

SAF

STUDENT ACTION WITH FARMWORKERS

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Special 8-page issue
+ Removable Fact Sheets

Current FAN Members:

East Coast Migrant Head Start
Farm Labor Organizing Committee
Farmworker Unit, Legal Aid of NC*
National Farm Worker Ministry-NC
NC Community Health Center Assoc.
NC Farmworkers' Project
NC Farmworker Health Program*
NC Justice Center
Student Action with Farmworkers

*Advisory Members



Focus on Reform

Raising our Collective Voice

by Melinda Wiggins, Executive Director of Student Action with Farmworkers

Access to just and favorable work conditions, fair wages, and a standard of living adequate for the health and well being of one's family are universally acknowledged standards of human rights that are regularly denied to farmworkers. Over half of all farmworkers are undocumented; many risk their lives crossing the U.S./Mexico border only to arrive indebted to human smugglers and future employers. The majority of farmworkers live in poverty, with undocumented workers consistently earning less than other workers.

Many are paid by the piece, and thus do not consistently earn minimum wage. During harvest, farmworkers work long hours without receiving overtime pay, holidays, sick days, workers' compensation, health insurance, vacation or retirement. Farmworkers also face many work-related health stressors, including exposure to highly toxic pesticides and inadequate housing. Farmworkers are consistently treated as different from other workers under the law. Where legal protections do exist, unique conditions and vulnerabilities of migrant life fuel under-enforcement.

The rapid growth of the Latino community in North Carolina has recently made this state a national flashpoint in the public debate over immigration. In response to this growing hostile environment, as well as to the lack of a proactive farmworker advocacy strategy in NC, SAF began talking with other farmworker support groups to develop the Farmworker Advocacy Network (FAN) in 2003.

FAN is the first and only cross-sector network in NC strategically addressing problems and issues affecting farmworkers, monitoring government agencies that enforce regulations affecting farmworkers, and bringing farmworkers' voices to the legislative process. During the past several years, FAN has successfully researched models of involving farmworkers in policy advocacy campaigns; monitored legislation impacting farmworkers; supported FLOC in their efforts to enforce their contract covering guestworkers; and supported litigation efforts with farmworkers.

Most significantly, FAN initiated a Migrant Housing Campaign that included working with legislators to introduce a bill to the state legislature, preventing the removal of migrant housing protections from existing laws, and pressuring the NC Department of Labor to adopt changes in their enforcement procedures. We also educated the public about migrant housing issues and garnered support from over 70 health, housing, legal, labor, and social justice organizations.

As we move forward in addressing the challenges that come with supporting a diverse farmworker population in a difficult political climate, we will advocate for stronger policies governing farmworkers and greater enforcement of laws covering farmworker housing, wage and hour, and pesticides (as presented in this newsletter). We will also continue to educate and involve students, religious groups, and community leaders to create a supportive environment for farmworkers to achieve greater social and economic justice.

SAF is a 501(c)(3) non-profit organization whose mission is to bring students and farmworkers together to learn about each other's lives, share resources and skills, improve conditions for farmworkers, and build diverse coalitions working for social change.

SAF STAFF

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ACTION ALERTS

To receive SAF's weekly Action Alerts about legislation affecting farmworkers, organizing campaigns, campus events, and job opportunities, send an email with the word "subscribe" to:

<farmworkers-request@duke.edu>

For more information or to submit articles to the newsletter, contact:

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Guide to Federal & NC Laws Affecting Farmworkers

