

Government Rep: So you run [Inaudible]?

Johnson: Yes, and again you test everything. This is some type of kale-- I don't know anyone who eats flowered kale, but we tested it. Whatever goes in Misionero's box, it comes from our fields, we test it. What we do is we have a guy walk out in the field in a Z or X pattern and try to randomly sample on that pattern as best as possible. We can argue all day long on whether a random sample is or isn't, we try to just cover the whole field. Another thing that we do is that sometimes if one is out in the field, you will notice a row of pump stands or telephone poles kind of located in odd spots. You can tell where a truck sprayer may have to back-up or go over a section twice so that we will sample those areas where we feel they may have doubled up on. That is rare but there are fields that are really weird shaped and have to go over them twice.

We do very little aerial applications, but it's getting so expensive that it's getting to the point that the majority of it is done by tractor. The fields are so small, it's not like we are spraying 200 hundred acres of corn or 1,000 acres of wheat. It's only 10 acres of one crop and 20 of another, especially in this valley. What we do, just to give you an idea, is that each sample is ground up in this giant Hobart restaurant food chopper. These are some samples from this morning. This will get processed through the lab. One of them will go in a freezer. We keep them on archive for a year. We are required by the state to keep an archive. No one really wants to commit to a time length, so we just keep it for a year. Most people keep fresh vegetables for about six months. In case anybody has any questions about the results, we could send them out to another lab or we could analyze them ourselves. It's there all year-round. Right now we are rotating out last July.

Right now we have a quick explanation of extractions. We use 50 grams of this material here and 100 grams of either acetone or compound cidonitrate. We blend it down in this little blender and filter out all the fibrous materials. [Inaudible]... This is some of the material we did this morning. That was 50 grams of flowering kale. It is now a gram of fiber. What we have done is extracted almost everything that is in the plant to a liquid. In this flowering kale you can see the purple pigments in the water. The bottom part is the water, the top is the solvent with whatever pesticide is concentrated in and we will end up with something like this. We evaporate some of that down to concentrate and what we end up with is something like this. We started out with a complete field of flowering kale, took 10 heads, ground them up, blenderized it, filterized it, and evaporated it. This is actually what we ended up analyzing. This is what we ended up screening for the state list. It's about 205 different possible pesticides.

Government Rep: Do you look for pesticides or for registries?

Johnson: Whatever. Registered or unregistered. Everything that we can use or can' t use.

Government Rep: But it's stuff that's on the list?

Johnson: Yes, and the list keeps getting expanded every year. There are a lot of compounds that we will see, like a lot of times the state sends us wine samples to analyze and tell them what's there and how much is there. About every other test we will identify a compound that's not on the list and we will send the results and do a recovery study on that compound and approve it for the list. So we are constantly adding more and more compounds.

Government Rep: How much would you say this process for this field is--what it costs? Just to give us a sense of the cost of this testing.

Johnson: That's a good question. We did about 900 samples last year and it cost about $250,000 to run the lab last year. If you do the math, it's $260 a sample.

Government Rep: So, is that for testing the whole list of compounds?

Johnson: No.

Government Rep: How many single residue methods are there in addition to your multi-residues?

Johnson: Now, there are probably two.

Government Rep: So in essence you make each one of those vials go through three different analyses.

Johnson: I don't want to leave you with the impression that we are finding lots of residues. Right now we are finding maybe one or two on 60% to 70% of the samples. So what we are trying to do here is to look for compounds that should not be there. If we did not have them applied they should not be there due to drift or misapplication. But we are also looking for compounds to make sure they are below federal levels. But with the lab it has become very important, because domestically we don't find many problems. The vast majority of our problems come from exports because we have to meet federal and foreign government levels, which can be very difficult when an applicator is out there applying according to the U.S. label, shooting for U.S. tolerances. We have Canada with tolerances on the 20th compared to the United States. So this is why the lab has become very important. We do a lot of business with Canada. This time of the year we delay harvest on about a block every week to Canada. We have to delay it one to three days to let the pesticides degrade so we can meet the tolerances. We do this a lot this time of the year. We used to do that

quite often domestically, at least every two weeks... [Break]

As I was telling you before, we try to do this same day, so usually in the morning we are doing workups in the other lab and in the afternoon we are in the instrument lab doing analyses of data, inspecting the data. What we are doing right now is we are running the flowering kale which you saw out there and this here is a gas barometer EC, which is configured to screen for about 95 phosphorus based pesticides. Right now we are seeing a little bit of Diazinon about 10% to 20% of the samples. Occasionally some Dimethyl.

Government Rep: Is that consistent with what you would expect knowing the use history on that?

Johnson: Yes, it is. The test pressures right now are not very high so we are not using a lot of pesticides. So we are not seeing very much at all. As soon as we get some warm weather for three to five days, bugs will start running amok and they will start recommending more and then we will see more. Right now it is very clean. This instrument here is another gas barometer and it is configured to look for about 95 to 100 chlorine-based pesticides, a lot of those now banned nasties, such as DDT. There is a list of about 16 to 19 of those compounds. Right now we are seeing a compound called Ambush [Inaudible] on about 60% to 80% of the samples. That is the compound that usually gives us trouble with export because we have a U.S. tolerance of 20 parts per million and a Canadian tolerance of one part per million. So that is the compound that we have to be careful about monitoring so we don't get a block shipped off to Canada with our tolerance. Sometimes what we will do is dedicate certain blocks to certain areas. In certain instances we just wait for that block. This estimate here is a liquid [Inaudible]... it screens for a group of pesticides called Cordamix. It is about 12 of them. I think right now there are only two allowed on the vegetables that we are looking at, so we should never see the other 10. So, again we are looking for a lot of pesticides that we cannot use at all as well as those that we can. We are seeing right now a compound called Lannate or Methomyl on about 10% of the samples. I think DuPont is not going to reregister. Did you know that?

Government Rep: Methomyl as chemicals can stay alive, I don't know about the Lanox use.

Johnson: But Lanox is kind of a strange compound. We don't see it for months and months and then all of a sudden we see it. But I think what it is, is that in the beginning when you start to see an increase in pest pressures, PCAs [pest control advisors] will go through some strange compounds that are not used regularly. Insects haven't seen these compounds for a while and they will have to become acclimated to them and occasionally [Inaudible] ...which we have seen twice in six years. So hopefully by the end of the day this flowering kale that we are analyzing will pass and if it doesn't, whatever problem it has we will have to solve it, whether that be waiting

for things to degrade or whether we have to destroy the crop. Again, if there is something there that is not legal or is not registered, the crop will have to be destroyed.

Government Rep: How many of your problems are situations where there are no tolerances?

Johnson: Yes, that happens about twice a year out of 800 to 900 samples.

Government Rep: What is your guess as to why this is happening? With such low rates, it does not sound like it is happening intentionally.

Johnson: If you are around and notice that rockford and cauliflower sometimes are grown quite close to lettuce, then it would be a drift situation. What we do is to test so many rows until we can't find it anymore. Then we make sure the fields that test positive for [Inaudible]... are not harvested and we harvest the other side to try to salvage the field. A lot of times we get a third of the field harvested. Two thirds will get this. When you start taking samples from each row it gets really busy around here. We have to figure out where we don't see the pesticide any more, where we do see it and where we have to harvest beyond that point.

Government Rep: The Ag Commissioner investigates all those illegal residues also.

Another Govt. Rep: Do you report to the Agricultural Commissioner?

Johnson: Yes.

State Official: Whether it's them or it comes from a state sample, if you have a drift from tank contamination, or slow updates--and often we are not able to establish why this extremely low level was present--we do spend a lot of time and resources investigating each and every single case.

Johnson: It is unfortunate, if it is there you can't harvest it. So a lot of time and effort is put into figuring out how to deal with the field contamination. This kind of inadvertent residues can happen in several different ways. You mentioned the tank mix, where somebody hasn't clean out their tank and then treats the lettuce and you get small quantities mixed in with the one pesticide that was intentionally applied. That would seem to me to have a gradient base across the field. When we go there and sample, if there's anything left, we take a nine-point sample and then try to establish gradient to see if it looks like a drift. Then we will get the applications history of all the fields around there. We will get the weather data, and if we need to, we will get the spray history of all the equipment that's been in that field. Then we put all that together and try to figure out how it happened.

Government Rep: Is that where a lot of your misuse investigations go or are you doing that a relatively small part of your time?

Johnson: Those tend to take a significant amount of our time because it takes a long

time to do one of these investigations. We may do five to ten a year. They are long and tedious investigations. Often, it is something like [Inaudible]... at the protection limit and once that cab goes from here it goes to the salad bar. We have a state policy to investigate every one of them.

Government Rep: The point is that this man is here to ensure that it doesn't happen or it doesn't enter the market.

Johnson: One thing that I have to impress upon you is that the problems are very rare, but they do occur and we deal with them the best way we can. Ninety percent we deal with in here is with respect to exports. We are shipping to Japan and Canada. Canada has extremely low levels, whether those levels are set as trade barriers or whether they are truly a food safety issue, who knows. It is difficult to get produce into Japan sometimes.

Government Rep: Who is the PCA [pest control advisor] for the company? Do you hire somebody or do you have a staff PCA?

Johnson: The PCA is an employee of Soil Services. He is the one that walks the fields and makes recommendations. We really make very few, if any, recommendations of what should be sprayed or when. It is contracted out. It's a separate entity.

Unidentified Speaker: It is usually the grower who takes care of that. He usually has people that he likes working closely with who handle it.

Johnson: Different growers have different PCAs, so we keep on file the pesticide applications because we are required to, and if you leaf through them you will notice several different names to be consistent with different growers. Right now there are four different PCAs for all the crops that are coming in here.

Government Rep: Is the PCA company that you contract with, is that a PCA service company or is that an ag chemical?

Johnson: That is the employee of the applicator.

Government Rep: Are they paid per application or are they paid per acre?

Johnson: Salary.

Government Rep: So, there is no incentive for them to reapply.

Unidentified Speaker: Actually it is a disincentive, because if they spray too much they end up spending too much money. They don't get paid commission on using pesticides.

Government Rep: Are these PCAs practiced in IPM [integrated pest management] techniques?

Johnson: Yes they are. We had our own in-house PCA when I first joined the company and that was back when they rated pest management. This was kind of a new buzzword that is being practiced now for six or seven years and it caught on quickly throughout the industry. I am called into the boss' office on occasion and asked, "What are people using as pesticides?" This stuff is expensive, a large cost on our lettuce. I don't know about the fields, but I can tell them what I have seen in the lab versus what I am hearing about pests in the fields. Most of the times the crops are clean until the bugs really hoard them up and then the pesticides have to be applied. It is amazing how clean the industry really is. I am not saying that because I work in the industry, there is actually data day in and day out on how low the residue levels are and how few of them there are.

Government Rep: Is the company doing any research to find alternatives to chemicals to try to cut that cost down?

Johnson: Yes, this valley is the greatest user of ladybugs. We buy these huge crates of ladybugs and I put them in that freezer out there for 20 minutes to slow them down. Then we run them out to the fields, especially when there are large amounts of aphids in the kale, especially when we were growing large amounts of kale, cilantro, and parsley without pesticides. And we would release a bunch of ladybugs.

Government Rep: Is there any research going on on things like habitat management or multi cropping, alternate rows?

Unidentified Speaker: In the advent of our organic program we are actually finding organic techniques that are applicable to conventional farming and vice versa. The Ag Extension is doing some work with planting harborage areas in leaf lettuce with different nectars and pollen plants, but they did not have excellent results. California is adding a new category on the pest control advisory license in integrated pest management. People will be required to have continuing education in IPM pretty soon.

Government Rep: Do growers have a way to share ideas?

Johnson: Yes, our growers work real closely together with us and with each other.

Government Rep: Are there other operations like yours?

Johnson: We believe we are the only in-house operation. There are other people who contract out. There are a lot of pesticide programs, a lot of companies and every company has some sort of testing program of one kind or another. Some sample one in five and some sample everything, but every company is out there generating data.

Government Rep: [Inaudible]...

Johnson: With tolerances we look at seasonal trends of what is being seen versus what is out there. For many years most companies were not testing. They were relying on government testing. They didn't have a true feeling for what was actually sprayed. Now we have these huge databases and we have a good feeling of what is out in the market, what the levels are, and what the seasonal trends are.

Government Rep: [Inaudible]... What is the classic differential between organic and conventional [Inaudible]...marketplace?

Johnson: It is typically higher in organic. Probably 20% to 50% higher.

Government Rep: What is your production costs differential?

Johnson: Organic? It runs 10% to 15% higher. We are finding that yields can be comparable depending on the time of the year. Right now we are having a big problem with [Inaudible]... Organically we are releasing sacks and sacks of ladybugs and other beneficial insects. We have different sticky traps set out for flyers and they seem to be in such large numbers and propagate so quickly that it is real tough to get them under control. Yield during this time of the year, for instance broccoli, are probably 30% ...

Government Rep: How do your profits compare from organic versus conventional? Is organic simply a more profitable business or when you take the increased price you get for the product, then the increased cost, is that a wash? How does it compare with conventional?

Johnson: We are finding that it can be more profitable. It really depends on your inputs--how much time you are actually out there. The organic people that go to the extent of putting crews out there every single day pulling weeds--that is the real [Inaudible]... cause that can put the costs through the roof. Even though you may get an additional upside on the market, that usually means high cost. To answer your question I think so long as you keep your inputs in place it can be profitable.

Government Rep: Are you expanding your organic and converting your conventional to foresee going completely organic?

Johnson: I don't think we will. I see our organic business growing, but I don't ....

Government Rep: What do you think is the obstacle to going 100% organic?

Johnson: Market share. There are not enough enlightened people that are going to consume organic strictly at this present day. Maybe in 10 or 15 years. There is an advent of Fresh Fields, Whole Foods, New Leaf and other supermarket chains growing that target organic products 100%. I think that it is going to grow but right now we don't have the consumer demand.

Government Rep: There are concerns about pesticides in general. The organic are not considered...so the other things...what do you foresee the possibility of agriculture without pesticides?

Johnson: I think there are a lot of things we are finding in organic farming that is applicable to conventional farming. I am speaking mainly of beneficial insects and I think you will see a big decrease in the use of pesticides. We are actually finding that now, that with a few adjustments we can skip spraying. There are more options for us now than alternatives.

Government Rep: What about the rest of the grower community? You folks have staff doing research and you keep on top of the cutting edge. What about the rest of the community, are they moving along in this direction as well? What are the major obstacles to getting that mainstream group of conventional growers to focus their attention on reduced use of pesticides in a big way?

Johnson: You are seeing more of the larger companies starting to get into organic farming and everyone is beginning to get their feet wet and trying it out. But again, it all depends on consumer demand. It is more expensive and not everyone is in the frame of mind to go organic all the way.

Government Rep: So, it is not just the price.

Johnson: You can produce a lot of...per acre and you have three or four large companies doing that at the same time. There is just not the demand.

Government Rep: So, they need to sell them as organic because they can't recover their cost if they sell them as regular table products.

Johnson: We have found that in a lot of our organic fields, depending on the market conditions, if the organic market is saturated, we will pack them in a conventional box. We will ship them as conventional products, just due to the fact that we want to give our grower some return on his profit.

Government Rep: Does he recover the cost of production by doing that?

Johnson: It helps. It's better than just... but he may not recover all his costs.

Government Rep: You said earlier about the Worker Safety Programs and you said you were going to cover some of that here, tell us...

Johnson: Yes. Javier, who runs our labor contractors has gone through the state accredited classes for the State of California. We give our workers their cards and we also have meetings every three months with the workers updating them with worker safety issues regarding drift and misapplications. We feel that we are a hard working group and

we have a tight knit group. We feel that we are doing a good job.

Government Rep: Are there any parts of the regulations that are any problem in terms of compliance that strike you as a real nuisance or expense?

Johnson: No.

Government Rep: How are you going to display your application specific information? Have you made plans for that?

Johnson: We have.

Government Rep: Would this be your central location?

Johnson: It might be. We are still trying to figure out where to put this.

Government Rep: What about notifying people about which fields are under restricted entry in fields of 10-20 acres? Does that present a difficulty and how do you overcome that?

Johnson: We usually do that every morning through Javier who informs his supervisors who might be going to the fields that might be dangerous.

Government Rep: So you are doing it orally?

Johnson: They are posted in the fields.

Government Rep: The oral notification is really impractical to make that work because the labor is too dynamic so people are going to go to field posting.

Government Rep: So they use the skull and bones sign?

Johnson: That's right, California has the skull and bones sign.

Government Rep: So, is that being used for posting any kind of application round up to ...

Johnson: Anything with a restricted entry we use the signs and they are always there.

Government Rep: What do you mean, "They are always there?"

Unidentified Speaker: In this county we have a posting regulation, would you explain that? We are ahead of the game in that we are used to posting fields. We just keep posting a lot more fields under the Worker Protection Standards.

Government Rep: Do you prefer the skull and cross bones to the stern face and upper raised hand?

Unidentified Speaker: I do.

Johnson: People are accustomed to that, they knew what it meant. It has a lot of acceptance among the workers. You might see some federal signs and a lot of people

wanted to comply and had to buy them. Here we are accepting either type of sign until they wear out.

Government Rep: And the workers are getting training on both signs.

Johnson: Yes.

Government Rep: You have a pretty good working relationship with your workers. Without naming names or going into details, how is that relationship as far as pesticide safety with the workforce in general? Are workers in the valley generally knowledgeable about pesticides and pesticide safety and to get the information they need from the employers and the training they need?

Johnson: I think so. A lot of people who have worked here for a long period of time are well aware of the regulations. [End of taping]

Clínica de Salud, Salinas, CA, July 25, 1996

[Beginning of tape missing]

State Rep: [Inaudible]... about what we want them to look for and given that California already has standards in place and they are trying to make them compatible with the EPA standards... You are saying that here in California it is a requirement to report [Inaudible]...The issue is exposure in and inaccuracies... It is our Department that has to receive the reports. Under Section 2950 of the California Health and Safety Code, it states that any physician or doctor that treats a suspected case of pesticides is supposed to report it to the state within hours. And what we are finding here is that the average reporting ...what we found in 1995: We had 170 pesticide incidents and out of that, between 70% to 72% were actual pesticide related incidents and out of that 72%, 58% were never reported to the Health Department.

What happened technically is that we send them a notice that they are in violation of a state code. The agency that enforces it is the State Department of Industrial Relations. Under your federal law, [Inaudible]... abrogating sections that require medical reporting? Because one incident involving 45 workers was not reported to the Health Department. Some of these came to us through the Ag Commissioner or the companies. We have called doctors with threats of lawsuits and they didn't report it in 48 hours, but in seven days still have not reported them. We filled out a report

informing the Department of Ag. Here in 1996 we have an increase, which is 16 reported incidents of pesticide suspicious cases. Eight are pesticide related and two of these eight are not reported to [Inaudible]...

Doctor: A couple of reasons why I think the case is difficult is because it is a pain in the neck to report it. First of all, it is something that really takes you out of the way. Secondly, to get the information from the patient as to where it happened or who it was that they were working for is often very nebulous. It's difficult to get hold of the phone number, who the contractor is, and the person's phone number may have changed. It is also problematic. You have to jump through a number of different hurdles. I am not an apologist for special practice but those are some of the things that you have to contend with as a provider. I have not seen a lot of patients with pesticide exposure, but my sense of the patient is that it is mostly hearsay. Information gets to them very poorly and it is an extension of what the doctor was saying. It is hearsay when the field was sprayed.

Part of it has to do with the fact that they were there three days after some sort of a talk was given. Even if they were present at the talk, to actually listen and remember is also problematic. But I think this turnover of laborers really undermines detailed knowledge of what is going on. I think the farmworkers that we are seeing are generally misinformed and obviously a better effort to communicate information to the farmworkers in a way that is understandable to them... Many farmworkers are not proficient and don't have high levels of education, but they can really understand much. They have little formal education but they are very educated at the same time. But I see that as a big weakness. I have not met any growers, but I believe they are hostile toward the EPA. They generally take a dim view of EPA and any regulations that they issue. I think there is ill will in serving the regulations. I think enforcement is a very big issue. I think it is the only place where a police state might be indicated.

Government Rep: [Inaudible]... But you know that a hostile attitude toward the EPA by the growers ...it's a general feeling.

[Inaudible]...

Government Rep: I was also curious to know if under-reporting by the health providers--to what extent is it the lack of awareness that it is a requirement that they should be reporting?

Doctor: I think there is under-reporting and I think it is standard all over. My sense is that there is definitely under-reporting of possible pesticide exposures. I think a lot of physicians and physician assistants for these providers are not aware of it.

Government Rep: As practitioners, what would be most helpful in terms of figuring out how to put together a patient's symptoms that are associated with pesticides? What type of information would you like to have readily available to you?

Doctor: I personally think most of the information is readily available to most practitioners already. Obviously you have to think about it when you see a patient. I think that most providers know what to look for. You just have to think about it. I think they are aware, but there is some inertia by them. That's my opinion.

Unidentified Speaker: Don't you think that it is difficult that the [Inaudible]... is so vague? Unless it is called a blocker or something, then you have some idea of what is going on, but everything else is called rashes, respiratory problems, tiredness. A lot of my friends say maybe the person doesn't want to go out and work.

Unidentified Speaker: There is always the temptation to call them sublimated. They will get better in a couple of days, why pursue it? And I think that is a condition that a lot of people succumb to.

Government Rep: I am curious about your opinion about things being under-reported by doctors who don't realize suspected pesticide poisoning [Inaudible]... I am curious about your opinion on that.

Doctor: They have a good point here. I could see my doctors under-reporting. That is required when pesticide poisoning is suspected. That is indicated in 1995 when we had 77 cases. Some of those were allergies or other things that could be eliminated. If you were a doctor you would have to fill out the form. For the doctors, that keeps them pretty busy. The worst thing, however, is that if we are going to be accurate we would have to fill out the reports, especially if it falls under a (pesticide) incident.

Government Rep: Your numbers have changed fairly dramatically from 1995 to 1996. What do you think is behind the change?

Doctor: I don't think it is EPA. I would say it is awareness. There is a lot of emphasis in our accounting. Even though there are audits, there are still incidents reported. There is a lot of effort by everyone even though we are still finding incidents of ...

Doctor: I don't have any numbers or statistics to tell me. I think part of this may be different efforts to record and identify cases, but part of other variables are involved. Say, for example, we had people walking into our doctors that have not been reported because a lot of these are illegal aliens. Well, if you get to the fields, more than half of the people in the fields are illegal aliens. So, when those guys get sick they don't come in. They are not going to report and say, "Hey come and look at me--I have pesticide poisoning." By the time we see them we are not sure what it is. It's a rash or something else. So, no one never reports anything.

There is another issue that explains why numbers are so low. That's what worries us. There are a lot of unsupervised workers. There has been a lot of discussion on this issue. The public is generally not aware of ... remain cautious of the pesticide issue. That

is one of the reasons why it has dropped down for the last three years. Right now there is a concentrated effort to bring the numbers of incidents down. The State of California has been in this business longer than EPA.

Government Rep: There is a 72-hour requirement for reporting a case and how you can get this information to the physicians, etc. I think ... with a virus is a mistake because we get tons of stuff and it is worrisome to look at everything carefully. Maybe putting an ad in the newspaper could be honest and it would be a better attention provider. Physicians read the papers, especially when there is something directed to them. That would be an effective way of doing it. It needs to be done. Most of us tend to forget about it.

Government Rep: Maybe California Medical Journal might be appropriate to have that kind of information. I mentioned the CMA Journal would be appropriate also. Once you identify somebody, for a lot of doctors it would be very physical and a lot of work to report every single case that is suspected to be pesticide related. What would you think facilitates that one step to actually get all the physicians to report more of those cases?

Doctor: I think a couple of things: One is to model the way you are supposed to report it and two, to have a couple of phone numbers to call and for there not to be a problem getting through. I think physicians are busy, but I think everyone is busy, but physicians are busier and they are also impatient. Nevertheless, it would facilitate to have a couple of 800 numbers with adequate staffing to attend to the phone lines to get adequate information about reporting or what to do and how to do it. It would very helpful.

Government Rep: What about the Department of Health Services--do they work with the medical professionals? Do they have mechanisms to get information out about how to report incidents and what their standard operating procedures are with suspected cases of pesticide illness? Do they have a strong presence?

Doctor: Not that I am aware of.

Doctor: I have never seen anything come across my desk from the Department of Health Services, telling me how I should report pesticide incidents.

Government Rep: They have a publication called "Guidelines for Physicians" that talks about how to report. Are you familiar with that? [Inaudible]... ...We in the EPA in Washington use the California system of reporting a lot. It is the best in the country. Few states collect information like that. Do you see any patterns of illnesses that are different from non-farmworker patterns or are they uniform all along the board? Are there certain things that are going on in the workforce that we see or don't see in other workforce populations?

Doctor: I think the most obvious is the muscular skeletal problems and back pains pertaining to pesticide exposure. It is unbelievable how many 45-52 year olds we are seeing who have bad back pains and to be honest, I think that the work is inhumane. I think that the human being is not built to do stooped labor for eight hours a day for several months at a time and sometimes year-round. I don't know how many patients I have seen who are 55 and have severe back pains. On top of that, they have arthritis because of the medication they have to take for the back pain, and then they become disabled. They don't retrain them. It is a problem that has many repercussions, personal repercussions and societal repercussions. Then they have to go to Social Security or the state for disability and then that's a big mess. I think that one is required to prevent things of that sort. People have to work less hours or maybe take 2-hour breaks. It's just inhuman work.

Government Rep: [Inaudible]

Doctor: I have been in Salinas for 10 years now. I came here from another agricultural area in the San Joaquin Valley. Here the stuff is skin rashes, people's finger-nails are turning black and the other thing is that people have a lot of allergies. That's why I got on the phone and called some of the guys in town who have seen that kind of stuff. We have seen a lot of problems with hands and feet. To me it is interesting coming from the San Joaquin Valley reportable area--the chemicals that they use are different. You see a lot of vague complaints also, the back pains, the joint pains, the general feeling of weak and tiredness...that is exhausting labor [Inaudible]...

Epecially one thing that you mentioned: I see a large number of people without immune diseases, actually. You see a lot of people with connective tissue diseases, quite a few with lupus, rheumatoid arthritis, immune inflammatory diseases, and I know that those were reported things. A couple of months ago, I think there was a World Health Organization that said that exposure to pesticides undermines the immune systems and those exposed to it, and this is subclinically, right? I know that you mentioned whether those were clear cut health effects. There are whole areas where it is sort of "doesn't meet the remedies." That may be part of it. I see a tremendous number of people who have immune diseases. I think those are the things that set them apart from those who don't work in the fields. That is certainly another theory.

Government Rep: Can you think if training [Inaudible]...

Doctor: I don't think so, for the most part it is a weird combination of things. The politics around pesticides sort of tells people it is not important, if you don't drink the stuff, do not worry about it. And besides, the people that are exposed to it are not really that important anyway. They are those brown people that work in the fields. So I think in general, the medical community feels that it is a problem that's focused on a lowly group of people. Malpractice is different, I

am not worrying about that. I don't think people are going to take time off of their practice to listen about pesticides. We did a few courses on pesticides here at the [Inaudible]... and the only doctors that we were able to gather were the residents of the [Inaudible] because they are sort of a captive audience. The doctors in the neighborhood did not come in, yet I am sure they are the ones seeing the worst cases.

Government Rep: How would you try to reach that population? Maybe the residents might feel different about the issues because they are the ones...most likely the farmworker population. How would you suggest that we reach the private practitioner?

Doctor: One thing that I am going to impress upon you is that the United Farm Workers union... that recently their approach to pesticides is more scientific. They are talking science in the body of pesticides instead of the emotional kind of stuff that you heard in the '60s. But yet you talk to people on the street and they say pesticides are not a big problem, it's only those rabble rousers in the UFW union. But it really isn't, they actually have a message that if you go to any university and you talk to anyone in pharmacology, it is a problem, but yet in the public side and the media it is not an issue. We are not concerned about pesticides in California or in any country around the world. I was reading an article where bees are dying and now people are concerned, because plants requiring cross pollination are not doing well, and that counts in agriculture and business because they begin losing money there. Now people are interested and they want to know what is going on. But how do you get the public's attention to be focused on this mission? How do you get the medical community to get focused? I don't know.

Government Rep: Some training and [Inaudible]... the CMA as part of another course that physicians were attending and sponsored by [Inaudible]...

Doctor: I took a course on obstetrics and gynecology and one of the seminars was on pesticides. We were a captive audience again. I know that in this area it is a big concern because we have women out there working and no one knows what the effects are. The bottom line is science doesn't know.

Government Rep: There was a Family Care Conference ...talked about an hour ... to single it out I think it would turn off a lot of people even with the help ... and I think it is more likely to attract a lot of people [Inaudible]...

Government Rep: One of the efforts that we are trying to do with the UC Davis/ Agricultural Health and Safety Center is... one of our outreach efforts is to bring pesticide safety information to rural health clinics and we have done some of that in the past. Is this an appropriate way of approaching it? Can we bring the information to you and also information on pesticide use in the area?

Doctor: I think so. I think person-to-person contact helps. The information, as long as it is interesting, tends to get overlooked, but I think it is almost missionary work, tends to help. Also, it should be made easy for us. We are not very special, but it should be user friendly. Some handout information tends to be difficult to navigate. The position of a lot of providers is that they are very busy and the time is money. So you have an audience that is kind of resistant.

Government Rep: Could you use the World Wide Web at all for getting information or would you use it if were easily available?

Doctor: Personally, probably not. It's kind of a new idea, but I might.

Unidentified Speaker: Excuse me. Thank you very much for your time ...

Government Rep: Thank you. What pitch would we make about the reporting through any method? At the federal level, any type of reporting that we ever tried to undertake hasn't survived due to regulations and registrations. Therefore, we tried to go bottom up or we tried to go with the rest of the states. But the one big pitch we make for it is that it helps us demonstrate the situation. People removed in a foreign environment away from the obvious [Inaudible]... there are the burning rivers, the smoke stags, the acute poisoning, the subtleties that they don't see, the chronic and sub-chronic effects, and the things that we don't know. The big challenge that we get when we are trying to get regulations and strengthen them is to prove it. Where are your numbers? The most harsh reality of that outlook is the body count. Beyond that they start looking at incidents. Not that we believe that this is the way to go or the only way to go, but it is one way that people hold us accountable. They will challenge and not let us push forward certain protections without certain information. The reporting is absolutely essential, if it is able to show some kind of indicator that is large enough to be a concern. So, the under-reporting is a huge thing that we have to figure out how to get a handle on to make a case that there is something out there that is not imaginary. The difficulty in diagnosing pesticides, which is a pitch that we tried to make because it is real hard to keep these to get strength and protections on the books for long.

Doctor: Does the employer have any reporting requirements?

Speaker: They have pesticide use reporting requirements, not through our law, but through other laws, federal and state, that helps in a tangential way, which can provide you with certain information. So maybe if you are aware of what pesticides dominate your area, you see certain symptoms, you might be able to put the two together. It has never been successful ever to get reporting on pesticides....about specific applications for limited periods of time, so that somebody that might have an exposure [Inaudible]...

Doctor: This workforce, as in any other workforce in California probably is not going to go anywhere, so that is the catch-22: You want reporting, but it is not coming because we are busy beating up illegal aliens and those are the ones that are working the fields. They are not going to report it.

Speaker: One question you asked earlier concerning this perception that pesticides are a problem even among the medical community and people who are trained in health care having this perception that working around toxins is not a hazard--can you help us understand where that comes from and perhaps what we can do to increase peoples' sensitivity to pesticides without creating hysteria? Where does this perception that pesticides are not an issue come from?

Doctor: Probably the Dow Corporation, the Monsanto, all of them, back in the '60s sat down and drank the stuff. I grew up working picking oranges in the Joaquin Valley. The stuff called [Inaudible]... I recall the grower drinking it. He used to say, "You don't worry, you can drink the stuff." All I know is that my eyes would sting after it was applied. I did not know what effect it had on us. Maybe with malathion is the same thing. Now it is the grower's son drinking it saying, "See, you can drink the stuff." And today it is sprayed on our fruits and we are all eating it. We are not worried about the pesticide incidents. Therefore, it doesn't cause any problems.

Doctor: The perception is not that it is not hazardous, but that it is not hazardous enough and furthermore, people exposed to this things are the downtrodden, the lower socioeconomic classes. The perception is not that they are expendable, but that they are less than of consequence. I am not exaggerating, but that is part of the perception. Also, there are things that are considered more important.

Government Rep: And also, from what we have seen, if you were to tally the issues of concern to the farmworker community, such as housing and pay, pesticide injuries are a detractor. So pesticides are lower down, so they are not getting on the radar screen.

Doctor: It is probably lower down only because the symptoms are big and the immediate effect is a rash, but on a long term basis nobody has an idea what happens, so therefore since we all live for today and nobody sees the future, we are not concerned about it. Also, pesticides are a fact of life. If you are a farmworker you have to go out there. If they spray the field, you hope you don't get sick, you don't know what is going to happen later on.

