

Congress of the United States
Washington, DC 20515

September 25, 2015

The Honorable Shaun Donovan
Director
The Office of Management and Budget
725 17th Street, NW
Washington, DC 20503

Dear Director Donovan,

On August 6th, 2015, your office received proposed changes to the EPA's Agricultural Worker Protection Standard (WPS). These long-overdue revisions would benefit approximately 2.4 million farmworkers who toil in farms, fields and greenhouses across the nation to cultivate and harvest much of the food that reaches our table. Yet these workers are limited in their ability to get information about the pesticides they are exposed to and to protect themselves from the exposures that occur when they prepare pesticides for use, apply them and enter areas that have been treated with chemicals.

Unlike other workers, farmworkers are excluded from stringent right-to-know and health and safety protections provided by the Occupational Safety and Health Administration (OSHA), even though what led to establishment of OSHA in 1970 was Congress' growing concern about "the occupational hazard presented by the misuse of pesticides."^[i] Recognizing that protecting farmworkers from the hazards of working with pesticides falls under the jurisdiction of the Environmental Protection Agency (EPA), we were heartened to learn of the Administration's commitment to environmental justice in order to ensure that its regulations "serve all people, including those who are often the most impacted by environmental harm and public health concerns."^[ii] This is particularly relevant to farmworkers because they are predominantly Latino and/or indigenous, and the majority have limited English language proficiency.^[iii]

For decades, farmworkers have been denied equivalent protections to those enjoyed by other workers. This is why, on two separate occasions, many Members of Congress wrote to the EPA, urging the Agency to revise the outdated WPS,^[iv] and later to strengthen the proposed revisions.^[v] While we applaud the steps the Agency has taken, it is time for the Administration to provide our nation's farmworkers with the full parity that they deserve. Farmworkers have waited for over two decades to see proposed revisions to the WPS. We urge you not to make them wait any longer by finalizing review of the standard no later than October 2015. We look forward to working with your office and the EPA as you help finalize meaningful and enforceable protections for farmworkers. In particular, we urge the finalization of a standard that:

- Provides parity with protections afforded to workers in other industries.

The more urgent reforms include: prohibiting children under 18 from handling pesticides; medical monitoring for workers who handle neurotoxic pesticides; immediate emergency medical assistance for injured workers; anti-retaliation protections for whistleblowers; and annual safety training before performing work in pesticide-treated fields.

- Gives farmworkers the right to know about chemicals they're exposed to.

Workers should receive information and training about the specific chemicals present in the workplace before they start work, and the information should be posted in a central location where it can be readily seen by workers and pesticide handlers. When workers cannot access the information themselves, they should have the right to easily obtain it through an authorized representative.

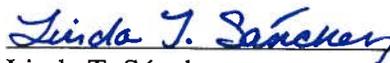
Finally, a recent report by the Office of Inspector General found several EPA oversight weaknesses in state-performed Worker Protection Standard inspections.[vi] To adequately protect farmworkers, the final standard must include improved guidance and oversight of state-based implementation and enforcement efforts. To this end, EPA should look to local community groups and across the federal government for input regarding implementation and enforcement.

We thank you for your consideration and look forward to hearing about additional progress to improve the working conditions of the nation's farmworkers.

