



School Pesticide Monitor

A Bi-Monthly Bulletin on Pesticides and Alternatives
Beyond Pesticides, 701 E Street SE, Suite 200, Washington, DC 20003
info@beyondpesticides.org ■ www.beyondpesticides.org

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Parents Sue EPA for Continued Failure to Protect Kids

More than a decade after Latino parents filed a civil rights complaint with the U.S. Environmental Protection Agency (EPA) detailing the dangerous levels of pesticides at Latino public schools throughout California, the parents are suing the agency for its continuing failure to protect Latino students. The schools are near crop fields where methyl bromide and other toxic fumigants are sprayed.

In attempts to finally force EPA to protect the civil rights of hundreds of Latino children, Center on Race, Poverty

and the Environment (CRPE), California Rural Legal Assistance Inc., Farmworker Justice, and The City Project filed a lawsuit on behalf of the original plaintiffs, the Garcia family, and multiple generations of Latino school children who still do not have substantive protection from the EPA.

The Garcia's complaint challenges EPA's *Civil Rights Act* regulations, and if successful, the lawsuit has the potential to allow other people of color across the country more access to protections from racial discrimination. Most importantly, it will formally rec-

ognize that a healthy environment is not a luxury but a civil right.

In 1999, the Garcia family alleged that their children and other Latino children were being exposed to dangerous levels of pesticides at their public schools, which are directly adjacent to several strawberry fields where methyl bromide and other fumigants are sprayed. The complaint was filed under Title VI of the *Civil Rights Act of 1964*, which prohibits intentional discrimination and discriminatory effects

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Concerned Parents Mobilize to Prevent Pesticide Use

Ball State University, Indiana cancelled plans to spray herbicides on the lawns around its K-12 school after objections from parents worried about their children's exposure to toxic chemicals. The university planned to use Trimec 992, a 2,4-D product, but a petition started by parents helped stop the weedkiller's use.

The spraying was scheduled during the start of the fall break at Burriss Laboratory School, a separate K-12 school district overseen by Ball State University. Instead, school Principal Cathlene Darragh sent an email to Burriss parents explaining that the school decided against the spraying. "We have received a great deal of feedback from parents and the community about possible weed and pest control for the

school lawn that was scheduled for this weekend. We have worked with the facilities department to further evaluate the need to spray. Upon further consideration, we have decided to forgo the scheduled spraying."

Parents mobilized after it became known that the school planned to spray Trimec 992, a 2,4-D product on school grounds. 2,4-D, a widely used herbicide in many 'weed and feed' lawn care products, is associated with many human and environmental health impacts. 2,4-D has been linked to cancer, reproductive effects, endocrine disruption, kidney and liver damage, is neurotoxic and toxic to beneficial insects (such as bees), birds, and fish. Additionally, scientific studies have confirmed significantly elevated rates

of non-Hodgkin's lymphoma for farmers who use 2,4-D. In a similar incident, parents in Durango, Colorado created an uproar when they discovered a synthetic weed killer containing 2,4-D, dicamba, and mecoprop-p (MCCP) would be applied to the athletic fields before school games, which led to the city postponing all youth soccer games scheduled on treated fields and led to the adoption of community policy prohibiting such use.

Dave Ring, owner of The Downtown Farm Stand organic grocery store, and Michael Williamson, a parent and physician at IU Health Ball Memorial Hospital, led the charge against using the weedkiller. A petition was

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Parents Sue EPA

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on the basis of race, color, and national origin by recipients of federal financial assistance. The complaint alleged that the California Department of Pesticide Regulation's (CDPR) annual renewal of the registration of methyl bromide in 1999 discriminated against Latino school children based on the health impacts of this pesticide. Concerns were raised that there was an unintentional adverse and disparate impact on Latino children resulting from the use of methyl bromide based on the high percentage of Latino children in schools near fields where it is applied.

In 2011, the EPA issued the first ever preliminary findings of racial discrimination based on Garcia's claims, finding that California's Latino school children do, in fact, suffer disproportionately from exposure to pesticides from spraying near their schools. However, the agency has yet to remedy these pesticide exposures.

EPA then entered into negotiations with CDPR and agreed to expand ongoing monitoring of methyl bromide air concentrations by agreeing to monitor at or near one of the schools named in the original complaint. However, according to this new suit, EPA failed and continues to fail to protect the rights to freedom from racial discrimination, noting that CDPR's measures fall short of actually providing relief to the children and their parents who were affected by the use of methyl bromide.

"I will keep fighting for my family," said Maria Garcia, a mother and grandmother, as the lawsuit was filed. This discrimination has gone on so long that Maria's son who participated in the original suit as a high school student is now a father with two of his own children who will attend the same polluted schools he did. These schools, like many other schools in California with high concentrations of Latino students, continue to face high levels of exposure from dangerous levels of pesticides in the air.

Campus Lawns

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started against the spraying that gathered more than 130 signatures as of last week. According to the petition, "spraying pesticides on the lawn of Burris School is unnecessary and puts young children at risk for exposure to toxins. Exposing children to pesticides is unnecessary because there are sustainable landscaping options that are safe for everyone."

At first, Ball State University defended its use of Trimec 992, saying that it is used on campus lawns to maintain an aesthetically pleasing look, and spraying helps to maintain a good turf environment, preventing turf from becoming hard and causing injury. However, this is a popular myth, many turf managers believe. This myth maintains that dandelions and tufts of plants not taken care of with chemicals cause children to trip and injure themselves. However, these injury claims are not

substantiated. The safety of a field is not dependent on whether there is a chemical-based maintenance program; any turf that has an irregular surface can lead to falls or twisted ankles.

In fact, chemically-treated turf is generally harder and more compacted than turf not treated with chemicals because there are little to no soil organisms to aerate and break up the soil. Organically managed turf, however, is not only a viable alternative to one managed with pesticides, but can be just as aesthetically pleasing and cost-effective. Many communities and school districts are foregoing chemical management of their grounds for an organic system which does not rely on toxic inputs.

Mr. Ring says he's "very happy and grateful" to Ball State President Jo Ann Gora and her administration for being responsive to parents' concerns. "Getting involved in your community does make a difference!"

Mobilize Your School District

It takes a lot of work and commitment, but with a little perseverance, you too can make a difference in your community. It's important to find support—friends, neighbors, and other people who share your concerns about children's health. We have several resources available to help you organize in your community, which can be found at www.beyondpesticides.org.

1. **Find allies and create a coalition.** Start with your family, friends and neighbors. Contact local groups that may be interested, such as environmental organizations, community groups, garden clubs, churches, and the PTA.
2. **Contact your school board or other local elected officials** and let them know that you strongly support a policy which restricts pesticide use on and around school grounds in favor of organic management approaches.
3. **Start a petition.** Starting your own petition is easy! You can start a petition online using one of many free petition-hosting sites, or contact Beyond Pesticides and we can help set one up for you. You can also simply print up a piece of paper and collect signatures when you attend local events, canvas door-to-door, etc. Be sure to get sufficient contact information to follow up.
4. **Write a letter to the editor to your local newspaper or school bulletin.** Be concise and summarize your position in the first sentence (most editors read the first 2-3 sentences before deciding whether to include a letter). Be sure to keep your letter under 200 words, and pay attention to spelling and grammar.
5. **Contact Beyond Pesticides.** Tell us what you're doing at your school to stop or reduce pesticides, and let us know if you need assistance. We talk to people every day who, like you, want pesticide reform. Call us at 202-543-5450, email us at info@beyondpesticides.org, or post a note to our Facebook page.