



## Courts Find Pesticide Industry Guilty as Charged

This summer, the pesticide industry had its day in court—and lost. Two landmark cases were decided within days of one another, and both have far-reaching implications.

In the first, a panel of judges ordered the Environmental Protection Agency (EPA) to reinstate a ban of the brain-harming pesticide chlorpyrifos, overruling the agency's reversal of the ban after pressure from the chemical's producer, Dow Agrosciences. In the second, a jury found Monsanto (recently merged with Bayer) liable for \$289 million in damages for failing to provide sufficient warning of the cancer risks posed by its flagship herbicide, Roundup.

As PAN's Midwest Organizing Director Linda Wells told the press in response to the Monsanto ruling, "for too long, we've let mega-corporations profit from toxic pesticides without paying for the damage."

These recent decisions were momentous because courts held the line against the pesticide industry's unfettered sale and promotion of products known to harm human health—something our public agencies have again and again failed to do.

### Do your job, EPA

In the chlorpyrifos case, the court affirmed that EPA's job is in fact to protect public health, not industry profits. In a press statement, PAN's Executive Director Kristin Schafer noted the absurdity of the need for a lawsuit to force action:

Sadly, under this administration it takes judges to force our public agencies to stand up to corporate interests and do their jobs.

In the case of chlorpyrifos, the agency's job was quite clear. In study after study, this widely used, neurotoxic pesticide has been found to harm children's developing brains. When mothers are exposed during pregnancy, their children have lower IQs, developmental delays and increased risk of autism.

In response to a 2007 lawsuit by PAN and our partners, EPA scientists proposed to withdraw all uses of chlorpyrifos on food crops. They found that infants were ingesting the pesticide at levels *140 times what could be considered safe*, and that farmworkers were exposed at unsafe levels in the field.

The agency was poised to take the pesticide off the market. Then, in an about-face in March 2017 that came just weeks after meeting with high-level Dow officials, former EPA Administrator Scott Pruitt announced that the agency would not ban chlorpyrifos after all.

Working with our lawyers at Earthjustice, we immediately took EPA back to court. On August 9, the judges ruled Pruitt's decision illegal, and gave the agency 60 days to reinstate the ban.

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# Dicamba Drift: Another Season of Crop Damage

This summer, dicamba drift-related crop injuries are again sweeping across the Midwest. Farmers, gardeners and rural residents are outraged as this chemical debacle unfolds for the second year in a row. Unperturbed on the sidelines are Monsanto (recently acquired by Bayer) and the Environmental Protection Agency.

## Chemical trespass

Along with the growing numbers of dicamba drift incidents come more and more stories in the farm press of crop damage, withered gardens, dying trees and lost income.

The reality is likely much worse than official reports. Early in the summer, PAN took a call from a woman in Monsanto's home state of Missouri who said that dicamba had drifted on and destroyed her foster mother's garden. She had been planning to can the garden's produce for the winter months. When she called the Missouri department of agriculture to report the incident, she was told the department does not have the resources to respond and her report went unrecorded.

Increasingly, we are hearing from both conventional and organic farmers who wonder how long they can continue farming under the onslaught of chemical drift.

## Dicamba drift by the numbers

As of July 15, university weed scientists estimated over one million acres of dicamba-injured soybeans this season, a near tripling of the 383,000 acres reported a month before. There's no question that the numbers have increased since then. Unfortunately, university scientists have stopped compiling and providing this information publicly.

## The Science

*for your conversations about pesticides*

**Dicamba:** First registered in 1967, dicamba is toxic to most broadleaf plants (i.e. plants that are not grasses). This includes fruits, nuts, vegetables, non-GE soy and cotton, trees and field-edge plants that provide critical habitat for pollinators and other beneficial species.

Dicamba is a volatile herbicide, which means that after its application it can vaporize and drift to neighboring fields and beyond. Volatilization occurs more readily at higher summertime temperatures.