Sincerely,



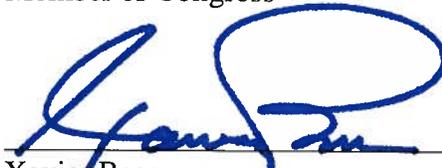
Raúl M. Grijalva
Member of Congress



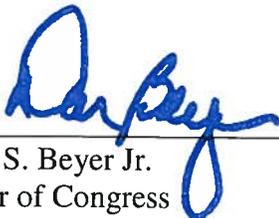
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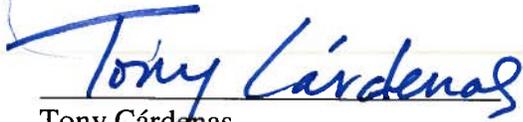
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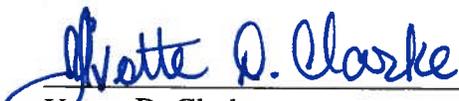
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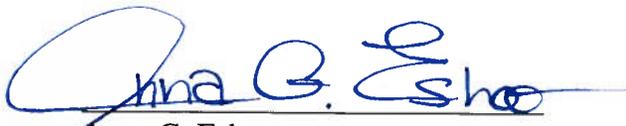
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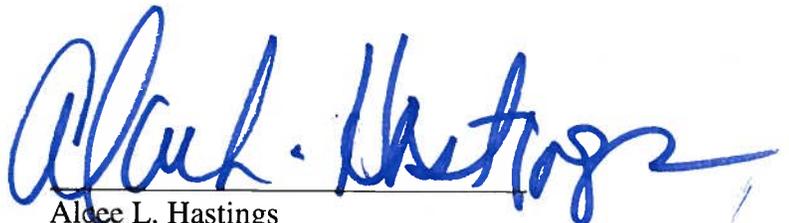


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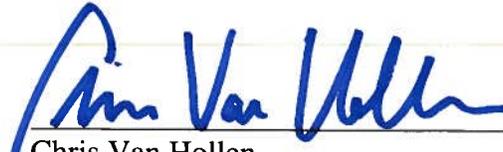


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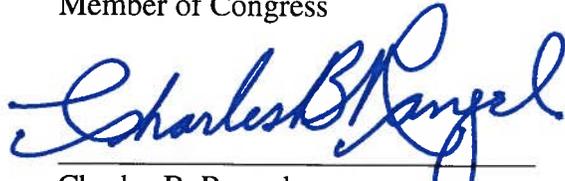

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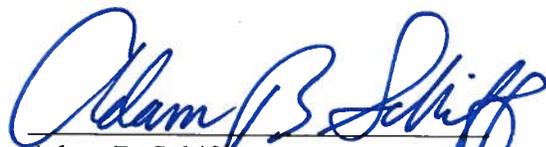

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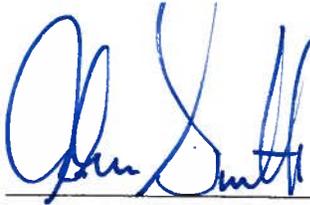

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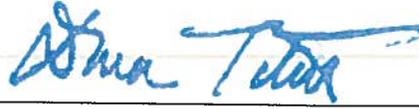
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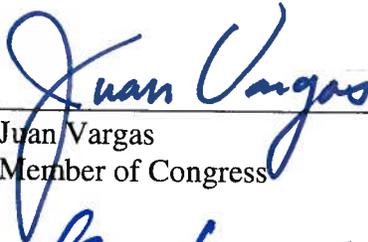
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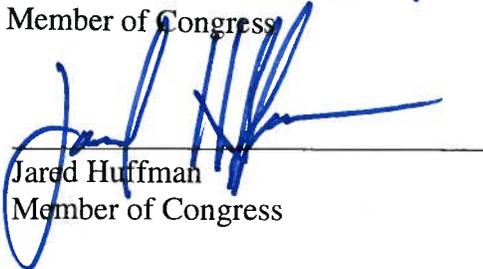
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Barbara Lee
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Jared Huffman
Member of Congress

cc:

Gina McCarthy, Administrator, U.S. Environmental Protection Agency
Thomas Vilsack, Secretary, U.S. Department of Agriculture
Thomas E. Perez, Secretary, U.S. Department of Labor
Sylvia Mathews Burwell, Secretary, U.S. Health and Human Services
Cecilia Muñoz, Director, White House Domestic Policy Council

[i] See 116 Cong.Rec. 37628 (1970) (Statement of Senator Nelson); id. at 37325 (Statement of Senator Williams)<https://law.resource.org/pub/us/case/reporter/F2/520/520.F2d.1161.74-2062.html>

[ii] <http://blog.epa.gov/blog/2015/06/integrating-environmental-justice-into-our-work/>

[iii] <http://migrationfiles.ucdavis.edu/uploads/cf/files/2011-may/carroll-changing-characteristics.pdf>

[iv] <http://grijalva.house.gov/uploads/Grijalva%20Letter%20to%20Gina%20McCarthy%20on%20Farmworker%20Protection%20Rule%20Feb%207%202014.pdf>

[v] http://grijalva.house.gov/uploads/8_18_14AgWorkerProtectionLetter2.pdf

[vi] <http://www.epa.gov/oig/reports/2015/20150515-15-P-0156.pdf>