So, a lot of it has to do with the amount of information that is made available and perhaps if there is more information, more discussion about what we don't know about pesticides to counter the confidence that is generated by industry... Is that really our only step that needs to raise everyone's general awareness? That is a long-term--are there short-term things or do we need to start

focusing on just building this long-term awareness?

Doctor: I think that the companies that make these chemicals have a jump on you early on. They told the public not to worry. Then we blew DDT everywhere. If you go back to where these guys are coming from, in Mexico, DDT is being thrown around. They give it to the guys in bags. They walk around the cornfields spreading it with their hands. No one is told anything. Here in this country we have grown so accustomed to pesticides and their use that it is like a common everyday thing. The long-term is that it may have an effect. We just don't know right now what it is now. That is a hard concept to get across. What the medical community is saying is that we are not sure if it has an effect at all. That tells the public go ahead and use it, it is nothing to worry about.

Government Rep: What can we do to get over that? How can we answer that question? Short of, say, a multimillion dollar government 20-year study, which is not likely to happen, is there anything that we can do to answer that question of, given the kind of information that doctors have access to now, is there anything that EPA can do given the constraints and budget and so on? Is there any way that we can coordinate the grassroots effort or information exchange or some way to answer that question about what we don't know?

Doctor: I was wondering what happens to that data about possible exposure. Does it get discounted completely or does it turn out to be something concrete? There is a lot of potential for exposures that never really pan out completely and we are facing those weaknesses. A lot of other conditions, malaise, and nervousness trace back to the exposures, whether that kind of possible exposure gets anywhere. That is one possibility, that a lot of those reports of possible exposures probably won't go anywhere, but they may be somewhere and that is one possibility of increasing your reporting and to make these issues more aware of the need to report and to make it easy for them to report even possible exposures. I know that California is the only state that has reported and therefore when we came with our regulation, part of our justification was the data, whatever we had from California, because no one else has the level of reporting departments. So, several other states are starting to come through, such as Washington State, Florida, and Texas.

Doctor: California, I feel, is fairly accurate even though our indications as doctors... What we are saying is we would prefer that doctors [Inaudible]... so I would say that surprisingly at this point in time, other states like Texas, Michigan and Florida [Inaudible]...

Doctor: It has also occurred to me that it would be helpful to communicate with some of the farmworkers unions and tell them the information can be reported because sometimes the workers will talk to the union person rather than the physician, and even the union person can give the information to

the physician. That could be another possibility. Once a report is made, it is required by law that the report has to be investigated. Every one of them has to be investigated by the local Ag Commissioners Office in the county that it occurred and there is a file in Sacramento of every report that has ever been made. Those are all reports by physicians. There are also some by workers compensation records, too. It is not a whole lot of cases this year.

Part of the obstacles involving physicians and the public in general stems from the propaganda from the chemical companies: The exposure is not enough to do significant damage, second of all, economically, there is no option. For example, methyl bromide ...

Government Rep: One technical question: When a worker comes to you with a rash or something, does he know to tell you or is it in his mind, "I am a farmworker, I may have a pesticide problem?" Does the farmworker provide you information that helps trigger in the doctor, "I should look at this from a pesticide angle?"

Doctor: Most of the time, no.

Government Rep: Most doctors are not sensitized to pesticide problems. Their initial reaction is not to say, "This is a farmworker, this could be pesticides." [Inaudible]...

Doctor: I think that is exactly the way to categorize it. I don't think that people think about that.

Government Rep: If the doctor is familiar enough with pesticides, does he know to link up... how does he get more information? If he sees a worker come in with rash that could be pesticides, does he try to get hold of the farmer or the applicator? Does he try to get information about what pesticide was applied?

Doctor: I don't think so either. I think it depends on how bad the rash is, the doctor's integrity, the load of their work. If they love their work and they have integrity, they are more likely to pursue their work to the end.

Government Rep: Who would you go to? How do you get that additional information?

Doctor: If I see someone who has been exposed to pesticides, I try to find out who they work for and where they worked at, and the phone number so that I can try locate the site, the number of his employer. [End of taping]

Written Comments

Dolores Flores
AmeriCorps/Proteus

Keith Kelly
Arizona Department of Agriculture

Patricia M. Clary
Californians for Alternatives to Toxics

Ernie Flores
Central Valley Opportunity Center, Inc.

Grower, Arizona Produce, Cotton, Grasses, and Grains

Richard W. Nutter
Monterey County Agricultural Commissioner

Joe Karl
Santa Barbara County Agricultural Commissioner's Office

Yvette Black
SoilServ, Inc.

Henry A. Mulder
Westland Nursery, Inc.

Shelly A. Tunis
Yuma Vegetable Shippers Association

My name is Dolores Flores and I am an AmeriCorps member working in Tulare County at the Proteus Office in Visalia.

Some of the barriers that I have faced in trying to train workers is when some employers want us to hold the trainings during workers' lunch periods. While holding trainings during lunch is obviously better than not holding trainings at all, it is very difficult to conduct these trainings because workers usually tend to stop only for a short period of time and would rather rest and eat than concentrate on the material that needs to be learned by them.

The second barrier is that some employers do not want to provide adequate seating for the workers during the training sessions. Because the training lasts about an hour it's best when the workers are truly in an educational environment and in our area this usually means shade and some form of seating, even buckets or crates are fine.

The third barrier is some employers are in a hurry and want shorter training sessions. Rushing workers during training sessions will simply not allow the worker to fully understand the required eleven points that must be covered. When training sessions are hurried there is very little interacting with workers and many times their questions are not

answered.

To deal with the grower's need to have his workers available when he needs them, we are available to train workers very early before dawn or in the evenings. We try to make pesticide safety training as easy and convenient for everyone as possible. We are here to help workers and employers.

Dolores Flores,

Proteus Inc. - AmeriCorps

FIFE SYMINGTON
Governor

KEITH KELLY
Director

Arizona Department of Agriculture

1688 West Adams, Phoenix, Arizona 85007
(602) 542-0998 FAX (602) 542-5420

OFFICE OF DIRECTOR

July 18, 1996

Jeanne Heying
Office of Pesticide Programs (7506C)
U.S. Environmental Protection Agency
401 M Street, SW
Washington, D.C. 20460

Dear Ms. Heying:

After discussing the WPS issues with the Environmental Services Division, the division responsible for WPS enforcement, we are submitting the following comments as was requested regarding the WPS.

These are the areas that we as regulators repeatedly hear that are difficult for the regulated parties.

1. Who is the responsible party? In Arizona much of the farm work is done through contractors. Contractors are used for applying pesticides, planting, weeding, harvesting or irrigating. There is always an uncertainty as to who is the responsible party. As a regulatory agency, we can give them the information that the EPA has provided as a guide to state agencies. People are concerned that the other party may mess up somehow and they then will be held responsible.

2. With the heat in Arizona, it is difficult to get workers or handlers to wear specified safety equipment. Employers can supply the needed protection, train the users on proper use, and tell them they must wear the safety equipment and the precautions they must follow to avoid heat stress. However, when it only cools to 90 degrees Fahrenheit at night, the workers and handlers are more concerned with heat than of exposure to the pesticide they may be dealing with.

3. Growers continue to question why it is necessary to keep decontamination supplies available for 30 days. In the August of 1992 proposal of the final rules, the EPA stated that 30 days was the maximum based on their model for 1 product. However, the requirement extends to all products.

Suggestions for improvement:

Clearly define who the responsible party is or allow the state the opportunity to adopt rules that can clarify this.

Although the EPA has recently come out with their final rule that will require the decontamination supplies be available for 30 days, we still feel this is unnecessary. Have the length of time that the decontamination supplies must be available more closely tied to the toxicity of the product.

Successes in implementation:

Arizona developed a train the trainer program. Anyone who wishes to train workers or handlers, if they are not a certified applicator, must attend this course. Currently, Arizona has over 1200 trainers available throughout the state. This program is done in both English and Spanish. The surveys returned at the end of the courses have been overwhelmingly positive in regard to the course and its content.

With the many trainers available, the compliance rate is high for field checks on training of workers. Inspectors also attend various training seminars put on by people. Through these, it appears that the training being done is of adequate quality and that employers are complying with the law by training the workers and handlers as required.

The EPA helped sponsor and put on an inspector training course over a year ago in Yuma. Attending this class were representatives from tribal governments, Nevada and Arizona inspectors. This supplied all inspectors with a tremendous amount of information on the standard and its implementation. This has helped us move from having 2 investigators doing only WPS enforcement, to having all of our investigators being able to do WPS inspections.

Arizona has two groups which allow for much networking and exchange of information and the discovery of information. These groups are made up of agencies which help the agricultural worker, and the second group is made up of regulatory agencies that deal with worker issues. Many people belong to both groups. The first group is called the Arizona Interagency Farmworker's Coalition. The second group is called the Arizona Farm Labor Coordinated Enforcement Committee. Through these committees, we have been able to educate many people on the WPS and also have a network to answer questions or respond to complaints brought to our attention.

Available assistance:

We, in addition to the compliance assistance that regulatory agencies normally give, have started a non-regulatory Consultation and Training Program. This program was run through the Legislature in 1993 by the regulated industry. The sole purpose of this

program is to consult with growers on any agricultural regulatory activities. The only program that has been consulted on extensively, is the WPS. This has allowed Arizona growers the opportunity to have someone come on site, do a review and then write recommendations as to what is needed to ensure compliance with the law.

Usefulness of available assistance:

The EPA has disseminated much outreach material which we have used extensively, The How To Comply manual, the worker and handler books, the safety equipment guide, etc. Both the growers and applicators, and workers and handlers, have utilized these materials extensively.

When new rules have been proposed, the summaries and explanations have been very helpful. This is a very helpful tool when going to the public to explain the proposed and/or final regulations.

It would be beneficial to disseminate updated versions of the How to Comply and the worker and handler books.

Thank you for allowing us the opportunity to respond. If you would like further information on anything, please contact Jack Peterson, Associate Director, ESD at (602) 542-3575.

Sincerely,

Keith Kelly dm

Keith Kelly
Director

KK:JP

c: Kay Rudolf
John Hagen
Jack Peterson
Ken Davis
Frank Zamudio
Alex Leivas

CALIFORNIANS FOR ALTERNATIVES TO TOXICS

860 1/2 11th Street, Arcata, CA 95521 • 707 822-8497 • 707 822-7136 fax • cats@igc.apc.org

July 16,1996

Ms. Jeanne Heying (7506C)
Office of Pesticide Programs, Field Operations Division
Environmental Protection Agency
401 M St, SW
Washington, DC 20460

Dear Ms. Heying,

We write this letter to provide some insight to real life enforcement of Worker Protection Standards (WPS) in reference to forestry pesticide applicators and mixers. We believe, based on numerous interviews of workers and observers of workers and work sites, that forest pesticide applicators are employed in one of the most hazardous, if not the most hazardous, types of pesticide application in the United States. Hazards are extreme for forestry pesticide workers for two reasons: 1) the work environment, especially terrain and vegetation, is harsh and cannot be compared to work in field crops, orchards and vineyards, or nurseries/greenhouses, and 2) monitoring and thus enforcement of WPS appears to be almost nonexistent.

Our organization, Californians for Alternatives to Toxics (CATs), was formed in the late 1970's to coordinate community groups throughout forested Northern California which were fighting annual aerial applications of herbicides to tens of thousands of acres of forest lands.

In the mid- 1980's, the U.S. Forest Service suspended herbicide applications to its holdings in California until an Environmental Impact Statement was completed in 1991. The FS today annually sprays 4,000 to 6,000 acres in forests east of the Central Valley and none on the coastal side of the state. The majority of FS pesticide applications are completed on the ground by crews. Crews are usually hired under contract.

Private timber companies used herbicides on their lands without interruption for over thirty years. More herbicide is used in privately owned forests in the northwestern corner than in any other area in the state. For example, herbicides were applied to 8,200 acres in Humboldt County and over 7,000 acres in Mendocino County forest lands in 1995. The trend in recent years has been to apply herbicides on the ground rather than from the air, and nearly all herbicides applied to private forest lands in California today are applied manually by crews. Crews are usually hired under contract.

CATs is not an expert regarding WPS. We are, however, the focal point for individuals and groups in northern California concerned about forestry pesticide application. Our goal in these comments is to broaden discussion about real world

implementation of the WPS by presenting issues about a type of pesticide application which is routinely overlooked, but which dominates parts of northern California and western Oregon and Washington.

It is our observation that, with respect to the WPS, not all working conditions involving pesticides are created equal. One standard cannot provide protection for every category of work involving pesticide application. We contend that EPA Worker Protection Standard regulations are inadequate based on our observations in the real world. Specifically, we believe that Worker Protection Standards and enforcement strategies very often fail in forestry pesticide applications.

Typical conditions for workers applying herbicides to 'release commercial trees from vegetative competition are arduous. Workers are required to carry a backpack full of pesticide mixture which they apply with one hand while with the other pump the container to maintain pressure. When applying pellets, workers carry a scatter applicator which requires manual operation. Application is accomplished while negotiating through limbs and leftover logs, berry bushes, tan oak and other brush on steep slopes where established paths do not exist.. Workers are sometimes forced to flee wasps, disturbed rattlesnakes and foraging bears. In Western forests, temperatures routinely exceed 100 degrees Farenheight in the summer, and weather may be unstable, rainy and cool during the spring and fall. Forestry conditions for herbicide applicators cannot be compared to rough conditions experienced by hikers and others who traverse forest lands on established trails. In the case of forestry pesticide applicators, hazardous conditions presented by the terrain are magnified by the particular nature of their occupation, which involves carrying and releasing toxic chemicals into the environment. According to numerous reports we have received, falls, cuts and scratches and contact with brush are unavoidable and frequent.

Hazardous work conditions are exacerbated by a routine lack of sanitary facilities. Forestry pesticide applicators are frequently 'out in the woods' for several consecutive days, sleeping in tents or 'work shacks' that lack running water and, thus, showers and washing facilities, and which lack adequate waste disposal systems or more than rudimentary food preparation facilities. Real world reports to our organization strongly indicate that forest pesticide applicators often must clean themselves, their clothing and equipment in streams, a situation which is hazardous to both worker and the environment and must surely be out of compliance with WPS.

Anecdotal reports to our organization indicate that required protective clothing and devises are inadequate for these working conditions. Workers cannot wear protective shoes such as rubber boots. Temperature extremes and rough terrain often render goggles, coveralls and gloves too hot, too constrictive and often too 'in the way' for use. We have received several reports of goggles and gloves found near application sites, discarded on the ground and covered with the purple dye that is mixed with herbicides and adjuvants in tank mixes used by forestry applicators.

In one signed report, a local resident observed forest pesticide applicators working in hot windy weather on steep slopes in Shasta County. The workers' clothes were saturated with purple dye, as was their skin.

Forest pesticide applicators have been observed washing their bodies in creeks, because the creek was the only available cleaning facility. In one published report, workers were given water to drink in a bucket that only minutes before had contained herbicide.

One worker described to this writer that he was not able to wash his hands during breaks, thus eating and smoking with hands covered with pesticide.

Another described sitting down briefly for a break and soaking his upper body with pesticide when he slid down a few inches on the steep incline, leaning against the spray nozzle in an attempt to regain his balance.

A field technician observed workers camping in a tent on a landing (a flattened area on a hillside where logs are stacked during timber cutting activities), far away from showers, or even a creek, with dye stained clothing and empty pesticide containers piled up next to the tent.

Another forest worker reported seeing spray crews with purple dye on their faces, except for where the goggles covered their eyes.

A former Humboldt County resident applied herbicides to land owned by Simpson Timber Company. He related to this writer that his back was wet with tank mix within minutes of initiating operation each day he worked. He quit after two weeks because his skin became very irritated. His wife told me that his skin blistered, then peeled off in large patches which remained pale in contrast to his dark skin for six months after he left the job. Neither he nor his wife reported the problem to authorities, saying that they had no idea of who to tell, that when mentioned to a doctor the concern was dismissed, and that, because he was a recent parolee from prison, the couple was afraid to make complaints.

We received a report which indicates that not only are forestry applicators' clothes and skin often saturated with chemicals, but also that members of the public may be exposed to chemicals on protective clothing. According to the report, a person who appeared to be a Latino farmworker arrived at a Mendocino County laundromat in a 'crummy' (large, heavy duty van used to transport forestry workers) with several large bags of purple stained clothes, which he to laundered at the facility. Observers could only surmise that the clothing was purple splotched from forest pesticide application since the person washing the clothes could not speak English and the observers could not speak Spanish, but their conclusion fit observations of spray crews in the rural area during previous weeks. If the laundered clothing were articles

required for protection under the WPS, it appears that a rather large loophole in the WPS is wide open for public exposure to pesticides applied in the forestry setting.

In the Spring of 1995, CATs conducted an informal survey of 23 county Agriculture Commissioner's offices, interviewing by telephone inspectors charged with the enforcement of pesticide related laws. Very few minor infractions have been reported to county agriculture commissioners in California. We believe that the reason so few environmental and health violations are recorded is because there are cultural, language, inspection/enforcement, geographical, and employment issues that confound reporting of violations.

According to county agriculture inspectors, who are front line enforcers of the WPS, many, though not all, contract forestry pesticide applicators on the West Coast states are Mexican Nationals, most of whom speak Spanish and very little English. A few agricultural inspectors we surveyed speak limited Spanish but most do not. Communication between inspectors and workers usually occurs with a translator present, often the crew foreman. A major obstacle to recording complaints of timber pesticide applicators may lie in that workers are unable and/or unwilling to report violations and complaints to inspectors who do not speak the same language, or in conversations translated by management.

Most inspectors we spoke with told us they complete none to a few inspections per year, up to five or six in the counties where the most forestry herbicide is applied. That so few inspections take place is due at least in part to lack of adequate staff resources and other inspection and enforcement priorities.

The major impediment to adequate inspection cited by most inspectors was the particular difficulty of finding applicator crews in a forestry setting. Very often timber companies have large land bases that are difficult to navigate, with steep and winding dirt roads, locked gates blocking roads, and other obstacles. Visually locating crews in the field without a helicopter (even with one) is next to impossible. Knowing just when a site is being sprayed is difficult to ascertain. Unless a restricted use pesticide is used, no advance notification is given to the Agriculture Commissioner's office. Even in the case of restricted pesticides, no precise date is required. Weather conditions often cause application plans to be modified.

Essentially, inspectors have to make arrangements in advance to go into the field with crews. One inspector said that he has conducted surprise inspections in the field, observing with binoculars from an adjacent ridge, but this is the only 'surprise' inspection claimed among all the inspectors to whom we spoke.

A particularly disturbing incident was reported to CATs in May which involved illegal dumping of leftover pesticide mix into soil at a worker camp site and vastly inadequate cleaning facilities provided by contractors working for Pacific Lumber Company and staying with permission on Barnum Timber Company's land.

Barnum built a rustic shack without cleaning facilities to house its seasonal forest herbicide applicators about three years ago. Nearby lives a family who have a well, shared with four other families, within 100 feet of the work shack. The neighbors became concerned about contamination of their domestic water supply after they observed workers washing their bodies in a nearby creek. One neighbor concealed himself and observed as herbicide application spray crew members dumped purple colored liquid from their backpack pesticide sprayers onto the ground near the shack. 'Roundup' containers were observed piled at the site. When the neighbor approached the apparently Latino workers explaining that the chemicals were dangerous and could harm them, the workers reportedly laughed and dismissed his concerns. The workers spoke very little English.

According to the report we received, the neighbor immediately called the Humboldt County Agriculture Commissioner's office but several days elapsed before an inspector returned the call and made plans to inspect the site. It was not until after the neighbors contacted CATs, and we contacted the agriculture commissioner's office, that the inspector responded to the neighbor's call.

According to the neighbor, an open pit garbage dump near the shack was removed by the timber companies in the days prior to the inspection. The shack may also have been completely removed. The inspector met representatives of Pacific Lumber Company to inspect the site and take soil and water samples. The Deputy Agriculture Commissioner did not intend to sample the domestic well, but the neighbors insisted and prevailed.

Atrazine was found in the soil near the shack. The well water tested negative for pesticide residues. The contractor was cited but not fined. We do not know yet if the contractor was cited for violations of WPS. We have requested a copy of the investigation file and will forward to you any further information about this situation that we believe may be relative to WPS when we receive it.

People witnessing events relating to worker safety don't call the Agriculture Commissioner's office for a number of reasons. Often, observers don't understand the law in respect to pesticide application and exposure or of worker protection. Others do not know to whom their report should be made. In the case of forestry workers, the fear of job loss due to filing complaints about their employer or another company in the industry, and especially to enforcement agencies, is a compelling reason witnesses give CATS to explain why they withhold reports to officials of observed violations. Some who call our organization to make a report refuse to reveal their names, or demand that we keep their name confidential. Workers applying pesticides tell CATs that apparently illegal conditions exist, but none yet have been willing to sign their names to a report. The family who reported the pesticide dumping violation were hesitant to complain because they are also timber workers, but they felt they had no choice due to potential for damage to their only water supply.

We believe that the anecdotal reports we have received strongly indicate that violations of WPS commonly occur for forestry pesticide applicators. Workers, the public and the environment are at risk in an atmosphere of extremely little monitoring. It is clear to us that basic improvements to monitoring and enforcement need to be made if the goals of the Worker Protection Standard are to be in any way realized in forestry herbicide application.

Sincerely,

Patricia M. Clary

Patricia M. Clary

cc:
Governor Pete Wilson
Jim Wells, California EPA, Department of Pesticide Regulation
Senator Diane Feinstein, U.S. Senate
Senator Barbara Boxer, U.S. Senate
Senator Mike Thompson, CA State Senate
Assemblyman Dan Hauser, CA Assembly
Ralph Lightstone, Anne Katten, California Rural Legal Assistance
Shelly Davis, Farmworker Justice Fund
Trustees, Matteel Environmental Justice Foundation
Sara Greensfelder, California Indian Basketweavers Association
Betty Ball, Mendocino Environmental Center
Jay Feldman, National Coalition for Against the Misuse of Pesticides
Norma Grier, Northwest Coalition for Alternatives to Pesticides

CENTRAL VALLEY OPPORTUNITY CENTER, INC.

" Preparing today's people... for tomorrow's jobs"

Ernie Flores
Executive Director

July 23, 1995

U.S.E.P.A.
401 M. Street, S.W.
Washington, D.C. 20460

Subject: Public Hearing Comments

Central Valley Opportunity Center (CVOC) is a private, non-profit organization that has been serving the Central Valley for over 15 years, providing social and vocational services to farmworkers and other disadvantaged persons of Stanislaus, Merced and Madera counties.

Central Valley Opportunity Center, Inc.(CVOC) is pleased to be sponsoring a Pesticide Safety Training Project this year. CVOC has joined with the national Association of Farmworker Programs and the AmeriCorps National Service Program to provide pesticide safety training and health related referrals to 26,000 migrant and seasonal farmworkers and their families nationwide. Under this AmeriCorps Project, CVOC is hosting four(4) volunteers, who are available to assist the growers, contractors and farmworkers of our service area in meeting WPS standards which require farmworkers to be trained in basic Pesticide Safety.

All of CVOC's AmeriCorps Members are bilingual(Spanish/English), have received their State Certification as Pesticide Safety Trainers and have received training as pesticide instructors. The basic safety training takes approximately one hour. All trained farmworkers are issued the Environmental Protection Agency's WPS verification card as proof that they have received the training. AmeriCorps Trainers are available at anytime to provide training at employer job sites. There is no charge to either the employer or farmworker.

Our experience in operating this project has been that there are many growers, contractors and workers who are very aware of the need for workplace safety and pesticide safety. There are also

Corporate Offices
Merced County Center
1748 Miles Court.
P.O. Box 2307- 95344
Merced, CA. 95348
(209) 383-2415
Fax(209) 383-2859

Stanislaus County Center
701 H Street
Modesto, CA. 95345
(209) 577-3201
Fax(209) 521-9954

Madera County Center
17296 Road 26
Madera, CA.93637
(209) 674-0971
Fax(209) 673-8556

Winton Business Adventures
6838 Bridget Court
P.O. Box 1389
Winton, CA. 95388
(209) 357-3716
Fax(209) 357-3719

An Affirmative Action & Equal Opportunity Employer & Training Facility

growers, contractors and workers, who with instruction and direction make the changes necessary to have a safe work environment. And unfortunately, there are a small number of growers and contractors who repeatedly and knowingly subject their workers and the general public to unsafe conditions and pesticide poisoning.

CVOC's AmeriCorps Members have conducted wide scale outreach to inform farmers and farmworkers of our basic pesticide safety training. While a great many of the farmers are initially suspicious of our training, after learning exactly what the training involves, they have been generally supportive. Some farmers however insist that the training is not necessary, that WPS standards do not apply to them, that it is the responsibility of their labor contractor or that they will do the training themselves.

One of the most frustrating scenarios has been the lack of support by some employees of the local County Agriculture Commissions. In some instances farmers have sought advise from the Ag. Commission Offices on WPS Pesticide Training Standards and have been informed that WPS standards do not apply to California or that the Standards are not in effect yet and that they will be changed. Again, for the most part Ag. Commission Office employees have been very supportive of our efforts and a very reliable source of information.

I would like to thank you for the opportunity to comment on WPS Standards. I hope that our Members and Farmworkers will take this opportunity to provide details on the progress and problems they see with implementing WPS standards. If I can provide you with any additional information, please feel free to call me.

Sincerely,

Ernie Flores,
CVOC Executive Director

EPA REGION 9 MEETING AGENDA ITEMS

JULY 22, 1996

FROM: GROWER, ARIZONA PRODUCE, COTTON, GRASSES AND GRAINS

SUBJ: WORKER PROTECTION TRAINING

ITEM: CERTIFICATION OF INSTRUCTOR TRAINING

DISCUSSION: INTERSTATE FARMING, PARTICULARLY FARM LABOR CONTRACTING, DRAWS ON LABOR FROM MANY STATES. CURRENTLY, NO RECIPROCITY EXISTS FOR STATE-CERTIFIED INSTRUCTORS OF THE EPA WPS FOR WORKERS/HANDLERS WORKING IN OTHER STATES. AS A FEDERAL REQUIREMENT, CERTIFICATION IN ONE STATE SHOULD MEET STANDARDS OF ANY OTHER.

RECOMMENDATION: STATE-CERTIFIED TRAINERS OF EPA WORKER PROTECTION STANDARDS SHOULD BE QUALIFIED TO TRAIN WORKERS IN OTHER STATES. STATES SHOULD BE ENJOINED FROM "AMPLIFICATION" OF THOSE STANDARDS. STATE-SPECIFIC TRAINING SHOULD BE CONSIDERED A SEPARATE REQUIREMENT FROM EPA-MANDATED TRAINING, WITH PRIMARY EMPHASIS ON REDUCING OR ELIMINATING REDUNDANT MANDATED-TRAINING.

ITEM: DECONTAMINATION STATIONS

DISCUSSION: WPS STANDARDS REQUIRE SOAP, WATER AND TOWELS FOR EACH WORKER. WPS DOES NOT ALLOW FOR INDEPENDENT OPERATIONS WHEREIN SEPARATE FIELD SANITATION FACILITIES ARE NOT FEASABLE, SUCH AS FOR IRRIGATORS. IRRIGATION WORKERS SHOULD NOT BE CHECKED FOR INDIVIDUAL ISSUE/PRESENCE OF WATER/SOAP/TOWELS. FIELD SANITATION REGULATIONS ARE ADEQUATE FOR WORKERS IN CREWS

RECOMMENDATION: DELETE REQUIREMENT FOR DECONTAMINATION STATIONS FOR WORKER EMPLOYEES

MONTEREY COUNTY

AGRICULTURAL COMMISSIONER
(408) 759-7325 - 1428 ABBOTT STREET - SALINAS, CALIFORNIA 93901
FAX: (408) 422-5003

RICHARD W. NUTTER
AGRICULTURAL COMMISSIONER
ADMINISTRATOR OF WEIGHTS & MEASURES

Worker Protection Standard Comments
July 25, 1996

The imposition of a national standard for worker safety was needed because many states were lagging behind in that area. However, California has had an excellent pesticide regulatory program. It is at some risk of being compromised. This is mainly due to the inflexibility in the implementation of the Worker Protection Standard. California had a program that was demanding, but for the most part the regulated community could see the benefits. It is generally seen as fair and effective. California's program has been evolving for over 25 years to meet the particular needs of the State. Now we have a situation with some of the new noticing and records display requirements that the regulated community will be expending much additional energy with little or no additional benefit apparent. This could lead to an erosion of respect for the whole system. A lack of enforcement in other states could lead to increasing cynicism.

The situation here is one of small ranches and lots. The labor situation is very dynamic and fast-moving. The Worker Protection Standard may fit well in major-crop producing areas but if there is a worst-case scenario for implementation, it is the Central Coast of California.

Growers are concerned about the logistics of providing notice to the multitude of labor contractors, harvest companies, pest control operators, advisors, etc. The situation is much more complex than anything the Worker Protection Standard was designed to cover. Growers are also concerned about liability. If the grower informs the labor contractor but the contractor does not pass the information along to their employees, the grower could be held liable. Perhaps under the regulations they have discharged their obligation, but there are still concerns about liability. Since absolute compliance is practically impossible, the regulations could provide leverage for litigious individuals.

California Code of Regulations Section 6618, Notice of Applications - The old California "likely to enter" standard was superior to the "walk within 1/4 mile" standard. Because of our small field size, many crews

will be within 1/4 mile. Labor crews generally do not go wandering about. They go the their assigned field and work there. They may enter adjacent fields. Giving oral warnings to so many people is not practical or even possible in many cases. This will lead to widespread field posting. Every pesticide now has a restricted entry interval. There will be so many signs posted that their effectiveness will be reduced as workers become inured to them.

Another basic flaw of the federal standard is that it still requires oral and written notice for some materials even when they are applied in such a way as to preclude any contact with workers. For example, disulfoton injected below the soil would require dual warnings but workers could enter the treated area without restriction as a "no-contact" activity. In our situation here in Monterey County, the logistics of providing dual notification are daunting. It is difficult to see how this can be accomplished effectively.

Some growers near the ag-urban interface feel the 1/4 mile notice requirement may be used as a legal instrument by residents opposed to agricultural operations. Residents may insist that they also have a right to notification if they are within 1/4 mile.

California Code of Regulations Sections 6723.1 and 6761.1, Application Specific Information for Handlers and Fieldworkers - The key difference between the Worker Protection Standard and prior California hazard communication regulations is that the information must be "displayed" at a central location. This additional requirement means that an entirely different set of copies must be maintained to comply. Some growers, especially smaller ones, do not have any facilities to house the information. This is much additional effort for very little benefit. Workers had access to the information before Worker Protection Standard and displaying the information is not even an effective strategy to deter worker intimidation.
In California, where all agricultural pesticide use is reported, the information is also available from the Agricultural Commissioner's office. Labor representatives will occasionally request such information from the Commissioner.

California Code of Regulations Section 6762, Field Work During Pesticide Applications - This section does not apply to workers on a farm, only in a nursery. Why should workers employed on a farm have a lower standard of protection than those employed on a nursery? For farm workers the prohibited area is only the treated area while for nursery workers, for an aerial application it is 100

feet. Can a farm worker work on the edge of a treated area during an aerial application?

The justification given in the Federal Statement of Reasons is that "In greenhouses and nurseries production areas are often close together. Plants requiring different pesticide treatments and hand labor schedules may occupy the same bench or bed." They then define sod farms and Christmas tree farms as nurseries. Vegetable crop production, e.g. Central Coast, is similar to the nursery situation. It is certainly closer to the above quoted characterization than any sod farm or tree farm. Field sizes are small and there is a lot of labor activity. These definitions for "farm" and "nursery" do not adequately cover all situations found in California agriculture. There are workers on farms that could experience the same risk as those in a nursery and they are not afforded the same protection regarding restrictions associated with applications.

This standard should be evenly applied. Also, the distances are too short. Should one approach to 100 feet from an aerial application?

California retains California Code of Regulations Section 6614 as a basic standard. This is applicable only to the applicator. There is no regulation prohibiting an agricultural employer, outside of a nursery, from placing employees in the way of a pesticide application.

California Code of Regulations Section 6770, Field Reentry After Pesticide Application - A solution must be found to the dilemma faced by the cut flower industry. They are in a position where many growers will not survive because they cannot harvest their crop.

SANTA BARBARA COUNTY

AGRICULTURAL COMMISSIONER
WEIGHTS AND MEASURES

William D. Gillette
Commissioner/Director

TO: Jeanne Heying
Office of Pesticide Programs , USEPA

FROM: Joe Karl, Deputy Agricultural Commissioner
Santa Barbara County Agricultural Commissioner's Office

DATE: July 25, 1996

SUBJECT: **Comments Regarding WPS Implementation**
Public Meeting, July 25, 1996, Salinas, CA

Suggestion: Modify the 1/4 mile notification requirement by allowing growers to adopt a strict policy of prohibiting entry into any field, either the employer's or another's, other than where the employee is specifically assigned to work.

A typical vegetable grower, at any given time, is farming many fields at all stages of growth. The fields are frequently scattered throughout the growing region. Insecticide, fungicide, etc., treatments may be required in any of those fields. Labor such as thinning or irrigation may be required in those fields. The process of ensuring that all workers who may potentially pass within a quarter mile of any treated field, have been notified is overwhelming. Also, because the workers are required to be notified only of treatments to their own employer's fields, the process misses an important point: other fields they work around or pass by may also be treated.

