

Pesticide Assessment Project of Illinois

2022

Legal Aid Chicago
Illinois Migrant Legal Assistance Project



ACKNOWLEDGMENTS

Our special thanks to the U.S. Environmental Protection Agency for its funding of this project through an Environmental Protection Agency’s award of an Environmental Justice Small Grant, and the EPA’s Region 5 staff for its support and collaboration with Legal Aid Chicago on this grant.

We also appreciate the time and insight offered by the many agricultural workers throughout Illinois who participated in the survey.

Finally, thanks to the outreach staff of Legal Aid Chicago’s Illinois Migrant Legal Assistance Project, (IMLAP), staff Paralegals Pedro Gaytan and Emily Barreto, and Survey intern Lesley Nava, for your tireless efforts in reaching farmworkers for this project.



Legal Aid Chicago
120 South LaSalle Street
Suite 900
Chicago, IL 60603
312-341-1070
www.legalaidchicago.org
abaik@legalaidchicago.org

THE PAP-ILLINOIS PESTICIDE SURVEY AND EDUCATION PROJECT

In October 2019, the Illinois Migrant Legal Assistance Project (IMLAP) at Legal Aid Chicago received an Environmental Justice Small Grant from the Environmental Protection Agency (EPA) to carry out the Pesticide Assessment Project of Illinois, to achieve the following goals:

1. Survey H-2A farmworkers, with a focus on orchard workers and corn detassellers in Central and Southern Illinois, about their knowledge on pesticide safety, integrating survey questions incorporating the requirements of the Worker Protection Standards into the assessment;
2. Educate workers on pesticide laws that exist to protect them;
3. Monitor pesticide safety and knowledge by returning to meet with workers and examine whether their increased knowledge has been effective.

With the goal of increasing pesticide safety for migrant farmworkers, Legal Aid Chicago began the Pesticide Assessment Project of Illinois (PAP-Illinois) to directly survey workers on their knowledge and experience with pesticides, educate them on the risks of pesticides to their health, and advise them of their rights, to keep them safe and avoid pesticide poisoning.

The survey's results would provide information to develop educational information to minimize seasonal farmworkers' exposure to pesticides, with the purpose of providing a baseline to develop future work to support workers' health and well-being for Illinois' agricultural and migrant worker population.

After concluding and assessing the information from the survey, IMLAP staff presented its findings to staff at the University of Illinois Urbana-Champaign Pesticide Safety Education Program, officials at the Illinois Department of Agriculture, and to EPA staff. Presentations to other stakeholders are being planned for 2023.



Workers using a transplanter with fertilizer drums.
Photo credit: Pedro Gaytan

EXECUTIVE SUMMARY

All of the workers surveyed were H-2A visa workers, present in Illinois on special temporary agricultural worker visas. IMLAP staff located workers for the survey by using publicly available U.S. Department of Labor H-2A job orders. These job orders include information about H-2A agricultural employment, which includes the number of H-2A workers sought for hire, work-site and housing addresses.

A total of 103 H-2A workers took the final version of the survey. Workers were surveyed in Northern Illinois (72 workers), Central Illinois (25 workers), and Southern Illinois (six workers). The following summarizes our most significant findings:¹

- Most workers surveyed (93%) reported receiving the required pesticide-safety training from their current employer. About 7% reported they had not received the mandated training at their current job.
- Asked what they would do in the event of pesticide exposure:
 - 89% of workers surveyed reported they would decontaminate;
 - At least 64% reported they would notify a supervisor²;
 - 52% reported they would seek medical treatment;
 - 48% reported they would call for emergency assistance;
 - 13% reported they would report to a government agency.
- More than a third (35%, or 37 workers) reported they had actually seen pesticides being applied to the fields while they worked.
 - 6 workers reported witnessing application of pesticides to the field where they were working;
 - 29 reported seeing pesticides applied to a nearby field;
 - 14 workers reported seeing pesticides applied to fields farther away, while on the road, or in other places.
- When asked how workers knew that pesticides were being applied:
 - 22 reported seeing the plane/helicopter, or person spraying;
 - 8 reported seeing tractors/machines spraying or applying pesticide;
 - 4 reported seeing a machine spray pesticides;
 - 4 reported seeing the spray;
 - 1 worker reported he smelled the chemicals;
 - 1 worker reported somebody told them that pesticides were applied.
- Around 1 in 17, or about 6% of workers, reported they had experienced physical symptoms of pesticide exposure at work or after pesticides were sprayed.
 - Survey participants reported that they and/or their co-worker experienced the following symptoms: headache, allergies, red eyes, neck pain, dizziness, eye irritation, rash and pimples on skin, itchy arms and skin, and flu-like symptoms.
 - Of those who had experienced symptoms, only one worker (a survey participant's co-worker) reportedly sought medical assistance, and reported that the manner of transportation to the medical facility was by "walking."
- About 16% reported they did not know they had rights to protection against pesticide poisoning.

¹ Appendix F provides a complete summary of survey responses.

² Survey takers provided this response on their own. Had it been on the list of pre-selected options, this response might have been even more popular.

RECOMMENDATIONS

- (1) **Safety training for all workers.** The vast majority of workers (93%) reported they received training on pesticide safety. However, this is still short of the requirement under the EPA's Worker Protection Standards (WPS) under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). Under the WPS, all field workers and pesticide handlers must receive pesticide safety training.
- (2) **Employer communication to workers in the case of possible or actual pesticide exposure.** IMLAP surveyed several workers (6%) who reported having been exposed to pesticides. Notably, about 64% of workers reported that they relied on their employer for help in case of chemical exposure. This suggests the importance that employers be both knowledgeable and proactive when exposure or possible exposure occurs. This is particularly true for foreign-born workers, who may not speak English or be familiar with access to health services or other needed assistance during or after exposure. Employers should implement a notification system to notify workers quickly of potential exposure in the case where a worker learns they have been exposed to a pesticide and other workers may also be at risk. This system should also communicate information regarding the pesticide applied, and the pesticide Safety Data Sheet.
- (3) **Internal training for employers' supervisory staff.** Employers should ensure all supervisory staff are trained on employer obligations under the WPS. They should establish clear internal protocols in case of exposure, such as seeking medical attention for workers, and how workers will be transported to the nearest emergency medical facility from the fields, and what essential information should be communicated to workers medical providers. It is especially essential that crew leaders are properly trained on internal protocols.
- (4) **Increased education on worker rights.** A significant portion of workers were unaware of their rights to be protected from pesticide poisoning. Further education in this aspect is warranted, including information about local and state authorities that monitor pesticide application to report suspected misuse. Additionally, early distribution of outreach materials at the beginning of workers' employment, including what information they should be trained on and their rights should they be exposed, could increase worker health and safety.
- (5) **Increased privacy for survey takers.** Because most workers live in communal areas with little or no areas for one-on-one interviews, and workers are housed by their employer and may fear retaliation if they provide information perceived to be critical of their employer, additional means of increasing the privacy of interviews should be examined. This could include the use of QR codes, so workers can fill out a survey on their own privately and in confidence. Outreach workers could also survey workers after they have completed a work contract and have returned home. These examples may create additional concerns such ensuring workers will take the survey on their own initiative, and navigating differences in technological fluency. Nevertheless, these and other options should be investigated.

BACKGROUND

On a hot summer day, two IMLAP attorneys visited a group of peach orchard workers at their small concrete barracks in the rolling hills of southern Illinois. All of the workers were from Mexico, working in the U.S. for six months on special agricultural worker H-2A visas. The workers' freestanding concrete shower and bathroom was located some twenty feet away from their barracks. As the attorneys chatted with the workers, they noticed a tractor driving between the rows of peach trees, pulling a large metal drum behind it. Spray was shooting out from both sides of the barrel. While the image initially seemed like an idyllic snapshot of the orchard, the corner of the orchard abutted the workers' bathroom, their water source, and their living quarters, and the spray could have easily drifted to this living space.

The two lawyers took a video of the tractor as it moved through the orchard, and talked with the workers about whether they believed the spray might contain pesticides or other chemicals. Some said they had a scratchy throat and thought it might be because of pesticides. They informed the attorneys that they received training on pesticide protocols during their orientation after arriving from Mexico and learned that when pesticides are applied to the orchards, a sandwich board restricting entrance to the fields will be placed on the edge of the field. Once removed, workers could work in the fields. However, the workers also said that they had no way of knowing or checking whether the boards stayed on long enough. Some orchard workers also expressed that their training was limited, often only by video, and they were unclear about what symptoms they might experience or what to do if they believed they had been exposed.