As a result of widespread planting of Monsanto's (recently merged with Bayer) new dicamba-resistant crops and the corresponding surge in dicamba use in the 2017 and 2018 growing seasons, over **4.6 million acres of soybeans across 25 states** have been damaged by the herbicide's drift. Millions of acres of other plants and crops have been harmed as well, including tomatoes, watermelon, cantaloupe, vineyards, pumpkins, organic vegetables, residential gardens, trees and shrubs.

Some voluntary reporting continues: as of September 6, state agencies reported over 800 cases of dicamba-related complaints this year (a 30% increase from the same time last year).


More than 3.6 million acres of non-dicamba-resistant soy and millions of additional acres of crops, trees and gardens were damaged in 2017. The acreage damaged will likely be similar this year despite the efforts in some states to protect their farmers with tighter restrictions on dicamba use.

## EPA, anyone home?

By now, one would hope that someone with federal oversight authority would step in. Clearly, this is a national problem demanding decisive action. EPA says the agency is "watching the situation closely." But what more does it need to see?

The agency already has all the information necessary to do the right thing and cancel registration of all dicamba formulations currently registered for use on dicamba-resistant crops. Yet, so far, EPA has preferred to simply follow Monsanto's lead.

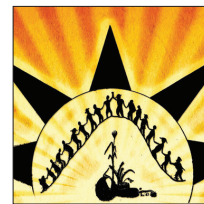
A group of farmers from the Iowa Farmers Union flew to Washington, DC, to meet with EPA officials in mid-September. Will the agency more seriously consider action on this herbicide after facing the farmers whose crops are suffering directly from this drift epidemic?

We hope so. The world's biggest pesticide corporations have knowingly handcuffed many farmers to a technology that is steadily destroying other farmers' crops and livelihoods, as well as vast acreages of plant life and ecosystems across the country. And so far no one—neither the chemical manufacturers, nor the pesticide applicators, nor the crop insurance industry—is willing to take responsibility for the fallout. —

**ABOUT PAN** PAN works to create a just, thriving food system, working with those on the frontlines to tackle the pesticide problem—and reclaim the future of food and farming. One of five regional centers worldwide, PAN North America links local and international consumer, labor, health, environment and agriculture groups into an international citizens' action network. Together, we challenge the global proliferation of pesticides, defend basic rights to health and environmental quality, and work to ensure the transition to a just and viable food system.

# Those Who Plant, Cultivate & Harvest Our Food

The Farmworker Association of Florida (FWAF) has been building power with Florida's farmworkers for more than 25 years and is led and governed by farmworkers in the communities in which it works. PAN Senior Scientist Margaret Reeves recently chatted with Jeannie Economos, FWAF's Pesticide Safety and Environmental Health Project Coordinator.



## What is the origin story of FWAF?

The Farmworker Association of Florida started in 1983 in response to a huge freeze. Central Florida was dominated by citrus—it was very rural with very few resources for farmworkers, who were suddenly out of work. Growers were compensated for the crop loss but workers were not. The United Farm Workers helped workers self-organize for unemployment disaster compensation in Groveland.

Farmworker Association of Central Florida was thus formed by Tirso Moreno, an orange worker at the time, together with Sister Gail Grimes and three other nuns. In 1986, the Association was incorporated in nearby Apopka, changing its name to the Farmworker Association of Florida in 1992.

## What are some of the programs FWAF is working on now that you're excited about?

The main pillars of our work are: 1) immigrant rights and immigration policy; 2) health and safety including pesticides, heat stress and enrolling



FWAF has been promoting farmworker rights, health and safety since 1983.

Photo: Farmworker Association of Florida

women in prenatal care; 3) worker rights with an offshoot of vocational rehabilitation service; and 4) agroecology including community gardens and critique of corporate and chemical-dependent farming.

On immigration, we work primarily with the Florida Immigration Coalition with a focus on ensuring temporary protective status (TPS) for Haitians, Salvadorans, and Hondurans, including sending immigrants to do advocacy in Washington, DC. We continue to work alongside PAN to ban chlorpyrifos and to ensure implementation of the federal Worker Protection Standard for both field workers and pesticide applicators.