A more reliable method of avoiding unexpected worker exposure to pesticides is to do as some local growers do: instruct all workers to enter only those fields they are specifically assigned to work in. Entry into other fields is then a violation of the employer's policy and should be dealt with by the employer through his own system of progressive discipline (i.e., warning letter, unpaid day off, release from employment). Such a system is more effective and would be, if placed in regulation, more enforceable than the WPS solution.

263 Camino del Remedio • Santa Barbara, California 93110 • Phone (805) 681-5600 • Fax (805) 681-5603

Suggestion: Provide clearer communication to fieldworkers by allowing an exemption to field posting requirements under specific conditions.

Under certain circumstances pesticide label direction/regulation combinations currently allow fieldworkers to enter and work in fields posted with signs warning workers and others to stay out. The situation arises following subsoil injection of a pesticide such as disulfoton. Under appropriate conditions, employees may reasonably, and safely enter and work in a treated field during a label imposed restricted entry interval if the employees will not come in contact with treated surfaces. Label requirements in combination with regulations, in this case, both specify field posting and allow unprotected reentry.

This results in fieldworkers working without PPE in some posted fields, a situation which increases the potential for worker confusion about the meaning of posting. Which fields are safe to enter and which aren't becomes questionable. In spite of the fact that worker's safety may be secure, allowing fieldworkers to work in posted fields creates a situation which can be easily misinterpreted and puts a portion of the worker protection program in question. The requirement for field posting is counterproductive in this case. Subsoil injection should be exempted from the requirement for field posting.

Suggestion: Increase the accuracy and reliability of information available to workers by changing the manner in which it is required to be made available to them.

Regulations require that workers have unimpeded access to information about what has been applied to fields where they work. A typical grower, at any given time, is farming many fields growing different commodities at all stages of growth. The fields are frequently scattered throughout the growing region. Insecticide, fungicide, etc., treatments may take place in any of those fields. The activities of a diverse farming operation are highly complex. The information, and a system capable of storing it, is equally complex.

- To ensure that the correct information is received, the retrieval of records reflecting pest control activities on a particular plot of ground on a particular day should be handled by, or at least assisted by someone who is familiar with the filing system.

- The records must be complete and reliable. If access to the pesticide use records is uncontrolled, their accuracy becomes uncertain. Use information may be inadvertently misfiled, or the copy of a desired record may be removed by an interested party.

The availability of use records is specified in California's hazard communication program. Allow employers to provide information on request, thereby improving both information reliability and access for requestors.

AGRICULTURAL CHEMICALS • HERBICIDES • INSECTICIDES • FUNGICIDES • FUMIGANTS

POST OFFICE BOX 3650
SALINAS, CALIFORNIA 93912

SOILSERV, INC.

PLANT: TELEPHONE (408) 422-6473
FAX: (408) 422-0521
1427 ABBOTT STREET

Date: 7/25/96

To: USEPA, Office of Pesticide Programs

From: Yvette Black, Environmental Affairs Director, SoilServ, Inc., Salinas,California

Subject: Comments to the Federal Worker Protection Standards

U.S.EPA's intent behind the WPS is not questioned, many states need help developing worker protection programs, but California is not one. CDPR Enforcement letter 96-003, in the Initial Statement of Reasons section-Alternatives Considered states that this is not an appropriate forum to challenge the underlying federal requirement upon which these revisions are based. California does not challenge the federal intent, we are already effectively pursuing this intent with current California regulations, in a way that works with the specific growing conditions in California. The notice section of this enforcement letter states that these standards should not impair the ability of California businesses to compete with businesses in other states, but they will! Some of these changes delay cultural practices that must be performed in a timely manner or crop quality and harvest timing will be effected. Mostly these changes will only increase the regulatory burden and create more avenues of liability for growers, without increasing worker safety.

6618. Notice of Application: Growers consistently use the same Farm Labor Contractors and PCO's, whose supervisors have been mandatorily trained to stay out of fields, other than their assigned work field. This requirement will greatly increase grower liability, especially because of the 1/4 mile delineation, without adding any safety value. This section will be interpreted by fieldworkers as such: there is an application being made less than a 1/4 mile away, I can smell it or see it, I'm sick and can't work! The regulations are misinterpreted and misused and this type of abuse will increase with specific distance delineations. And even though growers consistantly use the same labor contractors and harvesters there could be many different crews on one ranch of one grower in one day. Our local ranches are made up of many small lots, broken down into many plantings of a wide variety of crops; the number of people to be contacted prior to an application could be enormous.

Alternative: Remove 1/4 mile distance. Allow growers a written agreement, with each outside labor contractor, signed by each of their employees, stating:

1. They are aware pesticides are applied to these fields
2. The specific application information is maintained and available at a central location
3. They will enter only their assigned work fields

Except double notification materials which must be posted.

6734. Handler Decontamination Facilities: In 6734(c) the 1 pint of water for eye flushing must be carried by handler or on the vehicle or aircraft. Tractors do not afford adequate storage and mounted toolboxes are costly and subject to contamination.

Alternative: Allow applicators to store eye water in the cab of the nurse rig. The water is required only for pesticides that already require eye protection and most accidents occur during mixing and loading which would be at the nurse rig.

6761.1 Application-Specific Information for Fieldworkers: This is another section that will be extremely difficult to comply with. On the average, local growers work five seperate ranch locations, sometimes a half hour apart in travel time. On each ranch there is an average of two applications per day, being completed at various times around the clock. Growers would spend a significant amount of time trying to display this information.

Alternative: California already requires growers to maintain these records for two years available at a central location. All labor companies are given the locations, and it is much safer for them to access at in an office rather than searching a ranch for the information. Please allow us to continue as such.

6762. Field Work during Pesticide Application: This section is very vague and would be ideal to address the crew/application conflict situations. While working for the county Ag Commissioner's Office I witnessed a number of crews come on to a ranch and begin work in a field adjacent to an application. The PCO applicator does not have the authority to direct the crew to wait until the application is completed and locating someone with the authority is very difficult and time consuming. We have been forced to instruct our applicators to stop the application. This is a no win situation for PCO's. Does the applicator wait for the crew to finish in the field? Sometimes this can be an entire day. So, the applicator is left with half a load of material still in the tank that can't immediately be applied, it can't be dumped out, and it can't be transported to a new location. I agree with Hazard Communication, people need to be aware of the hazards they work with to prevent injury. Unfortunately, labor crews take advantage of these situations and the system has become a tool for exploitation.

Conclusion: The Federal Worker Protection Standards were developed with the idea of one grower, one crop, one worker in mind, and for this scenario it may work. For intensive cropping systems, required to grow many vegetables across the nation, these standards create definite hardship. As stated ealier, for many states the standards were greatly needed but for the states that have already addressed worker safety issues flexibility should be allowed in the interpretation and adoption into regulations that fit the particular needs of each state. For our situation these Standards create a lot of unnecessary paperwork without increasing worker safety. Small family farms are already having a tough time and the liability and unnecessary work created by these Standards could put many out of business.

Westland Nursery, Inc.
3439 CLOVERDALE ROAD - P.O. BOX 429
PESCADERO, CALIFORNIA 94060-0429
Telephone (415) 879-0148
FAX (415) 879-0998

Ms. Jeanne Heying
Office of Pesticide Programs(7506C)
Environmental Protection Agency
401 M Street
Washington DC 20460

July 27,1996

Dear Ms Heying:

We had planed to attend your public meeting in Salinas , California on July 25, to discus Worker Protection Standard regulations.
Because of unforeseen circumstances, we were not able to attend. This is the reason for writing you to express our concerns.

We are cut flower growers here in California.
We grow cut flowers from bulbs, mainly Freesia and Lilies, but also many miscellaneous bulb crops both in greenhouses and in the field.
We have a spray program on a year round basis, as in the summer time we have to apply insecticides often and in the winter time mostly fungicides.

The proposed new Worker Protection Standards with the REI will cause a real hardship for us.
First of all, our greenhouses are all gutter connected; in other words, one continuous space without partitions.
It is impossible to keep workers out of the structure while spraying is going on in one part.
Secondly, bulb flowers mature very rapidly and need to be harvested every day.
To stagger production, we plant weekly, consequently plants of all stages of maturity are in the same greenhouse. Certain rows need to be sprayed, while others do not.
Thirdly, there is a very small number of pesticide available for ornamentals, some have REI's of 12 hours and many longer. We do not have much choice of chemicals.

Outdoors in the field , we grow as many as 25 to 30 different perennials for cut flowers, many of these are always at different stages of maturity, so staying out of the field for 24 hours or longer is practical impossible.

Flower growers have an unique situation, it can not be compared to large vegetable fields or orchards containing just one crop.

Regulations that would keep workers out of the treated area might work, but keeping them out of the total field or greenhouse would certainly cause very much hardship.

We do not want to expose our workers to any danger of pesticides, but we believe, that when the treated area is dry, workers should be allowed to work in rows next to that treated area.

Hopefully some workable regulation can be formulated.

Sincerely,

Westland Nursery, Inc.

Henry A. Mulder

Henry A. Mulder vice pres.

Shelly A. Tunis
Attorney

4710 South Fairfield Drive
Tempe, Arizona 85282

Phone: (602) 820-2487
Fax: (602) 897-2904

July 25, 1996

Ms. Jeanne Heying
Office of Pesticide Programs (7506C)
U.S. Environmental Protection Agency
401 M Street, S.W.
Washington, D.C. 20460

Re: Evaluation of WPS Regulations

Dear Ms. Heying:

The following comments concerning the evaluation of the WPS regulations are submitted on behalf of the Yuma Vegetable Shippers Association (YVSA). YVSA would like to thank EPA for the opportunity to comment on our experiences with the WPS a year after the implementation of the program. This presentation is a combination of several responses of our members. We used the six evaluation topics as a guide to develop our response.

Yuma Vegetable Shippers Association

The Yuma Vegetable Shippers Association is an association of growers, shippers and associated services for fresh fruit and vegetables produced in the area surrounding Yuma, Arizona. The growing area touches the Mexican border with approximately 60,000 acres of fresh vegetables grown and harvested in the Yuma area during the growing season from September through April. During the winter months, the Yuma area is the primary source of iceberg lettuce for the United States. The area also supplies a major portion of other fresh vegetables such as broccoli and cauliflower to the people of the United States. Yuma agriculture is not only important to the people who rely on jobs directly or indirectly related to vegetable production, but it is also significant to the millions of people across the country who depend on quality fresh vegetables during the winter months.

Understanding the Intent and Requirements of the WPS

Our members believe that understanding the basic intent of the WPS is relatively easy, but applying the specific requirements of the WPS is difficult. YVSA members say they can tolerate

most of the WPS, but they do not understand what benefits they are receiving from it. They say that the WPS does not reflect a desert vegetable agricultural establishment nor a person's ability to comply in field situations. YVSA members say they are of the opinion that the WPS was drafted on the basis of midwest soybean and corn farms, and that EPA did not even consider the diversity of Arizona vegetable production. They gave three specific examples of their difficulties with the WPS.

Specific Posting Requirement

A number of our members believe the specific application posting standard has little to no relevance when applied to Yuma vegetable farming. In almost every farming situation, there is no central congregation site for workers. It is not uncommon for some agricultural establishments to have fields that are forty miles apart or have as many as forty separate parcels in an agricultural establishment. Workers are picked up at the Mexican border crossing and driven as many as fifty miles to the fields. The workers may not work in the same fields for more than two days at a time.

YVSA members understand the intent of this posting requirement to be a method of communicating with the workers about pesticide applications. But when they apply the standard to Yuma agriculture, they consider it wasteful and excessive. Our members believe the workers will never utilize the posted information. If the workers have a need for specific pesticide application information, they will ask the farmers.

Yet, farmers are required to post the information in a location that will be accessible to the workers, and remain secure enough that the reports will survive all weather conditions and not be taken during the thirty day period. The current posting requirement for application specific information in a central location is onerous and does not effectively produce the intended benefit.

Decontamination Facilities

The second concern of Yuma farmers involves decontamination facilities. Most farmers are of the opinion that providing a decontamination facility of adequate water, soap and single-use towels within a 1/4 mile for every tractor driver, irrigator and other worker is burdensome and unnecessary. During the past year, a number of farmers have supplied decontamination facilities at costs of $100 to $700 for each tractor driver and irrigator. They report that none of the

decontamination facilities have been utilized by tractor drivers and irrigators since they were purchased over a year ago.

Most farmers additionally believe there is no scientific basis for the decontamination standard. Vegetable farmers who track pesticide residues say that the residues have degraded well before the expiration of a 30 day period. Moreover, farmers are concerned that this provision may lead to widespread fears about the safety of fruit and vegetables, since people eat fruit and vegetables that have been sprayed within the past 30 days. The standard as written adds relatively little to the safety of workers, but it significantly increases the costs of farming as well as increasing the anxieties of consumers.

Heat Stress and PPE

Yuma farmers, applicators, crop advisors and Arizona regulators are also in disbelief over EPA's standard for PPE in extreme heat conditions. In the desert regions of Arizona, most people understand that HEAT KILLS. It is also well known that heat kills countless more Arizonans than exposure to pesticides. Farmers, applicators, crop advisors and regulators realize that a common sense approach to PPE and farming in desert regions must occur. The current WPS for PPE does not indicate a common sense approach for extreme heat conditions. Therefore, farmers, applicators and crop advisors avow that they will not put their workers at risk for injury or death due to heat stress merely to comply with the WPS PPE standard.

Success in Implementing the Requirements

Most members of YVSA believe they have no choice but to comply with the WPS in some manner even though they do not agree with all of the components. They say that agricultural associations have helped disseminate information and the Arizona Department of Agriculture personnel have also been helpful. But a number of people believe that a large portion of the agricultural industry is only doing the bare minimum or not complying at all because they do not agree with the specific requirements of the WPS.

EPA must understand that Arizona has had a successful worker safety program in effect since 1989. Furthermore, Arizona statistics show that the number of agriculturally related pesticide injuries and illnesses are very low when compared to structural pesticide or personal pesticide illnesses and injuries. Arizona agriculturists understand the dangers of pesticides and

they know their record on pesticide usage. That is why many Arizonans resent the federal government telling them that they do not know how to care for their workers -- they do not know how to properly use pesticides -- and only the EPA through the WPS knows what is best for Arizona farmers, applicators, crop advisors and their workers.

Difficulties in Implementing the Requirements

YVSA members cited various difficulties in implementing the requirements. As mentioned above, several people have serious concerns with the practical aspects of implementing the posting of specific application information and the decontamination facility standards.

One grower also indicated that he believed all growers were automatically assumed guilty until proven innocent. He said many growers were honestly trying to interpret and comply with the new complex requirements, but they were met with a strict enforcement mentality, instead of a regulatory assistance philosophy.

Suggestions to Improve Implementation

When asked to respond to this topic, YVSA members had numerous concrete recommendations.

1. *Recognize heat kills considerably more people than chemicals do.* EPA must allow the use of common sense for PPE in extreme heat conditions.

2. *Allow a sufficient grace period before new requirements are enforced.* Farmers plan their schedules many months in advance of their actions. A grace period of nine months to one year should be given for all new requirements.

3. *Send out all changes in the WPS to the regulated sector.* Most people who have experienced difficulty in complying with the WPS say that it is because they do not have accurate information. They would like a copy of the law sent directly to them.

4. *Simplify record keeping and paperwork requirements.* Many small businesses are overwhelmed with <u>all</u> the paperwork requirements of <u>all</u> the state

and federal agencies. Farmers believe the EPA and other government agencies must make every effort to combine and simplify record keeping and paperwork requirements.

5. *Give leeway to state regulators to make common sense judgment calls.* The EPA must recognize that the WPS does not fit all situations across the entire United States. State regulators are better suited to apply the basic requirements of the WPS to their state. EPA must allow states some latitude.

6. *Clear up vague areas.* There are still many vague areas contained in the WPS. This causes confusion and conflicts when one farmer is told one interpretation and another farmer receives another interpretation.

7. *Ensure that only qualified people are trainers.* Occasionally, trainers have not been able to answer questions from the audience. The trainers do not follow up with the person to inform them of the answers to their questions.

8. *Provide adequate funding for compliance assistance.* When the EPA imposes new laws on the regulated sector, it is incumbent on EPA to also provide adequate funding for compliance assistance. Most farmers, applicators and crop advisors will make every attempt to comply with the law if they understand it. The problem is that most small businesses do not have adequate resources to devote to understanding and implementing all the new government requirements. The regulated sector needs compliance assistance from the government.

Available Assistance from Regulatory Partners Involved with the WPS

None of our members have had any direct contact with EPA personnel. Opinions of YVSA members concerning contacts with state personnel vary widely. Some people believe that state regulators were helpful, others believe that they only wanted to issue citations.

Usefulness of Available Assistance

While a number of our members stated that the Arizona Department of Agriculture personnel has helped them interpret and comply with the WPS, some concerns were also

expressed.

1. State regulators do not always have answers for farmers, applicators and crop advisors who call with questions. The state regulators must call an EPA official for the answer. Sometimes, it takes days for the EPA official to return the call to state regulator. This is frustrating for the state regulator and doubly frustrating for the person waiting for the answer.

2. Regulators in different offices do not give consistent answers to the same questions. Depending on whom a person speaks with, the person may receive a different interpretation of a regulation.

3. A major concern expressed repeatedly is that federal regulators do not understand actual farming situations in Yuma, Arizona. Until people at EPA actually understand desert vegetable farming, there will continue to be problems with the WPS and problems with compliance.

4. The Arizona Department of Agriculture has instituted an innovative compliance assistance program to help the regulated sector comply with the WPS as well as other agricultural regulations. Almost all the people who have utilized the program are very happy with the results. The major problem is getting the regulated sector to accept the concept that the "government will help them." Many people still do not trust the compliance assistance program. It will take time before trust is established.

Other Statements From Our Members

Farmers, applicators and crop advisors are very aware of the expenditures they have made in order to comply with the WPS. They have spent considerable amounts of money for new posting requirements, decontamination facilities and other WPS regulations. And they have some questions for EPA.

1. *Has the exposure to pesticides in Arizona dramatically decreased since the WPS went into effect?*

2. *In Arizona, what is the percentage reduction of agriculturally related pesticide injuries and illnesses since the implementation of the WPS?*

YVSA members state that if a significant decrease in pesticide injuries and illnesses is not achieved in Arizona within two to three years, the WPS must be re-evaluated and repealed. Arizona will continue its own worker safety program that will ensure a correlation exists between the benefits of the program and the costs incurred by regulated industry.

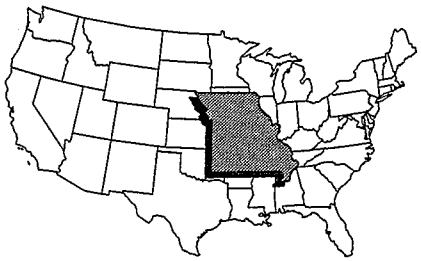
The Yuma Vegetable Shippers Association appreciates the opportunity to present our WPS evaluation comments. Our members hope that you will seriously examine our comments. YVSA members believe if EPA officials actually understand our concerns with the WPS, EPA will certainly make necessary changes in the WPS.

Sincerely,

Shelly A. Tunis

Shelly A. Tunis
Attorney, representing
Yuma Vegetable Shippers Association

8. Missouri



Public Meetings:

Portageville, Missouri

- August 7, 1996, 7:00 p.m.
- 22 participants (21 registered), including 2 speakers

Site Visits and Small Group Discussions:

Delta Growers' Association, Charleston, MO

- August 7, 1996, 12:30 p.m.
- EPA staff met with 10 association members.

Bill Bader Farm, Campbell, MO

- August 8, 1996, 9:30 a.m.
- Tour of 800-acre farm (peaches, apples, vegetables).
- EPA staff met with owner Bill Bader.

Beggs Melon Company, Sikeston, MO

- August 8, 1996, 1:30 p.m.
- Tour of 400-acre melon farm (watermelon, cantaloupes).
- EPA staff met with owner Don Beggs.

Union Jackson Farm Labor Camp, Cobden, IL

- August 8, 1996, 5:00 p.m.
- EPA staff met with 10+ farmworkers; Pasquale Lombardo, IL Legal Services.

Transcript of Public Meeting
Portageville, Missouri
August 7, 1996

Jake Fisher: Good evening. My name's Jake Fisher. I'm the Superintendent here at the Delta Center. I'd like to welcome everyone to the Delta Center and especially the folks out of state, to Southeast Missouri and Missouri. You're in God's country now! We'll take care of you.

Now I have the pleasure of introducing the Chairman of our Delta Center Advisory Board. The Delta Center has an Advisory Board consisting of 42 members, ag business people, farmers and all phases of farming, and Dave is the chairman of that, Dave Haggard. He's a rural crop farmer, grain farmer, from the Steele area. I believe Paul asked me to have a farmer come and facilitate this, so it's my pleasure to introduce Dave. Dave, I'll turn it over to you.

David Haggard: Thank you, Jake. I don't believe with this crowd we need much of a facilitator, so we won't stand on formalities. I don't think anybody at the front wants that, so we'll launch right into it. It's my pleasure to start off by introducing to you Dan Barolo. Dan, would you like to take over?

Dan Barolo: Sure, OK, thanks for the opportunity. I think that I'll sit and make it a little more informal. The last time I was in church, the same thing happened: Most of the people sat at the back. And I don't know if you think it's a quicker way to heaven or whatever, but feel free to move toward the front if you think it'll facilitate the discussion.

I'd like to introduce a couple of people from EPA and the State Director and then I have a couple of introductory remarks and then we'll throw it open for some comments. Cathy Kronopolus, to my immediate right, is the head of the Worker Protection Standard (WPS) Regulatory Program in our office in Washington, D.C. and is responsible for pulling together a program that makes sense country-wide. Kathleen Fenton at the end of the dais is a Worker Protection Specialist with our Kansas City Regional Office. We're pleased to have her today. The gentleman to the right is Joe Francka, he's the Director of the Plant Industries Division for the Missouri Department of Ag. Joe, I think you might introduce a couple of people?

Joe Francka: Yes, I'm here representing John Saunders, the Director of the Missouri Department of Agriculture, and I would like to introduce some of my staff. Also, Rep. Marilyn Williams is here and she represents part of Stoddard County and another county. Marilyn, would you stand up please? We appreciate you coming and your concern for this. I would like to introduce Jim Lea, who is

the Program Administrator for the Pesticide Program; Paul Andre, who works with Worker Protection Standards and did a lot of work with EPA people on this meeting. And then we have a new pesticide-use investigator for this area, and I think it would be beneficial for you all to know him: Larry Ward. Larry, would you raise your hand? I might as well introduce the other two: Paul Bailey, a program coordinator with our department, and Alan Uthlant. So I appreciate the opportunity, Dan, and thank you for coming down and giving the people of this region the opportunity to speak about Worker Protection Standards.

Dan Barolo: OK, thanks. I have five minutes of quick overview and this will be informal enough so that we'll have an opportunity for any or all of you to engage in a little discussion when we're done here. My remarks, at least introductory remarks, are going to be translated by Angel Castro to Hispanic friends that are in the audience here and we sincerely appreciate your willingness to do that.

Worker Protection Program. I want to make sure that everybody clearly understands from a Washington-EPA perspective the importance that this program has to us. We truly believe that it's a critical part of pesticide management in the United States. The workers across this country basically need the understanding and the education to assist them in protecting themselves and their family in the long run. We think it is part of good and best management practices in ag production in the United States and are hopeful that it will be successful. We've had some meetings earlier today in Missouri, and I'm personally pleased to see how it seems to be getting off the ground in a positive way.

We want it to be successful. In order for it to be successful, we need everybody's help. And part of our message and part of our being here is to try to understand from everybody involved in this--the user community, the affected farmworkers, the regulatory managers, the extension agencies, the political community, the academic community, and, just as well, the media--we need everybody involved to try to figure out a way to best implement a very practical idea.

I want to start out making sure that everybody understands that we don't believe that we've figured out exactly the best way to implement a Worker Protection Program. The regulations are lengthy; they are complex--we admit to that--and part of the reason that we're here is to listen and listen carefully so that we can go back and make appropriate adjustments if they're necessary. And, again, we want the program to work.

To give you a sense of the fact that we do listen from time to time, despite whatever the reputation is, there have been some changes in the Worker Protection Program in the recent past. There have been some exemptions for crop advisors; we've lowered the restricted interval to four hours under certain conditions; we've made amendments to the signs to allow them to be smaller and allow them to be in different languages; and we're working on further amendments. For example, we saw some evidence today and we've heard from around the country concerns about gloves and the use of gloves

and their value, particularly in hot weather. We want to fix that so that the value of gloves is accomplished by the actual use of them. So we're trying to work on some amendments to the gloves. We're also reconsidering some exemptions for some noncommercial production activities, for example, golf courses and others that have come to us as a problem.

We particularly appreciate the cooperation and leadership in many states across the country and that particularly goes for the State of Missouri. We've seen some evidence today that suggests an aggressive effort to get a communication message out there and the message is being received, both in the worker community, it appears, and in the user community, and we appreciate that energy.

Some ground rules for this session: we'd really like this session to be open and honest and constructive and civil. So those are relatively nice ground rules for any kind of meeting, but I guess, the value to us in a discussion like this is, in fact, if there's some open and honest discussion. If all we hear is that we are idiot bureaucrats from Washington--we've heard that before, you know--that may get something off people's chest but it doesn't help us make the Worker Protection Program any better. If all we hear is there shouldn't be a program, that's not going to happen. So we're looking for some constructive ideas and recommendations about how we can improve what we think are some valuable objectives.

We have to have a meaningful partnership. This gets back to my interest in making sure the regulators and the growers and the farmworkers and others are working together toward implementing this program as constructively as possible. The commitment that we make is, as we have these meetings around the country, we are going to use the discussion and the input that we receive from this to modify the way we do business in Washington and the program itself. So we'd like you to believe that your input will make a difference, and, obviously, hopefully you'll hold us accountable for doing that.

I want to thank in advance the people who showed up tonight, their attendance and participation. It looks like, based on the number of speakers who've signed up, that we will be able to have David Wildy give an overview or his statement, and then we can throw it open for some general discussion. So, again, we appreciate the opportunity to listen to real people, and maybe, in turn, to give you a sense that there are at least one or two real people in Washington--you don't have to look at me when you respond to that! Hopefully, we'll be able to hear clearly your message and you will see some positive responses as a result of it. So, a very quick overview and introduction and hope that we can have a meaningful discussion.

David Wildy, and if I didn't pronounce correctly...

Jake Fisher: How many do we have that want to speak?

Dan Barolo: He's the only gentleman who signed up.

Jake Fisher: Well, OK. Then we'll just go to opening...I was going to say we're limited to

five minutes each so we won't speak too long, but I don't guess that that's necessary.

Dan Barolo: Well, OK. There'll be plenty of time. And for the record, we would appreciate a name and affiliation. Thanks.

Jake Fisher: Go ahead, David, we've got enough time.

David Wildy: My name is David Wildy. I represent the National Cotton Council. The Council is the central organization of the U.S. cotton industry representing growers, ginners, warehousemen, cottonseed crushers, merchants, cooperatives and manufacturers from California to Virginia.

I farm in Mississippi County and live in Manila, Arkansas, about 50 miles south of Portageville. I grow about 5,000 acres of cotton. I might add that my operation is run by seven to eight full-time employees, and most of them permanently live on the farm. Occasionally we employ hand labor for four or five days during the summer. Most farm employees often assume various roles and often switch from "worker" to "handler" during the day. My employees are trained handlers, however, many employees are also trained as certified applicators.

I am a member of the Council's Producers Task Force on Environmental Issues which has provided input and guidance to our staff on the Worker Protection Standard. In preparation for this testimony we solicited input from other task force members. First, let me say that the cotton producers of this country appreciate the opportunity to participate in this hearing. The National Cotton Council, having had a place at the table in 1985 when revision of the Worker Protection Standards first began, has always been a proponent of protecting our employees and we have strived for programs which are reasonable, sensible, logical and also practical. Our comments tonight are consistent with that philosophy.

The WPS issue has been relatively quiet since full compliance began in January, 1995, and after changes were published in May, 1995. During this time, employers were dealing with compliance with the WPS under actual field situations. WPS compliance demands the employer's attention throughout the work day. It is a very complex, and I think confusing, set of guidelines which are subject to interpretation on how to implement them. I use the term "guidelines" rather loosely because, in actuality, they are part of the product label and are subject to state and federal enforcement. As you know, we have labels that are very large, a lot of fine print with regard to Worker Protection Standards. And then they also tell us, reference is made to the WPS standards described by a 140-page "How to Comply" manual when all of you were beginning to become aware of it. It makes it very hard because we're trying to digest all this information in the fields and farms.

The producer's greatest fear is that under the very best of intentions, he/she could be out of compliance for any number of reasons. We, therefore, strongly urge that this Agency and state enforcement compliance continue to be constructive and instructive. This is a very

complex set of guidelines to be implemented on a daily basis under real time farming situations.

The following portion of my comments will address specific information sought by the EPA. First, you have available assistance from regulatory partners and others involved with the WPS and [Inaudible]... Training information has received most attention, as it should. With training largely accomplished now, the emphasis should be placed on interpretative guidance and instructive compliance under field conditions. Assistance in Arkansas has come from the Cooperative Extension Service and from organizations like the National Cotton Council and Farm Bureau. To assist cotton producers, the Council has developed and circulated about 2,000 copies of the Worker Protection Standards booklet...[Inaudible]...related to cotton production. Also, a copy of this booklet will be included in our statement. The Southern Cotton Growers provided another 2,000 copies of EPA's "How to Comply" manual at its convention.

One measure of available information is the Internet. The Council's staff did research and found about 600 references to the WPS. This was a lot of information, but it was discouraging that most references were dated 1994 and early '95. Another search was conducted on EPA's Home Page. We suggest the Internet may be an outlet for interpretative guidance and other informational materials.

The next portion [deals with] understanding WPS requirements. We think that understanding comes from experience and from interpretative guidance. We encourage the Agency and state agencies to assist in this learning process. We understand that there is another guidance document being readied for release so we urge the Agency to make that fully available to us.

The last subject is the success in implementing the requirements and difficulties in implementing the requirements. Training has been effective as well as development of the central area information site.

Most producers question the need of anything other than the name of the product and see no need for the EPA Registration Number and active ingredient. I use a computer program which prints this out and it still doesn't mean anything to me. My problem is that I have 90 cotton fields scattered over two counties, and it is difficult for me to keep the treatment log up-to-date during the day. We have so many distractions in all directions that I'm not even sure what field I'm going to next, when you come to a field that's too wet and then you go to another field. It just is not [Inaudible]... for making this information posted at the physical location when all my employees around the farm [Inaudible]... So what I try to do is get the information down on paper and then at the end of the day or hopefully within a day or two, put it in the log, on board, to comply. But if you really held my feet to the fire, I'm out of compliance.

Decontamination sites are being provided, although the justification for a 30-day requirement is the cause of much confusion. Actually, we were disappointed that EPA did

not modify this requirement when they had they had the opportunity to do so.

We are learning how to deal with posting and notification. Location of signs is very confusing. Most operators prefer verbal communication, except where double notification is required.

Personal protective equipment is a problem, although it offers the most protection for our employees. I can provide PPE, I can train my employees how to use them, I can inform them about applications that are [Inaudible]...but I cannot make them wear personal protective equipment. This is why it is so important for us all to strive to make the rules as practical, logical, reasonable and sensible as we possibly can. If I have satisfied my responsibilities to the very best of my ability, I should not be responsible for an employee's wearing and proper use of PPE.

Although helpful, the extension for limited contact activity, we feel this is overkill since workers must put on full protective equipment in a four-to-five-minute [Inaudible]... We run a lot of cultivators that come out to the end of the field and they have vines or something and they get off and pull off [Inaudible]... To comply with the actual rules, they have to completely suit up with personal protective equipment to perform a job of pulling the weed off the cultivators. We feel that this is very awkward and hard for anyone to comply with.

In summary, we want to publicly express our appreciation of EPA staff for working with stakeholders in the development of changes to the re-entry intervals, irrigation rules, crop advisor rules, limited contact activities, sign, size and lanaguage, and the worker training requirements. We also think the Interpretative Guidance Questions and Answers have contributed to a better understanding of certain WPS provisions, particularly irrigation practices. We want to go on the record and say that while these changes on interpretative guidance have been constructive and have provided a sense of practicality to the WPS rules, we certainly feel that these changes have not in the least gutted the very heart of the WPS program as has often been quoted in Washington.

We agree with EPA in the belief that agriculture workers, handlers and growers are best able to provide unique insights on the effects and effectiveness of the WPS requirements and the implementation of standards after one year's time in the real world. We share EPA's related goals on WPS to create an environment of credibility and of acceptance of a program [Inaudible]... by farmers and workers alike. We applaud the Agency for follow-up and the National Cotton Council is pleased to be a part of this process. [Applause]

Dr. Ray Nabors: [Inaudible]...