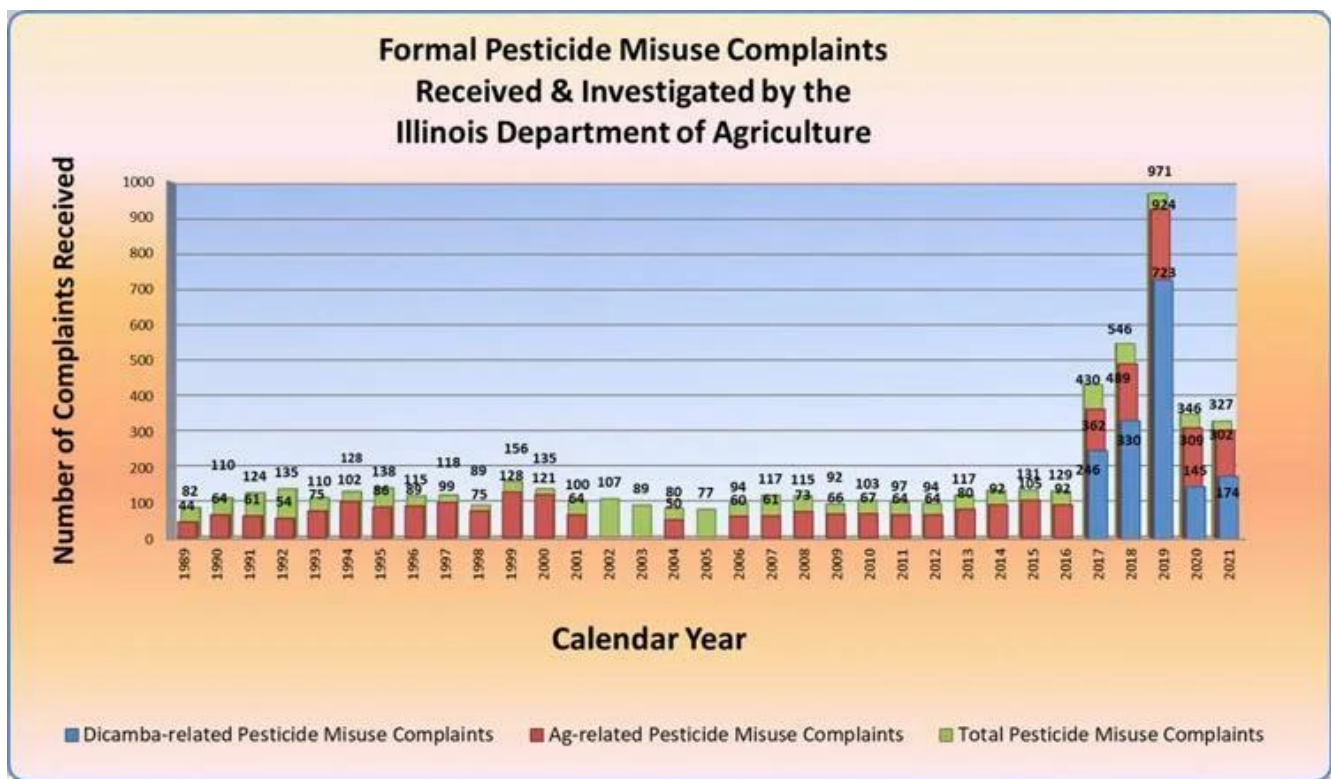
A sign warning of pesticide application in Spanish and English

This story is common among migrant farmworkers. Studies have shown that pesticide exposure is a known health risk for farmworkers, who work daily in areas where pesticides and other chemicals are applied to the land and plants, and who can be seriously harmed if these chemicals are misused. However, agricultural workers often fear reporting possible pesticide misuse because they are unauthorized to work, or their work visa ties them to one employer and they fear retaliation if they file an exposure complaint. Workers also may not know what their rights are regarding pesticide use or the health impacts of exposure, and often lack resources to document and pinpoint damages

caused by pesticides. Many reside where they are working in the U.S. for only a few weeks or a few months, often do not speak English, and are located in isolated rural areas with scant access to health care or legal services.

Pesticide exposure not only impacts individual workers, but the community as a whole. The failure to fully protect workers from exposure can lead to serious illness among this essential worker population, affecting an already scarce labor supply. For these and other reasons, surveying workers to find out what they know about pesticide use and exposure is crucial. While some receive orientation and training, the quality of the training is unknown, and some may not receive any information at all. Ensuring that workers understand the rules and protocols for pesticide use – especially in the case of an acute exposure requiring immediate attention – will result in workers being more confident and knowledgeable to seek help if they believe they have been exposed.

It is noteworthy that pesticide misuse complaints in Illinois rose sharply in recent years, in large part due to issues with the pesticide Dicamba.¹ These increases were of concern to IMLAP and its work with farmworkers.



Source: Illinois Department of Agriculture

With this information in mind, Legal Aid Chicago sought an Environmental Justice Small Grant from the EPA to embark on a survey of agricultural workers in Illinois, to assess their knowledge of pesticides, and to educate them about this important aspect of their work.

PESTICIDE SAFETY LAWS TO PROTECT FARMWORKERS

Each year, approximately one billion pounds of pesticides are applied in the United States. Agriculture accounts for nearly 90% of total usage, and farmworkers bear the biggest cost of exposure to these dangerous chemicals. To ensure that workers will be informed about and protected from exposure to pesticides, the Environmental Protection Agency created the Worker Protection Standards (WPS) as part of its regulatory framework.ⁱⁱ These standards require that workers and handlers receive training on general pesticide safety, and that employers provide access to information about the pesticides that workers and handlers may be using, or with which they have come into contact.ⁱⁱⁱ

The WPS rules have specific goals and requirements: First, they prohibit the application of pesticides in a manner that exposes workers or other persons, and generally prohibit workers and other persons from being in areas treated with pesticides. They prohibit workers from entering a treated area (with limited exceptions that require additional protections) where pesticides have been applied.^{iv} Second, the rules protect workers by requiring employers to notify them about areas on the establishment that have been treated with pesticides, through posted written and/or oral warnings.^v Third, handlers must understand proper use of and have access to required Personal Protective Equipment (PPE).^{vi} Finally, the WPS has provisions to mitigate exposures if they do occur by requiring the employer to provide to workers and handlers with an ample supply of water, and soap and towels for routine washing and emergency decontamination.^{vii} An employer must also make transportation available to a medical care facility if a worker or handler may have been poisoned or injured by a pesticide, and must provide information about the pesticide(s) to which the person may have been exposed.^{viii}

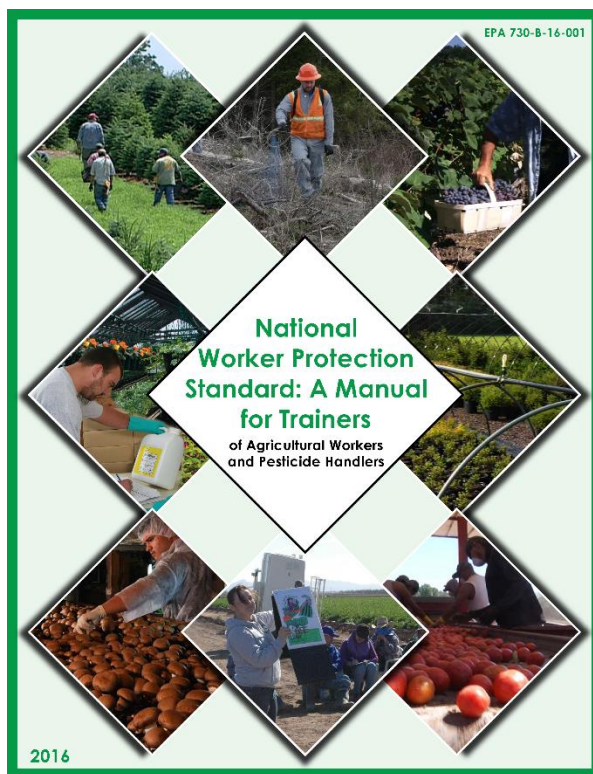
WPS Requirements for Worker Training

Employers are required to provide workers and handlers with full, annual pesticide safety training, and to include information needed to protect themselves and others.^{ix} For example, pesticide safety training informs workers that areas treated with pesticides are off limits for entry for a certain period after the application, known as a “re-entry interval,” or REI, and that their employers will inform them of where and when REIs are in effect so that workers are not exposed.^x In some instances, employers must provide further protection by posting warning signs at treated areas while REIs are in effect as additional protection from exposure.^{xi}

Under the WPS, employers must provide pesticide safety training to workers either orally from written materials or audio-visually, at a location that is reasonably free from distraction and conducive to training.^{xii} All training materials must be EPA-approved, and the training must be presented in a manner that the workers can understand, such as through a translator.^{xiii} The training must be conducted by a person who meets the worker trainer requirements of the WPS and that individual must be present during the entire training program and must respond to workers' questions.^{xiv}

Pesticide safety training must include, at a minimum, all of the following topics:

