STATEMENT OF CESAR CHAVEZ

HON. ALLARD K. LOWENSTEIN
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES

Mr. LOWENSTEIN. Mr. Speaker, Mr. Cesar Chavez, one of America’s greatest sons and the leader of the United Farm Workers organizing committee, testified Monday, September 29, before the Migratory Labor Subcommittee of the Senate Committee on Labor and Public Welfare, on the hazards from economic poisons endured by the workers of the grape fields of California. He told about specific incidents of death and injury that have resulted from virulent poisons sprayed upon grapes and vines where work crews performed their labors.

The plight of these grape workers has become a primary concern of all who are moved by poverty and injustice. In the words of former Secretary of Labor Wirtz:

A thoughtful person sitting down to a large meal would turn away from it if he let himself think of the circumstances—at that hour—if some of those who had, in the fullest sense, worked to bring that meal to his table.

The California grape worker is poor. His work is exhausting, his income is low. His tenure is uncertain; his job and his rights unprotected, his conditions often incredibly degraded. Law, for him, both as written and enforced, is all too often the biased instrument of his subjugation. Order, the certain promise of endless repetition of suffering and decay. Above all, his right to organize, to participate in the decisions which control his life, still remains to be achieved.

It is that elemental right to organize which has been the focus of all the struggle—first in the fields, and then in the supermarkets—of the past 4 years.

What does the farmworker see when he surveys the questions of law, order, and Government responsiveness to his plight? He sees countless examples of governmental unconcern and arrogance and the institutional violence of which Robert Kennedy spoke, a violence which quietly and undramatically gouges out men’s lives.

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Most of the violence in the dispute has been directed against those who seek to organize. Strikers have been harassed; they have been physically attacked; they have been shot at, and kidnapped. They have been rammed by trucks. Their offices have been looted or destroyed. More often than protecting the rights of strikers, local police have condoned and even aided those who would destroy them. Officers of the law have looked on while pickets have been kicked, beaten, cursed, and spat upon. These same officers have proceeded personally to escort strikebreakers across the picket line.

Even the courts too often play a dismal and biased role in these affairs. Antipicketing injunctions have unfairly inhibited activities at the labor site.

When the Guimarra Vineyards, after a bitter struggle, was tried and convicted on nearly 40 violations of child labor and health laws, it was fined a total of $1,000 by the Kern County Superior Court—and the fine was suspended. This same Guimarra Vineyards has received hundreds of thousands of dollars in subsidies from the U.S. Department of Agriculture. And one of its best customers, perhaps the only one not subject to the grape boycott, is the U.S. Department of Defense.

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With respect to other laws, the story is much the same. The laws governing working conditions, and particularly pesticides, are not adequate but the greater outrage is that even these inadequate laws are not enforced, so pesticides kill or make seriously ill an alarming number of farmworkers each year. Yet, when the union became concerned, the Kern County authorities refused to release the information they had about this situation.

A survey of 946 employers by the department of industrial welfare in California showed over 90 percent in violation of existing laws about drinking water and washing facilities. For field workers the open fields often provide the only available latrine, and often there are no facilities for washing. Then we eat the grapes grown and picked in such circumstances.

Discrimination problems in the fields are also considerable. Chicanos are often barred from the good jobs, blacks from any job at all. And once again, the law is applied unequally, depending on whose interests are involved.

The strike itself could not be resisted were there not a law permitting the importation of impoverished Mexicans who cross the border to provide union labor. Since one Federal law bars such laborers from areas in which labor disputes are certified to exist, strike centers often are not certified. Meanwhile, illegal immigration across the border continues in response to the demand for strikebreakers.

In this connection, the zeal of the Department of Immigration and Naturalization has been called into serious question. A law suit against the Department will be filed this week demanding that the Department enforce its regulations to detect and apprehend persons working illegally in strike areas.
And similar government inaction extends in all directions. When some growers substituted improper labels on containers of grapes to deceive the public, the consequences of the Food and Drug Administration have been mere mild at best. Appeals for help against various other injustices have received half-hearted, reluctant, or perfunctory responses from the Departments of Labor and Justice.