Dan Barolo: I'd like an opportunity to respond in general discussion to some of the points made and maybe build on them a little bit, but anybody else who's been inspired or encouraged by the previous comments and the fact that we haven't kicked the first two people out of the room?

Andy Kendig: My name is Andy Kendig. I am an extension weed control specialist and I do work here at the Delta Center. I am reluctant to be up here. I don't think it is any of my business to represent the views of the University of Missouri, but I do work with pesticides on a day-to-day basis. I just wanted to echo some of the earlier comments. I wish I could stand and tell you that I am 110 percent compliant, that my central notification system is working perfectly, that I get every last EPA registration number recorded when I make an application. I just simply want to make the point that fully meeting these regulations to the letter of the law, 'i's dotted and 't's crossed is quite a challenge.

When I get among farmers, my gut inclination is to try to commiserate with them rather than tell them, "Isn't this Worker Protection Standard a wonderful thing." I fully support the spirit of what's trying to be done here. I frankly tell my workers I do not care about these regulations. Regulations do not assure your safety; it's what you do that assures your safety. I actually give my people a little extra training. All of my employees do get a private applicator training, but then I go on to tell them some important things that are not included in that training. I have to assure them that there will be pesticide exposure on this job--maybe from a door knob, not from out walking in a previously treated field; maybe from contact with a truck tailgate.

So I am encouraged that things have been changed. I know that the Worker Protection Standard has been evolving in a number of ways so that's something else that's encouraging.

Dan Barolo: OK, any other statements? For the record, I think we would really like an opportunity to open it up for some discussion at this point in time. Maybe I can start out with a couple of general responses to comments made.

First of all, I sincerely appreciate all of them. They're on target. They're constructive. They're helpful. Three, four or five quick reactions. One is we would love to be able to hire some real people into our program. One of the frustrations--and not to say that you all have not faced them--but for the last year-and-a-half, we have been in a hard freeze, a combination of the budget cuts that are occurring in Washington... I think we can all support them, relate to them, but as the individual responsible for the program, they hurt frankly. And they hurt by not being able to bring some young blood into the program. And they particularly hurt not being able to bring in some balanced blood into the program that can give us the kind of real world experiences that we would like to have. So feel free to talk to anyone of your favorite Congresspersons and tell him or her exactly what I think of them in terms of general support for the program. That is a practical problem. One of the reasons that we need to reach out and touch and involve greater constituencies around the country, is to make up for what we know to be a deficiency in our program and that is that kind of implied expertise.

We have started some initiatives. Many of you may have heard of the Environmental Stewardship Program that is underway nationally where we're trying to establish a

partnership with various user associations so that we get down into the user community and build the bridges so our people can spend some time out seeing how kiwis grow, how tomatoes grow and, in turn, better understand pest pressures and pest management in that particular commodity. And, as well, it will help us in our priorities setting. We have about 35 of those signed now up, everybody from the National Potato Council to the Cling Peach Board in California to many other user associations around the country. We hope that will help fill up some of that gap.

There are 3.5 million workers in the United States. A significant number of those are migratory workers. We have an obligation in the broad program to evolve, devolve a program that provides some basic protection for them. One of the problems--and you hit right on it and it is true for both registration of new chemicals, as well as the Worker Protection Program, as well as any other program we are involved in--and that is: How do you establish national standards that are meaningful to local and regional geographic individual circumstances? Not easy to do. We need help figuring out a way to plug that gap.

One of the ideas that we have come up with--I know you all know this--is the idea of State Management Plans as an approach to dealing with the ground water problem. All we would say nationally is: Here are some broad fundamental principles that we want you to think about at the state level, the regional level to affect meaningful ground water protection. States, you have the opportunity to work with your regional, local governments and develop your individually tailored state plans. But doing that for national labels is a particularly difficult issue and I know that all of you know that. So we need to find mechanisms to make sure up-front in the process, we're involving more of the people affected by the way we do business rather than after the fact. So your points are well made.

We are struggling with--and we agree with most of them--we're struggling with how do we fill that gap. How do we fill that expertise gap? How do we fill that national standard versus local/regional differences gap and how do we establish a Worker Protection Program that applies across the United States? Some of your suggestions, I think, are headed in the direction of helping us with that. For example, commodity type approaches for restructuring and one of the things that Cathy [Kronopolus] is beginning to work on, for example, is a commodity "How to Comply on an Ag Sector Basis." In other words, translating the Worker Protection Standards regulations that now exist into how they apply for greenhouses, how they apply for fruit and vegetables, how they apply for other segments. We don't know how else to do that. So thoughts, suggestions, recommendations. Anything I said that any of you think particularly is way off base?

Speaker from Audience: [Inaudible]

Dan Barolo: How do we do that on a national level?

Speaker from Audience: [Inaudible] ... Montana and none of them are the same. So

if you are going to do that, I would recommend that you do it maybe not exactly by commodity, but pretty close, and get the people from across the nation so that you can get input from the various regions because they are going to vary a lot. We've got five or six different geographic regions right here in the State of Missouri, let alone going across the nation with something.

Dan Barolo: I have a pointed question to you. One of your earlier comments dealt with the fact that one of the reasons we don't have a lot of workers here is that they've seen, and are afraid of, EPA people because they've done things to them in the past.

Speaker from Audience: No, I'm talking about the regulations that are coming out of the Environmental Protection Agency. Sometimes they just don't make sense to a fellow in the field. He's out there dealing with it on a day-to-day basis and you're writing about it in Washington--there's no communication there. There's a lack of understanding and a lot of fear there and some of the things that you all have written up don't really make sense out here on the field. And I think that you've got to have some expertise in the area. If you can't bring on new people, I can understand that, I mean with all the tax cuts going on and things, but there are already people available. And I think you can get that expertise if you ask for it.

Dan Barolo: David, you mentioned the difficulty in digesting the "How to Comply" manual and the *Federal Register* notices. You all in the cotton community have taken that, tried to extract it, and produce something for the cotton growers? One, you are going to leave a copy of that with us, right?

David Wildy: It will be part of our written statement.

Dan Barolo: Secondly, kind of a general request or offer to all of you is: Those of you who have access to the "How to Comply" manual or the other publications that are out there, I think directly and indirectly, some of you are suggesting that some of the answers in there don't make sense always in the real world. It would be very, very helpful if we got some explicit comments on those: "This answer does not make sense because..." or "This answer would make more sense if you changed these three words from these three words to these three words." I appreciate that that might take some time, but to the extent that any of you have the opportunity or the access to people who have the opportunity to go through that and offer some suggestions on how and where we could change it, it would be very helpful. Your cotton manual might give us some ideas and thoughts about how we could structure some commodity stuff and to what extent does that represent national cotton producers thoughts, or is that regional.

Speaker from Audience: [Inaudible]... The Cotton Council developed this manual and I'm a farmer and the Cotton Council developed this for us so I'd like to [Inaudible]....

David Wildy: Dan, this was put together about a year ago, and we essentially went through the "How to Comply" manual and pulled out those things that obviously pertained to greenhouses and forestry. We tried to keep it confined it to row crop-type agriculture. At the same time, we felt very hesitant about doing any interpretation on our part, but we did try to make some suggestions on posting, to make sure growers and producers understand that posting is not for the people that drive up and down the road; it is to protect your employees. So make sure your employees know how you are going to post on your farm. That doesn't mean you have to put 12 signs around a single field. Tell your employees which entrance to that field is going to be the posting entrance and put one sign up if you want to. If you don't want to put a sign up, and you have the option of verbally communicating with the workers and you object to putting signs, choose the verbal route and put a sign up only when you have to maybe. But we haven't really done a whole lot of interpretive type things.

We included some of the information that focus on irrigation and things like that, that came out a little bit later. We need to update this and include some of the new guidelines and new information that came along. But we're still, I think, very early in the stages of trying to understand exactly what needs to be done. One example that we used is the planting time operations where we're dealing with treated seeds that may have a fungicide and insecticide on it. We're putting a granular insecticide in the furrow, we're maybe putting a fungicide in the furrow, maybe [Inaudible]... putting a herbicide on top of the rows--so we're dealing with three or four compounds all at once. Exactly what kind of glove, who wears gloves? So it's complicated as far as trying to deal with that out in the middle of a cotton field on a busy day.

Speaker from Audience: A chemical might have a different set of gloves that are required and are we wearing the right glove for the right chemical? It gets so complex out in the field when you're dealing with handlers that you have to explain it to.

Dan Barolo: OK, one of you offered a phrase that I thought was a philosophy that we are trying to promote in the program and that is "constructive and instructive compliance." I think that if we can find a way to sell that as a message in the first year or two of this program, that we have an opportunity to make some meaningful inroads into enforcing, encouraging a program that makes sense in the field, that accomplishes the basic purposes of worker protection and doesn't worry too much about making sure that every 'i' is dotted in the regulations themselves. And I hope that is the message getting out to the states and the community. It doesn't, in my mind, back off of our obligation to ensure worker protection, but it is a positive step toward making sure that we get there in the most sound manner possible.

We are hopeful that in the next months and year we'll head in the direction of improving on that kind of instructive and constructive compliance and guidance. That's why thoughts, ideas and recommendations

about how to make the "How to Comply" manual will be very, very helpful to us and why going on a commodity/sector approach will as well maybe provide some more instructive guidance and direction on the program.

Thoughts, recommendations from anybody? Let me just throw out one other area and that is the dilemma, the ever-present dilemma of how we bridge the gap between national standards and local/regional issues and needs. Congress has said to us, there will be national registration. Our difficult job is to interpret all the studies that are available to us in ways that provide that kind of national threshold of protection, recognizing in some instances that it may go way beyond what's necessary and in other instances it may just be on the border of acceptable risk protection. Any thoughts, any ideas beyond changing the statute?

Speaker from Audience: All these materials that we use--I've farmed for more than 20 years--I've had it, I've eaten it, I have done everything except take a bath in it. I've been to a doctor and all kinds of things, but I'm a survivor and I know these workers are survivors. I've never known anybody too seriously hurt but [Inaudible].... What I'm trying to say: Is there some way that the manufacturer, just one person, can be communicated with so he can dilute as many as possible of these things that are harmful to humans? These people that are driving these tractors, man, you've got a big job ahead, but if you could cause this chemical to be less effective to the people...

Dan Barolo: I know many of you know this, but part of what we're going through right now is this program called re-registration and it's basically looking at all the old chemicals, some of which were registered in the '40s and '50s and with all due respect very little testing, very little understanding and knowledge of the effect of the active ingredient at the time. And our job is to require the registrant to do the studies to demonstrate to us that they meet today's health and environmental standards. Over time, the next four years, we'll finish that program, and over that period of time we hope to be able to ensure that the really bad stuff gets out of the marketplace. Because you are absolutely right, the more we can provide assurance that what's being allowed out there, if used properly, will be safe, the fewer incidents that should occur.

You've indicated that it is probably more risky working for EPA in the pesticide program in Washington than it is applying some of the pesticides around the country. On the other hand, let me assure you that all of us have seen some very sad circumstances of individuals who have been seriously affected by pesticide poisonings and pesticide incidents, both from misuse as well as use in accordance with the label. So our job is to figure out how can we assure some minimal level of protection for them and obviously not adversely affect the job that needs to be done in terms of ag production in the United States. We think we're getting at your suggestions through this evaluation process. We are about half-way done. Another four years, we'll be done.

Speaker from Audience: Aren't you working on speeding up the registration of some of the new pesticides that show real good--less toxicity and effectiveness, that sort of thing?

Dan Barolo: In fact, last year we created two major initiatives in that area. We actually took some of our existing staff and created a new division. Some of you may be familiar with it; it's called Biopesticides and Pollution Prevention. That is the division where the Environmental Stewardship Program exists. We've actually got some state grants going out to various subcontractors around the country, trying to advance best management practices and promoting their understanding. But that division has responsibility for reviewing and evaluating biopesticides, those that are biochemicals, bioengineered products and so on, and getting them into the marketplace more quickly. So by focusing the scientists and the regulatory managers in one operation we, in fact, are getting a lot more out. For example, we registered 22 of those last year. The average in the past 10 years was four or five.

The other thing that we put out is an incentive to registrants. We've also said that if you come to us with a complete application for a new active ingredient that you can show us is significantly safer than the pesticides that are out there, we will accelerate the review and the evaluation of that. Again, last year, I think we got about 15 applications; we agreed that about 11 or 12 of those did pass that screen and we registered a half-a-dozen new, safer pesticides. Some of them are still finding their niche in the market. Who knows what is going to happen to them when resistance catches up with all pesticides, which it generally does. But the fact is, we're offering incentives and are getting new, safer pesticides registered significantly faster than we have in the past. We hope over time it will displace some of the more risky chemicals.

Speaker from Audience: One of the messages that was conveyed in the Worker Protection Standard trainings that I've been through is the label, of course, is the law and that you should consult the label to know what the necessary PPE is. Thinking of that in farmer terms, that means I need to know 20, 30 or 40 different sets of PPE equipment. To make things work in my research program, I went through and surveyed about 60 different chemicals last year and came up with two classes of highly toxic materials and less toxic materials. What is the possibility to establish something that's formal, legally binding, that might help the farmer select and train his people to use PPE, based perhaps on the signal words of "caution," "danger," "warning"? Obviously you could still put exceptions to the rule where you would need less PPE, but that's something that could probably be done to make life a lot easier for everyone.

Dan Barolo: That's very logical. We'll go back, but I'm confident pieces of that have been analyzed in the past. But that's one of the things that I think we're all talking about: How can we bring some greater common sense and, in turn, assurance that the basic

conditions are likely to be understood and, therefore, practiced in the fields? Simplifying that approach is obviously part of that answer. Other thoughts, comments, concerns, questions on things we haven't touched on?

Cathy Kronopolus: Not specific questions, but I think the notion of the commodity, even going beyond commodity...Take, for example, the Cotton Council book, and if you were to work on talking about the chemicals, the PPEs, going beyond the regulation and having some kind of short book (not getting into the hundred-page version), pulling out the essence of what the requirements are and then getting beyond just what the requirements are in terms of practice and operational issues so you can get to the heart of some of the PPE questions--that I think is what we'd like to explore more fully with you all. It would be a great opportunity since you've already advanced it so far.

We worked with the forestry community a bit to do a similar type of book that didn't go under EPA letterhead; it went under the Forest Service, as well as I think International Paper and some other folks that played in it. We'd like to be able to get back at the table with you all and help with some of the interpretive questions and talk about some questions you might feel a little uncertain about asking. I think it makes sense to have those discussions so that the farmers don't have to sit there looking a little bit fearful, "Did we go too far in this interpretation."

Your coming to the table bringing those to our attention, will help us understand what some of the constraints and circumstances are with posting issues, with notification issues, the communication flow and where the workers really are at and some of the difficulties. So that's one that I think we're going to take and run with. We love to work with you and we've engaged in the past and you know we've been taken up with some rule amendment time, that's what's dominated our time, but we'd like to move into the communication realm again and the interpretative side. I heard that from some other folks as well. So that might be a good starting point since you've already advanced it to a certain degree.

Dan Barolo: Corn, soybeans, two biggest [crops] in this area?

David Wildy: Well, and cotton.

Speaker from Audience: Could I respond to Cathy's comments. What kind of mechanism would develop a commodity-specific booklet like this? Would this be an interpretative-type booklet or... it wouldn't be any rulemaking as far as a commodity-specific kind of thing?

Dan Barolo: No rules.

Cathy Kronopolus: No rules. I think we should see where it takes us. I think we've got to get back to the table and I think we should see. If it's interpretative issues, we've got to go through the interpretative issues. Is it PPE clarification? Maybe we'd bring that in. And if we could focus it on a pointed sector, we might have a better chance to start addressing

something and have a success story of looking at one crop: What are the particular chemicals, what are the PPE issues, what are some of the notification issues, and see what we can come up with as a prototype to look elsewhere. It's simply a compliance assistance, communication, interpretative tool--not a rulemaking. So I think we can do it in a timeframe that might work for all of us for your next season.

Kathleen Fenton: I'd just like to add to the communication effort that Cathy talked about and that the comment was made that there are no experts at EPA. I think that now and in the past, we've had some very good experts in the field. Dave Ramsey is here from EPA-Missouri, and Glen Yeager. They have quite a few years of experience. They've been with EPA for quite a long time, but also in...

I think, what is a pretty new philosophy recently is that EPA, the Departments of Ag, Extension, we're all looking at new ways to partner. We're all looking at new ways to partner not only with each other (those three that I mentioned), but also with industry, with commodity groups, with associations.

Even though I know that Cathy and Dan are opening their hands now and saying, please let us know things, I want to extend that for the region as well, for Kansas City--all of the different regions. I know Arkansas, you're in Region 4. The regions are there to take phone calls and to talk and to meet with you as well. And also, the Departments of Ag Extension Services, like the MD&Rs of the states as well. So don't discount the expertise that is out there. Believe it or not, we really are here to help, too.

I was talking with Jeff Herman earlier and I know that we need to work on getting out there and being seen and talking. We have phone numbers. We're more than willing to have meetings with commodity groups or associations or anything, but I just wanted to make that point, too.

David Wildy: Yes, I'd like to respond to that, too, and it goes back to Ray's comments and some of your comments. We in the cotton industry have taken up your suggestion. We need--both the commodity groups and the EPA--to learn more about each other's jobs. It's a two-way street. As a follow-up to that, we've developed a project where we will invite EPA staff to go to a cotton production region and show them [Inaudible]... and a worker protection site, reduced tillage, weed eradication and other things. And this is a two-way street and there's a lot of Extension and research people that don't know much about what EPA does and a lot of growers. So this is a two-way street and we've found out through dealing particularly with some of the Section 18 processes that it makes a lot more sense to communicate up-front and in advance and keep a two-way street going.

Speaker from Audience: As a professional communicator, agriculture communicator, EPA's story hasn't gotten to me too hard in the last 15 years. My sources usually come from the commodity association (soybean, cotton): "Have you heard what the EPA's doing to us?" And it's always been that half-

negative approach on what the EPA's doing to us and not much from the EPA, very little. EPA news comes from Capitol Hill, it comes from the USDA, but it doesn't come to the agriculture communicators that I know and the farm broadcasters directly. That's a shame, folks.

Dan Barolo: You're making an excellent point. We're going through these flattening exercises that most of the government is going through and one of the things we're committed to is increasing the focus of our communication energies and efforts.

But two or three things... a couple of you mentioned the Internet and the home page. We will begin to put more and more of our documents into the Internet and a home page. Not everybody has access to that, but a growing number do. Secondly, believe it or not, EPA's pesticide program publications are the single largest distributed publications in all of EPA. About 750,000 actual copies of various EPA pesticide program-related publications were distributed last year through the Cincinnati warehouse and through other NPTN and other kind of networks. So there's a lot of material around. What is frustrating to us is we're obviously not getting it in the right people's hands. And frankly, I think you represent some of the right people. We need to figure out a way to get to the media in the United States, and frankly, get the media to find us so that they don't get their news stories from the registrants and/or a Congressman and/or somebody else who's giving only a piece of the story. Do we just give our piece sometimes? Yes. But at least we have the requirement to make our piece open and available and [Inaudible]... and statute and regulation and the rest of the programs. So I'd really like to get a card from you on our way out here and make sure you get on our mailing list for every single material. You may scream "uncle" after a while when you see it all!

Speaker from Audience: I screamed "uncle" on the Alar situation. I got so sick of that, you wouldn't believe. I started to suspect you folks did too, but God almighty, that's all I heard for six months and then it didn't...

Dan Barolo: I understand. And we're still living with some of the legacy associated with Alar, there's no question about that, but I'm trying to get people to think about tomorrow and the next century and less about who did what to whom last year or five years ago or before. Otherwise, the conflict will continue forever and that doesn't do any of us any good. Other questions, comments, suggestions?

A couple of closing remarks, a little bit of recapitulation of what we've just heard and secondly, hopefully a challenge to all of us. One is, and let me just start off by personalizing it, I'm getting old fast. I'm tired of talking. I'd like to contribute to advancing ag management, pesticide program in a responsible way into the next century. We're looking for people who will buy onto holding us accountable to do that. So there are a lot of choices in the world and one of them can be: "This is another typical government [official] who talks for a living, spouting off."

On the other hand, there could be: "Well maybe there's an opportunity here to build some new bridges and some partnerships with some people and be part of an organization that wants to try to do things differently.' I encourage you to try to take us up on the latter.

Those of you who are within the state and Extension agents and others, I encourage you to talk laterally. What I mean by that is across states, across agencies, across whatever, because if we don't, we're going to get this splintered approach to advice and counsel to the national governing body. If we get a considerably different message from California and Oregon and Wisconsin and Idaho and Missouri and New York and so on and so on, you wind up with the inevitable gridlock. Whereas if we could get some consistent messages across sector organizations, across user organizations, across the Extension Service, we have an opportunity to influence the same kind of directed, positive change. I encourage you to do that.

We're trying to reach out and talk to USDA. I'm confident over the years many of you have tried to work and may understand them better than we do. But they, as well, are reaching out and we've actually had in the last year or so some constructive meetings where we and they have actually worked together, [Inaudible]... and some other forums, where we're getting connected in ways that we haven't in the past. I see that as being positive steps, but it is frustratingly slow. We're looking for ways and means, how can we focus collective attention and intelligence on bringing answers in a quicker forum to the problems that you all have to deal with on a day-to-day basis. And I think some constructive suggestions came out of here today, focusing on sectors, focusing on Extension and focusing on simplifying the Tox 1, 2 category kinds of approach to PPE. Those are the kinds of ideas and recommendations that we have to translate, move beyond talk and actually put into practice. We're interested and anxious to do that. I would appreciate some of you over time holding me accountable. If you need to complain about anything, send them to me; if you want to pat somebody on the back, send it to the staff in the pesticide program or in the state agencies who on a day-to-day basis are more than earning their taxpayers' dollars.

Let me end by extending a thank you and appreciation to the state and regional people who were involved in making this happen; to my own staff who went to extraordinary efforts to pull these meetings together across the country; and more particularly to each of you and all of you for attendance tonight. Hopefully, we all learned something to make this program more meaningful tomorrow and tomorrow. Thanks very much.

[Meeting adjourned]

Registered Participants in the Public Meeting

Adolfo Carbajal
Farmworker

Frank Carter
National Cotton Council

Ángel Castro
Rural Missouri Inc.

Tom Chidirtez
Helena Chemical Co.

Jim T. Criswell
Oklahoma Dept. of Agriculture

Fred Fishel
University of Missouri Extension

Jake Fisher
University of Missouri

David Haggard
Grower

Jeff Herrmann
ISK Biosciences Corp.

Tony Howard
University of Missouri

Andy Kendig
University of Missouri, Delta Center

Ray Nabors
University of Missouri Extension

Cyril W. Owen
Cotton Producers of Missouri

Hugh Robinson
Delta Farm Report

Arturo Soto
Farmworker

Gene Stevens
University of Missouri, Delta Center

C. Alan Uthlant
Missouri Dept. of Agriculture

Larry Ward
Missouri Dept. of Agriculture

Stephen Watkins
Grower

David Wildy
National Cotton Council

Marilyn Taylor Williams
State Legislator D159

Site Visits and Small Group Discussions

Delta Growers' Association, Charleston, MO

- August 7, 1996, 12:30 p.m.
- EPA staff met with 10 members of the Association, many of whom are cucumber/pickle growers.
- Among the issues discussed at the meeting were:

  — Participants noted that they had no difficulties complying with REIs or posting requirements (although there was some confusion over when posting needs to be done), and no problem getting pesticide products relabeled with WPS labels by the deadline because they had already moved their products out to the customers. Participants had no knowledge of incidents of pesticide poisoning.

  — The participants also experienced no problem with decontamination requirements. The growers try to have washing/decontamination supplies available on the equipment so they do not have to worry about the quarter-mile requirement. The Association makes workers leave their clothes at work and sends the clothes out to be cleaned.

  — Concerns expressed about glove liners and related heat stress issues.

  — Participants expressed a need for better communication and recommended getting the word out through the American Retailers Association.

  — Growers noted the need for a replacement for Atrazine and expressed concerns with the new law.

Bill Bader Farm, Campbell, MO

- August 8, 1996, 9:30 a.m.
- EPA staff visited this 800-acre farm, one of the few orchards in Missouri. Crops include peaches, apples, vegetables.
- EPA staff met with owner Bill Bader.
- Among the issues discussed at the meeting were:

— The owner's primary difficulty related to WPS requirements is with concerned customers who see the WPS warning signs when they come to the property to buy fruit.

Beggs Melon Company, Sikeston, MO

- August 8, 1996, 1:30 p.m.
- EPA staff met with owner Don Beggs and his son, and toured the 400-acre melon farm (watermelons, cantaloupe). The Begg family has been growing melons for 101 years.
- Among the issues discussed at the meeting were:

  — The owner was satisfied with his workers and stated that the migrant labor force was necessary for the farm's continued operation.

  — The owner felt that REIs are more problematic for harvesting cantaloupes than for harvesting watermelons. Unlike cantaloupe, watermelons do not need to be harvested daily.

Union Jackson Farm Labor Camp, Cobden, IL

- August 8, 1996, 5:00 p.m.
- EPA staff met with 10+ farmworkers; Pasquale Lombardo, IL Legal Services. Additional farmworkers joined the meeting late. (The small turnout may have been related to the somber mood of the camp in the aftermath of a car accident that had occurred earlier in the day, killing one farmworker and injuring five others.) A brief training session was given to the farmworkers by Jeanne Heying.
- Among the topics presented at the meeting were:

  — Workers complained that growers are not conducting the WPS training (although these workers had received training either in Florida, Michigan, or elsewhere).

Written Comments

Stephen F. Mona
Golf Course Superintendents Association of America

David Wildy
National Cotton Council

Mark Weber
Red River Valley Sugarbeet Growers Association

GCSAA
1421 Research Park Drive • Lawrence, Kansas 66049-3859 • 913/841-2240 • 800/472-7878

Board of Directors

President
Bruce R. Williams

Vice President
Paul S. McGinnis

Secretary Treasurer
George L. Renault III

Immediate Past President
Gary T. Grigg

Directors
Dave W. Pearis
Ken Mangum
Michael Wallace
Tommy D. Witt
R. Scott Woodhead

Past Presidents
Robert M. Williams
Sherwood A. Moore
David S. Moore
Edward Roberts Jr.
Walter R. Boysen
James W. Brandt
John J. Spodnik
Richard C. Blake
Robert V. Mitchell
Clifford A. Wagoner
Charles G. Baldin
Palmer Maples Jr.
Richard W. Malpass
Theodore W. Woehrle
George W. Cleaver
Charles H. Tadge
Melvin B. Lucas Jr.
Michael R. Bavier
James A. Wyllie
Robert W. Osterman
James W. Timmerman
Eugene D. Bascon
Riley L. Storrern
Donald E. Hearn
John A. Segui
Dennis D. Lyon
Gerald L. Faulset
Stephen G. Cadenelli
William R. Roberts
Randy Nichols
Joseph G. Baidy

Chief Executive Officer
Stephen F. Mona

August 1, 1996

Mr. Glen Yager
Environmental Engineer
United States Environmental Protection Agency
Region VII
726 Minnesota Avenue
Kansas City, KS 66101

Dear Mr Yager:

I am writing on behalf of the Golf Course Superintendents Association of America (GCSAA), to share our views on the implementation of the Worker Protection Standard (WPS), for consideration at the Public Meeting on this issue which is scheduled for August 7, 1996 in Portageville, Mo.

GCSAA is the leading professional association for the men and women who manage and maintain golf facilities in the United States and worldwide. From its headquarters in Lawrence, Kan., the association provides education, information and representation to individual members from more than 50 countries.

As you know, the 1992 Worker Protection Standard covered agricultural workers. Golf courses were not intended to be covered, and plants grown on these establishments fit within the exceptions provided in the regulation. The WPS states that the requirements do not apply when plants are grown for other than commercial or research purposes, or when plants grown are intended only for aesthetic purposes.

An Interpretive Guidance Work Group was assigned to prepare a Question and Answer document on WPS compliance. The Work Group determined that the WPS should cover these areas, even though every other part of the golf course is exempt from WPS.

Apparently the Work Group's logic was that if golf courses did not grow their own sod and trees, they would be purchased from commercial

nurseries that had to comply with WPS. The Work Group decided that the golf courses' sod, ornamentals and trees therefore have "commercial value" and are subject to the regulations. We agree that the WPS properly applies to facilities that grow turf or ornamentals for off-site sale. However, the small areas on the golf course where replacement sod, ornamentals and trees are grown should be covered under the same exception that covers golf courses, for the following reasons:

1. The intended scope of WPS, as communicated by the officials who wrote the Standard, does not include these golf course operations.

2. Golf course turf plots and greenhouses are typically very small areas, and application of WPS would be unreasonably burdensome to golf courses and product manufacturers. Although a product purchased for use on these areas may be the same as that used on the golf course, it would have to carry a special label.

3. Most importantly, this decision offers no additional protection to our workers. Virtually all are state licensed pesticide applicators, even if it is not required by state law, and are among the best-trained and equipped of any user groups.

GCSAA is a progressive organization that cares deeply about worker safety, risk reduction and environmental protection. It is our objective to be recognized as a model environmental industry. We do not object to reasonable regulation merely because it may involve some inconvenience. However, we fail to understand the EPA's rationale in this decision. Under this ruling, registrants spend money unnecessarily and our management practices are complicated substantially, but workers are not protected any more effectively — and perhaps less effectively.

We champion the EPA's role in protecting and preserving human health and the environment. However, we do not believe this ruling fulfills the intent of the law or furthers the EPA's mission. Therefore, we respectfully request that the EPA Region VII take prompt and appropriate steps to encourage the United States Environmental Protection Agency to reconsider and reverse this action.

Please include these comments in the official record of the EPA Region VII Public Meeting on the Worker Protection Standard. We appreciate the opportunity to express our views.

Thank you in advance for your consideration of this matter. Please do not hesitate to contact me if you or your staff desire any additional information.

Sincerely,

Stephen F. Mona, CAE
Chief Executive Officer

SFM:cn
s:\shared\govrel\advocacy\wpa\wpa-epa7.doc

GOLF COURSE SUPERINTENDENTS
ASSOCIATION OF AMERICA

1421 Research Park Drive
Lawrence, KS 66049-3859
Telephone: (913)841-2240

OUR MISSION

GCSAA is dedicated to serving its members, advancing their profession and enriching the quality of golf and its environment.

FACSIMILE TRANSMITTAL SHEET

DATE: August 6, 1996

TO: Mr. Glen Yager, EPA Region VII

FAX NUMBER: 913/551-7065

NUMBER OF PAGES: 3 plus cover sheet

FROM: Carrie D. Nicks

PHONE NUMBER: 913/832-3610

DOCUMENT(S) TRANSMITTED: Comments for WPS Public Meeting

ORIGINAL TO FOLLOW BY U.S. MAIL: YES ☒ NO ☐

MESSAGE

Glen will be checking in tonight, 8/6/96.

FAX NUMBERS

Accounting:	913/832-4455	Exhibit Sales:	913/832-4448	Membership:	913/832-4440
Career Development:	913/832-4449	Foundation (Development):	913/832-4433	MIS:	913/832-4455
Chapter Relations:	913/832-4449	Government Relations:	913/832-4433	Production & Mail Center:	913/832-4463
Conf. & Show Registration:	913/832-4420	Human Resources:	913/832-4455	Public Affairs:	913/832-4433
Education:	913/832-4449	Marketing/Creative Services:	913/832-4455	Research:	913/832-4433
Executive Management:	913/832-4488	Media Rel./Video Services:	913/832-4433	Tech. Information Services:	913/832-4449

If you experience problems in transmission, please call:

MARK F. WEBER
EXECUTIVE DIRECTOR

Red River Valley
Sugarbeet Growers Assoc.
MINNESOTA NORTH DAKOTA

August 2, 1996

Ms. Jeanne Heying
Office of Pesticide Programs (7505C)
US EPA
401 M St. SW
Washington, D.C.. 20460

Dear Ms. Heying:

On behalf of the Red River Valley Sugarbeet Growers Association we wanted to share our thoughts with you about the Worker Protection Standard. Our Association represents about 2,000 sugarbeet growers in Eastern North Dakota and Northwestern Minnesota. We grow roughly one-third of the nation's sugarbeet crop. Our growers employ about 5,000 migrant farmworkers to hoe sugarbeets in their fields. A number of them may also operate equipment and do other farm tasks besides hoeing.

Our Association has worked very hard to help educate and inform growers what is required of them in meeting the new standards of the worker protection law. While there seem to be endless specific rules that often sound more technical than they really are in practice, many of the provisions are nothing more than plain common sense. Our growers are also exposed to chemicals on a daily basis and they are mindful of the many dangers. A sense of reasonableness among growers already prevails in this region and they are making a good faith effort to comply. The EPA must in turn also be reasonable in its enforcement efforts.

A frustration prevails in that the rules vary in each state causing much confusion to growers who farm in both states. Besides the worker protection law, there are endless other rules that growers must comply with when employing migrant hand labor. As an example, growers must first check the workers "green card" and complete immigration forms (commonly called I-9's) when they are hired. A farmer may hire as many as 20 or 30 workers and a form must be completed for each worker. Careful labor records must be kept on hours worked for each individual. This is necessary as often times wage disputes will arise in the fields. Additional rules apply when employing crew leaders or when growers provide housing to their migrants. Growers also keep very careful and detailed spraying records on each field such as time of spraying, weather conditions, wind direction, amount and rates, etc.

