

## **Race, Poverty and Pesticides**

by Jay Feldman, Executive Director, Beyond Pesticides, 701 E Street, SE,  
Washington, DC 20003, 202-543-5450, [www.beyondpesticides.org](http://www.beyondpesticides.org)

The U.S. government's policies and practices in regulating toxic pesticides, whether by neglect or design, are inherently racist. This manifests itself daily in the disproportionate health and environmental hazards in people of color communities. The effects of pesticides on human health and the environment are well-documented in scientific and policy journals, while the disproportionate risk to people of color communities is not fully discussed as the national disgrace that it is. Pesticides are linked to a range of effects including cancer, birth defects, reproductive effects, respiratory illness including asthma and reactive airway disease, neurological disorders including Parkinsons and Lou Gehrig's disease, learning disabilities and endocrine system disruption. The range of effects and their impact on daily life is staggering and unacceptable given the availability of safe alternatives that do not poison people or contaminate their communities.

### **Injustice in Risk Assessment**

Risk assessments that calculate "acceptable" risks across population groups do not disclose the disproportionate effect that pesticide use has on people of color communities. Public policies emanating from so-called "science-based" decisions are actually highly politicized risk management decisions based on fraudulent assumptions about exposure. Let's take the *Food Quality Protection Act* (FQPA) which has been touted by many as a "health-based" standard for regulating pesticides, said to be far superior to the "risk-benefit" standard of the *Federal Insecticide Fungicide and Rodenticide Act* (FIFRA), which allows escalating and uncapped hazards based on a subjective judgment of benefits to the chemical user and society. Yes, but the "better" health-based standard still drives the use of unnecessary toxic pesticide products that meet the standard –even though that standard allows some rate of harm based on uncertain knowledge about chemical interactions, and despite the availability of safer non-toxic practices and products. There is an inherent assumption that if a pesticide meets a highly questionable "acceptable" risk threshold, it has value or benefit. This calculation ignores the disproportionate risk, for example, to African American inner city children whose asthmatic conditions are caused or triggered by the very pesticide products that meet the health-based standard. The disproportionate impact of this and other public health and environmental policies, contributing to disproportionately high morbidity and mortality due to asthma, is borne out by the statistics on asthma: 12.5 percent of children nationwide; 17 percent of children in New York City; and, 30 percent of children in Harlem, New York City. According to the National Institute of Allergy and Infectious Disease, National Institutes of Health, African Americans are 4 to 6 times more likely than whites to die from asthma. Therefore, any time our policies allow regulators to permit uses of pesticides with known asthma effects, which is

done daily, a disproportionate impact is felt in the African American community. Among other policies, this toxics policy contributes to a cycle of poverty, as asthma is the leading cause of school absenteeism due to chronic illness.

The lesson of the Katrina hurricane can be applied to environmental policy. The disproportionate health risk that African Americans suffer has been exposed more clearly with the continuing news about the Katrina disaster since August 2005. Few argue with the criticism that the evacuation in advance of Katrina and the response in its wake ignored the necessary special attention to low income people who required assistance getting out of New Orleans and other areas in the Gulf coast region. Even more troubling than the inadequate response was the premeditated decision to allow the risk of a disaster that would disproportionately impact the lives of low and moderate income African Americans. The Army Corps of Engineers, according to interviews and reports, knew that its levees could not withstand a fast moving category 3 hurricane. *In These Times*, in "Unnatural Disaster: How policy decisions doomed New Orleans" (September 2, 2005) wrote, "In 2004, funding cutbacks stopped major work on New Orleans' east bank hurricane levees, the ones that collapsed, for the first time in 37 years. In 2004, the Army Corps requested \$11 million for work on the Lake Pontchartrain and Vicinity Hurricane Protection project, Bush requested \$3 million and Congress approved \$5.5 million. In 2005, the Army Corps requested \$22.5 million, Bush requested \$3.9 million and Congress approved \$5.7 million. In 2006, Bush requested \$2.9 million." And so, decision makers made the determination to write off sectors of the city, such as the 9th ward, inhabited by African Americans.

