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October 20, 2000

Carol Browner
Administrator
Environmental Protection Agency
1200 Pennsylvania Ave
Washington, D.C. 20460

Dear Administrator Browner:

At the Children's Health Protection Advisory Committee meeting in March, EPA presented a briefing on the Worker Protection Standard. A discussion about the General Accounting Office (GAO) report entitled, "*Pesticides: Improvements Needed to Ensure the Safety of Farmworkers and Their Children*," ensued. Unfortunately, that briefing did not adequately clarify concerns raised within the GAO report and by several Committee members. The Committee requests that EPA clarify the process by which pesticides risks to farmworker's children are assessed, and consider recommendations to protect children who are working in agriculture.

Points of Clarification

We remain concerned that EPA's Worker Protection Standard for agricultural workers does not address young children under the age of 12 and may fail to adequately protect children 12 to 17. Specifically, we are concerned that EPA's current model for establishing risk assessments for setting reentry intervals for agricultural workers fails to address child agricultural workers and child-specific exposures.

From the presentation and the GAO Report, there appears to be a misperception within EPA that only children 12 years of age and older are legally allowed to work as hired workers in agriculture. Specifically, current provisions under the Fair Labor Standards Act (FLSA) of 1938 [29 U.S.C. 213 (c), Section 13(c)] allows for children under 12 to legally work as agricultural workers on farms exempt from the minimum wage. According to the U.S. Department of Labor's Wage and Hour Division, sixteen states have no protections at all for children working in agriculture. Additionally, over half of the 34 states that do have protections for children working in agriculture allow them to work more hours per day or per week than children in other industries.

We are concerned that EPA did not adequately respond to the CHPAC's prior expressed concerns about the Worker Protection Standard's protection of child agricultural workers. We request that the Agency clarify the following questions:

- What steps is EPA undertaking to address the concerns and conclusions reported by GAO within their report?
- What is the current risk assessment model being used to establish reentry intervals?
- How are dietary, residential, occupational and bystander exposures (aggregate and cumulative) included?
- How are dermal, inhalation, and ingestion exposures included?

- How do the risk assessment models for establishing reentry intervals take into account the special susceptibilities of children ages 0-6 years, 6-12 years, and 12-17 years?
- How are physiologic and cultural differences taken into account by the risk assessment model?
- How will future risk assessment models address inert ingredients and their potential risks to agricultural workers 17 and under?

Recommendations from the Committee

A number of recommendations were presented within the GAO report related to problems with current levels of protections available under the Worker Protection Standards for farm workers, and the implementation and enforcement of the WPS. In particular, there is concern for the child agricultural worker. We understand that the Office of Pesticide Programs has undertaken steps to begin the process of revising the WPS. We recommend that OPP officials keep the CHPAC apprised of their efforts and afford the committee the opportunity to review and comment on proposed changes before the public comment process.

EPA should consider the aggregate impact of exposures across relevant pathways. Based on the Committee's underlying concerns, we are submitting the following specific comments for your consideration:

- When developing models to determine risk estimates for high-risk populations, such as seasonal and migrant farmworkers, EPA should consider the aggregate impact of exposures across all relevant pathways, including total impact for occupational, dietary, residential and by-stander exposures.
- With pesticides, the common modes of action and exposures to mixtures should be included in the calculation of risk estimates.
- During the risk characterization deliberations, issues such as access to health care, safe and clean water, washing facilities, etc., must be considered.

EPA should conduct research on pesticide exposures to children working in agriculture. Existing exposure data are insufficient to understand risks posed to seasonal and migrant farmworker children less than 18 years of age. We recommend that research should be conducted to evaluate the unique exposures faced by children 17 years and younger. Research should address age-appropriate exposures during the critical developmental stages of children, including their individual and aggregated occupational, dietary, residential, and by-stander exposures.

Specifically, research should adequately evaluate real-life exposure scenarios to characterize the following unique features of children's exposures:

- The spatial ecology (i.e. height in relation to sources of exposure) of children working in the fields and consolidated activities while working with commodities.
- Pre-natal and post-natal exposures, including exposures from breast milk.
- The exposures of infants and toddlers as they accompany their parents into the fields.

EPA should develop and implement WPS training for children. The Worker Protection Standard (WPS) includes a provision for training of farmworkers that includes information related to their rights and how to protect themselves from and mitigate pesticide exposure risks. Children are a significant percentage of the

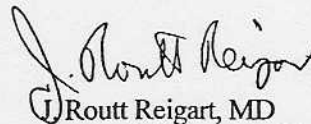
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workforce under WPS and are at high risk due to occupational, dietary, by-stander and residential exposures. We recommend that EPA's Office of Pesticide Programs undertake the development and validation of risk communication training related to occupational, dietary, by-stander and residential exposures targeted toward the protection of children 17 and under who are at high risk. We recommend that this training and related materials are age, language and culturally relevant and delivered in a manner that is effective for this age group and population.

EPA should recommend that the Department of Labor update the hazardous orders and child labor laws under the FLSA to protect children in agriculture. We strongly encourage the Department of Labor's more active participation on the Inter-Agency Taskforce on Health Risks and Safety and the updating of child labor laws and regulations to provide protection for children working under hazardous conditions. We recommend that the Department of Labor representative to this taskforce be knowledgeable about child laborers, the hazardous orders and child labor laws, particularly as related to agriculture. We are concerned that the hazardous orders and laws that protect children who work in agriculture are outdated and do not adequately protect children from the pesticide risks that they face.

The Children's Health Protection Advisory Committee remains very committed to supporting EPA's efforts to better protect the health and safety of all children, especially high-risk subpopulations like the children of migrant and seasonal farmworkers.

Sincerely,



J. Routt Reigart, MD
Chair, Children's Health Protection
Advisory Committee

Copy to: G. Bingham, P. Goode