On top of all this, the Department of Defense has increased its purchase of table grapes 40 percent since last year, and is now buying more table grapes than at any time in its history. All this in spite of the extensive violations of the law among those from whom the grapes are bought, in spite of the Department's stand against dealings with firms practicing discrimination, and in spite of the low nutritional value of the grape. There is a standing order in the Defense Department that requires that the health and safety implications of agricultural policy be considered when decisions are made. But when a Department representative came before a Senate committee to testify on the prohibition that the Department of Defense was imposing on grape growers, the committee failed to request that the Department be required to review and consider these implications when decisions are made. The committee then met and voted to impose exactly the penalties that the Department had asked for.

Now our forces in Vietnam—disproportionately composed as they are of men from disadvantaged backgrounds—are being served almost 1½ times as many grapes as they were a year ago. Farm laborers are excluded from minimum wage legislation and from unemployment insurance, and are at a disadvantage where social security is concerned. They are denied the collective bargaining rights guaranteed to nonfarm workers, and are effectively cut off from every benefit of a negotiated contract. So the vast majority of California farmworkers have no contract, get no overtime, and may not even know their rate of pay.

They are often victims of deception and fraud. They get no time off with pay, no health or pension plans, no regular rest periods. Speedups and abusive supervision are common. Workers may be laid off at any time and for any reason, as for objecting to being assaulted by an owner, or for displaying a Kennedy bumper sticker. Safety provisions are minimal. Exempted from almost every kind of government protection, the farmworker sees his employers—usually large corporations—lavished with many of the tax-supported aids provided by the Agriculture Department, as well as Federal supplements of hundreds of thousands, sometimes millions of dollars per farm. All this has suggested to millions of concerned Americans that the weak cannot succeed through established institutions and that the best that is left is to protect the powerful, to subsidize the rich, to legitimize the iniquitous. Almost the whole weight of government, which should protect the rights of the disadvantaged, has gone to frustrate their simplest aspirations.

Mr. Speaker, this whole situation is a scandal. For the human beings involved, it is a catastrophe—and the human beings involved include all Americans. How much longer can we ask powerless and despairing people to keep the faith as their lives continue to be passed in a futile and decay for which they are not responsible and from which there is no escape? How can we encourage them to try to right wrongs through the established process of law when nearly every impact of these processes frustrates their basic struggle to add for the right of the conditions under which they must live? After decades of tolerating silent misery and creeping disaster, how long can we go on counseling moderation and patience, while the refrigeration committee studies those who work to make the behavior of the government?

Young people are now demanding relevance and concern. They are tired of pious rhetoric that conceals indifference and inaction. They are tired of hearing that the continued sufferings of those affected, but escalating alienation, despair, and hatred in the broader life of the Nation.

Many of our national problems are formidable, many of their solutions distant and difficult to bring about. Here, surely, is one about which everyone could agree: With a little comprehension and compassion we could set out to end and then erase, this problem from the national scene. If we tried hard enough, we could achieve both social justice and harmony for the workers. Why then, is it so hard to think of ways we could achieve what is so simple and so pressing?

The misuse of pesticides is creating grave dangers not only to farmworkers but to their children as well. Dr. Lee Mirzali at the Salinas Clinic in Tulare County has recently completed a study concerning the relation of pesticide poisoning to children's health and safety. He has found that pesticide poisoning is of great concern not only to farmers but to their families. In the near future this report will be released.

The data collected by Dr. Mirzali include the observation of children whose parents worked in fields where pesticides were used. The children were tested for pesticide residues and symptoms, and the results were compared with a control group. Dr. Mirzali found that children whose parents worked in fields where pesticides were used had higher levels of pesticide residues in their blood plasma. The symptoms observed in these children included dermititis, rash, eye irritation, nausea, vomiting, fatigue, excess sweating, headaches, dizziness, skin rashes, and dizziness.