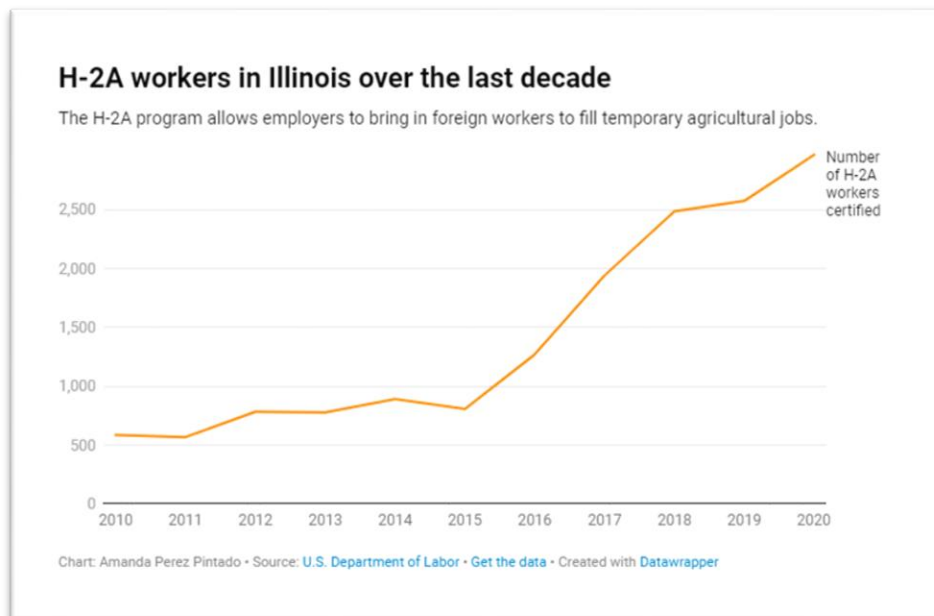
- (i) Where and in what form pesticides may be encountered during work activities;
- (ii) Hazards of pesticides resulting from toxicity and exposure, including acute and chronic effects, delayed effects, and sensitization;
- (iii) Routes through which pesticides can enter the body;
- (iv) Signs and symptoms of common types of pesticide poisoning;
- (v) Emergency first aid for pesticide injuries or poisonings;
- (vi) How to obtain emergency medical care;
- (vii) Routine and emergency decontamination procedures, including emergency eye flushing techniques;
- (viii) Hazards from chemigation and drift;
- (ix) Hazards from pesticide residues on clothing;
- (x) Warnings about taking pesticides or pesticide containers home.^{xv}



Cover page of Pesticide Educational Resources Collaborative (PERC)'s manual for trainers conducting WPS training.

PAP-Illinois FOCUS: H-2A WORKERS

The H-2A visa program allows agricultural employers in the United States to apply for permission to bring foreign-born workers into the country for temporary or seasonal agricultural work. There has been a huge increase in the use of the H-2A program by employers, both nationwide and in Illinois. In 2015, there were 809 H-2A workers in Illinois. In 2020, that number rose to 2,965.^{xvi}



Multiple barriers, such as fear of firing or deportation, lack of access to health care, language barriers, and clinicians' unfamiliarity with pesticide exposure symptoms, contribute to the underreporting of pesticide illness among farmworkers.^{xvii} One study found that an estimated 88% of acute pesticide-related illness experienced by farmworkers on the job goes unreported.^{xviii} Farmworkers are also a mobile population and difficult to survey.^{xix} During the course of a season, they may move from farm to farm, or even work in multiple states, making it a challenge to reach these workers.

In particular, H-2A workers' employment, housing, and immigration status are controlled by their employers, and they are among the least likely to report pesticide exposure or employer violations because they fear employer-retaliation in the form of deportation or blacklisting.^{xx} They are further vulnerable to exploitation because many workers take on debt in order to come to the U.S., and then work to repay such debt and earn sufficient income to provide for their family.^{xxi} Due to such economic pressures, many workers may continue working even when their employers violate the law, for example, by failing to provide the required pesticide safety training or by demanding workers enter a field before the REI has elapsed.^{xxii}

IMLAP focused the survey project on H-2A workers both because of their particular susceptibility to unreported pesticide poisoning and because publicly available information from the Department of Labor about their worksites and housing makes them somewhat easier to locate, allowing IMLAP staff to maximize the chances of reaching workers who are otherwise geographically and socially isolated.

SURVEY DEVELOPMENT

In 2019, IMLAP staff began developing initial drafts of its pesticide survey, examining materials used by other programs, including those issued by the Pesticide Educational Resources Collaborative (PERC). This involved researching Illinois state statutes and regulations regarding pesticide laws, required training for farmworkers applying or engaged in work related to pesticides, particularly H-2A visa holders; and review of the WPS rules.

IMLAP also began recruiting staff to carry out the surveys in summer 2022 after receiving a grant extension for COVID-19-related delays. The project hired a University of Illinois Master of Public Health student to assist in conducting the surveys and collecting the data. IMLAP's own staff of two paralegals also conducted the surveys. All outreach staff were bilingual in English and Spanish.



Crop duster used to spray pesticides. Bloomington, IL.
Photo Credit: Pedro Gaytan

METHODOLOGY

Survey drafters designed the survey to assess (a) employer compliance with WPS standards, particularly with regard to worker training on pesticides, including REIs, and the presence of required decontamination supplies, and (b) agricultural workers' understanding of their rights.

IMPLAP conducted a pilot version of the survey with 43 workers from June 8, 2022, to June 22, 2022. Before testing the survey with workers, IMLAP staff solicited feedback on survey questions from a university researcher in the area of farmworker health, who suggested providing an orienting statement before asking a question to provide context, simplifying complex questions, and using visual aids. Staff also adjusted the quantity and substance of the survey questions based on feedback received from survey administrators and workers, who reported that workers perceived some of the questions as redundant or difficult to understand. In modifying the survey, IMLAP staff balanced the depth of the information sought against the hesitation of workers to take a longer survey. Survey outreach was constrained by having to seek out workers at the end of the day, when workers are tired, recovering from a long day of physical work, and might be less willing to spend time taking a longer survey. Additionally, staff decided to maintain the anonymity of survey takers, and intentionally omitted any request on the survey for a worker's identifying details or contact information. Staff were aware that in doing so, it would prevent subsequent follow-up with workers, but believed it was more important to assuage possible worker concerns about employer retaliation should their names be connected to any information provided for the survey.

After pilot testing and professional advice, the final version of the survey was a shorter version of the pilot survey that eliminated several questions initial survey takers had difficulty understanding, or required a lengthy explanation by administrators. The shorter survey intended to strike a better balance between information gathering and the time a worker would need to dedicate to completing the survey.

IMLAP drafted the survey in English and translated it into Spanish, taking care to maintain a natural translation for Spanish-speaking survey takers.

The final survey can be found at Appendix A of this report.

CONNECTING WITH WORKERS

Conducting outreach to agricultural workers can be challenging. Work schedules and housing locations can change and workers are located in rural areas. One tool advocates use to locate workers is the U.S. Department of Labor (USDOL)'s Seasonal Jobs webpage (<https://seasonaljobs.dol.gov/>), where the agency publishes H-2A "job orders" online. These job orders form the initial application by employers to hire H-2A workers, and include legally mandated information such as the number of H-2A workers needed, their work and housing locations, the employer's business name, job type and job requirements, a description of the work and number of hours to be worked, duration of visa stay, and hourly wage. The IMLAP team used the information in job orders to create an outreach plan.

Creating an Outreach Plan

Before conducting an outreach trip to administer the survey, IMLAP's outreach paralegal created a detailed plan, gathering specific details from the job order, focusing on the job location, start date, job type, and distance. Priorities for each outreach trip varied, and could include providing outreach to as many outreach workers as possible, targeting a specific geographic area of Illinois, or visiting workers who would be ending their contracts imminently. Once the paralegal found an appropriate job order, the paralegal selected one to three additional job orders in the same area (North, Central, and Southern Illinois) to maximize the number of workers seen. Outreach staff created contingency plans with alternate outreach sites in case workers could not be found, or if outreach staff could not discreetly speak to workers at their job site, or if an address for worker housing on the USDOL job order was incorrect. Finally, the paralegal gathered outreach materials, which included educational fliers and brochures, business cards, and materials with IMLAP's contact information such as bankers' bags and pens, to distribute to workers. Outreach trips sometimes extended overnight, with IMLAP staff driving across the state to reach workers. Outreach routinely took place in the evening, when workers had time after their workday to speak with outreach staff.