Act/Law	Summary	Enforcement Agency
Civil Rights Act (1964) Title VI Rehabilitation Act (1973)	Prohibits discrimination on basis of race, color, national origin, and disability to participants in federally-assisted employment related programs	US Dept. of Labor Office of Civil Rights 200 Constitution Ave., NW Room N 4123 Washington, DC 20210 (202) 219-8927
Civil Rights Act (1964) Title VII Age Discrimination in Employment Act Americans with Disabilities Act (1990) Civil Rights Act (1991)	Prohibits discrimination of race, disability, color, religion, sex, age, national origin, and retaliation in all terms, conditions, privileges of employment and pay	Equal Employment Opportunity Commission 129 W. Trade St. Charlotte, NC 28202 (704) 344-6682801 1309 Annapolis Dr. Raleigh, NC 27608 (919) 856-4064
Fair Labor Standards Act (1938)* Migrant & Seasonal Farmworker Protection Act (1983)	Includes federal minimum wage and hour, child labor, overtime, farm-labor contractors, wage garnishment, safety and health for farmworkers, housing, and record keeping	US Wage and Hour Employment Standards Admin. US Dept. of Labor 4407 Bland Rd. Raleigh, NC 27609 (919) 790-2741
Immigration and Nationality Act (1952)	Covers US Passports, visas, and investigations	Immigration Service 6 Woodlawn Green, Suite 138 Charlotte, NC 28217 1-800-375-5283
Immigration Reform and Control Act (1986)	Prohibits national origin and citizenship status discrimination with respect to hiring, firing, and recruitment and referral for a fee	Office of Special Counsel For Immigration-Related Unfair Employment Practices US Dept. of Justice PO Box 65490 Washington, DC 20035-5490 1-800-255-7688
National Labor Relations Act (1935)*	Guarantees employees' rights to engage in or refrain from union activity (farmworkers exempt)	National Labor Relations Board 4035 University Pkwy. Suite 200 Winston-Salem, NC 27106-3325 (336) 631-5201
Occupational Safety and Health Act (1970)*	Health Standards and job safety for employment, including field sanitation and migrant farmworker housing, use of pesticides and farm chemicals	NC Dept. of Labor OSHA Div. Ag Safety and Health Section 413 N. Salisbury St. Raleigh, NC 27603 1-800-LABOR-NC
NC State Health Law	Health standards for food serving establishments, health and job safety, housing standards for migrant farmworker housing with 13+ occupants	NC Division of Health Services Dept. of Human Resources (Contact nearest County Health Dept.)
NC Wage Payment Law	Payment of wages for work not covered by US Wage and Hour	NC Dept. of Labor Wage & Hour 319 N. Salisbury St. Raleigh, NC 27601 (919) 807-2796
Legal Services Corporation Act (1974) NC Access to Justice Act	Provides legal services for low-income people, including farmworkers	Legal Aid of NC Farmworker Unit 224 S. Dawson St. Raleigh, NC 27611 1-800-777-5869
NC Workers Compensation Act*	Provides medical health benefits as a result of work-related injuries	NC Industrial Commission 430 N. Salisbury St. Raleigh, NC 27611 (919) 733-4820

*farmworkers are less protected under these laws

This is What Democracy Looks Like:

Taking Action for Immigration Reform *by Tony Macias*

Over the past several months, we have witnessed millions of people march throughout the US in support of human and civil rights for immigrants. This unprecedented movement arose from the grassroots, as immigrants everywhere broke the silence that they have borne because of fear.

SAF recognizes the connection between the movement for fair and just immigration reform and the struggle for farmworker rights- since the days of slavery, agriculture in the US has relied on the labor of displaced peoples. Currently, the vast majority of farmworkers are immigrants, many laboring in the same fields and under similar conditions that African slaves endured. Because our country has consistently exploited the labor of immigrants throughout its history, we have added our voice to the current movement for immigrant reform.

This February 14th, SAF joined Immaculate Conception Church, NC Justice Center, NC Latino Coalition, Accion Hispana, National Farm Worker Ministry, and El Pueblo to host the National Migrant March on its way from San Diego to Washington, D.C. The march, organized by Gente Unida & Border Angels, made a stop in Durham

to raise awareness about the harsh challenges migrants and immigrants face as they cross the U.S.-Mexico border in search of better opportunities.

On April 10, SAF staff participated in an L.A. march and helped organize an immigration reform rally that drew over 5,000 people to Siler City, NC.

On April 13, SAF joined in hosting the 20th annual Pilgrimage for Justice and Peace as it marched through Durham.

On May 1, SAF took part in a rally that drew out over 5,000 people to Lumberton, NC in support of immigrant and workers' rights.

We cannot fail to acknowledge the importance of collective action and protest in empowering those whose voices have been silenced. As the US House and Senate debate their widely divergent versions of immigration legislation, SAF will continue to support the efforts of those who, because of historical exclusion and exploitation, have little or no access to the political process.