The results of this study are significant, and indicate the need for further research into the effects of pesticides on children. The implications of this study are far-reaching and require immediate action. The use of pesticides in agriculture must be closely monitored and controlled to ensure the safety of farmworkers and their families. The government must take action to protect the health and safety of farmworkers and their families, and ensure that they are not exposed to harmful pesticides. The Department of Agriculture must ensure that pesticide use is regulated and monitored to prevent the spread of harmful chemicals.

The issue of the health and safety of farm workers in California and throughout the United States is one of the most important issues facing the United Farm Workers Organizing Committee. In California the agricultural industry experiences the highest occupational disease rate. This rate is over 50% higher than the second place industry. It is also three times as high as the average rate of occupational disease in California. Growers consistently use the wrong kinds of economic poisons in the wrong amounts in the wrong places in reckless disregard of the health of the farmworkers in order to maximize profits. Advancing technological changes in agriculture have left the industry far behind in dealing with the occupational hazard of farm workers which arise from the use of economic poisons. This problem is further compounded by the fact that occupational hazards need special facilities, while clean drinking water and adequate toilet facilities are rarely available in the fields and are also deficient in many living quarters of farm workers. The farm workers who work in the fields are not protected by the labor act.

In California an estimated 8,000 children receive medical attention annually after having ingested pesticides. There are over 300 cases of serious nonfatal poisonings annually, most of which occur in agriculture. There are some fatal poisonings which occur annually in agriculture. In addition to this, many of the children have acute symptoms such as nausea, vomiting, fatigue, excess sweating, headaches, dizziness, skin rashes, and dizziness.

One of the inter residu estab lishments which have been three of the state, which the workers who came to his clinic to participate in the grape picking project, who have been working in the fields, and who have been involved in the grape picking project. The project is a part of the National Farm Worker Organization, which is working to improve the working conditions of farm workers.

The workers, who are mostly young people, are involved in a variety of tasks, including picking grapes, sorting, and packing. They are paid a daily wage, which varies depending on the quantity of grapes picked. The workers are housed in campgrounds, which are provided by the employers. The campgrounds are often overcrowded, and the workers are often exposed to harsh living conditions.

The workers are also exposed to a variety of pesticides, which are used to control pests in the fields. The pesticides are often sprayed directly on the workers, who are often not wearing protective clothing. The workers are also exposed to the pesticides through the air and through the food they eat.

In addition to the physical hazards, the workers are also exposed to the psychological hazards of their work. They are often subjected to harsh working conditions, and are often treated with a lack of respect. The workers are often subjected to verbal abuse and physical violence.

The workers are also faced with a lack of access to medical care. They are often not able to afford the cost of medical care, and are often not able to get the care they need. The workers are also faced with a lack of education and job training. They are often not able to get the education and job training they need to improve their situation.

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One hundred and fifty-four of the workers reporting having one of the above symptoms, 144 reported two of the symptoms, 109 reported three, 88 reported four, and 163 reported five or more symptoms. Only 121 of the 774 workers studied reported none of the above symptoms. This study was limited to a relatively small county, Tulare, which is somewhat north of Fresno.

Dr. Irma West who works in the State Department of Public Health has written many articles concerning the occupational health and safety of farm workers. Some of the examples of injuries are as follows:

On a large California ranch in the fall of 1965, a group of Mexican-American workers and their families were picking berries. None could understand or read English. A three-year-old girl and little baby were among those working. They were playing around an unattended spray rig next to where their mother was working. The four-year-old apparently took a drop of the herbicide TEPP on her finger and sucked it. This woman, immediately, became unconscious, and was dead on arrival at the hospital. She was diagnosed as being the most hazardous of all pesticides in common use in agriculture in California. The estimated fatal dose of pure TEPP for an adult is one drop orally or dermally. This child weighed about 30 pounds.