A. Job Offer Information

1. Job Title * **Farmworker, Diversified**

2. Workers Needed: a. Total **100** b. H-2A **76** 3. Sign Date **7/4/2022** 4. End Date **11/5/2022**

5. Will this job generally require the worker to be on-call 24 hours a day and 7 days a week? Yes No

6. Anticipated days and hours of work per week:

Day	Start	End
a. Total Hours	7	7
b. Sunday	7	7
c. Monday	7	7
d. Tuesday	7	7
e. Wednesday	7	7
f. Thursday	7	7
g. Friday	7	7
h. Saturday	7	7

7. Hourly work schedule: a. All day Part day All night Part night

B. Minimum Job Qualifications/Requirements

7. Education requirements (U.S. Agricultural degree): None High School/GED Associate's Bachelor's or Higher Master's or Higher Other degree (List: MS, etc.)

8. Work Experience: number of years required: a. 0 b. 1 c. 2 d. 3 e. 4 f. 5 g. 6 h. 7 i. 8 j. 9 k. 10

9. Basic Job Requirements (check all that apply):

- a. Occupational requirements
- b. Driver requirements
- c. Criminal background check
- d. Drug screen
- e. Lifting requirement: No Yes
- f. Exposure to extreme temperatures
- g. Extensive pushing or pulling
- h. Extensive sitting or walking
- i. Frequent stooping or bending over
- j. Repetitive movements

10. Supervision: does this position supervise? Yes No

11. Additional Information Regarding Job Qualifications/Requirements: Yes No

SeasonalJobs.dol.gov

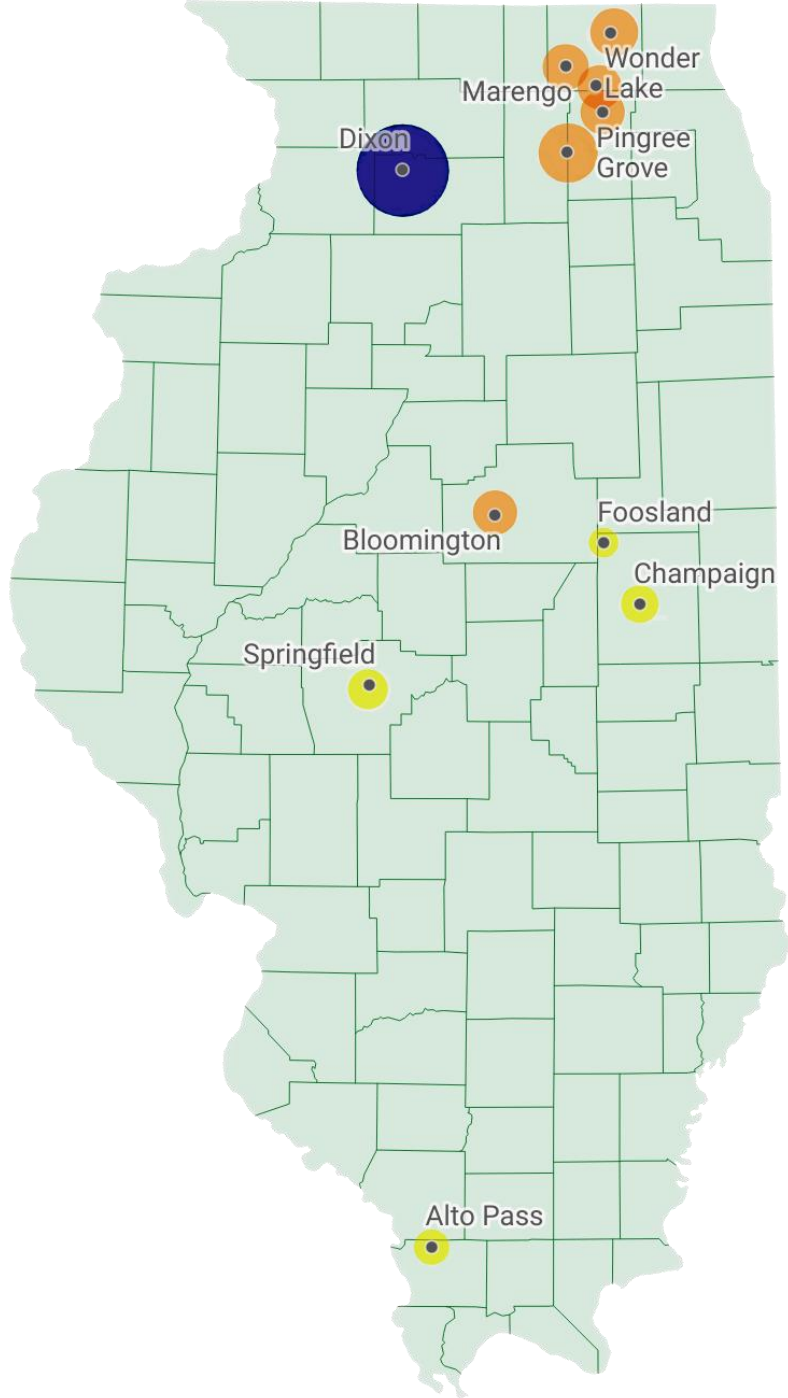
Search:

Filters:

Landscape Laborer

The Horizon Club, LLC
Roland, AR
\$14.00 per hour

Number of Surveys Collected



Challenges Locating Workers

While USDOL job orders are a helpful starting point to coordinate outreach trips, employers may change workers' schedules, contract dates, or their housing site, which can make it difficult for advocates to locate workers. An agricultural employer may also obtain approval from USDOL for an H-2A job order, and then choose not to hire any H-2A workers for that job. These changes illustrate the difficulty in finding and providing outreach to agricultural workers.

CASE STUDY

*On August 17, 2022, two IMLAP paralegals traveled to do outreach in Urbana-Champaign and meet workers from a specific agricultural employer. The job order indicated the workers should have ended their workday by the time the paralegals arrived to the motel address listed on the job order. The paralegals drove to the motel and looked for signs that they were there: work clothes and boots outside of the rooms, big trucks or agriculture-branded buses, or workers gathering outside the motel. **There was no sign of any workers.** One paralegal talked to the motel receptionist to try to get information on the location of the workers, but the receptionist could not assist her. Luckily, a paralegal noticed a van labeled with the name of an agricultural company. The team went to talk to a man who was unloading the van and asked if there were workers in the area. The man said yes, and pointed the team to where the workers were staying; a different motel that was not listed on the job order. The paralegals went to the two motels identified, surveyed 22 workers, and shared outreach materials.*



Shoes and clothes of farmworkers in a parking lot in Dixon, Illinois. Clothes and shoes are signs of farmworkers nearby. Workers are advised to keep their clothes and shoes outside of their homes to minimize contamination. Workers likely changed out of this clothing upon return from work, leaving it outside their living quarters.
Photo credit: Pedro Gaytan.

Survey Administration

IMLAP staff administered a total of 103 final surveys to H-2A visa holders between June 28 and August 25, 2022. While a majority of those surveyed were from Mexico, staff also surveyed workers from South Africa and Argentina.

Staff traveled to locations in Central Illinois, including Bloomington, Foosland, the Champaign area, Bellflower, Marshall, Hartsburg, and Springfield; Southern Illinois, including Alto Pass, Keenes, and Cobden; and Northern Illinois, including Maple Park, Huntley, Pingree Grove, Wonder Lake, Dixon, and Marengo. The map of Illinois on page 15 illustrates the distribution of survey locations across the state.

The workers surveyed by IMLAP worked in a variety of agricultural jobs, including nursery workers, agricultural equipment operators, field workers, orchard workers, and corn detassellers. Among the crops they worked with were ornamental plants, corn, soybeans, cilantro, dill, dandelion, beets, mustard, apples, peaches, nectarines. Some of those surveyed were responsible for spraying pesticides on fields, sometimes by hand and sometimes using applicator equipment. Staff administered surveys at workers' housing, which was primarily located at rented-out motels, single-room occupancy dwellings (SROs), and trailers. Staff spoke to only a limited number of workers during their lunch hour at their workplace to avoid any concerns about possible employer retaliation.



IMLAP intern Lesley Nava surveying farmworkers in Marengo, Illinois. Photo credit: Agnes Baik.

Survey administrators worked in pairs. Typically, one staff member administered the survey and the other staff member answered questions and provided education to workers on IMLAP services, including what to do in the event of pesticide exposure. Survey administrators faced time pressure to finish surveys quickly because the workers were decompressing from a long day spent working outdoors. Staff sometimes administered surveys while workers were cooking dinner and eating, calling their families, doing their laundry, or cleaning up. It was not always possible to administer the surveys with complete confidentiality due to the shared living quarters, lack of formal office space, and limited time.

Some workers identified having been exposed to pesticides. While further information would be helpful, staff could not follow up with workers to gather additional information because of time constraints and the decision to make the survey anonymous due to possible worker concern about a lack of confidentiality and possible employer retaliation. Future outreach could include ways to carry out further follow-up and additional inquiry of those who experienced exposure in some way.

Staff compiled all surveys and input all responses into a database for final assessment.