Sí se puede!



Captions

1. Participants hold up an American Flag at the April 10 Rally in Siler City, NC. *photo by Lupe Huitron*

2. During the 2006 Migrant March Gail Phares of Witness for Peace and CITCA places one of 4,000 memorial crosses (to acknowledge those who have lost their lives crossing the US-Mexico Border since 1994) at Immaculate Conception Church in Durham, NC. *photo by Lori Khamala*

3. SAF Assistant Director Tony Macias holds the megaphone for Theresa El-Amin of Union Baptist Church during the 20th annual Pilgrimage for Justice and Peace. *photo by Lori Khamala*

4. Marchers hold up an immigrant rights banner as they walk through downtown Durham during the Pilgrimage for Justice and Peace. *photo by Tony Macias*

-Since the days of slavery, agriculture in the US has relied on the labor of displaced peoples

Each year, Student Action with Farmworkers calls on people around the US to take action during the week of Cesar Chavez' birthday- to commemorate his life and to highlight the ongoing struggle for justice in the fields. In late March and early April of 2006, over 50 organizations, churches and student groups planned 95 Farmworker Awareness Week events in 53 U.S. cities & 21 states @ 35 colleges, universities & high schools involving thousands of people. Read on to find out what people did around the country to support farmworkers from March 27-April 2, 2006:



Over 300 students and community members marched in Apopka, FL during Farmworker Awareness Week 2006

Taking Action with Farmworkers: Highlights from the Biggest Farmworker Awareness Week Ever

Cesar E. Chavez Foundation- On April 1, 300 migrant education students from Delano visited the Chavez Center in Keene, CA, where they participated in a teach-in and march for Cesar Chavez, organizing, and farmworker rights.

Farmworker Association of FL- Held a demonstration for immigrants rights in Apopka, FL with 300+ people. Participants signed 50 postcards for Pesticide Action Network North America's "Fumigants Must Go" campaign. 70-80 people attended a play titled *Esperanza Rising*, which is the story of a young girl's personal journey and the realities that farmworkers face in our country.

Gettysburg College, PA- Students, service-learning courses, organizations, and community members organized an orchard tour and movie night in Adams Co., PA.

Lewis & Clark College, Oregon- Coordinated leafleting and a panel for Threemile Canyon Farms campaign.

Stony Brook University, NY- The Student Farmworker Alliance held events for 260 people including a farmworker awareness music concert and a "Fair Food Friday" event, serving fair trade and organic food.

University of South Florida- Members Empowering True Awareness, Latin American Student Association, Mexican-American Student Association, and Students Against Discrimination Everywhere came together to hold the 2nd Stop the Bull Farmworker Awareness Campaign. They held creative events like *Build your Strawberry Shortcake!* and a workshop about pesticide exposure. Other events included Commemorating Farmworking Women in the

fields and a presentation on farmworkers/workers who face human trafficking in the U.S.

University of Texas-Brownsville- Organized an essay contest with the theme *The Life of a Farmworker*. Seven College Assistant Migrant Program (CAMP) students read and presented about the lives of farmworkers at Longoria Elementary School. After reading books about migrant farmworkers to the children, the club presented the books to the librarian for the school's library. Students and staff gathered to remember those who have died or were injured in the fields at a Candlelight Vigil. Students also participated in a Cesar Chavez Memorial Walk to Brownsville City Hall where they were greeted by Brownsville Mayor Eddie Treviño, Jr.

Other events were held at: Elon Univ., Texas A&M, St. Edwards, Univ. of Michigan, Univ. of Wisconsin, Winston Salem State, CSU-Bakersfield, Duke University, CSU-Long Beach, Eagle Rock High School, Univ. of Notre Dame, Warren Wilson College, UT-Knoxville, Cornell, Iowa State, U Mass, UT-Austin, Simmons College, Texas Tech, Maryville College, Central Michigan, Univ. of Central Florida, Lewis & Clark College, Enloe High School, San Bernardino Valley College, and Shepherd Univ.

