

CHAPTER EIGHT

Putting Pest Control Before Human Health

“Tell your members of Congress that they must regulate the regulators. Bureaucratic handiwork takes \$20 billion a year straight off of our net farm income.... This law gives the EPA virtual free rein to pursue their anti-chemical agenda.”

— Dean Kleckner,
former AFBF president.

The Food Quality Protection Act of 1996 requires EPA to reevaluate all pesticides and herbicides used on food to establish a “reasonable certainty of no harm.” EPA must pay special attention to the effects of these toxic chemicals on children and consider all sources of exposure, including drinking water and household bug sprays. Although AFBF supported the legislation, subsequent implementation has inspired Farm Bureau leaders to make wild predictions about the end of agriculture as we know it. “As a farmer and a father, I’m outraged! And, you should be, too!” writes Arkansas Farm Bureau president Andrew Whisenhunt on the bureau website. “The EPA intends to ban hundreds, maybe thou-

sands, of the most widely used, most successful pesticides we have and in the process ban food safety and abundance. Americans young and old may not get the nutrition we need to stay healthy. The EPA will be banning the affordability and availability of wholesome food!”

In reality, EPA is considering whether about 40 organophosphates should be restricted or taken off the market. Organophosphates are neurotoxins developed originally during World War II as nerve gas agents for chemical warfare. They work by paralyzing muscles, and they can kill humans and other species in exactly the same way they kill bugs. Organophosphates are widely used as roach and termite killers, and since they are also used on such crops as cotton, soybeans, potatoes, corn, carrots, rice, bananas and other fruit, human exposure is a concern.

EPA has accelerated its review of new, less toxic alternatives to organophosphates, and several are already on the market. But development of these new pesticides has not stopped the Farm Bureau’s vitriolic rhetoric. “EPA is moving quickly and not so secretly to eliminate many of our

most important crop protection tools,” Kleckner wrote in a 1998 column. “Organophosphates are in the agency’s sights now. If the agency continues on the course it has set, farmers will see their control costs skyrocket, product quality deteriorate and crop volumes decline.”

On the Arkansas Farm Bureau website, Whisenhunt goes further, putting the scare into farmers by telling them that the Food Quality Protection Act “is being wielded carelessly by the EPA in a way that will not just put American farmers out of business, it will endanger the safety of fruits and vegetables.... There are serious questions about the ‘science’ the EPA has used to determine that these pesticides are unsafe. It’s not allowing input from outside scientists (‘peer-review’) that ensures its ‘data’ is [sic] valid. Overzealous and careless banning of the most widely used, safe pesticides will cause a major disruption of agricultural production and weaken our nation.”

Again, as with global warming, the Farm Bureau pitch distorts the facts. To begin with, says EPA’s senior pesticide science adviser Penny Fenner-Crisp, most of the studies EPA relies on were provided by pesticide companies. The evaluation process is subject to extensive outside peer review. University, government and chemical industry scientists sit on an independent science advisory panel that checks EPA’s work. Another 52-member panel representing everyone from environmentalists to the Farm Bureau advises EPA on every step. Former AFBF president Kleckner even sat on that panel. “We have been bending over backwards to involve all of the interested parties as we go through this process,” says Fenner-Crisp. “We’ve been cranking out

new chemicals at a fairly brisk pace. What else would they have us do?”

If anything, says World Resources Institute epidemiologist Devra Davis, EPA is giving chemical companies too much of a break at the expense of protecting children’s health. Davis objects to EPA’s practice of keeping pesticide industry studies secret. Outside scientists are allowed to see only summaries. And Davis raises an even more disturbing concern: EPA has been accepting industry studies of pesticides tested directly and deliberately on human beings.

HUMAN GUINEA PIGS

When Dow Agrosiences wanted to find out how much of the organophosphate chlorpyrifos humans could tolerate before suffering serious nerve damage, the company asked for employee volunteers to consume measured doses of this highly toxic chemical. EPA considered the results of the experiment in setting “safe” limits for chlorpyrifos exposure.

Although questions have been raised about the ethics of using human test subjects, a coalition of farm, food, pest management and manufacturing groups has encouraged chemical companies to test their wares on humans more often. The coalition, called the Implementation Working Group, says it “joined together to address and respond to the requirements of the Food Quality Protection Act.” AFBF is a member of the group.