OUTREACH STAFF PERSPECTIVE

“My experience surveying migrant farmworkers was different every time. There were instances when the workers were very interested in answering our questions and finding out why we were visiting their housing. However, there were other times they were not as interested or did not want to answer questions because of fear.” Lesley Nava, IMLAP intern

“The majority of workers were looking forward to the survey. Most said yes if they had time. But there were some groups that I found did not want to participate because they were tired or were going to take a shower...Maybe they were afraid of employer retaliation.” Pedro Gaytan, IMLAP paralegal.

“It was challenging surveying farmworkers because we usually met with them after work when they were making dinner, calling their families, or showering after a long day of work. Some workers were hesitant to take the survey, but we explained it would only take five minutes and responses are anonymous. Once we explained this, workers agreed to take the survey. When we administered the survey, we were often in large open places like a parking lot, lunchroom, living room, and garage so it was difficult to talk to workers individually....” Emily Barreto, IMLAP paralegal.

Summary of IMLAP's Outreach Trips

Location	Outreach Date	Job Duties	Language(s)	Number of Workers
PILOT SURVEYS				
Foosland, IL	6/8/2022	Planting, spraying, and harvesting of grain ,corn, and soybeans	English	4
Maple Park, IL	6/14/2022	Planting, and cultivation of perennials and annuals, ornamental trees; application of pesticide	Spanish	19
Pingree Grove, IL	6/22/2022	Planting, cultivation, washing, packing of beet, celery, radishes, sweet corn, tomatoes, peppers, melons, flowers, golden beets, eggplant, zucchini, cucumbers, apples. operate farm equipment	Spanish	10
Huntley, IL	6/22/2022	Cultivation, harvesting, packing: flowers, strawberries, green beans, peppers, zucchini, squashes, asparagus, cucumbers, eggplant, tomatoes, sweet corn, melons, pumpkins, and gourds	Spanish	10

Location	Outreach Date	Job Duties	Language(s)	Number of Workers
FINAL SURVEYS				
Marengo, IL	6/28/2022	Cultivation and harvesting of cilantro, dill, dandelion, beets, mustard	Spanish	11
Wonder Lake, IL	7/6/2022	Cultivation of trees, shrubs, perennials and grasses. Mow, cut, and weed fields	Spanish	12
Dixon, IL	7/19/2022	Corn detasseling and roguing, sort and dry corn	Spanish	22
Dixon, IL	7/20/2022	Corn detasseling and roguing, sort and dry corn	Spanish	27
Bloomington, IL	8/2/2022	Corn detasseling, bean & corn rogueing & weeding, seed corn harvest & sort, hand-pollination, farm/field/and camp maintenance	Spanish	10
Springfield, IL	8/10/2022	General farm labor, corn hand harvesting, plot maintenance, husk/sort	Spanish	8
Champaign, IL	8/11/2022	Corn detasseling, remove rogue plants & weeds, and volunteer corn plants and seed corn production fields. Receiving and sorting green corn, loading/unloading corn into dryer bins, shelling corn, loading out silage and cobs, operating, cleaning, and storing equipment	Spanish	7
Alto Pass, IL	8/25/2022	Planting, cultivate, and harvesting crops: zucchini squash, yellow squash, cucumbers, green snap beans, pumpkins, peach, nectarines, and apples	Spanish	6

SURVEY RESULTS HIGHLIGHTS*

7%

Of workers did not receive pesticide safety training at their current job

Have you received pesticide safety training?

No
6.8%



Yes
93.2%

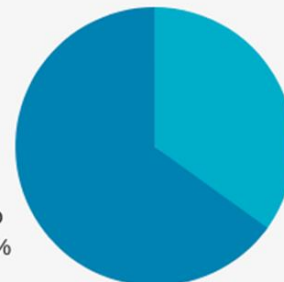
The seven workers who reported they had not received the WPS-mandated training at their current job worked for two different employers. Other workers surveyed who worked for those same agricultural employers reported they had received the training.



Over 1/3 of workers saw pesticides applied while they were working

Have you ever seen pesticides being applied while working?

No
65%

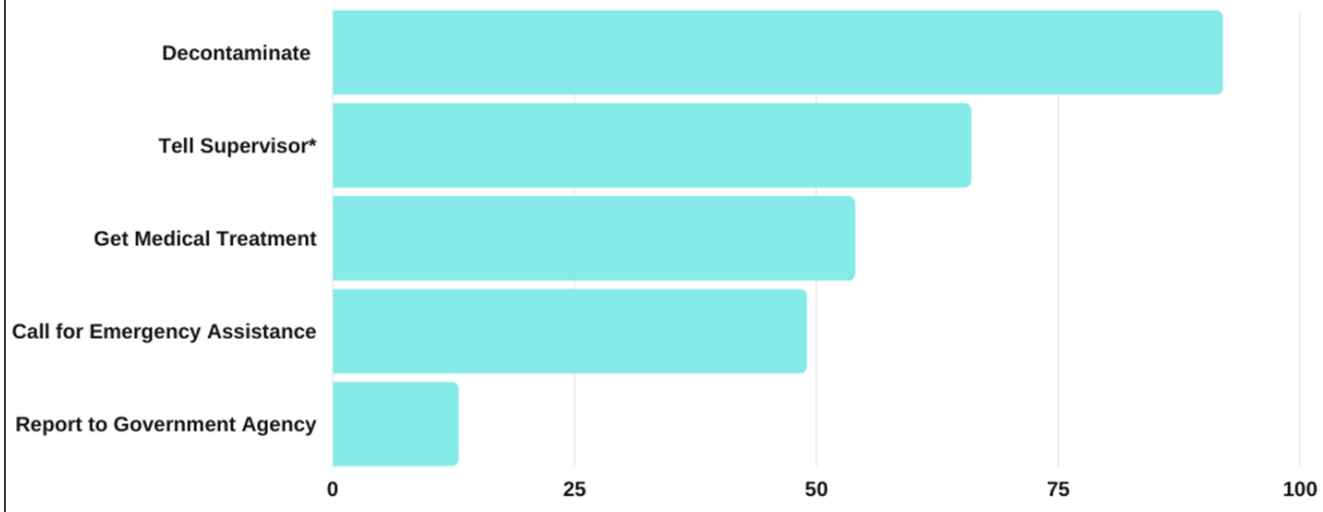


Yes
35%

Six workers actually reported witnessing application of pesticides *to the field* where they were working. A total of 29 workers reported seeing pesticides applied to a nearby field. When asked how they knew it was pesticides that were being applied, four workers reported seeing the spray and one worker reported smelling the chemicals.

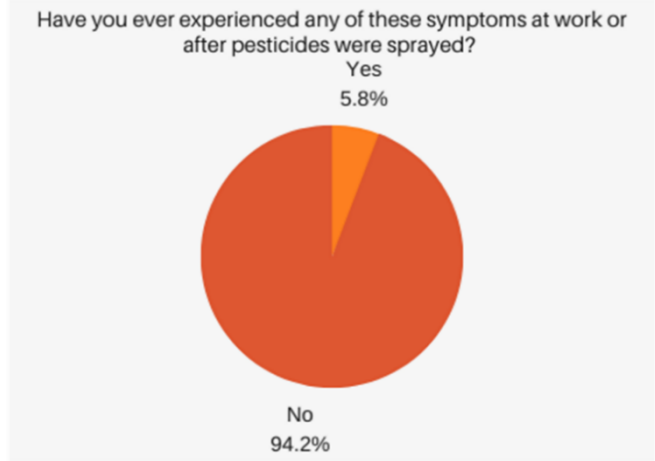
*Full survey results can be found in Appendix F.

In the event of pesticide exposure,
workers reported that they would:

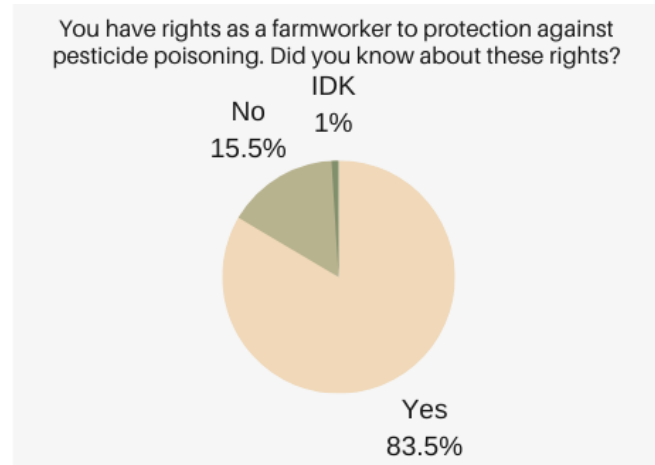
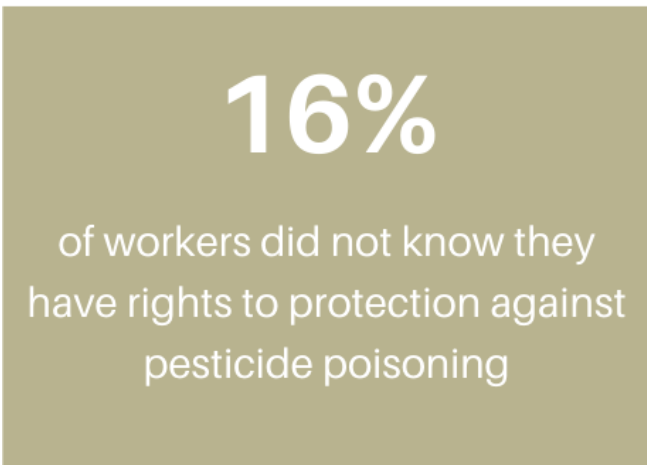


- 89% reported they would decontaminate.
- At least 64% would notify a supervisor. This response was worker-provided and may have been even more popular had the pre-selected survey responses included it.
- 52% reported they would seek medical treatment.
- 48% reported they would call for emergency assistance.
- Only 13% reported they would report to a government agency.