## How does FWAF work with other groups around the country?

Our collaboration with partners is critical, including Food Chain Workers, HEAL Food Alliance, Florida Immigrant Coalition and National Farm Worker Ministry and their Youth and Young Adult Network, among others.

Sometimes national organizations focus on their own agendas, and forget the

grassroots groups, but our partnership with PAN works because you do a good job lifting up the voices of farmworkers. Together, we can combine PAN's science knowledge and strategic campaigning expertise with our grassroots experience to effectively mobilize for political action.

## What are the biggest challenges facing farmworkers today?


Due to current immigrant issues, fewer farmworkers are coming to us with pesticide-related complaints—either from fear of ICE and/or because the new Worker Protection Standard is actually working better. The biggest challenges are directly related to racism, discrimination and the growing anti-immigrant culture.

## What would you like consumers/eaters to understand about farmworkers?

We all need to think about the people who plant and harvest the food we depend on and how their work literally keeps us alive. We want people to understand the important role farmworkers play in our national and global food system and that we must work to ensure that they too have enough food to eat and are treated with dignity and respect.

Perhaps if instead of “farmworkers,” we spoke of the “men, women, and children who plant, cultivate and harvest our food” it would personalize them more for policymakers and consumers alike.

## What is your ideal version of a just, healthy food and farm system?

Our vision is one in which the food and farming system is decentralized, and controlled by people and communities, not big agribusiness corporations. Workers are well-compensated, work in safe and healthy workplaces, and are treated with respect and dignity. —

For more information, visit [www.floridafarmworkers.org](http://www.floridafarmworkers.org).

## Sustain PAN's Work Give Monthly

When you join PAN as a Sustainer, you become part of a vital group that donates each month to fund grassroots science, collaboration with frontline communities and policy change.



We rely on consistent support from Sustainers to work towards a healthy, fair and resilient system of food and farming.

**Become a Sustainer today by going to [www.panna.org/give-monthly](http://www.panna.org/give-monthly).**

## #StillMonsanto and still liable

The guilty verdict for Monsanto had immediate impacts around the world. Brazil temporarily suspended use of Roundup, Germany and Australia are looking to stop sales, and some British retailers pulled home products from their shelves. Bayer, which plans to “nix” the controversial Monsanto name now that the merger is final, saw its shares fall dramatically following the court ruling.

It was back in 2015 that World Health Organization scientists determined that glyphosate, the active ingredient in Roundup, was a “probable human carcinogen.” Upon the announcement, Monsanto immediately moved to discredit and undermine the science behind the decision, including attacks on individual researchers and their findings.

This wasn't a new strategy. Monsanto has been working to control what scientists say about glyphosate for decades, including promising funds to universities when studies found their products safe, arranging trips for supportive scientists and

cultivating relationships within EPA to convince agency scientists to ignore findings. They even ghostwrote “independent” studies verifying the chemical's safety.

All of this came to light over the course of the trial and contributed to the jury's verdict that Monsanto had knowingly put the health of DeWayne Johnson, a former groundskeeper now suffering from lymphoma, at risk—and should be held accountable.

Here's PAN's Linda Wells again:

Monsanto's business model assumes that any cancer caused by pesticides will be someone else's problem. Changing that equation is crucial to moving toward a healthy, just food system.

Indeed. And the role of the courts in holding the line on corporate liability is more important than ever in this political moment, as corporate interests are invited in to openly take the reins of our public agencies. —



Photos: Jayakumar C, PAN India

**PAN Around the World:** Earlier this year, PAN International colleagues gathered in Rome to participate in a Global Agroecology Symposium, followed by a three-day planning and strategy session. Senior Scientist Marcia Ishii-Eiteman and Executive Director Kristin Schafer enjoyed time with representatives from PAN Africa, PAN Asia and the Pacific, PAN Latin America, and the PAN offices in the UK, Germany and Europe.

For more information on PAN International and each of our regional centers, visit [www.panna.org/pan-international](http://www.panna.org/pan-international).

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