Katrina also illustrates the failure to measure accurately worst-case scenarios resulting in contamination and poisoning and calculate clean-up costs that are far more costly than prevention-oriented approaches. The flooded land, parks, houses, schools, hospitals and other buildings left behind after Katrina are now contaminated with mixtures of toxic chemicals that will have untold effects far into the future. This is compounded by a government relaxation of environmental laws, such as a waiver for oil refineries to emit more pollutants including benzene into the air, contributing to further increases in residents' toxic body burden.

Unfortunately, policy decisions leading up to the Katrina disaster are not unique, but part of a pattern of institutional racism that is also pervasive in our nation's pesticide policy.

### **Compromising Farmworker Health**

We cannot leave the discussion of institutional racism in our federal pesticide law without highlighting the provision in FQPA that disallows consideration of occupational pesticide exposure when calculating "aggregate exposure levels" of toxic pesticides that have a common mechanism of toxicity. The law embraces the

importance of calculating aggregate risk to a point, by taking into account “aggregate exposure levels of consumers (and subgroups) to the pesticide residue and to other related substances, dietary and nondietary exposure from nonoccupational sources,” thus specifically leaving out the overall risk to farmworkers who are typically people of color. The important advances associated with a mandate to evaluate and regulate aggregate risk leaves out those at highest risk, those who handle pesticides in the fields as pesticide applicators and harvesters.

This policy, a point of contention for many organizations, was not lost on farmworker advocates when it was adopted in 1996. In the 1960’s Cesar Chavez brought to light the serious impact of pesticides on farmworkers and the deplorable and inhumane working conditions that included pesticide poisoning, and a lack of sanitation facilities, clean drinking water, health benefits, and livable wages. Since that time, although there have been advances with union contracts for many farm workers and the emergence of new leaders, such as Baldemar Velazquez and the Farm Labor Organizing Committee (FLOC) and others, the daily toxic assault continues for farmworkers. Despite a federal farmworker protection standard, its implementation is undermined by a lack of pesticide incident reporting, poor enforcement of existing regulations and grower noncompliance.

### **Children at highest risk**

Overall, pesticides present the greatest threat to children and other sensitive population groups. Thirteen million children live in poverty in the U.S., a disproportionate number of whom are African American and Latino. This is significant since children are especially vulnerable to toxic exposure because their organ systems are developing and they take in more toxic chemical relative to body weight than do adults. Those children living in poverty are the hardest hit from pesticide exposure with poor nutrition and weakened respiratory and immune systems, inadequate health care, lack of information on pesticide hazards and non-toxic alternatives to pesticides, and contaminated air and water from chemical manufacturing plants and waste sites located in their communities. According to Beyond Pesticides, the 48 pesticides that are commonly used by schools across the United States are linked to cancer, birth defects, nervous system damage and other effects. In the article *Pesticides and Inner-City Children: Exposures, Risks, and Prevention* (1999), Philip Landrigan, M.D. et al. find, “Developmental toxicity is the major threat posed by the exposure of fetuses, infants, and children in the inner city to heavy levels of pesticides. The concordance of young children's disproportionately heavy exposure to pesticides, coupled with their developmental vulnerabilities, places them at seriously increased risk for neurologic, endocrine, and other developmental disabilities.”

According to a report by then New York State Attorney General Eliot Spitzer, *Pest Control in Public Housing, Schools and Parks: Urban Children At Risk* (2002), "Our findings are a cause for concern. Housing authorities, school and park administrators, and the children's parents frequently use toxic pesticides in areas where children may be exposed. These pesticides include some that may cause cancer, interfere with the normal development of a child's nervous system, increase the incidence of asthmatic attacks, or irritate the skin, eyes, respiratory system and digestive system."