These responses underscore the importance of employers in mitigating harm to workers in the event of exposure. Immediate decontamination relies on the employer to provide proper supplies on-site. Obtaining medical attention immediately after an exposure event is critical, and requires employer cooperation to call an ambulance for exposed workers, who are often working in fields many miles from a hospital, or transport workers to seek medical attention. Employers are also critical in informing medical providers of information about the applied chemical. Given that most workers would not report exposure to state agencies, the state should consider increasing its education and outreach to farmworkers, and providing easier access to reporting mechanisms, to allow workers to report exposure events.



Survey participants reported that they and/or their co-worker experienced the following symptoms: headache, allergies, red eyes, neck pain, dizziness, eye irritation, rash and pimples on skin, itchy arms and skin, and flu-like symptoms. Of those who had experienced symptoms, only one worker (survey participant's co-worker) sought medical attention. They reported that their manner of transportation to the medical facility was by walking.



Although the vast majority of workers reported having received the required WPS training from their current employers, almost 16% of workers reported they were not aware of their rights to protection against pesticide poisoning.

PESTICIDE EDUCATION OUTREACH

In April 2020, IMLAP staff created a flyer in Spanish with information about IMLAP's services, and sent outreach materials, along with copies of the flyer, to Shawnee Health Care's Farmworker Health Program based in Murphysboro, Illinois, and to Community Health Partnership of Illinois' Health Centers (CHP) in Champaign, Aurora, Mendota, Kankakee, and Harvard, Illinois. These community health partners distributed this information to farmworkers at their facilities and on their own outreach trips. Below is a photo of the outreach materials sent to IMLAP's partners to distribute to farmworkers.



During the period of survey administration in 2022, IMLAP staff directly distributed its pesticide safety flyers, Pesticide Educational Resources Collaborative (PERC) pesticide education booklets, COVID-19 tests, facemasks, IMLAP-branded bankers' bags (designed to hold important documents such as paystubs and passports), and IMLAP logo pens, to over 200 workers. IMLAP staff advised workers on resources IMLAP could provide to educate them on their rights as farmworkers and connect them with broader services.

On September 8, 2022, IMLAP staff met with CHP outreach staff. IMLAP staff reviewed the pesticide survey project with CHP and set out a referral procedure for any farmworker patients they encounter who are experiencing pesticide poisoning. A memorandum of understanding is forthcoming.

Pesticide safety flier created by intern

General IMLAP Agricultural Worker Flier

CONCLUSION

Illinois farmworkers, particularly non-citizen H-2A workers coming to work in the U.S. on temporary visas, are especially vulnerable to the harms of pesticide exposure. Some agricultural employers in Illinois are violating the WPS, as IMLAP found that not all workers are receiving the important, WPS-mandated pesticide safety trainings. Even when workers do receive training on pesticide safety, survey findings indicate that trainings may not meaningfully educate workers on their rights to protection against pesticide poisoning. Workers confirmed that they will look to their crew leaders and supervisors in the event of pesticide exposure, highlighting the importance that supervisory staff are themselves educated on pesticide safety and are aware of required protocols in the event of exposure, to mitigate harm to workers.

Farmworker advocates should continue to promote and study worker knowledge on pesticide safety, and consider creating a non-anonymized survey to allow further contact with workers who may have been exposed to pesticides, or may otherwise warrant post-survey communication. Advocates should also consider how to promote the privacy of survey respondents to increase the integrity of individual survey responses and alleviate concerns about employer retaliation. Such measures could include allowing workers to complete the survey using a QR code, or moving the survey location to a site separate from employer-provided housing, where one-on-one interviews are possible. IMLAP will continue to collaborate with community service providers and research groups to continue its quantitative and educational work in pesticide safety.

APPENDICES

A. Survey

1. **We would like to understand what training employers are providing to workers. Have you received training on pesticide safety (for example, how to protect yourself from pesticides) at your current job?**
 - a. Yes / No / I do not know
 - i. Yes:
 1. Was the training conducted in a language you understand?
 - a. Y / N / IDK
 2. Were you given the opportunity to ask questions?
 - a. Y / N / IDK
 - ii. No: Have you received pesticide safety training within the last year?
 1. Y / N / IDK
2. **What would you do if you or a coworker were sprayed with (or otherwise exposed to) pesticides while you were working? You can pick more than one answer.**
 - Call for emergency assistance (911, Poison Control, etc.)
 - Decontaminate (rinse, wash with soap and water, remove contaminated clothing)
 - Get medical treatment
 - Report it to a government agency
 - Take no further action and return to work
 - I do not know
 - Something else: _____
3. **Has your boss, crew leader, or anyone else ever given you information about the pesticides that are sprayed or applied to the fields where you work?**
 - a. Y / N / IDK
 - i. Y: Who told you?
 - ii. Y: What information did they give you? _____
 - iii. Y: How did they share it with you?
 1. Told me face-to-face
 2. Posted it where I could read it
 3. Something else: _____
4. **Have you ever seen pesticides being sprayed or applied while you were working?**
 - a. Y / N / IDK
 - i. Y: Where were the pesticides being sprayed?
 - The field where I was working* (**ask for more info if time allows*)
 - A nearby field* (**ask for more info if time allows*)
 - I do not know
 - Something else: _____
 - ii. Y: How did you know it was pesticides?
 - I saw the plane/helicopter/person spraying
 - I saw the spray
 - I felt a spray or mist
 - I smelled the chemicals
 - Someone told me
 - Something else: _____



5. ***SHOW pictures of warning signs*** These are examples of warning signs that say that a pesticide has been sprayed in a field.
 - a. Have you ever seen this or something that looks like this?
 - i. Y / N / IDK
 - b. Have you seen other kinds of warnings or signs about pesticides near the fields?
 - i. Y / N / IDK
 1. Y: What did you see? _____
6. Sometimes pesticides can cause people to feel symptoms like headaches, fatigue, nausea, vomiting, skin rashes, eye irritation, difficulty breathing, or flu-like symptoms.
 - a. Have you ever experienced any of these symptoms at work or after pesticides were sprayed?
 - i. Y / N / IDK
 1. Y: What symptoms? _____
 2. Y: Did you seek medical care?
 - a. Y / N
 - i. Y: How did you get to the medical facility? _____
 - b. Have any of your coworkers ever experienced any of these symptoms?
 - i. Y / N / IDK
 1. Y: What symptoms? _____
 2. Y: Did they seek medical care?
 - a. Y / N / IDK
 - i. Y: How did they get to the medical facility? _____
 7. You have rights as a farmworker to protection against pesticide poisoning. Did you know about these rights?
 - a. Y / N / IDK
 8. After pesticides are applied to a field, it is illegal for your employer to direct or allow you to enter that field until after a certain amount of time has passed (for example, 12 hours). Did you know about this rule?
 - a. Y / N / IDK
 9. Your employer is required to keep supplies such as water, soap, paper towels, and a clean change of clothes close to the fields where you work, in case you are exposed to pesticides.
 - a. Did you know about this rule?
 - i. Y / N / IDK
 - b. Have you seen any supplies like these near the fields where you work?
 - i. Y / N / IDK
 10. Is there anything else you think we should know?
 11. Do you have any questions for us?