1401 32nd STREET SW
FARGO, ND 58103-3430

It is not often any wonder that some growers get so tired of the seemingly growing list of rules and regulations with which they must comply. We have found that so many of the agencies don't often know what other agencies are doing in a particular area or how they might choose to enforce, understand, or interpret various rules of the worker protection standard. To name a few, these agencies are OSHA, Migrant Health Services, Migrant Legal Services, Department of Labor, Department of Agriculture in each state, etc. Growers would like to have one source that they could turn to that could answer all of their questions. The Association has tried to do that as best we could and I have attached a recent newsletter that includes an explanation of the worker protection standard and other requirements when employing labor.

We also held a series of training workshops for growers several years ago that included much more than just worker protection standards. We prepared a book for those workshops and that is also enclosed for your information. We believe the EPA must help cooperate with all of these agencies to help streamline the requirements involved in all facets of hiring hand labor besides just the worker protection standard.

The above information is given as additional background so that EPA can have a better appreciation of the additional requirements that growers have and to demonstrate that our Association is very proactive in trying to follow the laws and educate growers.

To focus more specifically on the worker protection standard, we have several comments. The decontamination sites are a good idea but more practically they are often set at the end of the field where the workers park their cars. The posting and re-entry requirements are not really a big problem. Showing the training videos has worked, but we have since been told that the videos may not necessarily meet the total requirements. The videos were marketed as meeting the requirements of the worker protection standards. Confusion exists in this area.

We must also never forget that the workers also have some responsibilities as well. We know of situations where workers may choose to ignore the signs or warnings for various reasons. The workers must also be willing to ask growers questions when they are being trained. Situations occur where the workers don't want to take the time to review the video or study the written materials. We must remember that such education and training is a two way street.

I would like to conclude by saying that farmers <u>are</u> responsible and take such laws seriously. But, past experience has shown that the EPA in its legislative efforts has often taken an extreme example that might have happened among farmers and attempt to portray that as the average or status quo among farmers. This is insulting to

farmers and it then polarizes the two groups so quickly and leaves little room for cooperative efforts. We will continue to work hard to follow the law and we ask that the EPA work in cooperation with farmers across the country.

We appreciate the ongoing excellent work that both the North Dakota and Minnesota Departments of Agriculture have done in this area. They have been fair and reasonable. In the long run this is the approach that works best. They and our growers both recognize that common sense must prevail.

Thank you for giving us the opportunity to respond to the EPA with our thoughts.

Sincerely,

Mark

Mark Weber
Executive Director

MW:sjn

Enclosures

cc: Steve Poncin, Minnesota Department of Agriculture
Ken Junkert, North Dakota Department of Agriculture

62/ OPP #00427

(4PP)

Field Hearing on Implementation of the Worker Protection Standard

RECEIVED

SEP 25 1996
OPP PUBLIC DOCKET

Environmental Protection Agency
Portageville, MO
August 7, 1996

Testimony of:
David Wildy, Manila, AR
Representing
National Cotton Council

My name is David Wildy and I am representing the National Cotton Council. The Council is the central organization of the US cotton industry representing growers, ginners, warehousemen, cottonseed crushers, merchants, cooperatives and manufacturers from California to Virginia.

I farm in Mississippi County Arkansas and live in Manila, Arkansas, about 50 miles south of Portageville. I grow about 5,000 acres of cotton. I might add that my operation is run by 7 to 8 full time employees, most of them permanately live on the farm. Occasionally, we employ hand labor for 4 to 5 days during the summer. Most farm employees often assume various roles and often switch from "worker" to "handler" during the day. My employees are trained as handlers, however, many employees are also trained as certified applicators.

I am a member of the Council's Producer Task Force on Environmental Issues which has provided input and guidance to our staff on the worker protection standard. In preparation for this testimony, we solicited input from other task force members.

First, let me say that the cotton producers of this country appreciate this opportunity to participate in this hearing. The National Cotton Council, having had a place at the table in 1985 when revision of the worker protection standards first began, has always been a proponent of protecting our employees, and we have strived for programs which are reasonable, sensible, logical, and practical. The protection needs to fit the exposure risk.. Our comments tonight are consistent with that philosophy. In fact, the National Cotton Council (NCC) has been very active over the past three years in seeking changes to the Worker Protection Standards with hopes that such changes would make WPS more workable.

WPS issue has been relatively quiet since full compliance began in January 1995 and after changes were published in May 1995. During this time employers were dealing with compliance of the WPS under field situations.

Nevertheless, WPS compliance demands the employer's attention throughout the work day. This is a complex, confusing set of guidelines which are subject to interpretation on how to implement them. I use the term guidelines rather loosely because in actuality, they are part of the product label and are subject to state and federal enforcement. To illustrate this, here is a complex product label and by reference, WPS standard, described by this 140 page HOW TO COMPLY manual is also part of the label.

Under WPS, a tractor driver cultivating cotton is now a handler because that person is more than likely putting out a herbicide at the same time. Likewise, the springtime ritual of planting the new crop is now a complex application operation because we are using treated seed, a fungicide in the furrow, often an insecticide/nematicide in the furrow, and finally, a herbicide on the surface of the drill row. The producer's greatest fear is that under the best of intentions, he/she could be out of compliance for any number of reasons. We therefore strongly urge that the Agency and state enforcement compliance continue to be constructive and instructive. This is a very complex set of guidelines to implemented on a daily basis under real time farming situations.

Although helpful, the exception for "limited contact" activities we still think is overkill since workers must put on full personal protective equipment, to perform a five minute task. The tractor driver cleaning cultivator sweeps or adjusting nozzles is an example. We have proposed gloves, rubber boots and an apron/overcoat for this type of short term activity.

The following portion of my comments will addresses specific information sought by EPA:

Available assistance from regulatory partners and others involved with the WPS and the usefulness of available assistance:
Training information has received most attention as it should. With training largely accomplished, emphasis should be placed on interpretative guidance and instructive compliance under field conditions. Assistance in Arkansas has come from Extension and from organizations like the National Cotton Council and Farm Bureau. To assist cotton producers, the National Cotton developed and circulated about 2,000 copies of this publication. A copy of this booklet will be included with our statement. The Southern Cotton Growers provided another 2,000 copies of EPA's HOW TO COMPLY manual at its convention.

One measure of available information is the internet. Council staff searched and found about 600 references to Worker Protection Standard. This was a lot of information but it was discouraging that most references were dated 1994 and early 1995. These references offered almost no help on the new revisions published May 3 in the Federal Register. Another search was conducted on EPA's home page. Only a few hits were returned and most involved Federal Register Notices. We suggest that the internet may be an outlet for interpretative guidance and other informational materials.

Understanding WPS requirements:
We think that understanding comes from experience and from interpretative guidance. We encourage the Agency and state agencies to assist in this learning process. We understand that there is another guidance document being readied for release so we urge the Agency to make that fully available.

Success in implementing the requirements and difficulties in implementing the requirements:
Training has been effective as well as development of the central area information site. Most producers question the need of anything other that name of the product and see no need for EPA Registration Number and active ingredient. I use a computer program which prints this out and it still does not mean anything to me. My problem is that I have 90 fields of cotton scattered over 2 counties. It is difficult for me to keep the treatment log up to date during the day. Usually, the treatment list is updated on the computer at the end of the day. This poses no problem for me because most employees are aware of applications or participate in the application. Nevertheless, I am not in compliance according to the rules.

Decontamination sites are being provided, although the justification for a 30 day requirement is causing confusion. Actually, we are disappointed that EPA did not modify this requirement when they had an opportunity.

We are learning how to deal with posting and notification. Location of signs is confusing. Most operators prefer verbal communication, except where double notification is required.

Personal protective equipment (PPE) is a problem although it offers the most protection for our employees. I can provide PPE, I can train, I can inform about applications, but I cannot make them wear PPE. This is why it is so important for all of us to strive to make the rules as practical, logical, reasonable, sensible, as possible. If I have satisfied my responsibilities to the best of my ability, I should not be responsible for "wearing and proper use of PPE".

Suggestions to improve implementation:
We continue to urge that EPA develop a proposal to move the provisions providing for an exception process from the REI section to the general provisions section. This will allow more revisions in the future and will strive to mold a WPS program to meet the need to protect workers from pesticide exposure while on the job and will continue to assist employers in providing effective implementation of protective measures.

In summary, we want to publicly express our appreciation to the EPA staff for working with stakeholders in development of changes to the reentry intervals, irrigation rules, crop advisor rules, limited contact activities, sign size and language, and the worker training requirements. We also think that the Interpretative Guidance Questions and Answers have

contributed to a better understanding of certain WPS provisions, particularly irrigation practices. We want to go on record by saying that while these changes and interpretative guidance have been constructive and have provided as sense of practicality to the WPS rules, we certainly feel that these changes have not in the least "gutted the very heart of the WPS" as has been often quoted in Washington.

We strongly believe that WPS guidelines must be workable for the owner/operator as well as the employee because employees will not cooperate with PPE requirements if they deem them overprotective, cumbersome or uncomfortable. We understand that EPA's has a similar goal on WPS. That goal is "to create an environment of credibility and of acceptance of the program in the field by farmers and workers alike".

We agree with EPA in the belief that agricultural workers, handlers and growers are best able to provide unique insights on the effects and effectiveness of the WPS requirements and the implementation of the standard after one year's time in the real world. We applaud the agency for the follow-up and The National Cotton Council is pleased to be a part of this process.

9. Indiana

Public Meeting:

Tipton, Indiana

- August 21, 1996, 7:00 p.m.
- 63 participants (63 registered), including 21 speakers

Site Visits and Small Group Discussions:

Indiana Health Centers, Inc., Kokomo, IN

- April 22, 1996, 8:00 a.m.
- Tour of non-profit health care group with seven permanent clinics serving about 9,000 migrant farmworkers.
- EPA staff met with José Pérez, Indiana Health Center manager; Gene Brown, nurse practitioner.

Ray Brothers & Noble Canning Co./Farm, Hobbs, IN

- April 22, 1996, 9:30 a.m.
- Tour of 2,000-acre farm and tomato canning plant with migrant labor camp on premises.
- EPA staff met with owners Ray and Dan Noble.

Sharpview Farms, near Tipton, IN

- April 22, 1996, 1:00 p.m.
- Tour of 600-acre farm (cucumbers/pickles, tomatoes, corn, grain and soybeans).
- EPA staff met with owner Scott Smith.

Sharpview Migrant Labor Camp, near Tipton, IN

- April 22, 1996, 3:00 p.m.
- Visit to small migrant labor camp housing 200 workers.
- EPA staff met with 20 farmworkers; José Pérez and María Leija, Indian Health Center.

Transcript of Public Meeting
Tipton, Indiana
August 21, 1996

Alan Hanks: It has been an unusual year for agriculture, displayed across the state and the region. You will have an opportunity, which you indicated by signing up, to speak to our federal representatives tonight. I'd like to turn it over to our program monitor tonight, Fred Whitford. Fred.

Fred Whitford: [Inaudible] ...Again, welcome. For those of you that think that the weather's too hot, I was under a tent today; it was 120 degrees in the field today, we had three and a half inches of rain, and, ladies and gentlemen, we're extremely pleased because our crops are about three weeks behind so we're glad to sweat, glad to have all this sunshine help our crops, 'cause we're still fighting the freeze. I can't dress up--I do have good clothes, but I came from the field today so pardon the way I look.

I want to actually thank a lot of you that are here today. We have farmers, growers, we have [Inaudible]... and their associations, we have migrant worker associations. We're extremely pleased to have you, and we're very pleased to have the out-of-state people. We welcome you to Indiana. We have a beautiful state and we'd like you to spend your money here while you're here. [Laughter] It helps support Purdue, and there is just one person here from Purdue in case you were wondering...

Thank you again, and our basic mission here this evening, this is a public meeting of WPS and this is your opportunity to provide and to share and give some ideas to our panel that we have here from EPA, and with that, I guess I'd like to introduce our guests this evening. On your left is Dr. Lynn Goldman, Assistant Administrator of EPA. To her left is Norm Neidergang and Norm is with EPA out of Chicago, and then to his left is Jesse Baskerville, and Jesse is with EPA Washington also. Thank you very much for taking the time to be here.

I'd like to tell you what we'll be doing this evening: I'll be the facilitator. We're going to ask that each one of you, if you'd like to give a presentation this evening, we have cards in the back. We have a total of about 16 people that have signed up. If you would like to sign up, you will have that opportunity all during the evening, so if there's something you'd like to bring up, please sign up. Five minutes--we'll allow you to have five minutes; you'll come up to this podium, you will give your presentation. And this is also going to be taped; this is a public hearing and it will be taped and there will be some written comments to come out of it.

At the end we will have [video]tapes, probably six or seven tapes. Some of the

tapes, I understand, will have a presenter with that tape that will also have five minutes to show that tape. In other cases, if people could not be here, it will just be the tapes, so we will have the opportunity to view the tapes. Mr. Diaz here is our interpreter and he will give us an interpretation of those tapes that are in Spanish.

Horencio Diaz: That's right.

Fred Whitford: The restrooms are in the back. We have coffee, drinks here to your right. This is a nonsmoking building, so if you have to smoke you can go outside. Any questions that come to mind? Anybody have any comments? Any concerns? Anything? Very good. So, with that, we'll go ahead and start. Dr. Lynn Goldman, you have some prepared statements to make.

Dr. Lynn Goldman: I'd like to say good evening and welcome you to our meeting on the Worker Protection Standard (WPS). I think that, too often, we in the federal government are nameless, faceless individuals. You may see our names, you may see the results of our work in terms of regulations and the standards, but we really don't too often enough get out of Washington to meet with you face to face to find out how well, or how poorly, the standards that we create work in the real world. President Clinton has told us to do just that: to get out of Washington, to talk to people, and to listen to people to hear their concerns.

The WPS provides very basic protections for agricultural workers by informing them about the hazards of pesticides, how to lessen exposures to pesticides, and by providing measures on how to treat the exposures if they do actually occur. It is a high priority for EPA. The WPS covers 3.5 million agricultural workers throughout our country. The standards were established by the EPA in 1992, but they were long overdue. Many don't realize that it took the Agency almost 15 years to develop those standards. When I came to the EPA in 1993, nearly three years ago now, it was a very high priority for me because at that time we were in the process of beginning to implement the standard. The efforts over the last three years have been quite extensive. We couldn't have done it without the help of our state partners, the folks that are here from the state agencies, but we also couldn't have done as much as we have without the efforts of everybody else in this room. Unlike many of the laws that I'm involved with, the WPS involved the cooperation and participation of everybody who was involved in the process. Not just the federal and state agencies, but also the farmers, pesticides companies, and, indeed, the farmworkers themselves.

We have done much to attempt to provide training. We have distributed training materials and conducted extensive educational efforts for employers, pesticide handlers, and agricultural workers. And tonight is yet another phase in this effort to not only provide education, but to be educated by all of you. During the process of implementation the EPA has needed to respond to a number of specific concerns that have been raised, problems that were not foreseen by the Agency when the regulation was written. I

think that this was almost inevitable; that, when you bring a standard to the entire country, into the real world, that you are going to encounter situations that maybe hadn't been foreseen by the people who wrote the standard.

This has in some ways been a complex process, but let me tell you some of the things that we have done. In 1995, we amended the WPS to establish five days as the number of days of employment before workers must be given safety training, while at the same time requiring that the employers assure that basic levels of information be provided before an employee enters a pesticide field area. We excepted qualified crop advisors from some requirements. We allowed early entry in pesticide-treated areas to perform certain limited contact and irrigation activities and we established criteria that allow lower-toxicity products to qualify for a 4-hour restricted re-entry interval. Recently we issued an amendment to the warning sign requirement to allow people in areas where workers speak languages other than Spanish to put those languages on the sign and amended the decontamination requirement that reduces the number of days that decontamination supplies (soap, water, and paper towels) are required to be available to workers after application of pesticides which are low toxicity and have entry intervals of four hours or less. Shortly we are going to issue a proposed amendment to address issues for the glove requirements.

But we want to continue to work closely with all of you who are affected by this regulation to identify and address your concerns. Let me emphasize: tonight is the time for those of you who have concerns to tell us about them and for those of us who work for the EPA, and work for the state, to listen. We want to hear your thoughts about the WPS. We want to know what is working, and what is not working.

Before we begin calling people, I want to express our appreciation for the leadership of state officials here in Indiana, the efforts of the Cooperative Extension Service, and the commitment of local service and agricultural organizations. In Indiana, cooperative efforts between the Office of Indiana State Chemist, Purdue University, Transition Resources Corporation, and AmeriCorps serve to protect the public health because of pesticide safety training for farmworkers and pesticide handlers. The Indiana State Agricultural Cooperative Assistance training program educates dealers and applicators on federal and state pesticide laws. Their significant efforts and outreach communication and compliance assistance have not gone unnoticed in Washington. I should also thank some of the local political leadership in this area. I know that the Mayor very much did want to address this group; he did stop by to make sure that everything was going well and he wasn't able to stay. I know that Senator Lugar's office is also here present tonight. We have very much appreciated the working relationship that we have had with the Senator's office and really, what I feel has been good bipartisan cooperation between the Clinton Administration and the Congress in trying to make this effort work.

Finally, last and not least, I want to thank each and every one of you for taking time out

of your very busy lives to come here tonight to be with us. Those of you who have come here to comment, thank you for being willing to come forward with your comments. This is important. For those of you who have come here to listen, I think that is important too. One of the things that I think that meetings like this can accomplish is that we all need to listen to each other. Too often, those of us in Washington hear one side and you hear another side. We don't see enough dialogue, we don't see enough people getting together to work things through. This is a part of a series of meetings that we've held throughout the country and I've participated in a number of them and I will tell you that what I find most valuable is that in each meeting we have learned something unique--something that is important in the community that is here, that perhaps has not been an issue in other parts of the country where we've held meetings. That's why I'm very much looking forward to hearing what you have to say tonight.

I want to close by saying that we have made a commitment to making this program work in a way that protects the health of the workers and all those who handle pesticides while also providing the flexibility that farmers need in order to make the standard work for you. I look forward to hearing all of your comments and, again, thank you all for being here. I'm going to turn the meeting back over to Fred Whitford, who is our facilitator. And thank you, Fred, for being willing to emcee this meeting here tonight for us. [Applause]

Fred Whitford: Thanks. Those of us in Extension understand that there's people who are real vocal and they'll ask the questions and they don't mind the podium, but if there are people out here who have concerns--good news, bad news, whatever--we would like your comments to be written comments and you will be heard this evening; back in the back you can hand your comments in as you go. If you'd like to go back and think about it and write it down, you also can get the address in the back. So, those of you who don't want to be up here, please make out your comments. This is our chance to have your input. Those of you who are ready, it's like the football draft, Jim Beaty you're up, you've got five minutes.

Jim Beaty: I have some materials for the record. I'd like to thank the panel for this opportunity to talk about the implementation of the WPS at Purdue University's Agronomy Research Center. I'm Jim Beatty; I am Superintendent of that facility. The Research Center is a 951-acre land-grant university research center. We have 51 researchers from nine different departments that conduct approximately 180 projects. As Superintendent, I direct the day-to-day operations. I have four employees that work for me. I make the land assignments for those 51 researchers. They, in turn, work on plant breeding, they may work on earth [soil], they may work on herbicide efficacy, and you have a broad, diverse group of researchers. They have people that work for them that range from full-time technicians that may be degree people, they have graduate students that work for them, part-time students, and summer labor.

When a researcher is given a land assignment, that area of the farm becomes his or hers for the season. The researcher may request the foreman or myself to do some operations in their assigned land area, but basically the researcher is responsible for that portion of the farm that's assigned to him. We may be asked, for example, to do a tillage or herbicide application or fertility for, say a plant breeder who would do his own planting. Likewise, a fertility researcher might ask us to do the tillage and the planting and he would do his own soil fertility work. So there are times when we would enter their areas, but only by permission.

Land assignments are made using a numbering system and, if you look on the back of the red booklet, there's a farm map. And, basically, the land areas are given a number assignment and then they also may be subdivided and given an alphabetized assignment within that numbered area. The definition of a field, then, can get very complicated because we have 240 land areas at our farm (and by land area, that's an area that has a grass strip around all four sides or all four borders). The numbered farm fields, which we have on the map, may be divided into research fields. Those research fields, the researcher may divide those into research experiments which may have different functions and then each of those research experiments is divided into replicated plots. And some may be as small as 10 by 25 feet or some may be individual plants.

Coupled with this problem of defining space on the farm is the number of researchers who might be applying pesticides. In our case, we have over 17 researchers who could be applying pesticides on any given day. Add to that the different times of the day when our researchers could be working there --that may start early in the morning for some projects. Other groups of people may then come in at 8. Some researchers may work late in the evening when the wind dies down for pesticide application, and many of the insect people come in at night when insect activity is greater. So those three problems create quite a situation for us in complying with the WPS and in implementing the program. We kind of joke that we've got the second most complicated system in the world; surely someone out there has one that's more complicated, but we've yet to hear from them.

Our long-term policy at the Research Center before WPS was that nobody ever enters somebody else's assigned research area. And for many years that's worked well for us. Researchers or supervisors were responsible for the safety of their own crews. Since you never entered anyone else's plots, you automatically had protection in those other areas. To implement the new WPS, then, we had to devise a system of alerting everyone of all pesticide application intentions. Using our standard farm map, at the central information board we have three clipboards with the farm maps on them and when one of the researchers has intentions of applying pesticides to an area, he would look at the clipboard that had that day's date on it and would simply highlight the field that he might be making that application in. Then we asked the supervisors and workers who were coming in at various times of the day or the morning

to go to the central information board where the three clipboards were and check to see if REIs [restricted entry intervals] were followed. As an example of that, I pulled off the ones that we used all summer and every day there is a different [Inaudible]...of yellow fields marked. And if everything works right, they would check that and not enter those re-entry areas. By having three clipboards, that covered us for the longest potential REI. Confusion came in once in a while in this quarter-mile--where you need to be notified if you were in a quarter mile.

Our historical record was that you didn't enter anybody else's plots. Now, all of a sudden, supervisors are telling workers about pesticide applications that could be two or three numbered fields away and a little confusion entered then, if they could see a sprayer way over there in somebody else's field, who might only be doing a small area. The confusion came and some animosity that, "Well, why aren't we leaving our work area, then?" And there may not have been any risk and, in fact, if there was no off-site drift, which there shouldn't be, the workers in those fields might not be at risk at all. If field posting was required, we also did the field posting.

Training was conducted in the spring by another group on campus. Because of the tremendous number of treatments (and that's what my red book is, the treatments for just one of our herbicide applicators), we can get into some confusion. We were able to work this system out and meet the intent, I think, of the law. But in doing so, we did create confusion and misinterpretation could occur because of that. An example would be that quarter-mile rule.

I think the regulation was good in giving workers training and warning about pesticides. I guess what I'm asking EPA to consider is giving the states the flexibility to devise programs for the land-grant research institutions that protect the workers but recognize the complexity of our field research operations and also recognizes the level of training that our employees are required to have. Other programs are already implemented through the university, particularly our safe laboratory practices programs, and consider some kind of [Inaudible] so that we're not forced to give, in certain cases, land-posted warning. Let the states work with the individual land-grant research facilities and come up with flexible programs. Let's protect the workers but don't cause us a lot of extra potential for confusion. Thank you very much. [Applause]

Fred Whitford: For the public record, the book that was handed out is called "...Plots of 1996," by ...[Inaudible]... Plant Pathology Department, University of Indiana. If we could follow Jim's role here, please ID yourself and who you represent.

Anne Piechotn: I'm also with the university. I'm the coordinator for the worker protection program. I won't go into the detail that Jim did. I think that he made his point very well that our facility is incredibly complex. And that's just one of Purdue's farms. All kinds of folks on campus spent hours and hours and months and months

trying to figure out how to implement this policy at Purdue. And again, we also have farms all over the state. We have regional campuses, or there may be one greenhouse that is used by one faculty member and one student and I have to go to that facility and give training and explain the program. And so, I also agree with Jim: I think we need-- the land-grant institutions need--more flexibility in trying to be responsive. To do it, we did work closely with the State Chemist's Office, too. Whenever we tried to come up with a creative solution for some of these systems, we did try to get approval from the State Chemist's Office to make sure we weren't in left field. We did our best and I really would appreciate some flexibility on this policy. Thank you. [Applause]

Stuart Kline: My name's Stuart Kline. I'm the Environmental Health Agency Policy Administrator for Purdue University. I represent a slightly different view of Purdue University management concerning the WPS. What we find in looking at the implementation of that standard at our immediate facilities is that our immediate facilities don't fit very well into the definition of agricultural facilities. What we find, in fact, is that our R&D facilities fit more into the definition of a laboratory and they operate, in fact, very similar to a chemical laboratory or a laboratory in which people are doing work in other biological science-type activities. As a consequence, as Jim was saying, we have individuals who are assigned, for all practical purposes, laboratory space which happens to be a field in which an individual research, principal investigator, undergrad student do work which is not much different than the kind of laboratory work that one would do in a chemical lab or a biological laboratory. So, in looking at this analysis and in looking at some of the other rules that we worked on in the State of Indiana with [Inaudible]... we look to a general need for an exception or an exemption for R&D facilities that work with pesticides. What I have provided for you is a document of some recommended language change. We're suggesting, at this point, that the definition of exposure be added to the record. The WPS talks about "exposed," it talks about "exposure"--what we have done is taken the language from the OSHA Standard and added that language in.

The second thing that we've done is we've defined research and development, R&D, and that is from the Indiana rules from the inner management group. We're defining research and development as "activities conducted under the close supervision of technically trained personnel and the primary purpose of which is to test more efficient production processes, test methods for preventing or reducing adverse environmental impact, conduct research and development of new processes and products for teaching and education." And I think that's very important, since a big role of the university and R & D facilities is, in fact, teaching. This specific exception, then, that we would recommend is that an exception be applied to R&D facilities, provided that all handlers and workers have been trained in accordance with the facility's hazard communication program or chemical

hygiene plan, which includes exposures to pesticides.

If you look at all our employees at Purdue University and our students at R&D facilities, whether they be at an academic institution or a chemical manufacturer, those employees by and large are already covered by HazComm or they're already covered under the laboratory standard, which we believe provides, in terms of its language, ample protection against exposure to all chemicals, including pesticides.

We'd like to thank the EPA for holding this meeting. We think it's valuable. We're glad to the State of Indiana that we are able to attend a close-by facility and we'd also like to thank the fine assistance that we got from the Office of State Chemist, especially Dave Scott. Thank you very much. [Applause]

Fred Whitford: Again, for the record, the document handed out was a letter to the U.S. EPA, dated August 21st, by Stuart Kline.

Tom Roney: I represent your first grower. I'm here tonight, I have a lot of sympathy for the guys from Purdue and I understand that their situation was...It's not unlike some things I run into on farm production, and I'll address these comments later on, what they said, for continuity.

We grow fruit and vegetables. We've got a 140-acre farm. But, basically, we grow everything; what we grow we retail on the farm. So we also have a lot of small plots of individual vegetable crops and fruit crops. We may have a few thousand square feet of this crop or that crop. A lot of those are interplanted; in other words, we've got a plot of peppers next to a plot of cantaloupe and on the other side of the cantaloupe, you've got cucumbers. The quarter-mile thing is just absolutely ridiculous from our standpoint, trying to work with that. It's just impossible to do that with growing crops that you're trying to harvest on an ongoing basis, day in and day out. I understand the logic behind what you're trying to do. But in reality it doesn't work. You've got a real problem with that. Larger operations and operations that are in the wholesale business where you've got a whole field of cucumbers or a whole field of cantaloupe, you've got a lot better opportunity to try to segregate those things and handle them on a field-by-field basis. We raise probably 20 different crops on 140 acres, so it's very difficult to try to segregate those things and abide by the quarter-mile restriction. You can't work it--not and continue to farm. So, for a lot of growers, it's really tough to live with.

The re-entry issue has come up in Indiana where you've got melon growers specifically on Bravo and not being able to get in there and harvest melons because you've got a 48-hour re-entry time with Bravo. Harvest restriction is zero days, but the re-entry time is 48 hours. Melons, especially in this part of the country--we raise cantaloupe, a couple acres of them--and they have to be harvested--we've got to harvest melons every day. Especially in heat like you've got right now, there's just about six hours where they're really at their peak. And 24 hours earlier, they're not quite ripe but 24 hours too late they're well past, so you've got a tough deal. Quite honestly, you're probably only going to use

that Bravo up until when you begin harvest. So it's the first few harvests that's really the problem because once you get later into that you're not as concerned about maintaining that vine. Once you've been harvesting a couple weeks, then maintaining the vine is not that critical. But in the early season, when you're first starting to harvest, it's really a problem. You've still got to maintain that vine and mature that later fruit when you're picking cantaloupe for the popular market. We'll get a little more than that out of them, whereas the commercial guys, some of them can't wait or work them that long. We'll pick them up [ripe cantaloupes] until we don't have time anymore because we're picking apples. But we'll pick them as long as we can.

Another issue that I've come up with that seems to me is not only worker protection, it's in all phases of EPA: They make a big issue of getting the common names down on all these pesticides and listing that everywhere and so on. To me, it's fine to have the common name there but I think you really ought to concentrate on trade names because that's what the farmers know. If you tell them that you're spraying with Guthion or [Inaudible]...or whatever, they know what you're talking about. If you call it by the common name, most farmers aren't going to recognize it, most farmworkers aren't going to recognize it. But they've seen the trade name, they know what that is.

If you're in a real serious situation where you've got a fire or something like that, you can see the trade name on that box and know what it is from 50 feet. You've got to be up there with your magnifying glass to figure out what the common name is on this chemical. Most people, most workers still aren't going to be able to identify the common name from the spelled-out chemical name or whatever. That's fine to have the common names on there, but I think a lot more emphasis ought to be put on trade names. Granted, that's a problem, I realize, with the industry and so on. But, for safety's sake, it would seem to me to make a lot more sense to concentrate more on trade names. They are usually recognized; they're in three-inch letters on the box; you can see them, you know what you're talking about, and the growers know what you're talking about. When you folks put out letters or notices or whatever and list trade names, one farmer in a hundred knew what you were talking about. But if you list the trade names, they know exactly what you're talking about and what chemicals are involved and what issues surround them. So it really would help, from a safety standpoint as well as others.

PPE [personal protective equipment] and so on: In our climate, I'm the sprayer; I'm the one who does the chemicals, calculation, whatever. From my personal perspective, I'd a lot rather take the risk (I might die a year earlier seven years out). And, a lot of this stuff, there's just no way you can survive out there on a tractor trying to spray when it's 90° and the humidity's up about 70%, you're going to melt. A lot of times you could very easily be less at risk by the way the applicator is doing the job, how he's handling himself, working with the prevailing winds, and so on. There's a lot of opportunity there to protect yourself. I myself, now, we're spraying with a tractor with a cab in it. That does a good job

and that's a very easy way to do it. But you can't always use that tractor--sometimes you've got to use an older tractor. I have access... most people when they are mixing the stuff have ready access to water. You've got to have water there anyway to mix it with, that's your carrier. It's a lot easier to wash it off your skin than to wash it off all those clothes you have on. And then you got soap, and they hold it all together, it's a real problem. Thank you.

Dr. Lynn Goldman: You raised the issue of spraying with a cab. At some of these meetings, the issue has been raised about whether there should be standards for the safety of those cabs, in terms of how well they work to protect people when you're inside of them. Because I've heard this before about how an efficient cab is preferable to wearing PPE. Do you have an opinion about that?

Tom Roney: Well, as far as I've ever seen, there's only one cab manufacturer that, at least, advertises that their equipment is EPA-approved, and that is a secondary manufacturer who manufactures cabs to be retrofitted on existing equipment. And as far as I know, none of the mainline manufacturers advertise their cabs to be EPA-approved.

Dr. Lynn Goldman: And I should say that the federal EPA does not have an approval standard but there is a standard that some of the states have. So that's what that advertisement is about, then. If it says it's a federal EPA approval, then that's something we want to look at. I think the fellow sitting to my left [Jesse Baskerville], he could follow it to the end of the trail.

Tom Roney: It seems to me I have seen it advertised as "Titus Nelson" or somebody who puts out cab information. Look it up in the ads. But that's been a problem. My understanding is that EPA had come up with a standard--or else they'd been changing the standard--and so the mainline manufacturers have not even attempted to try to meet any specification because they are either all the time changing or they really aren't nailed in. It seems to me that's a real problem.

Dr. Lynn Goldman: It's true we have not developed that standard, and that a few states have, and I'll just say that comments we've received say that we should do it and others say we should not.

Tom Roney: I think it would be good to have a standard as long as it was legitimate and would make sense for the manufacturers. It would seem to me...I don't see a problem with the cab I've got now on my tractor. It seems to be very tight. You can get a charcoal filter to put in it to fit right in it. And it seals well. It does an excellent job. Thank you. [Applause]

Scott Monroe:...[Inaudible]...I'm a fifth generation melon grower from Southern Indiana. I'm also a crop consultant. In my opinion, the 48-hour re-entry interval represents a very oppressive regulation for southwest Indiana melon growers who need

fungicides. I work with 18 different growers in southwest Indiana. My family also grows melons and this is the general consensus across the area.