## **Environmental Justice Dismantled**

The pesticide problems inflicted on people of color is made worse by the Bush Administration's disregard for an executive order and national commitment to address the issue of disproportionate risk. In March 2004, EPA was told by the Inspector General's (IG) office that the agency had failed to provide adequate protection for minorities and low-income families who it said are disproportionately affected by pollution. (*Evaluation Report: EPA Needs to Consistently Implement the Intent of the Executive Order on Environmental Justice*) The IG's report concludes that Executive Order 12898 on Environmental Justice (*Federal Action to Address Environmental Justice in Minority Populations and Low-income Populations*), signed by President Clinton in 1994, has not been fully implemented nor has EPA "consistently integrated environmental justice into its day-to-day operations." The report states, "EPA has not identified minority and low-income, nor identified populations addressed in the Executive Order, and has neither defined nor developed criteria for determining disproportionately impacted." Disproportionately impacted is defined by the IG as a generic term used by EPA, regions, and stakeholders to identify the adverse effects of environmental actions that burden minority and/or low-income populations at a higher rate than the general populations.

Moreover, the report discloses that the Bush Administration had previously reinterpreted the order -- without authority to do so -- to shift emphasis away from the very populations the order was written to protect. The report states, "We believe the Agency is bound by the requirement of Executive Order 12898 and does not have the authority to reinterpret the order. The administration needs to reaffirm that the Executive Order 12898 applies specifically to minority and low-income populations that are disproportionately impacted." The previous administration defended its action by stating that it would provide environmental justice to "everyone." The EPA response stated, "The Agency does not accept the Inspector General's central and baseline assumption that environmental justice only applies to minority and/or low-income individuals. The EPA firmly believes that environmental justice belongs to all people. . ." Then in August 2005, the Bush administration released its draft *Environmental Justice Strategic Plan* that defines environmental justice as "the fair treatment and meaningful involvement of *all people regardless of race, color, national origin, or income* [emphasis added], with

respect to development, implementation, and enforcement of environmental laws, regulations, and policies." This certainly needs clarification so that EPA policies do not continue to inflict disproportionate risk or hazard on people of color.

### **Responding to the Lack of Response**

It is critical that the national conversation growing out of Katrina continues and broadens. At the same time, it is essential that attention turn to community-based action for change across the country, given an unresponsive Congress and executive branch. Communities have the authority and increasingly recognize the need to take action in the face of federal government inaction and blatant disregard for impacts of inadequately regulated poisons on children. For example, communities like Washington DC, with its exploding childhood asthma rate, have opted out of the Centers for Disease Control supported West Nile virus pesticide spray program, instead adopting public education and mosquito source reduction campaigns that have been proven more effective than the toxic sprays. Furthermore, communities are taking pesticides out of their schools, libraries, parks, public housing, and public buildings. People are increasingly managing their homes and urban landscapes without toxic chemicals. The availability of organic food is growing exponentially – a direct response to concerns about pesticide-intensive agricultural practices, resulting food residues, environmental contamination, and worker hazards. EPA must affirmatively help to advance these changes as part of a precautionary approach to toxics, one that supports a green economy that supports approaches to the management of buildings, landscapes and farms that eliminate unnecessary hazardous pesticides in favor of preventive approaches (exclusion, cultural practices, and reduction of breeding areas and habitat of unwanted insects, plants and rodents) and least-toxic pesticides as a last resort. EPA must ensure that those who suffer disproportionate health and environmental risks under current pesticide policies are not left out of the changes taking place in communities across the country.

*Jay Feldman is a founder and executive director of Beyond Pesticides, which was established in 1981 as the National Coalition Against the Misuse of Pesticides to educate on toxic hazards of pesticides and advocate for changes in policies and practices that are protective of health and the environment. Beyond Pesticides publishes numerous newsletters, including the quarterly Pesticides and You, and operates the website [www.beyondpesticides.org](http://www.beyondpesticides.org).*

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