B. Sample USDOL Job Order

OMB Approval: 1205-0466
Expiration Date: 8/31/2022

H-2A Agricultural Clearance Order
Form ETA-790A
U.S. Department of Labor



A. Job Offer Information

1. Job Title * Farmworker, Diversified								
2. Workers Needed *		a. Total	b. H-2A	3. Begin Date * 7/4/2022				4. End Date * 11/9/2022
		300	74					
5. Will this job generally require the worker to be on-call 24 hours a day and 7 days a week? * <i>If "Yes", proceed to question 8. If "No", complete questions 6 and 7 below.</i>							<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
6. Anticipated days and hours of work per week *							7. Hourly work schedule *	
40	a. Total Hours	7	c. Monday	7	e. Wednesday	7	g. Friday	a. <u>7</u> : <u>00</u> <input checked="" type="checkbox"/> AM <input type="checkbox"/> PM
0	b. Sunday	7	d. Tuesday	7	f. Thursday	5	h. Saturday	b. <u>3</u> : <u>00</u> <input type="checkbox"/> AM <input checked="" type="checkbox"/> PM
Temporary Agricultural Services and Wage Offer Information								
8a. Job Duties - Description of the specific services or labor to be performed. * <i>(Please begin response on this form and use Addendum C if additional space is needed.)</i> See Addendum C								
8b. Wage Offer *		8c. Per *		8d. Piece Rate Offer \$		8e. Piece Rate Units/Special Pay Information \$		
\$ <u>15</u> <u>89</u>		<input checked="" type="checkbox"/> HOUR <input type="checkbox"/> MONTH		\$ _____				
9. Is a completed Addendum A providing additional information on the crops or agricultural activities and wage offers attached to this job offer? *							<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
10. Frequency of Pay. * <input type="checkbox"/> Weekly <input checked="" type="checkbox"/> Biweekly <input type="checkbox"/> Monthly <input type="checkbox"/> Other (specify): <u>N/A</u>								
11. State all deduction(s) from pay and, if known, the amount(s). * <i>(Please begin response on this form and use Addendum C if additional space is needed.)</i> See Addendum C								

Form ETA-790A

FOR DEPARTMENT OF LABOR USE ONLY

Page 1 of 8

H-2A Case Number: _____ Case Status: Full Certification Determination Date: 05/20/2022 Validity Period: _____ to _____

H-2A Agricultural Clearance Order
Form ETA-790A
U.S. Department of Labor



B. Minimum Job Qualifications/Requirements

1. Education: minimum U.S. diploma/degree required. *			
<input checked="" type="checkbox"/> None <input type="checkbox"/> High School/GED <input type="checkbox"/> Associate's <input type="checkbox"/> Bachelor's <input type="checkbox"/> Master's or Higher <input type="checkbox"/> Other degree (JD, MD, etc.)			
2. Work Experience: number of <u>months</u> required. *		3	3. Training: number of <u>months</u> required. *
			0
4. Basic Job Requirements (check all that apply) *			
<input type="checkbox"/> a. Certification/license requirements		<input checked="" type="checkbox"/> g. Exposure to extreme temperatures	
<input type="checkbox"/> b. Driver requirements		<input checked="" type="checkbox"/> h. Extensive pushing or pulling	
<input type="checkbox"/> c. Criminal background check		<input checked="" type="checkbox"/> i. Extensive sitting or walking	
<input checked="" type="checkbox"/> d. Drug screen		<input checked="" type="checkbox"/> j. Frequent stooping or bending over	
<input checked="" type="checkbox"/> e. Lifting requirement <u>75</u> lbs.		<input checked="" type="checkbox"/> k. Repetitive movements	
5a. Supervision: does this position supervise the work of other employees? *		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	5b. If "Yes" to question 5a, enter the number of employees worker will supervise. §
6. Additional Information Regarding Job Qualifications/Requirements. <i>(Please begin response on this form and use Addendum C if additional space is needed. If no additional skills or requirements, enter "NONE" below) *</i> See Addendum C			

C. Place of Employment Information

1. Address/Location *				
[REDACTED]				
2. City *	3. State *	4. Postal Code *	5. County *	
[REDACTED]	Illinois	[REDACTED]	[REDACTED]	
6. Additional Place of Employment Information <i>(If no additional information, enter "NONE" below) *</i> All employer owned/controlled				
7. Is a completed Addendum B providing additional information on the places of employment and/or agricultural businesses who will employ workers, or to whom the employer will be providing workers, attached to this job order? *				
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No				


D. Housing Information


1. Housing Address/Location *				
[REDACTED]				
2. City *	3. State *	4. Postal Code *	5. County *	
[REDACTED]	Illinois	[REDACTED]	[REDACTED]	
6. Type of Housing *			7. Total Units *	8. Total Occupancy *
Brick			1	68
9. Housing complies or will comply with the following applicable standards: *			<input checked="" type="checkbox"/> Local <input checked="" type="checkbox"/> State <input type="checkbox"/> Federal	
10. Additional Housing Information. <i>(If no additional information, enter "NONE" below) *</i> See addendum C for additional housing information				
11. Is a completed Addendum B providing additional information on housing that will be provided to workers attached to this job order? *				
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No				


C. Educational Flyer


LEGAL AID CHICAGO
EQUAL JUSTICE STARTS HERE


PROTECT YOURSELF FROM PESTICIDES


 Wear long sleeves and pants, boots, socks, a hat, and gloves to protect your skin.

 Check for pesticide application information before entering a field to see if it is safe to enter.


 Wash your hands with soap often, especially before eating, drinking, using your phone, or going to the bathroom.

 Remove your boots and clothing at the door as soon as you get home. Wash your work clothes separately from other clothes.

 Shower as soon as you get home, before any contact with your family.

 If you experience symptoms of pesticide exposure including skin rashes, headaches, chills, nausea, and weakness, seek medical attention.

If you have been exposed to pesticides, call us as soon as possible at 1(800)445-9025 for free and confidential legal help.

 ILLINOIS
MIGRANT
LEGAL
ASSISTANCE
PROJECT

D. General IMLAP Agricultural Worker Flier

**EN RESPUESTA AL COVID-19:
ASISTENCIA LEGAL PARA
LOS TRABAJADORES AGRÍCOLAS**

¿Usted es un trabajador/a agrícola que tiene problemas con...

- . *Algo relacionado al Coronavirus?*
- . *Salud?*
- . *Vivienda?*
- . *Violencia?*
- . *Equipo de seguridad?*
- . *Sanitación?*
- . *Sueldo?*
- . *Permiso por enfermedad?*
- . *Cuidado de los niños?*

**Llame
(800) 445-9025**

**ILLINOIS
MIGRANT
LEGAL
ASSISTANCE
PROJECT**

Legal Aid Chicago continuará ofreciendo servicios legales gratuitos a trabajadores agrícolas que viven o han viajado a Illinois para trabajar.

**Para más información por favor visite:
www.legalaidchicago.org**

E. Excerpt from PERC booklet

Your employer is not allowed to retaliate against you for following these rules.



- Your employer is not allowed to fire you, threaten you, or punish you in any way for following these rules.
- You may refuse to participate in activities that would violate the WPS.
- You may provide information to government authorities about WPS investigations.
- You may report WPS violations to the appropriate authorities. Look for the phone number on the WPS Safety Poster at a central location.

38

Questions about enforcement/ regulations? Call your state's pesticide regulatory agency. Look for the phone number on the WPS Safety Poster at a central location.



39

F. Survey Results

1. We would like to understand what training employers are providing to workers. Have you received training on pesticide safety (for example, how to protect yourself from pesticides) at your current job?

103 Responses		
Yes	No	IDK
96	7	0

If Yes: i. Was the training conducted in a language you understand?

96 Responses		
Yes	No	IDK
96	0	0

ii. Were you given the opportunity to ask questions?

96 Responses		
Yes	No	IDK
96	0	0

If No: Have you received pesticide safety training within the last year?

7 Responses*		
Yes	No	IDK
1	6	0

*Some participants who responded Yes to Question 1 provided a response to this subpart in error; not included.

2. What would you do if you or a coworker were sprayed with (or otherwise exposed to) a pesticide while you were working? You can pick more than one answer.

Options	103 Responses
Call for emergency assistance (911, Poison Control, etc.)	49
Decontaminate (rinse, wash with soap and water, remove contaminated clothing)	92
Get medical treatment	52
Report it to a government agency	13
Take no further action and return to work	0
I do not know	0
Something else: Go to hospital/get medical attention if bad symptoms*	2
Something else: Tell the person in charge*	66
Something else: Exit the field and head for safety*	5

*Worker-provided responses

3. Has your boss, crew leader, or anyone else ever given you information about the pesticides that are sprayed or applied to the fields where you work?

99 Responses		
Yes	No	IDK
79	20	0

If Yes: i. Who told you?

Worker-Provided Responses	64 Responses - Count
Supervisor	61
Training	2
Co-worker	1

ii. What information did they give you?

Worker-Provided Responses	81 Responses - Count
Red flags mean pesticides were applied	2
Pesticides are dangerous	19
Information about pesticides (type, exposure symptoms, reentry time, name)	18
Notice of pesticide application	17
Not to enter an area recently sprayed with pesticides	14
Pesticide safety practices	10

iii. How did they share it with you?