In 1998 this group took the position that pesticide makers “will find it increasingly undesirable” to rely on animal testing “since this customarily requires the application of a tenfold uncertainty factor to account for interspecies

variations.... For this reason, there probably will be an increased reliance by registrants on data from human studies on acute or short-term toxicity of organophosphates that could avoid the need for that tenfold uncertainty factor.”

In other words, EPA might allow higher pesticide levels in food and water if testing is done on humans rather than mice. Of course, feeding pesticides to healthy adult males says nothing about the effects these chemicals might have on children or pregnant women. Nor does it shed light on the effects of long-term, low-dose exposures. Nevertheless, says Ken Cook of the Environmental Working Group, “pesticide companies have a huge financial incentive to test people instead of other animals. They know that U.S. regulations on pesticides are finally being tightened. Human tests enable chemical companies to eliminate safety factors that have long been applied when nonhuman animals are used for testing.”

EPA is only now beginning to grapple with the issue. An announcement of a task force meeting late in 1998 said “the Agency is particularly interested in exploring the issues raised when private companies choose to test pesticides in humans, and submit the results of such research to EPA. Because EPA neither encourages nor requires research on pesticide effects in humans it has not set standards for such studies. A central issue is how the Agency should assess the scientific and ethical acceptability of these studies when they are submitted for its consideration.”

Whatever EPA decides with regard to human testing, former AFBF president Kleckner said Farm Bureau lawyers stand ready to file lawsuits if Farm Bureau leaders do not like the outcome

of the pesticide reviews. AFBF is also asking legislators to impose a moratorium on EPA regulations and cut the agency’s budget.

Although it may be a coincidence, at least one Farm Bureau-linked company manufactures several organophosphates. Novartis (the multinational corporation now in partnership with a Farm Bureau-affiliated cooperative) makes organophosphates such as profenofos, a chemical on EPA’s initial hit list. EPA put profenofos on the list because the compound is considered one of the most hazardous insecticides on the market. “We decided to reevaluate the worst pesticides, the most dangerous ones first,” says Fenner-Crisp. “That’s why we’re looking at organophosphates.”

The Farm Bureau maintains that dangers from pesticide residues have never been proved, even for the chemicals EPA considers the greatest threat to children’s health. “Farm Bureau is absolutely in favor of protecting children from the higher risks of pesticides if and when they do exist — that’s a no-brainer,” says Dennis Stolte, AFBF deputy director of government relations. “We think EPA right now is overreaching in applying the full tenfold margin of safety for children before we have data to show there are actual health risks there.... Most food experts would agree that the health risks from food pesticide residues, if not nonexistent, are certainly very, very small.”

Pediatrician Philip J. Landrigan of Mount Sinai Medical Center in New York takes issue with that conclusion. Landrigan chaired a panel of the National Academy of Sciences that concluded in 1993 that EPA regulations systematically underestimated children’s risk from pesti-

cides. The academy's study and similar research led to passage of the Food Quality Protection Act, which requires EPA to err on the side of caution to protect infants and children.

According to Consumers Union, the research and advocacy group that publishes *Consumer Reports* magazine, two out of every five toddlers who eat an American-grown peach are getting too much of the organophosphate methyl parathion. A Consumers Union analysis of government data found that apples, grapes, green beans, peaches, pears, spinach and winter squash all have unacceptably high levels of pesticide residues. Consumers Union stresses that these residue levels are not acutely toxic. They are not poisonous in the sense that a child could be sickened from one meal. But over time, if young children eat food with residues at these levels, it could raise the risk of cancer and other health problems.

The Farm Bureau argues that restrictions on pesticides will lead to a scarcity of wholesome, affordable food. But according to Consumers Union policy analyst Jeannine Kenney, "Many safer pest-control alternatives exist." Parents should be able to feed their children nutritious fruit and vegetables without exposing them to potentially unsafe levels of harmful pesticides. "Phasing out a small fraction of high-risk insecticide uses would substantially reduce children's risk while maintaining a productive, sustainable agriculture," says Kenney.

Because of consumer demand for safer produce, organic farming has emerged as an important segment of American agriculture. Small farmers, especially, have discovered that they can increase per-acre profits dramatically by growing

higher-priced organic food. Yet the Farm Bureau has done little to foster such development. And in Iowa, some organic farmers are accusing the Farm Bureau of making it difficult to keep organic farms chemical-free.