Students associated with the National Farm Worker Ministry Youth and Young Adult Network participated in UFW Marches including the 6th Annual Mass in Chavez Memory in Los Angeles with 5,000 participants. Also, 5,000 people participated in the 8th Annual Cesar Chavez March in Los Angeles. ☺

2006 Farmworker Awareness Week was Sponsored by: Cesar E. Chavez Foundation, Farmworker Association of Florida, National Farm Worker Ministry & Youth And Young Adult Network, Pesticide Action Network North America, Student Farmworker Alliance, Student Labor Action Project, United Farm Workers, United Food and Commercial Workers International Labor Union



Recent Study Shows Farmworker Housing Standards are Poorly Enforced

In 2004, the Farmworker Advocacy Network (FAN) set into motion a process to gain access to NC Department of Labor (NCDOL) data on all migrant housing and safety violation investigations conducted between 2001 and 2005. Nearly 2 years later, a Harvard University graduate student has completed a study that analyzes 341 inspection records and compares them to data on an average of 2,200 NCDOL-registered migrant housing units between 2003 and 2005. Controlling for variables including region, crop type, employer immigrant and crewleader status, employee guestworker status, and pre-occupancy inspection and certification outcomes, this study uncovered some striking findings:

Pre-Occupancy Inspections Lead to Lower Violation Rates

This study found that housing units inspected prior to occupancy were 40 percent less likely to be identified later on as violators than non-inspected units, indicating that pre-occupancy inspection has a significant effect on violation incidence. (Raw violation levels for inspected and non-inspected housing units were 1.4% and 6.3%, respectively.)

Despite this finding, during the period studied, NCDOL resources were disproportionately focused on inspecting housing units with low likelihoods of violation. Indeed, from 2001 to 2005, H2A (guestworker) housing units were 16 percentage points more likely to receive a pre-occupancy inspection than their non-guestworker unit counterparts (96% versus 80%), despite the fact that they were 75% less likely to be found in violation of housing and safety standards. Additionally, certain regions with high violation incidences, particularly the north coast with an annual violation rate nearly 4 times the average of 3.3%, had low levels of pre-occupancy inspection.

The findings of this study support the conclusion that pre-occupancy inspections are an effective tool for preventing housing and safety violations, and that the NC Department of Labor should focus resources on inspecting sites with higher likelihoods of violating housing and safety standards.

Complaints Should Not be Prioritized Over Referrals for Post-Occupancy Inspections

NCDOL gives priority to complaints made by farmworkers over referrals made by advocates and third parties when scheduling post-occupancy compliance inspections. This study tested whether or not there is empirical support for

this practice, which results in an average wait of 2- to 3-weeks before referrals are investigated. This study found no statistical difference in violation outcome rates for complaint and referral-based inspections. This finding suggests that complaints and referrals should be treated with equal alacrity.



2003-2005 Housing Inspection Outcomes for Certified and Non-Certified Sites

Post-Occupancy Inspections Should Target Past/Worst Violators

Between 2001 and 2005, 114 post-occupancy inspections were conducted randomly (meaning that they did not result from a complaint, referral, or injury/fatality), representing approximately a third of all compliance inspections. 32% of these random inspections resulted in the issuance of violation citations, while violations were found in 66% of non-random inspections. Moreover, only 12% of random inspections resulted in "large" violator designations, compared to 40% of non-random inspections. Additionally, 2% of random inspections resulted in "very large" violator designations, as opposed to 21% of non-random inspections.

The relatively low levels of violations resulting from random inspections and serious concerns that high-risk housing operators are not being sufficiently regulated are strong reasons to replace random post-occupancy inspections with targeted inspections for high-risk groups. 🏠

-from Study of NC Farmworker Housing Act Enforcement by Ellen Phelps



The Face of Pesticide Misuse

by Fawn Pattison, Executive Director of the Agricultural Resources Center- www.pested.org

Readers of the Raleigh News & Observer were shocked this spring by a series of photos and front-page articles about Carlitos, the son of tomato pickers who was born last year with no arms and legs. His family contends that the employer, Ag-Mart, is to blame for Carlitos' injuries because of their gross misuse of pesticides and the resulting exposure of pregnant employees to chemicals known to cause birth defects.