The reason why the 48-hour re-entry interval is unacceptable: chlorothalonil functions as a necessary part of our production in southwest Indiana. It's a very essential fungicide, which must be used on our crops. We have other fungicides which could be used for disease control [Inaudible]... Mancozeb-based products and copper-based fungicides. However, Mancozeb-based products have a five-day harvest restriction which is basically worse than the chlorothalonil REI. Also, Mancozeb-based fungicides are, for all intents and purposes, ineffective in southwest Indiana. Chlorothalonil is an essential part of our production. Basically, the reason that I understand Indiana has submitted an exception request is that the REI is [Inaudible]...

As the previous speaker said, these crops are very temperature sensitive. Crops that are left out over-ripe are basically worthless. They cannot be cooled, they cannot be shipped, they are just left to rot. A large supplier in southwest Indiana has the ability to process 100,000 melons per day. At 90 cents per melon, that 24-hour REI can result in a $100,000 loss. That's a high value.

Options. We do have technologies developed by the university. MELCAST, developed at Purdue University by Dr. Rick Latin, is a disease warning system which allows growers to use weather conditions as criteria for applying fungicides, as opposed to a chemical-based system. The MELCAST system connects growers through telephone lines. MELCAST is placed throughout the counties [Inaudible]...checked every day, operating in adverse environments which are [Inaudible]...Current research indicates that MELCAST can reduce pesticide use by 25%, so technology is available to reduce fungicide use; we pretty much know that. It's throughout the state. Some places are not yet accessing the MELCAST system, but we have an extensive outreach program.

Melons have been raised in southwest Indiana since 1870, the point being that it's not *if* disease will strike, it's *when*. Melons have been grown so long there that alternaria spores are resident in the soil, and they are now resistant to many types of fungicides. To wrap it up, I entreat you to reassess your reaction to the exception request.

Susan Bauer: Good evening. It's really a pleasure to be here this evening and glad to see all of our fellow Worker Protection folks here in the audience. I'll try to go through this as fast as I can and, if I speak a little bit too quickly, just give me the "slow down" sign.

My name is Susan Bauer and for the last 17 years I have worked with migrant farmworkers through Community Health Partnership of Illinois, which is federally funded by the Health Center. They provide primary health care services to over 6,000 migrant seasonal farmworkers and family members each year. We at Community Health Partnership are deeply committed to the success and implementation of the WPS. We've been involved since the early days of commenting and re-commenting and

commenting again on the revisions. Over the years, we've had plenty of support from various sources. We have recruited and trained 17 migrant [Inaudible]... workers from various migrant health centers throughout Region 5, including the folks from Indiana Health Services who are here tonight, and eight of our own staff to conduct worker training under the WPS.

To date, the Illinois Community Health Partnership staff has trained and issued the verification card to over 500 agricultural workers in Illinois. Also, with training from the EPA Environmental Justice Grants program, we have formed a WPS Committee in Illinois which brings together farmworkers, providers and advocates, agricultural health and safety specialists, representatives from the agricultural industry, and state and federal agricultural pesticide regulators in a consensus forum whose goal is to promote the meaningful and manageable implementation of the WPS. Our work this year culminated in the development of a training research guide which will be going to press as soon we can work out a few graphic problems. But, we are really delighted with the progress that we've made with that group.

So, as you can see, we at Community Health Partnership are very much committed to making worker protection a living, breathing reality. But even in the face of my eternal optimism about implementation of the WPS in Illinois, I am deeply troubled by the seemingly endless attempts by some agricultural industry representatives, and even some state departments of agriculture, to whittle away at an already very minimal health and safety standard. In addition, the lead agency structure which relies upon state departments of agriculture, whose principal constituency is the grower-producer community, to enforce the standard is inherently flawed. Although I am aware of some notable exceptions, this structure represents a clear conflict of interest. Add to this the fact that enforcement and compliance are greatly underfunded, the end result is a minimal health and safety standard with virtually no enforcement. In light of these budgetary and structural realities, I believe the time has come for EPA to begin to think more creatively about ways to support and encourage implementation of the WPS.

Some of these ideas, you may be surprised, are mine. I think some of the things that really need to be looked at seriously...I think it's time for some tax incentives for individual growers who can demonstrate full compliance with the standard. I think it's an option that nobody has looked at with any serious thought before. I think that the people at the EPA's standards agency have to get into the business of doing hands-on technical assistance to deal with the kinds of problems that people are raising here, because they are really legitimate and I think it's time for our land-grant universities to put more time and effort into developing nonchemical alternatives so the problem of [Inaudible]...acres--you know, a few acres of this and a few acres of that--can manage this problem without jeopardizing the health and safety of these workers and his own health and that of his family.

I think it's also time to start recognizing and disseminating information about exemplary worker protection programs in all areas on all kinds and types of agricultural operations. One of the tapes you'll be hearing later is from a farmworker who was unable to join us this evening. He is one of our [Inaudible]... in Illinois. One of the points that he'll make is that where he works, which is a very small nursery, they have taken agricultural health and safety very seriously and it has been directly related to a high increase in productivity in the nursery. So I think that we need to look at that it can be done even when you're not a big player, so to speak.

We also need to support and train the farmworkers themselves. One of the goals that I tried to promote in our state is that there be one individual who is bilingual or, if that is not necessary, one individual on every farm throughout this country who is certified to train other workers on worker protection. And I don't think that's an unreasonable goal for us to shoot for. And, as I said earlier, it's time for the EPA to get out in front and start promoting greater alternatives--nonchemical alternatives to pesticides to reduce that exposure for everyone involved.

With regard specifically to the WPS, I have the following recommendations. I think there's a pressing need to evaluate and clarify what actually constitutes training under the WPS, which is one of the most basic issues at hand. I think there's still a lot of employers who are under the impression that showing a video and you're done and that constitutes the training. I also must say that even with apologies to our friends down at the National Migrant Research Program who we work with very closely on many issues, I think the videos I've seen do not do justice to the standard or to the training needs of the workers, among others approved by EPA.

The fact that adult training requirement is once every five years is an insult to all workers, especially in a hazardous type of situation such as agriculture. And I think there needs to be some certification of trainers who conduct...not just their knowledge of pesticide safety, but their understanding of how to teach other people, especially teaching adults. And, finally, I think that there needs to be explicit expectation of state lead agencies regarding what constitutes employer's implementation of the WPS. And if those lead agencies don't fulfill the expectation, I think that it would behoove the EPA to identify another entity within the state that would take the job seriously.

I believe that the EPA holds a unique and a central charge when it comes to the health and safety of rural communities--specifically, farmworkers and their families. Keep in mind that, unlike other workers in other hazardous occupations like mining and construction of which agriculture is one, farmworkers have very limited or no protection in the area of health and safety, field sanitation, worker compensation, overtime pay, health insurance, or paid time off for illness and injury or the right to bargain effectively. Most importantly, there are extremely low wages and the imperative to work means that farmworkers are often willing to take unnecessary risks and not to complain to the employers for fear of reprisals regarding such complaints. The WPS

is the only vehicle currently in place to safeguard the health and safety of farmworkers and their children who live, and often work side-by-side with them on farms across America. Not until we can honestly answer with a resounding and unqualified "yes" to one simple question--that being, would I allow my son or daughter to work under these conditions?--can we rest assured that our job is done. And until that time, I challenge all of us to stop looking at the obstacles and start thinking beyond the confines that the farmworker's gain is the farmer's loss, to assure a healthy, safe working and living environment for the whole of the farming community. Thank you. [Applause]

Susan Richards: Can I show my tape?

Fred Whitford: Yes, Ma'am, you can show your tape, but you have five minutes, five minutes is your tape and you show it as you see fit.

Susan Richards: My name is Susan Richards and I am a student and an assistant this summer, and one of my jobs was to get farmworker testimony of people who couldn't be here. [Discussion of getting the videos running] They can give you the message better than I can.

Videotape, 1st Speaker [via English interpreter]: ...All of a sudden we heard something around the orchard. We had just finished having lunch and all of a sudden we heard the sprayer spraying the apple trees and he was coming towards us. We picked up everything real fast and moved a little far away from where they were spraying. It wasn't right in the orchard, but it was near where we were working. We went back to work on the trees, but we couldn't stand it, so we moved from there all the way over to the other side of the orchard because of the pesticides. We have been learning about pesticides and how dangerous they are. We didn't know what kind of pesticide that was, we just played it safe. That's why we moved. My husband and I, both, at first I thought nothing of it, but then I started having headaches and when we got back home my husband said his head was hurting and then [Inaudible]... One day they sprayed and they know that there is pesticide in the spray...

2nd Speaker: My name is Jessica. I have worked in a 5&10 store for 10 years. Since I first started working there we haven't received any training in pesticides or fertilizers. The foreman is the one who applies the fertilizers, but he never informs us that he will be spraying. He doesn't want to move us to another place. The smell is really strong. About one hour after spraying we begin having headaches. When he began working there he said we had to wear gloves, and we started wearing them, but after a while we used all the gloves in those boxes and he refused to order more boxes of gloves.

About the bathrooms, there's water for us to wash our hands, but the only problem is that they put fertilizers and pesticides and they don't tell us. [Inaudible]... In reference to the water for washing our hands in the bathroom, everything is all right. The only problem is

the spraying with fertilizer and that we don't get notification when they will be doing it. The sign is there only when there is a strong pesticide. However, when he is spraying with the one I just mentioned, after one hour I begin having headaches.

3rd Speaker: I am Marta Guzman and I have worked in the camp for three years and we have never received classes about pesticides, about fumigation or anything like that. And another thing is that there is none of the things that one needs for work in the camp, such as bathrooms, or water. They never give us any information concerning re-entering since this is bad for us. They keep us working and they don't care what may happen to people there.

4th Speaker: My name is Margaret and I live in the farm in Illinois. I migrated from Texas. As far as I know, where my husband works on the farm they have all those trays they need for pesticides and when they have to go out into the fields that have been sprayed, they have signs posted. They have bathrooms for these people when they are out in the fields. They are fully equipped with soap, with towels; they have water when they are outside. Everyone is trained within five or 10 days [after] starting to work about the pesticides and that's all.

5th Speaker: My name is Adan and I work for Canosha. My experience is that my farmer has given me classes about all pesticides and all kinds of chemicals. This has helped me to teach other workers while at the same time he is complying with the law. There is another worker who is my brother. He was sent to school and he became educated for everything and he has helped us because our salaries have been raised and the sales have increased 50%. This happened because he has educated people to do the job. I have also been selected for school. I think everybody should receive an education. They think that they will spend more money, but with sales increases over the years they are making more money. So far, after 10-15 years that the business has been in existence, nobody has been injured because everybody does the kind of work that must be done.

We have given very important opinions for the business which have brought production increases and worker less workers. We run a business of more than 80 hectares which are handled by only three workers full time and only one works the full year. It is very advantageous to have educated people handling this work. Like I said before, nobody has been injured, therefore the insurance gets lower through the years. Also, the workers provide many ideas because they feel obligated because of what the farmer has done for them. That's all.

6th Speaker: My name is María Cristina Garcia. I came from Texas with my family and we live in the farm but my husband works out in the field. They haven't had any pesticide training because I became one of the health aides and I had been in the fields when I was younger. I worked in the fields since then. I don't see any restrooms out in the fields like we saw in the movie [Inaudible]... If

we don't carry our own water we wouldn't get water from the farm. We need to get more training because we really don't know what the Workers Protection Standard is. They don't have any shirts, long sleeves, sometimes when they go to work in the fields they need to wear long pants and they wouldn't do it because they say it's too hot. If it's too cold in the morning they wear coats. by noon they will be throwing out their clothes, short sleeves and everything. I think we should learn more about pesticides, [Inaudible]... where they have the signs they have the pesticides they sprayed, they have to put the name of the pesticide up there; they have to write the day that was sprayed, the time, what day they are supposed to go back in the fields to work. I don't think there is any sign--only once my husband saw a sign by the cornfield but as far as I know that's the only one that I remember him seeing one, but I don't know what farm it was whether in the cabbage, corn, and all that, I don't know.

[Inaudible]... they'll go out and work in the fields. They still go out because they want to work and I tell him, get out of work when they are spraying, and they just stay there and... See, they don't spray out in a plane; they spray out with a tractor, that's how they do it. I don't know if this could affect them, but it will affect them because they are out there in the fields and the pesticides are also in the ground. So I say it's very dangerous for them to be out there in the fields.

They also need to have restrooms, they need to have clean water to drink, they need to have paper towels, soap, when they go to the bathroom they don't have restrooms out in the fields, they have to come out to the farm to use the restroom and then go back out in the fields. It is not so close from where they work. They go around the farm but it's far. They have to drive to come to the farm and drive back to the field where they are working and they have to come up here. It is their right to ask the farmer to have a restroom for them out there because it is necessary for them to have restrooms and soap, water and paper towels because this is kind of dangerous for them. My husband had an itching right by his leg and he itches a lot every time he works out in the fields. I think it's because of the spray but he says no, it is just the mosquito bites, but only that part itches a lot, he itches and itches and he peels his skin, his pants are dirty he scratches even with the pants on. They need to talk to the farmer. They have to make the farmer have all those things available in there, out in the fields. Thank you.

The farmer should provide to the people who are working out in the fields, they should provide gloves, overalls for them, because when they go out in the fields early in the morning it is moist and wet and their clothes get all wet. I think it is his obligation to give it to the workers. They have to pay for that. If they are working for him, he should provide those things for them. He doesn't do that. They work all day and they get all wet and they will dry up all day with the same clothes [Inaudible]... He doesn't think they need those things. It's him that has to provide those things for them.

María Castillo: Good evening, everybody. I am María C. Castillo. I come from Texas. I'm a migrant parent. My husband works out in the field. We've been coming to Illinois to work out in the fields for about 15 years already. All that time since we've been working out there the farmers on the farm we're staying on don't provide the restrooms and the water and paper towels to take out in the fields. People might have restrooms where we're living but not out where they work.

I started working at the [Inaudible] Company and I did talk [Inaudible]... about pesticides. So I've been training my people where we are staying at the farm about pesticides and the WPS law so they will know more about that. So it's helping a little bit because I talk to the farmer and I told him what the right thing is to do for the people there. So he first said it was like a joke for me to tell him all this stuff. So I told him I would come to this meeting and talk about it here and I would say that people were welcome to visit the farm and see how things were going. So he started putting tanks out and all this stuff [Laughter], so he knows more about water and soap, so I would say to train them. Because all these years that we've been out there, he doesn't train people or tell what's the rights of the workers. And I was working 15 years already--they don't have gloves; they've been picking in the corn plus early in the morning they pick up cabbage, tomatoes, summer vegetables, and in the corn fields they go early in the morning, they get all wet. By the middle of the day the sun comes out, they dry off their clothes on their bodies. And at the end of the day they go home. My husband gets all this itch on his neck because of all the chemicals they have. Not while he's in attendance, while he's working there...I would say that it's good for us to go to the farmer and tell them more of the stuff and what the rights of the workers are so they can start to do even more for their protection. Thank you. [Applause]

Tom Sachs: Thank you. My name is Tom Sachs and I carry two hats. I'm a farmer in Freeman, Ohio, a town in northwest Ohio. I farm 1,850 acres as well as processing cucumbers. There are some migrant workers from Texas and Florida. On the other hand, I work part time for Ohio State Extension in the area of conflict resolution, education for farmers and workers as far as educating them so that when they do have problems, they communicate, get their problems solved so that we have sort of a win-win situation for all parties.

Northwest Ohio is a bit different, at least it sounds like it, from Illinois, especially in the processing cucumber industry. Probably most of the workers come into northwest Ohio because of processing cucumbers. Most workers are under union contract and I guess we've got a lot of farmers who have been in the business for a long time, and when WPS was implemented several years ago, a lot of questions about that. We wondered where the support was going to come from. I guess what I'd like to say is some of the things that do work that we feel very comfortable about are that we got very good support as far as bilingual personnel, as far as doing the training. Most workers now when we bring

them up we process them. When I say process them, we bring into our offices and we go through the I-9, W-4, and most of us are trying to also work on the WPS training to make sure that everybody's been trained.

But I think one of the areas of improvement is in the training aspect. While most farmers do have a private applicator's license, not very many are bilingual. And I think, in reference to the video, the video's fine but when we do have questions, if the farmer only speaks English there is a problem as far as answering questions. So, what I'd like to see is maybe something better done in verification, maybe putting some of this responsibility on the worker. What I'm talking about there is that the training can be done very easily in Texas and Florida. And I would think that we could have some kind of a verification process similar to what they have when we process them for the I-9, specifically through some kind of laminated card such as we would use for INS [Immigration and Naturalization Service]. At that point, they would be trained in the proper way, hopefully, at a certified center, say the [Inaudible] Valley of Florida or wherever the workers come from. I realize that this won't cover them all but it would definitely cover a good share of them. I think they should have a picture ID, when and where and who trained them, when the expiration date is so that we know when to retrain them. I think that INS is now trying to put together a database where we can call in to verify training.

I don't see any reason why we couldn't do the same thing with worker protection training. This way, a worker could become precertified. Because typically they may come to my farm or stay in my camp. They may work for me; they may go work for another farmer for several days. There may be two days they work for one farmer, then they work for another farmer, and if you get into this and have to retrain them when they go from one party to another and you only work one or two days, it's going to be very redundant. And pretty soon, the worker is going to lose any kind of enthusiasm--it's just like crying wolf too many times. He's not going to see any validity in that. So I guess at that point the biggest thing I'd like to see is something done on the state of standardized verification. Thank you. [Applause]

Dr. Lynn Goldman: This has been raised before, this issue that you have three sets of pre-employment requirements that you need to worry about. That's verification, Department of Labor in terms of wage and hours, and now the WPS. This has been raised before in a different context, but it sounds like what you're suggesting is that we define this as more of a national program; that we have a national certification....

Tom Sachs: Right. Right now we have workers come in and they'll have a WPS card from Florida and Texas. What I see, there's no picture ID and I was discussing that with some of the Department of Agriculture people and they're a little bit reluctant to say, yes, that'll take care of all your liability obligations. Well, we've had people come into our training; we know they've had the training--we've forced them into it--and you've

never seen such bored people in your life because they say, "Look, Tom, we've done that before, do we have to do it again." But I do have to protect myself from liability and I think it's a lot of wasted resources.

Francisco Espinoza: Good evening. I also work with Tom Sachs in the farm relations program and the thing I would like to address here is that I request that the EPA continue to recognize the value and work with agriculture and labor to educate the farmer to comply with these EPA WPS regulations. The program I work under, the Education of Farm Labor Resource Program, is under the auspices of Ohio State University Extension and it was also [Inaudible]... with the Task Force of the [Inaudible]... Farmworkers Union at Ohio State University. Some of the goals we have in the program, the main one is education and training. And this includes WPS. The goals here are to improve communication skills of growers, middle managers and farmworkers; improve the nature of the environment of the vegetable industry; improve the skills of growers and laborers to meet the required rules and regulations; and improve the quality for migrant farmworkers.

Our mandate is kind of broad; still, you can see that, within the context of these goals, WPS fits right in. As far as efforts in the industry, the Department of Education and Training is interested in seeing the growers and the workers deal with compliance. One of the main goals that we have for the industry is the sustainability of the industry; thus [Inaudible]...so a lot of it has to do with compliance but a lot of it has to do with communication of the goals and regulations and what each sector has to do with the goals.

Certain parts of the industry must have a union--I work with the Farm Labor Organizing Committee, which is a union--on contract farms. Some of the farms that have labor have this union and they have contracts with the growers and industry. Within some of those contracts they try to address some of the WPS and pesticide issues. For the growers and workers, it's important to see that the EPA rules are followed. My specific area is to try to work with the farmworkers to make them understand the rules are there for their own safety and health risks. And also there's the economic thing. The compliance issue is not just the growers' issue. The growers went wild [about WPS], but the farmworker taking his or her part and seeing that compliance is there can help the sustainability of the agriculture and see that the compliance is there for programs such as they do in support of grower compliance efforts and education of the trainers and workers, especially to improve the quality of communications.

Tom mentioned the language problem. Well, sometimes it's an EPA language problem trying to get this stuff at a communicative level that people can understand. With our workers, a lot of time it is the language, Spanish and English.

So the training that goes on--the AmeriCorps group, a social service agency--what we do there, we try to support anything and everything that will help the growers deal with compliance issues. Whether it's our program, the AmeriCorps people, or grower

training, again, we would ask that the EPA continue to work with us to try and get these compliances going and be receptive to anything such as tonight for suggestions. Thank you. [Applause]

Steven Poncin: I'm Steve Poncin from the Minnesota Department of Agriculture and serve as contact for the WPS within our department. Through that position I have had the opportunity to meet and talk to many employers and employees that have been affected by the WPS. So I'm basing my comments on those comments I received and also the observations I've made in my position.

Two items that I'd like to raise up tonight, where I can see there's a problem. One is information exchange. In Minnesota, as in other states in the Midwest, commercial application is a big business and it's growing. And commercial applicators, for the most part, are trying to comply with the WPS. However, when they try to give the information exchange to the growers, the growers are not receptive to the information or they don't know what to do with it once they have it.

Another consideration is the weather conditions. They play a major role. There is a 24-hour time period in which information as to what application is going to be made and so on needs to be given. Specifically, wind conditions can delay the pesticide application and the result is that this 24-hour time period is breached. The result is that the commercial applicators are obligated to contact the grower and this isn't real easy a lot of times. Most business done by commercial applicators is via the telephone. And so to get hold of the grower and tell them what the new times are, then the weather kicks up, and it goes on and on and on. And so, the decision the applicator has to make is to make the application and forget about the notification within that 24-hour period. We've had situations where a commercial applicator was telling a client about the information exchange, the grower hung up on him. They didn't want to hear about it.

Another example I'd like to share: another applicator indicated that he lost a client because the weather kicked up and he was not able to apply, so he had to wait until things calmed down to contact the grower and so on. Finally the grower said "the heck with it" and went to another applicator that said "I'll put it on" and didn't provide him with worker protection information for information exchange. So I see that this 24-hour time limit for information exchange is causing problems for our growers. And the other thing with information exchanges that has been reported to me is that very seldom does the farmer ever give information to the commercial applicator. It all seems to be a one-way street with the commercial applicators giving it to the farmer, but the farmer doesn't share any information back.

The second item I'd like to raise is in regard to the pesticide safety training. I perceive that this training is really a key to making the WPS a success. The workers or the handlers that are trained need to come away from the training with a sense of respect and caution for pesticides. Too often have I

seen that the training has not been adequate and the workers are coming away with the attitude "Am I glad that's over!" Now, the growers typically are using the EPA-approved materials. They are certified applicators although they qualify as trainers in this situation. Unfortunately, many of our growers have had little experience as instructors and they're not real interested in becoming instructors. As a result, they play a video; that's the training. And so I think the workers are coming away not understanding: what's that "information in a central location?" What's that information all about? Why does that pertain to me? What's a decontamination site for? Who's supposed to use that? And, as a result, the workers are getting that information [Inaudible]... The growers, in turn, see that and they in turn become very frustrated and say, "Why in the Sam Hill are we doing this, if they're not using it?"

So those are the two comments that I'd like to share with you tonight on the information exchange and the pesticide safety training. [Applause]

Fred Whitford: I'll ask you, if you have written comments, to please submit them to the back. We will be here to 10:00 pm, that's what is scheduled, from 7:00 to 10:00, so if you'd like to speak, we have a few more people, but we'd like you to speak.

Nancy Erickson: Good evening. My name is Nancy Erickson and I'm Director of Natural and Environmental Resources for Illinois Farm Bureau based in Bloomington, Illinois. The Illinois Farm Bureau is a nonprofit grassroots organization whose membership includes about three-fourths of the farmers in the State of Illinois. We do appreciate the opportunity to express our views about the WPS and we thank the EPA for organizing this meeting to gather input from agriculture regarding implementation of the Standard.

The Illinois Farm Bureau supports best management practices regarding the application, crop protection products, and education on how to properly use these products. Over the past few years, we have sponsored or organized about 20 statewide or regional meetings plus countless county meetings; established displays at those meetings; distributed several hundred booklets, posters, and other pieces of material to help inform our members about the standard. Illinois Farm Bureau has also urged EPA over the last few years to make the rules more practical for agricultural employers while still protecting agricultural workers.

The concepts behind the standard are good ones. Those positive objectives are to ensure that people who work with pesticides are protected from exposure to chemicals and to educate people about safety procedures. However, sections of the standard are very complicated and confusing and do not make common sense for those who have to comply with the rules. The rules were written for the entire United States and they do not fit in all agricultural situations across the country. One section of the rule that has been a problem for Midwest farmers is how the rules are applied during the planting season for grain farmers. The interpretation of the procedure that the

farmer has to go through to ensure their protection from pesticide exposure when there is a breakdown or a mechanical problem in the field during planting does not make sense.

Another part of the rules that needs changing involves the decontamination site. EPA recently announced the requirement requiring decontamination facilities for pesticides with a 4-hour REI to be shortened from 30 to seven days. This means that the decontamination facility should only need to be provided up to the expiration of the REI for those chemicals with 4-hour REIs. For those pesticides with greater than a 4-hour REI, producers are mandated to provide the decontamination site 30 days after the expiration of the REI. This fixed 30-day requirement does not create an incentive for farmers to use pesticides that would have a lower toxicity. [Taping suspended while tape was changed]

...We also question whether the central posting requirement of the rules achieve what they are intended to do. In agriculture the planned activities of one day may be changed due to weather or other unforeseen circumstances. There should be simpler options that could be used to ensure that workers have up-to-date information rather than to post it in a central location. A positive aspect that has surfaced from the WPS involves the training and education element. The rules are extremely complicated, but many farmers have appreciated the worker booklet and the flip charts produced to help farmers train their employees.

In summary, we encourage the EPA to continue to look for ways to simplify the regulations, making compliance easier while continuing to protect workers. The main objective of the rule, to protect workers, is a good one. If the rules, however, do not make common sense for those who have to comply with them, they should be changed to fit "real world" circumstances as long as that main objective of protecting pesticide workers and handlers remains in focus. Thank you for the opportunity to express our views.

Dr. Lynn Goldman: You mentioned that there is an issue about how to apply the rules during the planting season, particularly for grain farmers. Could you just enlarge on that a little bit, because I wasn't sure that I understood what the comment was.

Nancy Erickson: Well, I'm going to give you my interpretation of what the interpretation is. It's my understanding that if you're a grain farmer and you have certain simple things that you need to do, you're in the midst of planting season and you're applying pesticide, you need to get out and check seed or whatever. I believe that is a fairly common interpretation that you folks have given to what a farmer would need to do. If there's a breakdown in the field, a farmer either has to remove the equipment from the field to fix the equipment or put on protective equipment and then fix the equipment. If they put on protective equipment, go out into the field, fix the equipment, and then head back to the cab of the tractor, they have to take off the contaminated equipment. The

contaminated equipment has to be stored someplace in the cab of tractor that will not contaminate the cab of the tractor, like some sort of container. If they find that they still have a mechanical failure, then when they get out of the cab they have to put on the overalls or whatever, which is now contaminated, and go about their work. So that doesn't seem to make a whole lot of sense for producers.

The other part of it is that if you remove the equipment to fix it and you remove the equipment from the field, you think you have it fixed and you move it back into the field and it is not fixed, then you're going to have to remove the equipment from the field again to get out of the tractor cab to do that. So, it's just cumbersome. Now that's my interpretation of the interpretation.

Dr. Lynn Goldman: I actually see that this is one of those situations that we were talking about when we did our limited contact exemption--that's exactly what our limited contact exemption applies to. Maybe what we need to do, specifically for farmers in your region, is to make sure that that's clear...because I think we have provided common sense regulatory...Obviously and unfortunately it's one of those things where a thousand different things can happen, and I understand why people would ask the question and want to be sure that they are complying. Josh, is there anything you want to add to that?

Josh First: Sure. That's an issue that came up during limited contact and other stuff we were doing to try and make the WPS more practical. There's some genuine issues, I think Dr. Goldman stated there's a thousand things that come up, there's a thousand things that can go wrong; and, yes, the WPS may or may not fit all one thousand things. But, overall, we think we have come up with a really practical, workable way, common sense way to deal with problems that can came up. One of the things we've noticed is that we get a lot of questions like that, like, "What is this? What is that?" I'm not entirely sure that those are the biggest problems that most farmers face most of the time. And yes, some of these questions do pose real problems. We think that what we have come up with addresses 98% or 99% of the problems that most people are going to encounter, and we think we have done it in a common sense way. If you have comments or you have suggestions, please come talk to me during the break and I'll be glad to write them down, and Dr. Goldman will certainly appreciate it.

Nancy Erickson: Thank you, I do appreciate the information and common sense is something we look forward to.

Mike Pullins: My name is Mike Pullins and I represent the Ohio Farm Bureau, the Ohio Fruit Growers Society, and the Ohio Vegetable and Potato Growers Association and I thank you for this opportunity to share with you some of the concerns that Ohio producers have experienced in trying to implement the WPS. In spite of extensive coverage by the agricultural press, the Extension information, and industry sessions presented annually at the Ohio Vegetable and

Potato Growers Association meetings and Congress and the Farm Bureau meetings, there is still considerable frustration and confusion in attempting to implement the regulations.

Ohio agriculture consists of many small producers with small numbers of employees or no employees. In Ohio, pesticides are handled and applied by the owner/operator and his family, who also serve as the trainers and also supervise directly, in most cases, the employees. Producers are frustrated by the complex and confusing regulations which they sometimes find unrealistic and unreasonable, while not contributing to worker safety. Producers fear that they can never be in total compliance with the complex regulations. This situation reduces the credibility of EPA in the eyes of producers and the perceived value of the regulations. Unreasonable regulations have also reduced compliance among some producers. If regulations were made more reasonable and flexible, this would contribute to producer understanding, compliance, and, ultimately, worker safety.

Some specific concerns expressed to me by Ohio producers include, first, double notification (oral and central posting) is unnecessary and unworkable in many situations. In Ohio, few workers report to a central location at the beginning of each day. Seldom, if ever, do workers see or check the central records. Numerous work crews working in numerous locations makes this requirement a logistical nightmare and sometimes causes growers to forego the use of chemicals requiring double notification. Also, frequent changes in the WPS have caused confusion among producers and a burden on organizations attempting to inform and educate growers. The producers recommend a one-time comprehensive update to clarify and simplify the regulations. In the interim, state enforcement agencies should be allowed flexibility in enforcement.

Also, the rule should be flexible enough to address "real-world" situations such as reduced posting length, for example, on a 21-day radish crop. Decontamination units and posting for a past crop and chemical application on previous crops is excessive. In a radish example--perhaps one of those examples that Dr. Goldman was referring to--in a radish example, the third crop could be growing in the field before the requirements expire on the first crop. Ridiculous or unrealistic requirements such as these cause confusion, frustration, and a reduction in compliance.

Labor turnover causes an excessive and constant of training new workers. In Ohio, workers, as Tom Sachs mentioned, are moved frequently from one farm to the next following the season and crop labor needs. Constant retraining of workers is unnecessary and inefficient with each move. Workers being trained every two or three days or every week is certainly unnecessary and causes some of the problems that Tom referred to.

Producers have experienced difficulty in getting required information from commercial applicators in a timely manner. The 1996 planting season was very hectic for producers and for the commercial applications due to weather. Commercial applicator requirements which mandate the same reporting for row

crops (row crops which usually involve no employees, require no in-field follow-up or hand labor) impede the ability of applicators to provide timely information to specialty crop producers who need the information to protect their workers. The reporting requirement for commercial applicators applying pesticides to corn or soybeans is burdensome, excessive, and again, impedes timely information transfer to producers that do need and will use the information. Producers resent the lack of accountability by workers who commit insubordination and fail to utilize personal protective equipment.

Field decontamination requirements--that was mentioned here before, tonight--should reasonably reflect the toxicity and degradation of the pesticide and characteristics of the crop. A 30-day requirement is unnecessary for some situations, with such requirements contributing to a perception of unreasonableness and regulatory excess. For example, decontamination: unnecessary if a crop has been harvested and no follow-up field labor is planned.

In conclusion, valid pest management decisions can be determined to be violations. Producers in fields miles from central posting and record location can determine the need for different or additional chemicals. The unreal-istic requirement that the producer return to central posting location and complete the records prior to spraying, is another example of the unreasonable nature of the regulations. Thank you. [Applause]

Fred Whitford: Folks, we still have a crowd here, plus we have people from many different parts of the state, in case you wonder where or who some of these other people are. Will the Michigan Department of Agriculture from Michigan...if you don't know who your folks are...if the Department of Ag is still here...there is your representative if you have questions tonight about things here in the state. Also, Michigan Cooperative Extension Service is here. Sandy, if you'll stand up so that people can see your face if they happen to be from your state. Thank you. Minnesota Department of Ag--will you stand up? Again. Stand up. Please, stand up, you never know. And then also from the Ohio Department of Ag and Ohio Cooperative Extension Service--am I missing other state folks and Departments of Ag? So, if you have questions specifically for them, they are here.