DRIFTING POISON

"I cannot imagine why the Iowa Farm Bureau wants to protect farmers and applicators who violate the law. The Farm Bureau talks about how they want to be good neighbors. If that's true, I can't understand why they are so upset about raising penalties for farmers who allow pesticides to drift onto their neighbors' property"

— Dennis Fett, Iowa organic farmer.

Nearly two decades have passed since Dennis Fett began raising organic vegetables and peacocks on his Minden, Iowa, farm. In that time, he has never used herbicides or insecticides, but Iowa Pesticide Bureau investigators in 1998 found significant levels of chemicals on his land, including atrazine and the highly toxic herbicides acetochlor and 2,4-D, a major component of Agent Orange.

Fett has filed complaints with the state year after year alleging that pesticide applicators spraying neighboring farms allow the chemicals to drift onto his property. A nationally recognized peafowl breeder, Fett blames the death of one of his prize peacocks on the chemicals. Other Iowa farmers have blamed pesticide drift for killing animals and contaminating organic crops. In 1998, the Iowa Pesticide Bureau

received 146 such complaints. Fett believes penalties for this offense are too low to motivate applicators to be more careful.

For the last six years, Fett has campaigned for a tougher law that would raise fines from the current \$500 maximum to \$1,500. Other mid-western states impose fines of as much as \$7,500 per offense, but a bill to raise penalties died in a subcommittee after the Iowa Farm Bureau raised objections. Says Fett, “We’ll push for the bill again next year, but I honestly don’t think it will go through. The Farm Bureau holds way too much power here.”

Farm Bureau leaders contend that organically grown foods are no more healthful than the chemically assisted kind. They are ready to challenge anyone who says pesticide residues in food cause harm. In more than a dozen states, farm bureaus have helped to win passage of anti-disparagement laws making it illegal to report that chemical residues or other contaminants in food are harmful unless those claims can be proved scientifically.

VEGGIE LIBEL

“You might remember the Alar debacle. The same kind of junk science that sent mothers scurrying to dump apple juice and snatch apples out of lunch bags is again staring us in the face.”

— Dean Kleckner,
former AFBF president.

Equating Alar with junk science is one of the most enduring myths of environmental debate.

The Farm Bureau, along with a coalition of well-heeled industrial associations, has helped convince journalists and the public that the Alar scare was a hoax — that the chemical never posed any health risks and that apple farmers lost a great deal of money as the result of public hysteria over a nonexistent threat.

The Farm Bureau is wrong on all counts. Alar was taken off the market in 1989 because credible peer-reviewed scientific studies found that the chemical posed an unacceptable cancer risk, especially to young children. The American Academy of Pediatrics had urged EPA to ban Alar in 1986. Since then, EPA’s independent science advisory board has reviewed the evidence on Alar three times and each time has reached the same conclusion: Alar residues pose a significant health risk and the chemical should not be used. The World Health Organization’s International Agency for Research on Cancer and the National Toxicology Program of the U.S. Public Health Service both confirmed Alar’s carcinogenicity. Further evidence about Alar’s dangers can be found in numerous studies published in respected peer-reviewed scientific journals with exacting standards. To call this work “junk” debases the very notion of sound science that the Farm Bureau claims to cherish.

The Farm Bureau also exaggerates the impact that the Alar controversy had on growers. Alar was never critically important for producing healthy apples. It was used to make orchards ripen on schedule. After a 1989 CBS “60 Minutes” broadcast raised questions about EPA’s delay in taking action on Alar, Washington apple growers claimed to have lost \$100 million in

sales and sued CBS for damages. The Farm Bureau says “the real loss was close to \$450 million.” But according to the Department of Agriculture, apple sales only stumbled momentarily and were back to normal within four months. A federal court dismissed the growers’ lawsuit, finding that the “60 Minutes” broadcast had been substantially correct. In 1996 the U.S. Supreme Court upheld that ruling.

Why the Farm Bureau has chosen to ignore these facts remains unclear, but the organization has taken advantage of the misunderstandings about Alar to help silence critics who raise concerns about pesticides or food-borne illness. In every state where farm bureaus have lobbied for so-called “veggie libel” laws, the organization consistently raises the specter of Alar and “junk science.” The tactic has been successful. Farm bureaus have persuaded legislatures in 13 states to approve such laws.

Most of these laws remain untested. In one well-publicized case, cattle growers sued television personality Oprah Winfrey under the Texas veggie libel law, but the court ruled that the law did not apply to Winfrey’s reports on mad-cow disease. A jury found in Winfrey’s favor on other counts. Regardless of that outcome, current postings on the Montana Farm Bureau’s website refer to the Winfrey case as proof of “why anti-disparagement laws are necessary to protect agricultural products.”

