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## Farmworker Advocacy Network

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June 18, 2010

Dr. Ricky Langley, Chair  
NC Pesticide Board  
1090 Mail Service Center  
Raleigh, NC 27599

To Dr. Langley and the Members of the NC Pesticide Board:

On behalf of the Farmworker Advocacy Network and the twelve advocacy and health ally organizations listed below, we are writing you to express our dismay at the recent settlement the board approved with Ag-Mart Produce and Jeffrey Oxley.

First, we are glad that this long and painful chapter of our state's history has come to a close. In 2005 the state found hundreds of pesticide safety violations in what would become the Department of Agriculture's largest enforcement case ever. Three families alleged that their children's birth defects were related to pesticide exposure that pregnant workers experienced while working for Ag-Mart on tomato farms in Florida and North Carolina. An investigation by the NC Division of Public Health could not prove whether the pesticide exposures to pregnant workers caused the birth defects, but found that they were almost certainly a contributing factor. One of the children died, and another, Carlitos, became a symbol of this case through stirring photography and reporting in the *Raleigh News & Observer* and *Palm Beach Post*. People across the country were riveted by this case and by the children affected.

For more than five years, the Pesticide Section staff worked diligently with the resources they had available to collect good evidence and make a case for Ag-Mart's accountability in this matter. We understand that settling this case brought an end to significant public expense and extra workloads for the Pesticide Section staff.

However, in the final settlement, the Pesticide Board chose to back away from its own findings. In agreeing to make a public statement absolving Ag-Mart and Mr. Oxley from any negligence or responsibility in the matter, the board sent a much louder statement that the state ultimately will not hold violators responsible when a preventable pesticide incident has the potential to cause irreparable harm to farmworkers and their families. How much worse would a case have to be in order to make the charges stick?

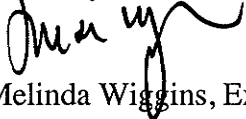
The Pesticide Board has now completed five years of hearings on this heartbreaking case. In all of those years, the Board has only once touched on the underlying problems that gave rise to this case, when ordered to do so by the NC General Assembly, and board members chose to do so in the narrowest possible way. As observers of your work throughout these five years, we have been astounded that members did not seriously discuss what the Board could do to prevent such pesticide violations from ever happening in our state again. The NC Pesticide Board has the

authority and the power to make significant changes in the working conditions faced by farmworkers, who face some of the most difficult and dangerous conditions of any workers in North Carolina, yet has chosen instead to absolve the worst violator in our state's history.

When reflecting on this case, on the extraordinary hazards faced by the families involved, and on the potential for harm, we do not believe that you have put into place the appropriate policies or procedures that will ensure that this will never happen again. We believe that farmworkers and their families still face unacceptable risks of grievous harm on farms in North Carolina. Over the last five years the Farmworker Advocacy Network has submitted many recommendations for changes that we believe could improve safety significantly, and we stand ready to assist the board further. Some of the most pertinent of those recommendations are attached as an appendix to this letter for your review.

We urge the Pesticide Board to ensure that its members never have to hear another case like the Ag-Mart case again. Now that this case has been closed, we urge you to take up this critical question at the next meeting of the Pesticide Board.

Sincerely,



Melinda Wiggins, Executive Director  
on behalf of Farmworker Advocacy Network in partnership with the following:

Alianza  
Episcopal Farmworker Ministry  
Good Work  
NC Council of Churches  
NC Justice Center  
NC Occupational Safety & Health Project  
stone circles  
Student Action with Farmworkers  
Telamon Corporation  
Traction  
Toxic Free North Carolina  
Western NC Workers' Center

Enclosure

cc: Commissioner Steve Troxler  
Pesticide Administrator James Burnette