Joe Miller: My name is Joe Miller. I'm with the Indiana Farm Bureau. I want to compliment EPA for the initiative and time to have these meetings and listen to various comments on these regulations. Rather than hit a lot of the points, I do just want to reemphasize the last two speakers and some growers' points that have been made, that we also have the same concerns. Many of the problems are the same in Indiana as they are in Ohio and Illinois. I just want to reiterate that.

I do want to emphasize one or two things, however. Number one is the training time. You mentioned earlier about farmers having various regulations to comply with. For instance, just dealing with migrant farmworkers, they've got at least three agencies to deal with; they've got INS, DOL,

and WPS. I've also heard, even tonight, that these are somewhat common sense (or, hopefully, they've got common sense involved with them), they are fairly simple regulations. But yet the EPA book itself is 140 pages thick just to explain what a farmer's supposed to do. In other words, what I'm saying is that these aren't completely simple regulations or it wouldn't take 140 pages to explain what they are. These are not just the only regulations farmers have to comply with. Farmers have various regulations to comply with. In Indiana we have put together a book with just 25 main regulations that farmers--not even regulations, but statutes--the farmers have to deal with on a daily basis. This book is over 400 pages thick. And this is just simply summaries and explanations of some of the regulations the farmers have to comply with. And these are just 25 of them. This has nothing to do with taxes, employment law, or anything else.

My point being is that while we are focusing on WPS tonight, I want to emphasize that the average farmer dealing with these regulations has a multitude of regulations they have to comply with and that it's imperative for farmers to be able to comply with all these statutes. There needs to be some system developed wherein these regulations are brought together, and farmers can do it without hiring people to help interpret the interpretations of the law.

Along with that, I'd also like to emphasize that it is imperative, in our opinion, that the states that are regulating and are required to enforce these standards have a lot of latitude to be able to enforce these standards. It's very hard, and for a lot of states, impossible, for one regulation to cover every situation in the United States. Therefore, the regulators in each state should have latitude and as situations come up (and it's been mentioned tonight that no matter what you write, something's going to come up that doesn't fit exactly into that neat little pocket), states should have the authority and be allowed to decide what's going to work to protect workers.

That's all the points I'm going to make at this time. Again, thank you for your efforts helping from state to state. [Applause]

Fred Whitford: I failed in my duties, I forgot Dave Scott of the OISC. In case there's someone here from Indiana who doesn't know about OISC, they can see you with questions.

Dave Scott: We also have Joe Becovitz here and he's our primary WPS point person.

John Graf: Thank you very much for allowing us to present our side of the story here tonight. I'm probably going to have to read a lot of mine because I'm not a public speaker. My name is John Graf; I'm with Graf Growers in Akron, Ohio. We are a greenhouse, farm market, vegetable farms, and we have a garden center [Inaudible]...

Ladies and gentlemen, my name is John Graf. I'm co-owner of Graf Growers. I also serve as Chairman of the Ohio Vegetable and Small Fruit Regional Development Program and past Board member [Inaudible]... Graf Growers is, as I said before, a greenhouse, farm market, which is owned and operated by

my daughter, two sons, my wife, and myself. The operation is somewhat typical of Ohio, a moderate-sized diversified operation, employing from five to 25 migrant and local seasonal workers. Our operation is located just south of Cleveland. Part of our farm is within the city limits of Akron, Ohio, and we're along the interstate highway providing easy access for any government agency inspectors that have to go down Interstate 77. We have signs by the highway, but at the farm we haven't seen them, so let's go have a ball!

Over the past three years our operation has invested significant time and money in doing our best to implement the EPA WPS. In order to protect our workers and to comply with regulations in good faith, our family has attended numerous training sessions presented by the Veg Growers Association, Extension, and others to help us understand implementing the WPS regulations. We have also acquired and utilized some of the excellent materials available to assist producers in implementing the regulations. In our operation we attempt to do all the required training ourselves and complete record keeping. That was part of the reason we put the computer system in, so that the various and many chemical applications on our farm could be kept track of. We even subscribed to a compliance consulting service. We attempt to use the safest chemicals available for each application.

In spite of these good faith efforts, we find ourselves confused by the complex regulations that seem to be constantly changing. We are frustrated, knowing that some of the regulations are unreasonable and, due to oversight or honest error, we might be found technically in violation. For example, we do not understand why decontamination units are needed in the field even after a crop has been harvested. In our case, as Mike spoke with the radish situation, sweet corn could be picked today, mowed this afternoon, plowed tomorrow, and planted tomorrow evening. [Inaudible]... Some of these things don't really make sense. We don't understand why the decontamination has to be there so long, because crops go on and we're already into another page of history.

Double notification seems unnecessary in most situations. Our workers do not ever report to a central area in the morning to begin the work day. Workers seldom, if ever, check the central posting records. There's records posted by the time clocks (we have two time clocks, one in the farm and one in the garden center). I was up the other morning and I didn't see but one man look up at the records.

According to my son, Craig, one of the most worrisome aspects of worker protection occurs in our greenhouse conditions. Specifically, we feel that there are in many cases unreasonable re-entry times for many products that we do rely on heavily. For example, products such as V-9, Exotherm, [Inaudible], Orthene and even the [Inaudible]... fungicides have 24-hour re-entry periods. To put this in perspective, you must understand that during the month of May we do over 30% of our whole year's business. For this reason, the loss of a whole day's potential sales would be disastrous, devastating. Naturally, we do what we can to

use products that have as short a re-entry period of time as possible, but there are some times when these products just simply don't do the job. For example, this spring, like last spring, was colder and foggier than any of us would have liked. As you can imagine, diseases such as [Inaudible]... ran rampant in many greenhouses. In this situation we commonly use a very effective product called Exotherm. But, due to the nature of our business cycle, our hands were tied.

Another aspect of the WPS we have found to be difficult has been training. We have found this particularly difficult during peak seasons. Certainly we try to minimize the cost by having training on a weekly basis. However, during busy times we often have a high turnover rate of employees. This can make training and record keeping involved with it a real challenge. The premise for the WPS seems so simple: to prevent workers from exposure to toxic chemicals. Achieving this simple goal should not result in such complex and inflexible regulations. Frustrations over these regulations have even caused some Ohio growers to convert their operations to agronomic crops not requiring employees. We believe the Agency gives up credibility for the whole program by requiring so much detail and regulatory excess. I encourage the EPA to embark on a one-time comprehensive effort to simplify the regulations and include more flexibility to accommodate innovative industry compliance with the above goals. This might even include an opportunity for safety enforcement agencies and growers to work together to develop compliance guidelines for the situations unique to the local industries. I believe that this would improve grower and worker understanding of the regulations and compliance in ultimate worker safety.

Thank you for the opportunity to express my viewpoints. I run into an awful lot of negative attitudes toward worker protection. But I feel that we all have to work together to make this thing work, and we want you to know our side of it. Thank you. [Applause]

Fred Whitford: Would people like to receive tapes?

Dr. Lynn Goldman [Discussion of tapes]

Terry Henderson: Good evening, good evening, Dr. Goldman and friends at EPA, welcome to Indiana. I'm Terry Henderson of Dow Elanco. Our formal headquarters is in Indianapolis and we're very proud of our crop protection industry. We research and manufacture crop protection products. For the last several years, we have worked closely with industry counterparts. I notice back here it says "partnership" and I think that's the key. [Inaudible]... protection standards [Inaudible]... very important if we acknowledge this is a partnership. And the partners [Inaudible]... and continue to need flexibility to make sure that it works for all of us in this room.

With that in mind, I would like to acknowledge a few things that have gone on between industry and EPA that, I think, are worth recognizing. The first thing would be the efforts that have gone on [Inaudible]... also speak for the crop protection industry.

Back in 1993 and early 1994 when the requirements were set forward...the How to Comply Manual was provided... There was a booklet put out called "New Worker Protection Standard Guideline; How to Comply" that EPA provided. We provided it to our entire sales force. It was not an inexpensive venture by any means, but we didn't stop there. Furthermore, we provided and made it available to all dealers and distributors directly from EPA. One thing I would like to acknowledge in mentioning that is that the booklets were very hard to come by. In fact, I spent months just trying to get my hands on copies of that free booklet. After those efforts, I did finally get hold of it [Inaudible]...immediately provided it to our sales force and customers. But the important thing is that we looked at it and felt that it was still somewhat complex. It was that important and more needed to be done. So we took a very proactive approach to that, making sure that what we did, what we provided from Dow Elanco was at least what EPA provided. We wanted to make sure that everything was correct and as EPA had set forward. What we did was we provided [Inaudible]...from Dow Elanco with worker protection guidelines, which essentially was a shorter version of that booklet. We provided that literally to every one of our customers, our entire mailing list, over 7,000 customers. We provided that to give them some guidelines, some education to ensure adherence to these important guidelines.

Then, in addition to that we also got down [Inaudible]... affecting our new products, to write another version for that. So in total there were a number of materials that Dow Elanco and the industry worked on. In fact, Dow Elanco produced six different materials just to help with the education. In light of this partnership, I think that deserves the acknowledgment that industry and everybody in this room, for the most part, have worked very closely with the EPA and others to ensure these important guidelines were adhered to. At the same time, we have needed some flexibility.

There's something here that deserves some comment. Back over a year ago, October 1995, I was here and it was very clear that there was a large quantity of inventory product that was out there that needed WPS language and that was in scope, but which did not have the language on it. Bill Jordan of the EPA worked very closely with myself and others in the industry in a task force to come up with a way to allow dealers and distributors and farmers to comply with these important regulations and yet not increase the overall exposure. Because if we were to have had to recall all those products [Inaudible]... it would increase the overall exposure because every dealer and distributor would have had to have gone into a warehouse and identified product and somehow figured out how to handle individual packaging and containers [Inaudible]... in one centralized location and then bring it back to the location potentially for disposal. Of course, none of us had a [Inaudible]... what product to dispose of, or how to dispose of it, without increased exposure to our environment....But anyway, the point being, I think the acknowledgment of Bill Jordan at EPA deserves the

recognition. And I think, likewise, if you look at what industry's done through [Pesticide Regulation Notice] 95-5, there has been an 800 service that has been set up, numerous communications have gone out to dealers and distributors about the deadline of October in 1996.

I will leave by telling you this: I've had numerous calls and letters acknowledging the quality of the materials that we've provided to help EPA comply and to educate the growers and dealers and distributors working with this law. Those people in state Departments of Agriculture and their representatives that are working specifically with WPS, they deserve to be acknowledged and also, at least from our standpoint, we have worked very closely with them in seeing that this law is understood. So we've had Dr. Goldman from the EPA, it's nice to have you in Indianapolis and it's also good to have EPA staff from Washington, DC. So thank you. [Applause]

Fred Whitford: [Introduces EPA staff from Region 5]

Clinton Goins: Good evening, everyone. I am a farmer over in Adams and I just read about this meeting a couple days ago. I decided to come over. I'm interested in everything that the different speakers talked about. I can see they got a lot of problems today they didn't have when I was a teenager on a farm. My parents had a garden and planted a produce farm here in Tipton County. We raised a wide variety of plants that were sold in front of hardware stores, grocery stores in this part of Indiana. And we raised up to 200 tons of a wide variety of vegetable crops every year. My parents knew a lot of things about raising vegetable crops that a lot of vegetable growers hadn't learned yet.

Back then we used no chemical fertilizers, no synthetic nitrogen, no poison sprays. In fact, they weren't made. I worked in industry for 16 years and used to do contract work but I started buying farmland and I decided I'd operate farmland like my parents did. We raised a lot of tomatoes, as a business crop. And we, my parents, didn't have to hire Mexicans to pick them because there was 10 of us children, five boys, and we picked tomatoes. I picked 200 [Inaudible]... in one day's time many times. But the tomatoes were large. Now they're small. And those [Inaudible] weigh around 38 pounds. Even after I got up 16, 17, 18 years old, my three older brothers were married but they'd come back home and help Dad pick tomatoes because they could make good money at it. If I could have picked tomatoes year round, I'd have bought a farm a lot sooner.

I cultivate all my farmland, just 180 acres on 43 [Inaudible]... I use no chemical fertilizers, no synthetic nitrogen, no poison sprays. Vegetable growers and those that raise watermelons, cucumbers: There's a little striped bug that killed them vines, specially in dry weather when the vines were small. But I can't find one thing in my garden and you'll never see this bug in my garden. I can go in the barn lot and pick up a burdock leaf and there may be 40 or 50 of them bugs in there, but you don't see them in my garden when the vines get started. I eat what I plant. I don't

know why, but those bugs don't like that vegetable crop.

I'm the only poison-free farmer, I expect, in Madison County and at one time in Indiana. And I've had a lot of visitors, which I discourage because I'm just operating by myself now. I put in the first [Inaudible]...fodder and had a herd of Holstein dairy cattle. And dairy farmers tell me nowadays they're having breeding problems. When I had my herd of 125 Holstein, I had no breeding problems whatsoever. And I like cattle so then I rotate my crops, which is important, and I buy Holstein heifers around 400, 500, 600 pounds. Every year I have more heifers that will not breed. If I'd buy baby calves on my farm, they'd all breed. But these baby calves, you lose half of them to [Inaudible]...diseases; the veterinarian tells me they don't have the immunity they used to have.

For years, when I was in industry, I just told my foreman I was planning on quitting to farm. I was already living on a farm, was farming then, and they cut them [Inaudible] ...today on a salary. But I could have made a lot more money if I'd have stayed in industry. Or I used to do contract work. When I built a house I did the carpentry, plumbing, and electric wiring, plastering and built the kitchen cabinets. But I wanted to stay all the time on the farm. I think, right now, I planted my soybeans late like everyone else, way up in June. The last field I planted was about the 20th of June. I was out in the bean field this evening and I didn't know whether to come over here or not but it come up a rain so I decided to come over...but I waded around in my beans, and they're all up to there [hand motion to torso]. You see any beans that tall? I had a man drive up to my farm one time, he said, "I've been driving by your farm two or three times a week and I'm sure interested to know what kind of fertilizer you use." He says, "Your crops are all green in color and no signs of disease--you have more dairy cows out in the field eating plenty of grass than you normally see." He said, "I'd like to know what kind of fertilizer you use." I said, "Well, mister, you may be surprised, I don't use any." "Well, what do you use?" He asked me questions for three hours and then he finally said, "I'd like to see your soil tested." I said, "Well, I know how my soil tests." I said I never had it tested but once, but I said my test will show I've got more NPK than all the other farmers in the county.

Well, he questioned that. He said, "I'll bring the container by and we'll save your soil and give it a test and it won't cost you anything." I said, "Well, my county agent made a trip out to my farm a few years ago; he got out of his car with his container in his hand and he said, 'Mr. Goins, I hope you wouldn't mind knowing that I had your soil tested. Do you know that your soil's higher in NPK than all of the other farms in the county?'" And that shocked him because he knew I didn't buy any fertilizer. Now I'm still farming and if I'd hang an organic sign out at the end of my lane, I could get all kinds of pretty business, but I'm 89 years old and [Applause] raising vegetables is a lot of work. But I still like to farm and I farm 180 acres and soybeans is the main crop and I'm getting $15 a bushel and they go to Japan. [Applause]

Cris Gómez: I'm going to need about 15 minutes for this. My name is Cris Gómez. I've been a migrant or working with migrants for, I'd say, about 25 years. I know a bunch of you growers. I've worked with them, worked for them sometimes, sometimes worked with 50, 60, 70, 80, sometimes with 100 people out in the fields.

The general consensus from most of the growers: they realize the number one commodity in any farmer's farm is their workers. So this stuff about they don't care about the workers, they neglect them--I don't know how it is in Illinois, but I have two quick comments. Number one, you should come to Indiana, because we promise to treat you better. Number two, I would say that if you have those kind of problems on a farm, I'd say just go on to the next grower. It would be just as easy and maybe you guys wouldn't have those kind of problems.

But I don't say that every grower or every farmer is a saint or does do the best they probably could. But I would say that in this area, in central Indiana, thanks to Fred [Whitford] and Joe [Becovitz], I see a lot of familiar faces in some of the meetings that you gentlemen have put on for a lot of the growers in the area and I see a genuine effort made by a lot of these growers and I think it's going to be a continuous role on everybody's part to better the lives of these migrants. I'm included; I'm out there, too. I'm out there just as much as they are. My hands get dirty, I'm out there eating with them. I'm not only their teacher, I'm also their co-worker. So, here in Indiana, in central Indiana and the southern part of Indiana, I see a lot of cooperation on both sides. And, with that, I'd be more than glad to answer any questions that anybody has as far as working on a farm. Thank you very much. [Applause]

Linda Ríos: Good night, I mean good evening! My name is Linda Ríos and I work with the Michigan Employment Institute out of [Inaudible], Michigan. I am a former migrant worker. I've been with the State of Michigan for six years. I wasn't planning to say anything tonight, but the videos motivated me to say something. And maybe someone out in the audience can help me with this confusion. I deal with over 30 employers/ growers in the area. I'm the migrant seasonal outreach worker. And out of those maybe 30 growers that I deal with, I've established a good rapport between myself and the growers and, of course, with the migrant workers. But then we have those few, maybe one or two growers, that they're kind of hard to deal with.

I don't know if it's lack of understanding or communication or what it is, but my concern is that we have a couple of growers in my area that I have been trying to deal with over and over again. I believe that if these growers were in compliance with everything, they wouldn't get upset when people, like the ones that you've see in the video, come to myself as an advocate and express their concern about drifts of pesticide or other concerns regarding their health. And then the employer gets upset because they have been talking to me. The grower will tell them that if they continue talking to me, they will either get fired or [Taping suspended while tape was

changed] ...that the workers were talking to you.

Then the grower will say something like, "Well, I work out in the fields and I'm spraying out in the orchard and nothing's ever happened to me." Well, I'm sorry that you're not concerned about your health, but I am concerned about the health of other human beings and, as a former migrant worker myself, I know what it is and it's hard to express, sometimes, the lack of communication or language barriers and the people can't really relate to the employer. Maybe it's just lack of communication. But employers shouldn't get upset when they try to relate that to other advocates. That's just my concern and maybe somebody in the audience can help me, you know, with this confusion. Why do employers get upset when someone comes to you and relates this to you? Remember, this is America. Thank you. [Applause]

José Pérez: Hi, my name is José Pérez. I work at the Indiana Health Centers. The Indiana Health Centers is a primary health-care facility; we administer [Inaudible]...and supply services year round throughout the state, as well as approximately eight seasonal sites, because one of the big populations we administer to is the farmworker population. I'm glad to have the opportunity to speak with the panel and there are a lot of folks I know around the room, the Hoosiers in the room, and the other folks I know some. I guess, being 20th, I won't go on and on, I hope I don't need my five minutes, I'm really glad to get the opportunity.

As I said earlier, we're here to talk about the WPS and how it affects and protects people. We've got to talk about our knowledge and experiences. That's what we bring to the podium. My focus and information, if I have any knowledge, is on farmworkers. It's the topic in my organization that's my responsibility and... is the outreach component of the agency. Indiana has a little over 100,000 farmworkers in our state [Inaudible]... it's a statewide program as far southwest as melon country, as far southeast as Grange County where there are gladiola crops. So apart from cucumbers, tomatoes, corn, there are lots of crops [Inaudible]...

I heard several themes, the theme of common sense kept repeating itself, and the concerns about how comprehensive the book is. I'd like to share a little bit of our observations from our interactions with the farmers and growers, whatever term you want to use, and agricultural workers and their experience in Indiana. We are not the lead agency on WPS but we have staff out there so we have some good information that we can contribute to the conversation. It is not surprising to see several farmers and growers in this room with whom we dialogue. And we dialogue ongoing, year round. We do see EPA standards out in the field, the manuals, the re-entry signs, those kinds of things. The growers are very concerned in general about making sure that the farmworkers receive the training. I'll touch on part of the training in a moment. Two things I'd like to highlight that kept coming out are...I think some of it is regulatory [Inaudible]... and different regulatory entities are involved.

There's an example, if I may illustrate. As a good employer, those of us that have the responsibility to make sure that those I-9s are in place. We have so many para-professional and professional people that walk through our doors for employment that can't even produce a Social Security card. So the WPS card is a real hard monster to find. I think that, if we had something in place, that there was some reciprocity for that system in place, that would be very helpful to many in Indiana. Indiana is a receiving state, so are our surrounding states, Ohio, Illinois, the rest. The majority of our folks are from Texas and the southern Rim Valley of southern Florida. Fifty percent are from south Texas. The important part about that is, 98% of the folks that come to Indiana are Hispanic. And they are monolingual. Statistically, 50% of those folks are monolingual in nature. Which gets me to ...

I think that Indiana is doing what it can with what it has. I think we are lacking some resources collectively that we don't have. I've heard tax incentives mentioned earlier and I want to let you know that this is very complicated. I'm getting an education here, because my focus is farmworkers and that's what I know. I've been educated by several people in this room this evening and I have an opportunity...I am blessed, many of this audience are too: I speak two languages, I get confused in two languages. It's very, very important that the concept is done by a qualified trainer. And I've heard that theme different ways, but I think the panel has heard the same thing I have. We need quality training. And in Indiana growers are doing that. I'm generalizing a little bit here, pardon me for doing so, we want to make sure that folks are covered. You know, you talk about the ones that come out of the training bored, it's because they've sat in three or four but can't show that they have participated in worker training. And I can assure you from my experiences, again generalizing from 17 staff workers that we have in the state, that growers here are saying "we're going to do it" and they are getting the training. So, that's what we've got to work with. But I think that reciprocity is important, the quality of the training is the issue. Because I say "Buenas noches" it does not mean that I'm bilingual. But I can guarantee you, some of those pesticides I can't pronounce in English, let alone translate them into Spanish for you.

So, I think that those are my comments. I just think it's real key, and I haven't heard no different, and I'm glad, that we're talking about the WPS, as some of the other speakers said, it took us many years to get to this point and I think it's a good premise that we're on. Thank you. [Applause]

Yoss Sieber: Good evening. My name is Yoss Sieber and I'm an AmeriCorps pesticide safety trainer. You were just talking about training. I work with Transit Resource Corporation in Indianapolis. For those of you who haven't heard about AmeriCorps, it's a nationwide community service program that's designed to help communities across the United States meet their education, public safety, human, and environmental needs. Our particular program, the National Pesticide Safety Training Program, has been developed by growers as a free and easy way to comply

with the WPS. I emphasize that it's free. It's also developed to educate farmworkers on pesticide safety, of course.

What I'd like to say is that this year we've been very successful; growers across Indiana have allowed us to train around 650 workers this summer, and that's pretty good for our first year in this program. I encourage you to pick up some pamphlets that we have back there on the table if you are a grower. Like I said, this is a free way to comply with the WPS. My partner and I are bilingual and I encourage you to pick up those brochures. They have our phone numbers.

I'd like to talk a little bit about what I've seen in the fields and the camps. Because, of course, we go out to the camps and I've seen a lot of things. It seems like, by listening here today, some of the problems have to do with exceptions. Every grower has their particular problem with the WPS. But I think that, since this is relatively new, these things, problems, will eventually be ironed out. Another thing, I've seen several problems with the WPS when I go out to camps and farms: many growers, particularly smaller growers, greenhouses, and the small nurseries, are not well informed about the WPS. They don't know how to properly train the workers, who can train them. And this means that they don't know the distinction between workers and the handlers, which means that untrained agricultural workers are sent out to mix or to load pesticides or to enter into REI places or restricted entry fields that have been applied with pesticides.

Another problem that I see is that there are three main points that aren't being applied correctly for agricultural workers. The first one is that trainings aren't being performed. That's the most important thing. The second one, washing facilities and decontamination supplies are consistently not being supplied to the workers on the field, and there's a reason for that. In most cases, pesticide names, application areas, and re-entry times are not being posted in a central location. I think that part of the reason for this is that the farmworkers don't use these facilities when they are provided. So this all goes back to training. So if they don't see that there's a safety issue with the pesticide thing, then farmworkers won't take the opportunity to go look at the central location and check the pesticides or follow these other safety rules. Or even use the washing facilities, for example, the decontamination supplies. So I think it's very critical to have the workers trained, first of all.

Next of all I'd just like to recommend one change to the WPS. I think that a sign should be required to be posted where a restricted entry interval is in effect or pesticides have been applied. I don't think a verbal warning is very effective for a couple reasons. First of all, a verbal warning would be given only to the agricultural worker, not to their children and for families that a lot of times enter these fields, especially the children. They will go into a field that has just been applied with pesticides. And these signs could prevent that. Those that do not have signs should be supplied at very low cost so that this doesn't become an economic issue for growers. I can't see a big problem with the compliance in this case, with mandatory use of the signs

because of the low cost and the little effort involved in placing them. Of course, I'm not a grower and I don't see personally much cost or effort involved in placing these signs.

Once you check out what the training consists of--the brochures are here on the table--and if Fred helps us out and if our program doesn't get put down by Congress next year, we'll still be here next year. Thank you. [Applause]

Vicente Rosales [Speaking in Spanish via English interpreter]: Good afternoon. My name is Vicente Rosales. I work in the fields here in the state of Ohio. I work in the morning in the fields picking cucumbers and in the afternoon, I am a volunteer community worker for FLOC [Farm Labor Organizing Committee].

I have had several experiences in the fields in reference to herbicides, insecticides, and other foliates that they spray on cucumbers. I have noticed that the laws concerning pesticides are not enforced as required by the law. Many times the farmers do not notify the workers that they cannot re-enter the fields after spraying because insecticides and pesticides over the fields are dangerous. Right now I am working in the cucumber fields and my boss applies the pesticides sometimes, but he doesn't post the announcements in public places where people can see them. Therefore, the workers are unaware that my boss has sprayed from airplanes or tractors. Many times the tractor gets into the fields and that is why later, the workers complain about different illnesses, including skin rashes and genital deformities. All of this happens because the law is not enforced. The farmers don't notify, but now with the new information that FLOC has been giving us and that has reached the fields, the people are more aware about protecting themselves from their own working conditions. They know they should protect their children so they don't get contaminated with the herbicides.

I have been working here in this state for the last three years and I have noticed that we, the farmworkers, the migrants are exposed to many dangers right here in the fields. Furthermore, the same way we are exposed to the natural elements, we the farmworkers are exposed to all kinds of elements. Also, the insecticides and the pesticides that are applied from the airplane and that the farmer says are not dangerous, they are chemical components and we have no knowledge about them. Only laboratories know the mixture content in them. They are applied over the fields and the farmers say that immediately after spraying we can go back to pick the product. Just yesterday I was in a camp and I asked this worker how often his farmer sprays the cucumber fields and what method he uses. He told me that sometimes he sprays from the airplane. Then he told me that sometimes the plane goes over the homes where people live and then he said that the farmer is not posting the signs in the appropriate places so that the workers can see and read them. Also he said that one day the farmer told the workers to leave the field for a few minutes while the plane was spraying. Half hour later he told the workers that they could start working again. The workers also told me that the leaves still had a white colored substance over

them, but the farmer said that this was not dangerous for people. What happens is that they are aware of the danger, but they need them to go back to work. However, the consequences come later in time.

I also talked to people in another camp in reference to pesticides. They told me that one day the airplane spraying had been done at 6 p.m. and another day at 6 a.m. People started to work without being made aware by the farmer what had been sprayed on the fields. He only told them that the spray was not dangerous for human beings. These are some of the testimonies that I have about my experience in the camps. I have also seen that there are trucks and trailers parked and over their platforms there are half-empty herbicide containers. Some other time I went by a place where I saw a trailer parked and I went to look at what was under its platform cover. Actually there was an opened sack containing foliage that had been mixed with a the big deposit that contained the irrigation mix. This opened sack was there exposed to children who are outside playing around the camp.

Many times children are curious and they climb to the truck's platform and then they could start playing with things that are dangerous for them. They cannot be aware because they will never understand the risk that certain actions represent for them. This time I was able to verify that in a half-empty gallon of poison for which I wrote the name, but I don't remember now, I don't remember the acronym, I don't remember the label, I just don't remember what it said. But I think that if the farmers had more awareness of the hazards for people, they would not put them near the camp and the homes where people live.

I have had many experiences and I would like the farmers to have more conscience and that they know that they should not leave those residues, those poisons near the camps. I would like for people to have more awareness that these poisons near them that they are breathing in at night, are hazardous for them and their children. Well, such as this one, there are many testimonies, right? But this is only one part of the many testimonies that exist. I think that the persons who live near those poisonous areas should be more knowledgeable so that they don't continue getting affected with those chemical substances. Well, that is all I have to say. Thank you for listening to me. [Applause]

Fred Whitford: For the record, the last tape was not doing too well. I did allow a couple extra minutes as I've done most of the speakers, so I appreciate it. That will be made a part of the public record [Inaudible]...

Susan Bauer: I was asked to step up again because there were a couple of comments that Susan Richards wanted to make and she had to get back to Chicago. This was in conjunction with the videos that we showed earlier from Illinois. I do want to thank the EPA and the staffers, especially in the regional office, for making this vehicle possible. As you know, for farmworkers to travel these kinds of distances and to get time off from work is virtually impossible this time of year, so we do appreciate this because it allows

voices to be heard that would otherwise have not have been heard.

We did have a transcription but nobody could hear. I just wanted to read to you what those words were: "When they sprayed there in the camp and if you had your windows open it would come in. The danger signs are always in the field, even if they have sprayed. Some of the guys are swollen or have rashes because they get into the tree and think it's poison ivy but sometimes you don't really know. It might be pesticides because they are under the trees sitting right there when they spray the trees."

I want to say that it was a very, very difficult task that was given to the translator here to try to do this simulcast with the television. But there were a couple of changes in meaning in the tapes that I think were lost. Two of the women that spoke, the translation was that they had worked for particular farms three years or six years ago. The actual translation of that would be for the last three years and for the last six years.

And one of the comments from ... Espinoza was talking not about the farmworkers themselves, making more money, but the growers earning more money as the result of a productive work force.

So I know this will be clarified in the final record and I appreciate the opportunity to make that clear for those of you who are at the meeting. Thank you. [Applause]

Fred Whitford: Well, we've come to the end of the program. A few comments: I'm with the Extension Service and so I believe that as facilitator I can make one quick comment. True or false? True!

I feel that we have a very unique situation here as most of the people who spoke, be it Chris Gómez, be it José Pérez, be it the Office of Indiana State Chemist, the Extension Service, and our growers; it is very unique that we all do work together. I would second what Mr. Pérez said: If there were ever a goal we all shoot for, it's that we work as a team, we can make it work here. Like Yoss and other resources, we have a pretty good team here. So if there's ever a possibility that we can apply collectively for some funds to make this work, we would appreciate it...We talk about partners--we can make it work here [Inaudible]...

So, with that, Dr. Goldman, I think you had a few closing remarks. Thank you very much for your attendance, for your patience and being very kind and, with that, I'll let you close the program.

Dr. Lynn Goldman: Starting with thanks again, I think we ought to give a hand both to the moderator and the interpreter for doing a wonderful job tonight. [Applause] Very difficult to interpret video--I thought that was very impressive. I also thought very impressive was the participation of some of the younger people here, especially from the AmeriCorps folks. I really appreciate that. [Applause] I'll tell you, we hear so many negative things about young people today and it's wonderful to see young people constructively engaged in helping to solve these very difficult problems and I'm very, very impressed by that.

I've heard a lot of things here tonight that we're going to need to go back and think about. One of the things that really impressed me is that there is a desire among many of the growers for change and at the same time it is tempered by the Agency making a lot of little incremental changes, and that's confusing. And I think that one of the things that we need to go back with is the concept that there probably are improvements that we can make, but there's a price to pay if we make those improvements in a lot of little tiny steps instead of in bigger steps. And I hear the need for some stability, as well, for us to address, and the need for flexibility. We're going to have to find a way to balance--not an easy act here to balance these concerns since they compete with each other, but I think that we can do that.

The other thing that I've heard here, which is really unique compared to some of the other meetings that we've heard, is this idea that there needs to be more of a national focus of the training, some sense of reciprocity, between the states in a way that you can have more trust in a card. [Applause] You've made that very clear. I think that's another thing that we need to go back and look at. Is there a way that we can pool together the resources to make that happen? I will say that there is reason historically for why the program was developed the way that it was. There was a lot of desire to decentralize it. But I'm also hearing, especially in an area of the country where there's not a lot people who are bilingual, who speak Spanish, that this creates a real problem in needing to get the full training. All the comments people made about that are right on point: it's not just a matter of the opportunity to view a videotape but also to be able to get your questions answered in a language that you understand. And you just don't have the ability to pull that together easily.

The issue of how to best notify people about the pesticide application site has been a recurrent theme in many of the places where we've held meetings--and that is, we have the training and the verbal notification, but also the simple posting requirement, and how do we make that central posting requirement work. It's an issue that comes up over and over again and I think that's something we're going to have to go back and talk about, pull together all the comments that we've had. I will tell you that where that came from originally wasn't so much an idea that every morning every worker would want to read the central posting and that's how they would get their information. It was more the idea that some of them on some occasions might want to have that information and might feel intimidated about going to their employer to ask for it. They didn't want to be placed in a position of having to ask for the information if they were in a situation where there was someone who didn't want to give it to them. That was the intent of it initially, and I can see where that is still an awkward situation when workers are not necessarily in those central locations.