Ag-Mart is a Florida-based company growing tomatoes in southeastern NC, as well as in Florida, New Jersey and Mexico. The company is one of the nation's largest grower of grape tomatoes, and is now facing record fines in NC and FL for their pesticide misuses – though the company denies all wrongdoing. The NC Department of Public Health has recently investigated the relationship between Ag-Mart's record of pesticide misuse and three babies with severe birth defects, including Carlitos, all born last year to mothers who worked for Ag-Mart during their pregnancies.

Pesticides cause serious illness and injury to farmworkers every year. Harm is inevitable when workers are exposed daily to chemicals that are skin and eye irritants, respiratory irritants, nerve poisons, carcinogenic, or suspected of causing birth defects.

The U.S. Environmental Protection Agency (EPA) estimates that, nationwide, there are 10,000 to 20,000 incidents of physician-diagnosed pesticide illnesses and injuries per year in farm work alone. EPA acknowledges that this estimate represents significant underreporting – and no comprehensive national data are available on the extent of pesticide illnesses.

US agriculture depends on the use of thousands of toxic chemicals, and on a workforce that is kept mostly silent about the health risks and employment abuses inherent in the agricultural system.

While better safety education for farmworkers is critical, it is not fair, or effective, for individual workers to bear the responsibility of fixing a broken system. As long as toxic pesticides are used in our system of agriculture, workers and consumers will continue to suffer the health effects.

Over the long-term, SAF and its allies, including the Farmworker Advocacy Network and the Agricultural Resources Center, must help build the public demand for a sustainable and just food system that does not rely on toxic chemicals. While organic agriculture is one approach, systems like Integrated Pest Management (IPM) offer "conventional" farmers immediate, dramatic and cost-saving reductions in pesticide use. Consumers should demand a just and sustainable food supply. If we do not, more children like Carlitos will continue to remind us of all that is wrong with our food supply – whether or not they appear on the front page of Sunday's newspaper.

"The NC Department of Public Health has investigated the relationship between Ag-Mart's record of pesticide misuse and three babies with severe birth defects"

ARC's Take on the NC Department of Public Health Report:

The report, released by the NC Division of Public Health's Occupational and Environmental Epidemiology Branch (OEEB), evaluated the likely pesticide exposures for each of the three women and the duration and timing of these exposures during the critical periods in their pregnancies. The authors concluded that while there is not enough evidence to definitively "prove" whether pesticides caused the birth defects, there is ample cause for suspicion. In epidemiological studies such as this one, it is virtually impossible to definitively "prove" causation. What the report does show are unacceptable exposures to known toxicants, a plausible cause of the defect through these exposures, and three tragic outcomes. The evidence gathered for this report was compelling enough to lead the NC Division of Public Health to make several recommendations for state and federal agencies, including: strengthening pesticide enforcement at the NC Department of Agriculture,

establishing a state pesticide illness & injury surveillance program, improving education of farmworkers and physicians, and strengthening the federal Worker Protection Standard (WPS).

The state's recommendations focus primarily on practical steps for state agencies, but unfortunately do not take into account the practical realities affecting farmworkers. Because of their very limited political power, farmworkers are unlikely to be able to effect much change in working conditions, no matter how much energy is invested in education and outreach efforts. In response to this report, the Agricultural Resources Center & Pesticide Education Project offers some additional recommendations to improve the health and safety of farmworkers in North Carolina's fields:

1. Improve the NC Department of Agriculture's pesticide enforcement. More pesticide investigators are needed, especially fluent Spanish speakers. Investigators must protect the anonymity of workers who report pesticide violations or participate in investigations.

2. The NC Department of Agriculture and/or Department of Labor should require thorough training and certification in Worker Protection Standards for growers and crew leaders who employ farmworkers.

3. Ag-Mart should be held accountable for the hundreds of pesticide violations that may have caused the tragic birth defects in all three families, as well as the health care costs for the affected children.

4. The use of teratogenic and mutagenic pesticides should be immediately discontinued by US EPA. If the EPA does not act quickly to protect children's health, then the states should step in.

5. NC should fully fund a pesticide illness and injury surveillance system. Without a pesticide surveillance system, it is virtually impossible to know whether the state's regulations, enforcement, outreach and intervention methods are actually successful in preventing exposures.