AFBF has even tried to get the federal government involved in squelching reports of food-

related risks. It has urged the Department of Agriculture to investigate “unsubstantiated” media reports and to help producers challenge them. This position seems ironic for an organization that is usually so vocal in criticizing the intrusiveness of the federal government. Even the trade magazine *Feedstuffs* considers it a bad idea. In an editorial titled, “Absolving Farmers Worst Step in Food Safety,” *Feedstuffs* says, “Although the AFBF means well, such an arrangement would compromise the USDA’s role as intermediary between producers and consumers.”

The New Mexico Farm and Livestock Bureau would simply cut off all information about which pesticides are used on which crops, or which microorganisms are found in whose processing plants, or how much manure has run into which streams, by exempting all agricultural activities from right-to-know laws. The New Mexico Farm and Livestock Bureau approved a resolution calling for such an exemption at its 1998 state convention.

At that same convention, New Mexico delegates adopted a resolution opposing field reentry regulations that the Farm Bureau considers “unreasonable.” Those rules prohibit growers from sending workers back into fields immediately after they are sprayed. They are based on manufacturer estimates of how long insecticides and herbicides remain acutely toxic. The resolution is just one example of Farm Bureau resistance to even minimal protections for farm workers.

FARM WORKERS AT RISK

“The new regs weren’t anything major that would be a substantial disruption or expense to employers, but you should have heard the screaming and howling. You would have thought somebody had burned their barns and run off their stock.”

— David Hall,
Texas Rural Legal Aid attorney.

In the early 1980s, when the Texas Agriculture Department adopted regulations to prevent growers from spraying pesticides while farm workers were in the fields, the Texas Farm Bureau nearly succeeded in getting the state legislature to revoke those rules. “The Farm Bureau acted as though an asteroid had struck Texas,” says Jim Hightower, then state agriculture commissioner. “To hear them talk, you’d think that this was the end of civilization as we knew it,” he reflected during a recent interview.

Hightower’s agriculture initiatives, including his efforts to protect workers, so angered the Texas Farm Bureau that it tried to persuade the legislature to convert Hightower’s job from an elective to an appointive position. Bureau spokesman Gene Hall acknowledges that the bureau wanted to get rid of Hightower, no matter how. “I wouldn’t agree that it was an undemocratic move,” Hall said in an interview. “It was part of a strategy to change the leadership of the Texas Department of Agriculture.” The bill failed by one vote.

AFBF lobbyist Dennis Stolte maintains that the Farm Bureau certainly does not approve of

spraying pesticides on workers. “That’s a totally indefensible practice,” he says. “Farm Bureau supports the strongest possible penalties for producers who openly violate the law.” But he says he is not convinced that pesticide exposure has seriously harmed farm workers. “From the worker safety data that I’ve seen, it’s very unclear whether we can document any deaths from pesticide use,” he said in an interview.

The case of Zacarias Ruiz is well documented in the medical literature, however. Ruiz was a Texas field hand in the early 1980s when he died a few hours after exposure to the extremely toxic herbicide Dinoseb. Although it had been well established that Dinoseb can be absorbed through the skin, Ruiz was given no gloves or protective clothing when he was told to treat a field using a backpack and hand-held sprayer. His death helped prompt the Texas Agriculture Department’s new pesticide regulations. In another case, Ciba Corp. took one of its organophosphates off the market “after several farmers using the products were reported to have died or been hospitalized due to accidental poisoning,” according to a 1995 report in *European Chemical News*. (One year later Ciba merged with Sandoz to create Novartis. As mentioned earlier, Novartis and the Farm Bureau’s Growmark and Countrymark cooperatives have since formed partnerships to sell pesticides, seeds and other products to co-ops.)

Pesticide safety rules are not the only farm worker protections the Farm Bureau has opposed. A posting on the Farm Bureau web site boasts that last year “Farm Bureau worked to decrease the regulatory burden on thousands of

farm employers, due to the Migrant and Seasonal Worker Protection Act, the Fair Labor Standards Act, the Worker Protection Standard, the Occupational Safety and Health Act, as well as numerous state and local laws.”