Because of engine trouble, an agricultural aircraft pilot attempted a forced landing in an unplanted field. The plane rolled into a fence and turned over. The hopper of the airplane contained a dust formulation of TEPP, another of the phosphate ester pesticides. The estimated adult fatal dose for TEPP concentrate is one drop orally or dermally. The pilot was not injured but was covered with dust. He walked a distance of 50 feet to a field worker, stated he felt faint, and asked for a drink of water. The water, he began to vomit and almost immediately became unconscious. By the time the ambulance arrived, the pilot was dead and the ambulance driver, the pathologist, and the mortician became ill from handling the body.

During this past summer in the grapes alone and largely in the Delano area the following incidents have been brought to the attention of our department.

On May 16th, 1969, Mrs. Dolores Lorta was working for labor contractor Manuel Armendariz in a table grape vineyard owned by Agri-Business Investment Company. Without warning, an Agri-Business spray rig placed the row she was working on, and Mrs. Lorta was sprayed all over her body with an unknown mixture of chemicals. Shortly thereafter, she experienced difficulty in breathing. She tried to get a room where the spraying had nothing to do with that, that she must have had that difficulty before. She became quite sick and large red blisters had appeared on her skin. She went to work that day but was unable to continue and hasn’t been well enough to work since. She has suffered from continuing sores and rashes all over her body, headaches, dizziness, loss of weight, and her condition still continues. She has received no compensation from her employer as yet, and she has had to pay for her medical care herself.

Mr. and Mrs. Abelardo de Leon, and their two children, Juan and Maria, worked picking grapes in the vineyards near Richgrove. Mrs. de Leon has suffered a shortness of breath, coughing, and has been kept out of work since the start of July while they were working there. Mr. de Leon suffered rashes all over his body, which lasted until they quit. Mrs. de Leon began to suffer extremely irritations and swollen eyes, which lasted until she started working there and one eye is still somewhat swollen. The irritation ceased when she returned to work, but has not occurred since. She has returned to work in a different crop since then. Both the de Leon children, along with their mother, suffered eye irritation which made them unproductive, and when their eyes would water profusely throughout the working day. When this was brought to the attention of the farm owner, Mr. Cruz, he warned Mrs. de Leon away from the spraying area shortly after the spraying was concluded. She has suffered eye irritation and skin rashes on these occasions.

Mr. Claro Rutilio suffered very severe rashes and dermatitis on his legs and neck which was thought to be caused by the chemical dusts he was fathered with. The work at the vineyards was stopped Bagdad to December 1968 to June 1969. Many of the other men in the crew suffered skin irritation, headache, colds severe dermatitis. His daughter, Alicia Ramirez, suffered rashes and eye irritation.

Francis Barajas also worked in the ElmcD vineyards in 1969. While she was working there, a tractor spraying a liquid economic poison caused the vineyard in which she worked to become diseased. She was informed by her supervisor that it was due to the spray, but she did not want to get sprayed, but a foreman ordered her to go back in and get back to work. She later talked to the supervisor and was told not to spray there by one of the ElmcD supervisors. While working there she developed skin rashes and eye irritation that lasted for several days. Her birthday, she has been able to refuse the poisons for fear of being fired.

Rafael Ayala worked in the ElmcD vineyards in the same crew as Mrs. Barajas. When the tractor sprayed the field they were working in, she immediately began to vomit and her eyes would become very irritated. She has been afraid to come in contact with the poisons.

Selestina Perez was working in the ElmcD vineyards in May 1969 when a tractor spray rig approached the row her crew was working in. Her supervisor told them to hurry under the shade, while the crew sprayed there. Not knowing at the time, she did so. Her eyes became red and watery, her mouth was bare, and she became very white. She has been afraid of coming in contact with the poisons for fear of being fired.

Mrs. Josephine C. Moreno was working in a crew lifting vines in the ElmcD vineyards this spring. A spray rig came through the vineyard, where she was working, and she and other women got sprayed soaking wet, but were put back to work after five minutes.

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the day. She was extremely ill for the next 10 days with vomiting, nausea, trembling, diarrhea, headache, difficulty in breathing, tightness of chest, and difficulty in sleeping. To date she has received no compensation from her employer. She is still suffering from the aftereffects of this illness. When she asked her supervisor and foreman what kind of chemical she had been sprayed with, they claimed they didn't know and said it was not their fault she had been sprayed.