Get more information and report pesticide violations to **1-800-NO-SPRAY**

Into The Fields Class of 2006:



Western North Carolina

Benjamin Gaspar (Barry University)
 Jannah M. Tudeviver (App. State)
 Miguel E. Perez (Lewis-Clark)

Western NC Workers Center
 Watauga Medical Center
 Surry County Health Center

Morganton
 Boone
 Dobson

Central North Carolina

Nancy Preciado (CSU-Sacramento)
 Daniel D. Dwyer (Duke)
 Erica A. Bratz (Guilford College)
 Julian Sanchez (CSU-Sacramento)
 Jessica R. Garcia (CSU-Long Beach)
 Rito A. Escareno (St. Edwards)
 Yanira I. Reyes (CSU-Fresno)
 Jessamyn L. Bowling (UNC)
 Mayra Albor (Lewis-Clark)
 Amy M. Gellatly (UNC)

National Farm Worker Ministry
 National Farm Worker Ministry
 United Food & Commercial Workers
 Farmworker Unit of Legal Aid of NC
 NC Justice Center
 Agricultural Resource Center
 Wake County Farmworker Health Program
 Wake County Farmworker Health Program
 Piedmont Health Services
 Piedmont Health Services

Durham
 Durham
 Durham
 Raleigh
 Raleigh
 Raleigh
 Fuquay-Varina
 Fuquay-Varina
 Prospect Hill
 Prospect Hill

Eastern North Carolina

Natashia Vasquez (USF)
 Sarah E. Stephens (Duke)
 Jenny V. Gallegos (Boise State Univ.)
 Jerrina Rodriguez (CSU-Bakersfield)
 Victor M. Luevano (Santa Rosa Jr. College)
 Irving H. Zavaleta (Guilford College)
 Aylwin Lo (Frontier College)
 Leonila Rivera (CSU-Fresno)
 Erica R. Bondy (College of Charleston)

Carolina Family Health Centers, Inc.
 Carolina Family Health Centers, Inc.
 United Food & Commercial Workers
 United Food & Commercial Workers
 Greene County Health Care
 Greene County Health Care
 Episcopal Farmworker Ministry
 NC Farmworkers Project
 NC Farmworkers Project

Wilson
 Wilson
 Pembroke
 Pembroke
 Snow Hill
 Snow Hill
 Newton Grove
 Benson
 Benson

South Carolina

Sanjuana Garcia (CSU-Bakersfield)
 Mary E. Lohman (USC-Columbia)
 Luis C. Arreguin (ABAC)

SC Primary Health Care Association
 SC Primary Health Care Association
 SC Primary Health Care Association

Cowpens
 Cowpens
 Columbia

Support SAF Today! 5 easy ways you can donate:

● Donate Your Car Through www.donationline.com

SAF can now accept donations of cars, boats, RVs, motorcycles, jet skis, even airplanes through this broker. The process is simple: you make a call, donationline.com picks up your vehicle, sells it, and sends the proceeds to us.

● **Give through the Triangle Community Foundation** You can make a secure gift to SAF through the Triangle Community Foundation. Check out SAF's impact profile on the TCF's Philanthropy Central at www.trianglecf.org

● Participate in NC Community Shares

SAF is a member of NC Community Shares, a coalition of over thirty nonprofit organizations in NC that raises money for social justice work through workplace giving programs. Ask your employer if you can donate to SAF through this payroll giving campaign. www.ncshares.org/Workplace.htm

● Food Lion Shop and Share Program

SAF is now part of the Food Lion Shop & Share program, so that each time you shop at Food Lion and use your MVP card, a portion of your total grocery purchase will be donated to SAF at no additional cost to you. To begin, please go to: [Cardshttps://www.foodlion.com/IntheCommunity/ShopandShare/secure/RegisterMVPCards.asp](https://www.foodlion.com/IntheCommunity/ShopandShare/secure/RegisterMVPCards.asp), select Student Action with Farmworkers, and then add your MVP card.

● Buy a ticket with Flexitix and Donate 20% to SAF

Flexitix donates 20% to SAF every time someone buys a ticket to a sports, entertainment, cultural event in the NC Triangle. Tickets are always below regular price and there are no convenience fees or shipping/handling. Be sure and choose Student Action with Farmworkers under Other Clubs and Organizations when making your purchase.