I also heard very clearly the concern in this region of the country about the REI for chlorothalonil, or Bravo (as the gentleman here wants me to use the brand name), on

melons and that is an issue that we want to continue to work with you on over the next year. You know that the request for the exception was withdrawn, but I think we view this as still being very much an important issue and one that we would like to see more data on so we can continue to work on the issue.

I would say, overall, I've heard a lot here tonight to be encouraged about. I heard from a number of the grower representatives a real desire to make this thing work and that where we have problems, the problems have been encountered because people are trying to do the job. And I think that's very important. I've run into very few people who just don't want to do this job, and I think that that is very encouraging. I also saw a lot of listening and heard a lot of very constructive suggestions that we can take back to Washington.

Again, I want to thank you all for taking the time to be here, especially the diehards who stayed here for the entire meeting! There are, as you know, a lot of representatives here from EPA and from state agencies, who I know are willing to hang around and answer some questions. I will say that there's still a lot more educating that needs to be done. I think we all heard some things, some places where people would like to interact some more. Thank you so much. Good night.

[Meeting adjourned]

Registered Participants in the Public Meeting

Hermán Acosta
U.S. Department of Labor

Ramona C. Alvarado
Community Health Partnerships

Susan Bauer
Community Health Partnerships of Illinois

Jim Beaty
Agronomy Research Center,
Purdue University

Sonny Beck
Becks Hybrids

Joe Becovitz
Office of the Indiana State Chemist

Jane Boetwick
Kokomo Tribune

Douglas H. Carter
Hartford Packing Company

Terri Cast
Red Gold

María C. Castillo
Community Health Partnership of Illinois

Antonio Castro-Escobar
Worker Protection Program
Michigan Dept. of Agriculture

Nancy Erickson
Illinois Farm Bureau

Francisco A. Espinoza
Farm Labor Relations Program
OSU/Extension

John R. French
ISK Biosciences Corporation

Clinton R. Goins
Long Lane Farms

Cristobal Gómez
Ray Bros. Farms

John B. Graf
D.B.A. Graf Grower

Dr. Alan Hanks
Office of the Indiana State Chemist

Terry Henderson
Dow Elanco

James Henry
Indiana Agri-News

Jill Heuser
Chris Craft Industrial Products

Cynthia Hines
NIOSH

Joanne Kick-Raack
Ohio CES

Stuart Kline
E&HS Policy Administration
Purdue University

Shawn Lambert
AgBest Co-op

María Leija
Indiana Health Centers

Jim Love
Beck's Superior Hybrid

Joe Miller
Indiana Farm Bureau

Tim Mogle
State Dept. of Workforce Development

Scott Monroe
Grower/Consultant

Jeanine Moran
Transition Resources Corporation

Barb Mulhern
Gempler's, Inc.

Nancy Nickell-Press
Pesticide Toxic Chemical News

John Nidlinger
Senator Richard G. Lugar's Office

Ray E. Noble
Ray Bros. & Noble Canning Co.

Dan A. Noble
Ray Bros. Farms, Inc.

Doug Payauys
Florists' Mutual Insurance

José M. Pérez
Indiana Health Centers, Inc.

Sandy Perry
Michigan State University CES

David Petritz
Purdue University CES

Ann Piechotn
Purdue PUSH

Steve Poncin
Minnesota Dept. of Agriculture

Mike Pullins
Ohio Farm Bureau

Kirk Reese
Pioneer Hi-Bred International, Inc.

Gary Reichart
Grower

Susan Richards
CHP of Illinois

Linda Ríos
Michigan Employment & Security Commission

Glenn Roesler
Environmental Management Institute

Paul Rogers
ISK Biosciences

Tom Roney
Grower

Vicente Rosales
Farm Labor Organizing Committee (AFL-CIO)

Joan Roscher
Twixwood Nursery

Tom Sachs
OSU Farm Labor Relations Program

Wayne T. Sanderson
NIOSH-Centers for Disease Control

David Scott
Office of the Indiana State Chemist

Yoss Sieber
AmeriCorps-Transition Resources

Joe Stull
Pioneer Hi-Bred International

Mark Thornbury
Purdue CES

Ron Weeks
Ray Bros. Farms Inc.

Bob White
Indiana Farm Bureau

Fred Whitford
Purdue University CES

Justin L. Wolfe
ISK Biosciences

John Wollam
Bayer Corporation

Site Visits and Small Group Discussions

Indiana Health Centers, Inc., Kokomo, IN

- April 22, 1996, 8:00 a.m.
- IHC is a non-profit, 24-hour a day, health care group with seven permanent clinics and 13 field staff, serving about 9,000 core migrant farmworkers annually who work on 24 different crops. IHC has a bilingual staff at every clinic, and is open weekend and late weekday hours. EPA staff toured the Center with José Pérez, one of the company's managers and a farmworker specialist, and spoke with Gene Brown, a nurse practitioner at the clinic.
- Among the issues discussed at the meeting were:

  — IHC attempts to contact most of the farmworker population each year. Field workers stay in contact with all known labor camps, and pay courtesy calls on agricultural employers to maintain relationships.

  — Increasingly, growers are providing less on-site migrant housing because of complex regulations. As a result, more workers are living in slum conditions.

  — Undocumented aliens make up about 17% of the migrant work force; most are Mexican males who rarely seek assistance or health care services.

  — The health center encounters numerous cases of farmworker dermatitis every year. It is unclear how much is related to pesticides or to contact with plants.

  — Documented and serious pesticide-related poisonings are referred to the Office of the State Chemist, the Poison Control Centers, and other organizations, such as the Sheriff's office. The Office of the State Chemist's color-coded crop sheets have been useful to workers in warning them of pesticide hazards in the fields.

Ray Brothers & Noble Canning Co./Farm, Hobbs, IN

- April 22, 1996, 9:30 a.m.
- EPA staff met with owners Ray and Dan Noble, and toured their 2,000-acre farm and tomato canning process. EPA staff briefly visited the migrant labor housing provided by the owners; few workers were present at the time.
- Among the topics discussed at the meeting were:

— About 12 men work on a tomato harvesting machine, covering about 100 acres per day. The men wear eye goggles and bandanas over their mouths because of dust. The owners noted that there is very little turnover of labor, and that most return to the farm every year. Portable toilets, soap, towels and water are made available to the workers at the work site. A properly maintained central posting site was available to all workers within the labor camp.

— Fungicides are used, including copper sulfate, chlorothalonil, and Mancozeb. However, there is a lot of pressure not to use Mancozeb because some companies will not accept Mancozeb-treated crops.

— "Mid-America Tom Cast," an electronic, computerized, weather system aimed at reducing fungicide use, has been widely used since 1991 and is now required by Campbells and Heinz as a condition of purchasing tomatoes.

Sharpview Farms, near Tipton, IN

- April 22, 1996, 1:00 p.m.
- EPA staff met with owner Scott Smith, a third-generation farmer, and toured his 600-acre farm (cucumbers/pickles, tomatoes, corn, grain and soybeans). Including rented land, total area farmed is about 1,200 acres, with 200-300 workers a year. Many workers who are employed are from one extended family.
- Among the topics discussed at the meeting were:

— The owner emphasized the need for harvesting cucumbers during a window of six to seven days to ensure that cucumbers are the right size for pickles. Otherwise, the cucumbers are discarded.

— Despite the farm's policy of no child labor, the grower sometimes finds children working in the fields with their parents.

— Farmers today spend more time on management than in the field. The grower stressed the need for coordination across Department of Labor, child labor laws, OSHA, Health & Human Services, Indiana Department of Environmental Protection, and EPA laws and regulations, to cut down on administrative burden.

— The owner has created his own training verification cards for Sharpview Farms, but will accept other training verification cards as well. AmeriCorps conducts the

training for the owner. The crew leader also does training in English and Spanish, and has received handler training.

— Training all workers on the first day and training new workers in mid-harvest are problematic. However, 70% of Sharpview employees return annually so the grower believes there is less turnover here than at other farms. The grower stated that his workers are his greatest asset and without them his farm would fail.

— Maintaining the washing/decontamination site is difficult. Towels quickly get wet and ruined or are rolled out in the field.

— Pesticide application records are kept in the owner's card index system in the office. This system is color-coordinated and lists applicators, application records, pesticides used, date, acres. Box holders are provided in each cab as well.

— Central posting is done in the office break room. The information includes a safety poster and is posted behind hard plastic on the wall.

Migrant Labor Camp, Sharpview, IN

- April 22, 1996, 3:00 p.m.
- José Pérez and María Leija led a tour of this camp, which houses 200 workers and their families in 30 houses of 16' x 20.'
- EPA staff met with 20 farmworkers. Among the issues discussed were:

— Participants pointed out the noticeable differences in quality between newer and older housing. Housing is assigned by the *troquero*; single males usually are assigned to older structures.

— The camp is located on the edge of the fields. Workers said that they are advised to go into their houses before spraying occurs.

— Workers present at the meeting had few complaints. They had received pesticide safety training and were aware of pesticide safety principles. When asked what they remembered most from training, one woman said that they should not have contact with workers upon return from the fields until the worker has showered and changed clothes. The women also mentioned the need to wash used work clothes separately from the rest of the family clothes.

— Workers said they enjoyed the work and had been mistreated only once eight years ago in Colorado, and it was resolved.

Written Comments

John Graf
Graf Growers

Nancy Erickson
Illinois Farm Bureau

Steven Poncin
Minnesota Department of Agriculture

Mike Pullins
Ohio Farm Bureau, Ohio Fruit Growers Society,
Ohio Vegetable Growers Association

STATEMENT FOR THE ENVIRONMENTAL PROTECTION AGENCY'S PUBLIC COMMENT MEETING ON THE WORKER PROTECTION STANDARD

August 21, 1996
Tipton, Indiana

Presented by Nancy Erickson
Illinois Farm Bureau

Good evening. My name is Nancy Erickson, Director of Natural and Environmental Resources for the Illinois Farm Bureau in Bloomington, Illinois. Illinois Farm Bureau is a non-profit, grassroots organization whose membership includes about three-fourths of the farmers in the state of Illinois.

We appreciate the opportunity to express our views about the Worker Protection Standard (WPS) and thank the Environmental Protection Agency for organizing this meeting to gather input from agriculture regarding the implementation of the standard.

Illinois Farm Bureau supports best management practices regarding the application of crop protection products and education on how to properly use these products. Over the last few years, we have sponsored or organized about 20 statewide or regional meetings plus helped with numerous county workshops, established displays at meetings, and distributed several hundred booklets, posters, and other material to inform farmers about the WPS. IFB has also urged EPA to make the rules more practical for agricultural employers while still protecting agricultural workers.

The concepts behind this standard are good ones. Those positive objectives are to ensure that people who work with pesticides are protected from exposure to chemicals and to educate people about safety procedures. However, many sections of the standard are too complicated and confusing, and do not make common sense for those who have to comply with the rules. The rules were written for the entire United States, and they do not fit in all agricultural situations across the country.

One section of the rules that has been a problem for Midwest farmers is how the rules apply during a planting season for a grain farmer. The interpretation of the procedures that a farmer has to go through to ensure they are protected from pesticide exposure when there is a breakdown or a mechanical problem in the field during planting does not make sense.

The options a farmer has whenever he has a mechanical problem while in a treated field during the planting process and will have substantial contact with treated soils are not logical. One option he has is to pull his equipment out of that field to work on it and then to pull it back into the field when the problem is fixed. Another option is to put on personal protective equipment (PPE) each time he gets out of the cab of the tractor to work on his machinery. The PPE must be removed when he gets back into the cab of the tractor and placed in a container so the rest of the cab is not exposed to the used PPE. If the farmer has to put PPE on again, does that mean that he has to have another set of clean PPE? Neither of these options makes sense.

Another part of the rules that needs changing involves the decontamination sites. EPA recently announced the requirements providing decontamination facilities for pesticides with a four-hour restricted entry interval (REI) would be shortened from 30 to 7 days. It seems that the decontamination facility should only need to be provided up to the expiration of the REI for chemicals with four-hour REIs. For those pesticides with a greater than a four-hour REI, producers are mandated to provide the decontamination site 30 days after the expiration of the REI. This fixed 30-day requirement does not create an incentive for farmers to use pesticides with lower toxicity.

We urge the agency to allow decontamination kits to be brought closer to treated areas for all agricultural workers. This would make the kits more readily available to those who need them. Farmers should be permitted to furnish decontamination kits in the field or at the nearest access area, whichever is more convenient.

We also question whether the recordkeeping and central posting requirements of the rules achieve what they were intended to do. In agriculture, the planned activities of one day may be changed due to weather or other unforeseen circumstances. There should be simpler options that could be used to ensure workers have up-to-date information rather than to post it in a central location.

A positive aspect that has surfaced from the WPS involves the training and education elements. The rules are extremely complicated, but many farmers have appreciated the worker booklets and flip charts produced to help farmers train their employees.

In summary, we encourage EPA to continue to look for ways to simplify the regulations making compliance easier while continuing to protect workers. The main objective of the rules--to protect workers--is a good one. If the rules, however, do not make common sense for those who have to comply with them, they should be changed to fit real world circumstances as long as that main objective of protecting pesticide workers and handlers remains in focus.

Thank you for the opportunity to share our views with you.

A/nje30004

August 21, 1996

Comments by John Graf, Graf Growers, 3678 Minor Rd., Copley, Ohio 44321

Comments presented at the U.S. EPA Region 5 hearing on EPA Worker Protection Standards held at Tipton, Indiana.

Ladies and Gentlemen, my name is John Graf and I am a co-owner of Graf Growers. I also serve as chairman of the Ohio Vegetable and Small Fruit Research and Development Program and past board member of the Ohio Vegetable and Potato Growers Association board. Graf Growers is a greenhouse, farm market, garden center and truck crops operation owned and operated by my daughter, two sons, wife and myself. The operation is somewhat typical of Ohio's moderate sized diversified operations employing five to twenty-five migrant and local seasonal workers. Our operation is located just south of Cleveland along the interstate highway thereby providing easy access for every government agency inspector.

Over the past three years our operation has invested significant time and money in doing our best to implement the EPA Worker Protection Standards in order to protect our workers and to comply with the regulations in good faith. Our family has attended numerous training sessions presented by the Ohio Vegetable and Potato Growers, Extension and others to help us understand and implement the Worker Protection Standards regulations. We have also acquired and utilized some of the excellent materials available to assist producers in implementing the regulations. In our operation we attempt to do all of the required training ourselves and complete all record keeping. We even subscribe to a compliance consulting service. We attempt to utilize the safest chemical available for each application.

In spite of these good faith efforts we find ourselves confused by the complex regulations that seem to be constantly changing. We are frustrated knowing that some of the regulations are unreasonable and that due to oversight or honest error we might be found technically in violation.

For example, we do not understand why decontamination units are needed in the field even after a crop has been harvested. Nor do we understand why the 30 day field decontamination requirement is necessary for all chemicals even those with a re-entry interval as short as 4 hours. These unreasonable requirements are expensive and call into question the credibility of the agency and the regulations in general.

Double notification seems unnecessary in most situations. Our workers do not generally report to a central area each morning to begin the work day. Workers seldom if ever check the central posting and records.

According to my son, Craig, one of the most burdensome aspects of WPS occurs in our greenhouse division. Specifically we feel that there are, in many cases, unreasonable reentry times on many products that we rely heavily on. For example products such as B-Nine, Exotherm Termil, Orthene and even cooper fungicide have 24 hour reentry times. To put

this in perspective you must understand that during the month of May we do over 30% of our whole years business. For this reason the loss of a whole days potential sales would be devastating. Naturally we do what we can to use products that have as short of a reentry time as possible, but there are times when these products just simply will not do the job. For example this spring, like last spring, was colder and cloudier than any of us would have liked. As you can imagine diseases such as botrytis ran rampant in many greenhouses. In this situation we would commonly use a very effective product, Exotherm Termil, but due to the nature of the business cycle our hand were tied.

Another aspect of WPS that we have found to be difficult has been training. We have found this particularly difficult during peak season. Certainly we try to minimize it's cost by handling training on a weekly basis. However, during busy times we often have a high turnover rate on employees. This can make training and the record keeping involved with it a real challenge.

The premise for the Worker Protection Standards seems so simple: to prevent worker exposure to toxic chemicals. Achieving this simple goal should not require such complex and inflexible regulations. Frustration over these regulations has even caused some Ohio growers to convert their operations to agronomic crops not requiring employees. We believe the agency gives up credibility for the whole program by requiring so much detail and regulatory excess. I encourage the EPA to embark on a one time comprehensive effort to simplify the regulations and include more flexibility to accommodate innovative industry compliance with the above goal. This might even include an opportunity for state enforcement agencies and growers to work together to develop compliance guidelines for situations unique to the local industry. I believe that this would improve grower and worker understanding of the regulations and compliance and ultimately worker safety.

Comments from Minnesota Department of Agriculture
for WPS Public Meeting in Tipton, Indiana

by Steven Poncin, Minnesota Department of Agriculture

August 21, 1996

As the lead contact for the Working Protection Standard for the Minnesota Department of Agriculture, I have the opportunity to communicate with a variety of employers and employees that are affect by the WPS. Through observations and comments I have identified what I perceive are two problem areas.

1. Information exchange: Custom applicators for the most part are attempting to supply the grower with the required application. However, some growers are not receptive to the information and some growers don't know what to do with the information when they have it.

Weather conditions play a major role in the information exchange. Specifically, wind conditions can delay a pesticide application resulting in the 24 hour limit be breached. The result is a recontacting of the grower to establish time of application as required by the information exchange. If windy conditions prevail postponement of the application may occur several types.

Much of the commercial applicator business is conducted by telephone. It has been reported to our office that in at least one instance a grower has "hung up" on the applicator when the information exchange was being given. Another applicator has indicated a loss of a customer due to the delay in making the pesticide application as the applicator was unable to contact the grower and provide the application information. The grower allegedly went to another commercial applicator that "didn't bother" with the information exchange.

It has been reported to me as well, that seldom do the growers provide any pesticide application information to the commercial applicator.

2. Pesticide safety training: The pesticide safety training is the key to the worker protection standard. Workers/handlers need to come away from the training with a sense of respect and caution for pesticides. It appears that the lesson is not being learned. The quality of the instruction varies greatly.

The growers typically utilize the EPA approved materials for instruction. But, unfortunately, too many training's consist of only watching a video. Growers, even though they are certified pesticide applicators, for the most part are not "good instructors". They also are conducting learning sessions in less than ideal settings and conditions. The results is the students with less than adequate training and as a result they do not understanding the information at the central location or why they should use a decontamination site and so on.

August 21, 1996

Comments by Mike Pullins, Vice President Business Services and Commodity Relations for the Ohio Farm Bureau and Executive Director for the Ohio Fruit Growers Society and the Ohio Vegetable Growers Association, P.O. Box 479, Columbus, Ohio 43216-0479.

Comments presented at the U.S. EPA Region 5 hearing on EPA Worker Protection Standards held at Tipton, Indiana.

On behalf of the members of the Ohio Farm Bureau and the Ohio Fruit Growers Society and the Ohio Vegetable and Potato Growers Association, I thank you for this opportunity to share with you the concerns of Ohio producers attempting to implement the EPA Worker Protection Standards.

In spite of extensive coverage by the agricultural press,Extension information and industry training sessions presented annually at the Ohio Fruit and Vegetable Growers Congress, producers continue to experience considerable frustration and confusion in attempting to implement the regulations. Ohio agriculture consists of many small producers with small numbers of employees or no employees. In Ohio pesticides are handled and applied by the owner/operator and his family who also train and supervise employees.

Producers are frustrated by the complex and confusing regulations which they sometimes find unrealistic and unreasonable while not contributing to worker safety. Producers believe that they can never be in total compliance with the complex regulations. This situation reduces the credibility of the EPA in the eyes of producers and their perceived value of the regulations. Unreasonable regulations also reduce compliance among some producers. If regulations were made more reasonable and flexible this would contribute to producer understanding, compliance and ultimately worker safety.

Specific concerns expressed to me by Ohio producers include:

--Double notification (oral and posting) is unnecessary and unworkable in many situations. In Ohio, few workers report to a central location at the beginning of each day. Seldom if ever do workers see or check the central records. Numerous work crews working in numerous locations make this requirement a logistical nightmare and sometimes cause growers to forgo the use of chemicals requiring double notification.

--Frequent changes have caused confusion among producers and a burden on organizations attempting to inform and educate growers. Producers recommend a one-time comprehensive update to clarify and simplify the regulations. In the interim state enforcement agencies should be allowed flexibility.

--The rules should be flexible enough to address real world situations such as reduced posting length for a 21 day radish crop. Decontamination units and posting for a past crop and

chemical application on previous crops is excessive. In the radish example the third crop could be growing in the field before requirements expire on the first crop. Ridiculous or unrealistic requirements such as these cause confusion, frustration and a reduction in compliance.

--Labor turnover causes an excessive and constant burden of training new workers. In Ohio workers move frequently following the season and crop labor needs. Constant retraining of workers is unnecessary and inefficient with each move.

--Producers have experienced difficulty in getting required information from commercial applicators in a timely manner. The 1996 Planting season was very hectic for producers and commercial applicators due to weather delays. Commercial applicator requirements which mandate the same reporting for row crops (which usually involve no employees and require no in field follow up or hand labor) impede the ability of applicators to provide timely information to specialty crop producers who need the information to protect their workers. The reporting requirement for commericial applicators applying pesticides to corn or soybeans is burdensome and excessive and impedes timely information transfer to producers needing the information.

--Producers resent the lack of accountability by workers who commit insubordination and fail to utilize personal protective equipment.

--Field decontamination requirements should reasonably reflect the toxicity and degradation of the pesticide and the characteristics of the crop. A 30 day requirement is unnecessary in some situations with such requirements contributing to a perception of unreasonableness and regulatory excess. For example, decontamination units are unnecessary after a crop has been harvested and no follow up hand labor is planned.

--Valid pest management decisions can be determined to be violations. Producers in the field miles from the central posting and record location can determine a need for a different or an additional chemical to protect the crop. The unrealistic requirement that a producer return to the central posting location and complete the required records prior to spraying is viewed as another example of the unreasonable nature of the regulations.

EPA Participants in the WPS National Dialogue

Office of Prevention, Pesticides and Toxic Substances
Lynn R. Goldman, M.D., Assistant Administrator
Susan Wayland, Deputy Assistant Administrator
James Aidala, Associate Assistant Administrator

Office of Pesticide Programs
Dan Barolo, Director
Penelope Fenner-Crisp, Deputy Director
Anne Lindsay, Director, Policy and Special Projects Staff
William L. Jordan, Acting Director, Field Operations Division
Cathleen Kronopolus, Chief, Certification and Occupational Safety Branch (COSB), Field Operations Division
Kevin Keaney, Deputy Chief, Certification and Occupational Safety Branch
Sara Ager, COSB
Don Eckerman, COSB
Joshua First, COSB
Jeanne Heying, COSB
Ameesha Mehta, COSB
Carol Parker, COSB
Conchi Rodriguez, COSB
Judy Smith, COSB
Michael Walsh, COSB

Office of Enforcement and Compliance Assurance
Jesse Baskerville, Director, Toxic and Pesticides Enforcement Division, Office of Regulatory Enforcement
Maureen Lydon, Associate Director, Toxics and Pesticides Enforcement Division, Office of Regulatory Enforcement
Delta Figueroa, Office of Environmental Justice
Amar Singh, Office of Compliance Assistance

EPA Region 3
Stan Laskowski, Deputy Regional Administrator
Tom Maslany, Director, Air, Radiation, and Toxics Division
Don Lott, Chief, Pesticide and Asbestos Enforcement Section

Magda Rodriguez-Hunt, Pesticides & Asbestos Enforcement Section

EPA Region 4
Jane Horton, Pesticides Section, Air, Pesticides and Toxic Management Division
Richard Pont, Pesticides Section, Air, Pesticides and Toxic Management Division

EPA Region 5
Norm Niedergang, Director, Waste, Pesticides and Toxic Division
John Ward, Chief, Pesticides Section
Don Baumgartner, WPS Coordinator/Indiana Project Officer, Pesticides Section
Edward Master, Indiana Project Officer/Tribal Affairs, Pesticides Section
John Forwalter, WPS, Pesticides Section

EPA Region 6
Allyn M. Davis, Acting Deputy Regional Administrator
Van Kozak, Chief, Pesticides Section
Jerry L. Oglesby, Worker Protection Coordinator, Pesticides Section

EPA Region 7
Kathleen L. Fenton, WPS Project Officer, Pesticide Program Development Section
David Ramsey, Missouri Project Officer
Glen Yager, WPS Coordinator

EPA Region 9
Laura Yoshii, Director, Cross-Media Division
Deanna Wieman, Deputy Director, Cross-Media Division
Kathy Taylor, Chief, Pesticides and Toxics Branch, Cross-Media Division
Kay Rudolph, Pesticides Section, Cross-Media Division
Mary Grisier, Pesticides Section, Cross-Media Division
Norman Calero, Office of Environmental Justice, Cross-Media Division
Gerardo Rios, Office of Environmental Justice, Air Division
Jeannie Cervera, Office of Regional Counsel

EPA Region 10
Marie Jennings, Chief, Pesticides Unit
Allan Welch, Worker Protection Coordinator
Jed Januch, Pesticides Unit
Lyn Frandsen, Pesticides Unit

Michele Wright, Pesticides Unit
Dan Heister, Pesticides Unit
Joyce Kelly, Environmental Justice
Susan Morales, Environmental Justice

State Participants

California

Doug Edwards, Agricultural Commissioner's Office, Fresno
Dick Nutter, Agricultural Commissioner's Office, Salinas
Francis Pabrua, Agricultural Commissioner's Office, Monterey
James W. Wells, Director, Department of Pesticide Regulation, CAL-EPA
Bob Chávez, Enforcement Branch, Department of Pesticide Regulation
Dan Lynch, Department of Pesticide Regulation, Fresno District
Karen Stahlman, Department of Pesticide Regulation, Pajaro Office
Steve Satter, Cooperative Extension Service, Fresno County
Pat Marer, University of California-Davis Cooperative Extension Service
Howard Rosenberg, University of California-Berkeley Cooperative Extension Service

District of Columbia

Alvin Harris, WPS Contact, Department of Consumer and Regulatory Affairs

Florida

Steve Rutz, Director, Division of Agricultural Environmental Services,
Florida Department of Agriculture and Consumer Services (DACS)
Dale Dobberly, Chief, Bureau of Compliance Monitoring, DACS
Marion Fuller, Chief, Bureau of Pesticides, DACS
Dr. Mari Dugarte-Stavanja, Environmental Manager, Bureau of Pesticides, DACS
O. Norman Nesheim, Pesticide Information Coordinator,
Florida State Cooperative Extension Service

Idaho

Bob Hays, Idaho Department of Agriculture
Fred Rios, Idaho Department of Agriculture
Gene Carpenter, Idaho Cooperative Extension Service

Indiana

Fred Whitford, Purdue University Cooperative Extension Service
Dave Petriz, Purdue University Cooperative Extension Service
James Wolf, Tipton County Extension Service
Dr. Alan Hanks, Office of the Indiana State Chemist
Joe Becovitz, Office of the Indiana State Chemist
David Scott, Office of the Indiana State Chemist

Michigan

Antonio Castro-Escobar, Michigan Department of Agriculture
Sandy Perry, Michigan State University Cooperative Extension Service

Minnesota

Steve Poncin, Minnesota Department of Agriculture

Mississippi

Robert McCarty, Director, Bureau of Plant Industry, Mississippi Department of Agriculture and Commerce (DACS)
Harry Futon, Bureau of Plant Industry, DACS
Tommy McDaniel, Bureau of Plant Industry, DACS
Michael Ouart, State Program Leader for Agriculture and Natural Resoures, Mississippi Cooperative Extension Center
James McPhail, Delta Area Director, Mississippi Cooperative Extension Center

Missouri

John Saunders, Director, Missouri Department of Agriculture
Joe Francka, Director, Plant Industries Division, Missouri Department of Agriculture
Jim Lea, Bureau of Pesticides Control, Program Administrator, Missouri Department of Agriculture
Paul Andre, WPS Program Coordinator, Missouri Department of Agriculture
Paul Bailey, Certification Program Coordinator, Missouri Department of Agriculture
Alan Uthlant, Missouri Department of Agriculture

New Mexico

Sherry Sanderson, New Mexico Department of Agriculture

Ohio

Robert DeVeny, Ohio Department of Agriculture
Joanne Kick-Raack, Ohio Cooperative Extension Service

Oregon

Chris Kirby, Oregon Department of Agriculture
Myron Shenk, Oregon Cooperative Extension Service
Marilyn Schuster, Oregon OSHA
Ron Preece, Oregon OSHA

Pennsylvania

David Bingaman, WPS Contact, Pennsylvania Department of Agriculture
Joe Uram, Enforcement Specialist, Pennsylvania Department of Agriculture
Roger Dressler, Regional Supervisor, Pennsylvania Department of Agriculture
Walt Blosser, Plant Inspector, Pennsylvania Department of Agriculture
Phil Phitzer, Agronomic Products Inspector, Pennsylvania Department of Agriculture
Dr. Winand Hock, Director, Pesticide Education Program,
Pennsylvania Cooperative Extension/Pennsylvania State University
William Kleiner, County Extension Director, Adams County Cooperative Extension
Scott Harrison, Senior Extension Associate, Pennsylvania Cooperative Extension Service
Kerry Hoffman, Pesticide Education Coordinator, Pennsylvania Cooperative Extension Service

Texas

Larry Soward, Deputy Commissioner, Texas Department of Agriculture (TDA)
Mary Jane Manford, Associate Deputy Commissioner, TDA
Donnie Dippel, Assistant Commissioner, TDA
Randy Rivera, Director, Worker Protection and Applicator Certification & Training, TDA
José Sánchez, Inspector, TDA

Virginia

Don Delorme, WPS Contact, Virginia Department of Agriculture

Washington

John Daly, Washington State Department of Agriculture
Jorge Lobos, Washington State Department of Agriculture
Margaret Tucker, Washington State Department of Agriculture
Anne Wick, Washington State Department of Agriculture
Carol Ramsey, Washington State Cooperative Extension Service
Vicki Skeers, Washington State Department of Health
Ginny Hamilton, Washington State Department of Labor and Industries

West Virginia
Wayne Casto, WPS Contact, West Virginia Department of Agriculture

Interpreters
Angel Castro (Missouri)
Horencio Diaz (Indiana)
Jose Jimenez (Pennsylvania)
Beatriz Rubio (California)
Frances Sergile (Florida)
Susanna Stettri (Washington)
Jorge Trevino (Texas)

For More Information

For additional copies of this report, contact:

Office of Pesticide Programs (7506C)
U.S. Environmental Protection Agency
401 M Street SW
Washington, DC 20460
Tel: 703-305-7666

For more information on the Worker Protection Standard, contact EPA at the above address or the WPS Coordinator in the EPA Regional Office for your state (see list of contacts on next page). Information on the WPS is also available on EPA's home page on the World Wide Web (http:/www.epa.gov).

EPA Regional Offices

EPA Region 1
Andy Triolo
Pesticides Section (APP)
John F. Kennedy Federal Bldg.
Boston, MA 02203
(CT, MA, ME, NH, RI, VT)

EPA Region 2
Fred Kozak (MS-240)
Pesticides and Asbestos Section
2809 Woodbridge Ave. Bldg. 209
Edison, NJ 08837
(NJ, NY, PR, VI)

EPA Region 3
Magda Rodriguez-Hunt
Pesticides Section (3AT-11)
841 Chestnut Building
Philadelphia, PA 19107
(DE, MD, PA, VA, WV, DC)

EPA Region 4
Jane Horton
Pesticides Section (4APT)
12th Floor AFC
100 Alabama St. SW
Atlanta, Georgia 30303-3104
(AL, FL, GA, KY, MS, NC, SC, TN)

EPA Region 5
Don Baumgartner
Pesticides Section (DRT-14J)
77 West Jackson Boulevard
Chicago, Illinois 60604-3507
(IL, IN, MI, MN, OH, WI)

EPA Region 6
Jerry Oglesby
Pesticides Section (6PD-P)
1445 Ross Avenue, Suite 1200
Dallas, Texas 75202-2733
(AR, LA, NM, OK, TX)

EPA Region 7
Kathleen Fenton
Pesticides Section (WWPD-PS)
726 Minnesota Avenue
Kansas City, Kansas 66101
(IO, KS, MO, NE)

EPA Region 8
Margaret Collins
Pesticides Section (8ART-RTI)
999 18th Street, Suite 500
Denver, Colorado 80202-2405
(CO, MT, ND, SD, UT, WY)

EPA Region 9
Katherine H. Rudolph
Pesticides Section (A-4-5)
75 Hawthorne Street
San Francisco, California 94105
(AZ, CA, HA, NV, American Samoa, Guam, Trust Territories)

EPA Region 10
Allan Welch
Pesticides Section (AT-083)
1200 Sixth Avenue
Seattle, Washington 98101
(AK, ID, OR, WA)