Alfonso Pedraza was also sprayed by an Elmco spray rig while working in its vineyards in the summer of 1969. The spray hit him on his back. When he saw a doctor three days later, his back was very red and the skin was cracked. The rash spread all over his body, and he developed muscle stiffness and eye irritation as well.

The carelessness with which economic poisons are applied in this area is such that farm workers are endangered outside the fields as well as within. About a month ago, while Petra Ojeda was working in a Tulare County orchard, the grower's tractor driven spray rig sprayed her car and the cars of other workers which were parked along the road nearby. Mrs. Ojeda's young child was in the car asleep, along with food for lunch for the family. The child was covered by a blanket, but her bottle was covered with spray. The entire car was white with the chemical spray.

Alfonso Pedraza's family didn't even have to leave their home in order to be sprayed with economic poisons. In May, 1969, their country home was sprayed by an airplane which was applying poison to a nearby field. All six members of the family were hit with the spray, causing rashes, cracked skin and irritated eyes.

The United Farm Workers Organizing Committee is attempting to solve this pernicious problem by the collective bargaining process. We have recently attained what is for farm workers an historic breakthrough in our negotiations with the Perelli-Minetti Company. We have completed negotiating a comprehensive health and safety clause which covers the subject of economic poisons. It includes the following protections:

HEALTH AND SAFETY

A. The Health and Safety Committee shall be formed consisting of equal numbers of worker's representatives selected by the bargaining unit and P-M representatives. The Health and Safety Committee shall be provided with notices on the use of pesticides, insecticides, or herbicides, as outlined in Section D 1, 2 and 3.

The Health and Safety Committee shall advise in the formulation of rules and practices relating to the health and safety of the workers, including, but not limited to, the use of pesticides, insecticides, and herbicides: the use of garments, materials, tools and equipment as they may affect the health and safety of the workers and sanitation conditions.

B. The following shall not be used: DDT, Aldrin, Dieldrin, and Endrin. Other chlorinated hydrocarbons shall not be applied without the necessary precautions.

C. The Health and Safety Committee shall recommend the proper and safe use of organic phosphates including, but not limited to parathion. The Company shall notify the Health and Safety Committee as soon as possible before the application of organic phosphate material. Said notice shall contain the information set forth in Section D below.

The Health and Safety Committee shall recommend the length of time during which farm workers will not be permitted to enter the treated field following the application of organic phosphate pesticide. If P-M uses organic phosphates, it shall pay for the expense for all farm workers, applying the phosphates, of one baseline cholinesterase test and other additional such tests if recommended by a doctor. The results of all said tests shall be immediately given by P-M to the Health and Safety Committee.

D. P-M shall keep the following records and make them available to each member of the Health and Safety Committee:

(1) A plan showing the size and location of fields and a list of the crops or plants being grown.

(2) Pesticides, insecticides, and herbicides used, including brand names plus active ingredients, registration number on the label, and manufacturer's batch or lot number.

(a) Dates and time applied or to be applied.

(b) Location of crops or plants treated or to be treated.

(c) Amount of each application.

(d) Formulation.

(e) Method of application.

(f) Person who applied the pesticide

(3) Date of harvest.

SANITATION

A. There shall be adequate toilet facilities, separate for men and women, in the field, readily accessible to workers, that will be maintained in a clean and sanitary manner. These may be portable facilities and shall be maintained at the ratio of one for every 35 workers.

B. Each place where there is work being performed shall be provided with suitable, cool, potable drinking water convenient to workers. Individual paper drinking cups shall be provided.

C. Workers will have two (2) relief periods of fifteen (15) minutes which, insofar as practical, shall be in the middle of each work period.

TOOLS AND PROTECTIVE EQUIPMENT

Tools and equipment and protective garments necessary to perform the work and/or to safeguard the health of or to prevent injury to a worker's person shall be provided, maintained and paid for by P-M.