

February 22, 2024

Brenda Mallory
The White House
Chair, Council on Environmental Quality
730 Jackson Place NW
Washington, DC 20503

Sharmila L. Murthy
The White House
Senior Counsel, Council on Environmental Quality
730 Jackson Place NW
Washington, DC 20503

RE: White House Council on Environmental Quality Request for information on Environmental Justice Scorecard, Docket # CEQ–2023–0005

Dear Chair Mallory and Ms. Murthy:

Thank you for providing this opportunity to comment on the EJ Scorecard for federal agencies and for this Administration's commitment to environmental justice. These comments submitted by the Coming Clean Farmworker Health and Justice Team member organizations listed below along with the co-signed organizations focus on recommendations for refining the scorecard to better fit the needs and concerns of farmworkers. We also support the comments submitted by EJHA for Chemical Policy Reform.

Comments responding to question 2 and the need for additional metrics:

The proposed scorecard metrics are not adequate for a particularly important EJ community, farmworkers, because the metrics generally focus on a community that is defined largely by geography and the marginalized community members that reside within that location and exposure to toxic chemicals that is site- or facility-specific. Farmworkers share a common link that transcends geographic place, namely their exposure to toxic pesticides at the overwhelming majority of places that they perform agricultural work. In addition to their exposure to toxic chemicals, farmworkers often work outdoors during summer months, performing physically demanding tasks that can lead to heat-induced illnesses and musculoskeletal injuries. Agricultural workers also suffer from higher rates of injuries and death from incidents involving machinery and other equipment. Finally, wildfires are increasingly common causing many farmworkers to labor in unsafe air pollution conditions. We strongly recommend adding metrics specific to the impacts of environmental decisions on farmworkers.

Unfortunately, federal agencies do not collect data needed to robustly characterize how government decisions affect the health of farmworkers. Therefore, the Council on

Environmental Quality (CEQ) will need to consider other metrics as proxies for the extent to which agencies are successfully addressing the interests of farmworkers. Farmworker-focused metrics should include: community engagement and outreach, measures of environmental stressors, and (where possible) direct measures of health outcomes.

We believe that existing metrics to evaluate community outreach and engagement can be adapted to recognize the farmworker community. CEQ should reword the metrics so that they have a broader scope aimed at communities that are not necessarily defined by precise geographic boundaries, such as farmworkers.

Multiple metrics are needed to evaluate social determinants of health and environmental stressors impacting farmworkers. Agencies have access to some limited information on stressors through the Department of Labor's National Agricultural Worker Survey (NAWS). NAWS data should not be the only source for farmworker metrics however because it is limited to workers contacted through farms that agree to let NAWS researchers make contact with farmworkers on their property. NAWS data needs to be supplemented by data from studies involving labor and community organizations with direct contact with farmworkers.

Data from NAWS and other sources show that, besides low incomes—the average total annual income for a farmworker family in 2019-2020 was in the range of \$25,000 to \$29,999, while 19% had an income of less than \$20,000—farmworkers also experience a multitude of other environmental stressors and social determinants of health that compromise their well-being. More broadly, substandard housing, geographic isolation, lack of transportation, lack of health insurance, limited schooling, language barriers and the legal precarity suffered by those who do not have permanent legal residency or U.S. citizenship act as further stressors on farmworkers' physical and mental health. Some farmworkers are considered "seasonal" meaning they remain in one location, crop, industry for all or the majority of the year. Others are migratory, which means that they travel with the season, and are thus more difficult to track. Others work on H-2A worker visas. Moreover, the precise number of farmworkers in any one location is often difficult to describe.

With regard to health outcomes, it is unfortunate that federal agencies do not collect the kinds of data that would reflect how governmental decisions impact the well-being of farmworkers. The NIOSH SENSOR program and data from several individual states offer an important but incomplete source of national insight into acute pesticide poisoning of farmworkers. Due to funding issues, the SENSOR program operates only in a minority of states and there is no national requirement for reporting or tracking of pesticide illnesses. Epidemiological research provides some useful data on exposure levels and chronic health effects from exposure to certain pesticides. Potential pesticide exposure to farmworkers can also be estimated using the USGS pesticide survey maps to see where some of the heaviest pesticide use is, overlaid with information on areas where more labor intensive agricultural crops, tree farms and ornamental plant nurseries are located.

Finally, we suggest that CEQ initiate conversations with organizations that advocate on behalf of farmworkers to explore possible additional metrics. Community-based organizations possess deep connections to their local farmworker communities and a wealth of experience addressing the various EJ issues affecting farmworkers, can serve as trusted messengers to their communities. EPA and other agencies should identify the organizations that work with these various communities of farmworkers to learn from them the dynamics of these diverse groups of workers.

As a more general comment, we feel that interagency collaboration is key for addressing many of the hazards, stressors and injustices faced by farmworkers. In the next phase we strongly encourage that the scorecard focus more on outcomes.

Sincerely,

Anne Katten and Gabrielle Gonzales
Co-Leaders Coming Clean Farmworker Health and Justice Team
akatten@crlaf.org
gabby@cleanhealthyny.org

Coming Clean Farmworker Health and Justice Team member organizations:

Alianza National de Campesinas
California Rural Legal Assistance Foundation
Clean+Healthy
Coming Clean
Earthjustice
Farmworker Association of Florida
Farmworker Justice
Migrant Clinicians Network
Pesticide Action Network of North America
Toxic Free North Carolina

Additional organizations supporting the comments:

Ethical and Respectful Treatment of Humans (EARTH)
Science and Environmental Health Network
Environmental Justice Health Alliance for Chemical Policy
Comunidades Aliadas Tomando Acción (Allied Communities Taking Action)
Until Justice Data Partners
Locust Point Community Garden