In his 1992 book *The Corporate Reapers*, agribusiness historian A.V. Krebs details the Farm Bureau’s extensive record of anti-farm-labor activity. According to Krebs, the Farm Bureau played “a major role in excluding agriculture and farm labor from the provisions of the 1937 National Labor Relations Act.” The significance of that action is critical to understanding the Farm Bureau’s attitude toward family farmers, the people AFBF leaders routinely laud as the backbone of America. In 1937 many of the nation’s farm workers had quite recently been family farmers themselves.

The year 1937 marked the height of the Dust Bowl, a 14-year drought that culminated in dust storms that destroyed crops and pastureland throughout the Great Plains. By then, many thousands of family farmers in Oklahoma, Texas, Kansas, Colorado and New Mexico had lost their farms. Because their skills were primarily in farming, many became farm workers. The Farm Bureau opposed nearly all measures that would have given these new farm workers legal protections, higher wages and better working conditions. By doing so, the Farm Bureau helped to ensure that these former farming families would remain in poverty.

Today, the Farm Bureau continues to fight against farm worker benefits. The organization has worked against including farm workers under Social Security and unemployment insurance

and has tried to block minimum wage laws and workers’ compensation insurance coverage. For example:

- For years the Farm Bureau successfully blocked Idaho legislation to require workers’ compensation insurance for farm labor. According to the *Idaho Statesman*, Idaho Farm Bureau president Tom Geary argued that the insurance was “a socialistic and Communistic system.” After turning down farm worker coverage eight times, the Idaho legislature finally adopted the requirement in 1996. That was after farm worker Javier Tellez Juarez lost both arms and a leg when his clothing caught in a power post-hole digger. The burden of his medical costs went to taxpayers. Now, Idaho Farm Bureau Mutual Insurance sells workers’ compensation insurance itself through its subsidiary, Western Community Insurance Company.

- In Ohio, the Farm Bureau worked to retain an exemption from the National Labor Relations Act for large corporate farms. As a result of this exemption, workers on egg farms with millions of laying hens have no protection from firing or harassment by their bosses if they try to organize labor unions. The exemption has worked to the benefit of companies such as Buckeye Egg, one of the nation’s largest producers, with annual sales of \$100 million. In 1998, Buckeye agreed to a \$425,000 settlement with the U.S. Occupational Safety and Health Administration over substandard working conditions and migrant housing. Neighbors aren’t happy with Buckeye, either. They’ve complained about enormous swarms of flies and about manure problems.

• The Texas Farm Bureau opposed legislation in the 1980s to ban the short-handled hoe. Growers prefer that workers use this tool because it enables them to be more precise in chopping weeds. Unfortunately, the stooped position required to use this hoe can lead to serious back trouble. In 1999, the New Mexico Farm and Livestock Bureau successfully opposed legislative efforts to ban the short-handled hoe. The tool was already off limits under state regulations, but bill sponsors wanted to add the force of law by specifically making the practice illegal.

CHILD LABOR

“The child labor provisions of the Fair Labor Standards Act are outmoded and should be modernized. Young people 10 to 12 years of age should be able, with parental consent, to do certain kinds of safe work on farms during non-school hours and those aged 12 to 13 should be allowed more latitude in working on farms with parental consent.”

— AFBF 1999 policy manual.

Family farms are already exempt from the child-labor provisions of the Fair Labor Standards Act; work restrictions do not apply to the children of farmers. The child labor restric-

tions the Farm Bureau wants to change apply to hired help. Under the Farm Bureau proposal, 12-year-olds could be employed full time on farms as long as parents approve.

In the Rio Grande Valley of south Texas, where big fruit and vegetable growers dominate agriculture, the U.S. Department of Labor is called in every now and then to investigate employment of children. “And sure enough, they find six-, seven- and eight-year-olds working with mommy and daddy,” Texas Rural Legal Aid attorney David Hall says.

Hall and other legal-aid attorneys who have called attention to the number of children working on farms instead of attending school have landed on the Farm Bureau’s enemies list. Both AFBF and the Texas Farm Bureau advocate cutting back or eliminating the Legal Services Corporation, a federal organization that provides legal-aid attorneys like Hall to assist low-income clients. “Legal aid lawyers typically have greater resources to pursue a technical or frivolous claim under laws governing the employment of migrant farm workers,” says the AFBF policy manual.

On labor and a multitude of other issues, the Farm Bureau has aligned itself with groups on the far right of the political spectrum. Farm bureau leaders insist that the organization runs on principles of fair-mindedness. But the next chapter will show that the record says otherwise.