Worker-Provided Responses	75 Responses - Count
Face-to-face	67
Posted it where I could read	2
Something else: telephone, presentation/video, group/morning meeting, paper on office door*, they told us if we saw airplane/helicopter to exit the camp	11

*This response counted with "Posted it where I could read" responses

4. Have you ever seen pesticides being sprayed or applied while you were working?

Responses - Count		
Yes	No	IDK
37	66	0

If Yes: i. Where were the pesticides being sprayed?

Options	37 Responses
The field where I was working	6
A nearby field	29
I do not know	0
Something else: In fields, in a camp, on the road, a camp far away, in other places*	5

**Worker-provided responses*

ii. How did you know it was pesticides?

Options	36 Responses
I saw the plane/helicopter/person spraying	22
I saw the spray	4
I felt a spray or mist	0
I smelled the chemicals	1
Someone told me	2
Something else: In a tractor with sprayers, I saw a machine spraying, people told me, I saw the tractors, a tractor, tractor with filter*	11

**Worker-provided responses*

5(a). These are examples of warnings that say that a pesticide has been sprayed in a field. Have you ever seen this or something that looks like this?

101 Responses		
Yes	No	IDK
73	28	0

5(b). Have you seen other kinds of warnings or signs about pesticides near the fields?

76 Responses		
Yes	No	IDK
42	34	0

If Yes: i. What did you see?

Worker-Provided Responses	53 Responses - Count
Red Arrows	2
Flags: red flags for pesticide spraying, flags	14
Danger signs: signs with skulls, danger machines	15
Do not enter signs	7
Triangle signs	1
Other signage: Other signs, similar signs, signs, another sign, a poster, spray tubes, other signs in Mexico*	23

*Some participants responded to subpart after no response to 5(b); responses included.

6(a). Sometimes pesticides can cause people to feel symptoms like headaches, fatigue, nausea, vomiting, skin rashes, eye irritation, difficulty breathing, or flu-like symptoms. Have you ever experienced any of these symptoms at work or after pesticides were sprayed?

103 Responses		
Yes	No	IDK
6	97	0

If Yes: i. What symptoms?

Worker-Provided Responses
Flu-like symptoms
Headache
Allergies
Rash, pimples on skin
Eye irritation
Neck pain

ii. Did you seek medical care?

6 Responses	
Yes	No
0	6

If Yes: How did you get to the medical facility?

No responses provided

6(b). Have any of your coworkers ever experienced any of these symptoms?

103 Responses		
Yes	No	IDK
4	99	0

If Yes: i. What symptoms?

Worker-Provided Responses
Allergies
Dizziness
Red eyes
Itch in arms and skin

ii. Did they seek medical care?

3 Responses		
Yes	No	IDK
1	1	1

If Yes: How did they get to the medical facility?

Worker-Provided Responses
Walking

**No other responses provided*

7. You have rights as a farmworker to protection against pesticide poisoning. Did you know about these rights?

103 Responses		
Yes	No	IDK
85	17	1

8. After pesticides are applied to a field, it is illegal for your employer to direct or allow you to enter that field until after a certain amount of time has passed (for example, 12 hours). Did you know about this rule?

103 Responses		
Yes	No	IDK
97	4	2

9(a). Your employer is required to keep supplies such as water, soap, paper towels, and a clean change of clothes close to the fields where you work, in case you are exposed to pesticides. Did you know about this rule?

103 Responses		
Yes	No	IDK
102	1	0

9(b). Have you seen any supplies like these near the fields where you work?

103 Responses		
Yes	No	IDK
99	4	0

10. Is there anything else you think we should know?

Worker-Provided Responses
I only had training in Mexico and not USA.
Employers do not provide water, soap, towels, etc. in real life. They only let us do the minimum like go to the bathroom. They give us training but we do not put the knowledge into practice.
Question 7: Yes, except "clean change of clothes."
The company we work for is great and the supervisors let us know when pesticides are being sprayed. The company gives training every new working season and it is in Spanish too. As of now, I have not worked with pesticides but I am aware about the rules regarding pesticides. The housing we live in is great and everyone has their own bed.
Following rules is something taken very serious in the USA. It is not the same back at home in South Africa. In our workplace, there are boards with and safety information.
<i>The worker was from South Africa and she grew up in a farm. She said the employer is organized and follows all of the rules.</i>
Workers get training every season.
Question 9: Just water and soap.
I do not work in area with pesticides.

11. Do you have any questions for us?

- One worker asked if workers get paid even when they have an accident at work.
- One worker had a question about the contract as an H-2A worker.

ENDNOTES

- ⁱ *State-Specific Restrictions for Dicamba on Soybeans in 2022*, ILLINOIS DEPARTMENT OF AGRICULTURE (Dec 17, 2021), <https://www2.illinois.gov/sites/agr/Pesticides/Pages/Dicamba.aspx>. ("The number of off-target complaints received over the past two growing seasons has declined dramatically since implementing changes to label restrictions," said Jerry Costello II, Director, IDOA. "The decision to keep these rules in place was made after evaluating several factors, including the reduction of pesticide misuse cases involving the use of dicamba on soybeans from 2019 to 2020.")
- ⁱⁱ 80 Fed. Reg. 67,496, 67,500.
- ⁱⁱⁱ *Id.* at 67,500.
- ^{iv} *Id.* at 67501.
- ^v *Id.*
- ^{vi} *Id.*
- ^{vii} *Id.*
- ^{viii} *Id.*
- ^{ix} 40 CFR § 170.401(a).
- ^x *Id.*
- ^{xi} 40 CFR § 170.401(c)(3).
- ^{xii} 40 CFR § 170.401(c)(1).
- ^{xiii} *Id.*
- ^{xiv} *Id.*
- ^{xv} 40 CFR § 170.401(c)(2).
- ^{xvi} Amanda Pérez Pintado, *As Labor Pool Shrinks, Illinois Farmers Turn to Foreign Workers*, THE COUNTER (Sept. 13 2021), <https://thecounter.org/as-labor-pool-shrinks-illinois-farmers-turn-to-foreign-workers-h-2a-usda/> (citing Office of Foreign Labor Certification Performance Data).
- ^{xvii} Prado, Joanne B., Prakash R. Mulay, Edward J. Kasner, Heidi K. Bojes, and Geoffrey M. Calvert, *Acute Pesticide-Related Illness among Farmworkers: Barriers to Reporting to Public Health Authorities*, 22 JOURNAL OF AGROMEDICINE (4) 395–405, 405 (2017), <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5846675/pdf/nihms939406.pdf>.
- ^{xviii} *Id.*
- ^{xix} Jill F. Kilanowski, *Challenges in Community-Based Research with Latino Migrant Farmworker Children and Families*, J PEDIATR HEALTH CARE, 461-5, 465 (2014) <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4139441/>.
- ^{xx} Guarna, *supra* note iii (citing *National Agricultural Workers Survey 2019-2020*, FARMWORKER JUSTICE (2022), <https://www.farmworkerjustice.org/wp-content/uploads/2022/06/NAWS-data-fact-sheet-FINAL.docx-3.pdf> (reporting that approximately 44% of farmworkers are undocumented immigrants); *see, e.g.*, Carlos Cabrera- Lomelí, *Blacklisted for Speaking Up: How California Farmworkers Fighting Abuses Are Vulnerable to Retaliation*, KQED (June 30, 2022), <https://www.kqed.org/news/11918317/blacklisted-for-speaking-up-how-california-farmworkers-fighting-abuses-are-vulnerable-to-retaliation> (describing that “recruiters often make sure the worker is blacklisted across the industry [for speaking up about illegal labor practices]—making it harder for these laborers to find another job in the U.S.”).
- ^{xxi} *Id.* at 8 (citing *See No Way to Treat a Guest: Why the H-2A Agricultural Visa Program Fails U.S. and Foreign Workers*, FARMWORKER JUSTICE (2011), <https://www.farmworkerjustice.org/resource/no-way-to-treat-a-guest-why-the-h2a-agricultural-visa-program-fails-us-and-foreign-workers/>; *Ripe for Reform*, CENTRO DE LOS DERECHOS DEL MIGRANTE, INC (2020), <https://cdmigrante.org/wp-content/uploads/2020/04/Ripe-for-Reform.pdf>).
- ^{xxii} *Id.* at 6. Carlos Cabrera- Lomelí, *Blacklisted for Speaking Up: How California Farmworkers Fighting Abuses Are Vulnerable to Retaliation*, KQED (June 30, 2022), <https://www.kqed.org/news/11918317/blacklisted-for-speaking-up-how-california-farmworkers-fighting-abuses-are-vulnerable-to-retaliation> (describing that “recruiters often make sure the worker is blacklisted across the industry [for speaking up about illegal labor practices]—making it harder for these laborers to find another job in the U.S.”).