



California
Rural Legal
Assistance
Foundation

FOR IMMEDIATE RELEASE

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PRESS RELEASE

**State Appeals Court Affirms Trial Court Ruling:
State Pesticide Agency Failed to Adequately Protect
Public and Farmworkers from Dangerous Pesticide**

**Environmental and Farmworker Advocacy Groups Prevail Again in their
Challenge to DPR's Methyl Bromide Regulations**

The California Court of Appeal, First Appellate District, has ruled that the California Department of Pesticide Regulation (DPR) failed to make use of recommended health standards from the Office of Environmental Health Hazard Assessment (OEHHA) when it issued methyl bromide field fumigation regulations. The decision stems from a lawsuit filed in December 2004 by the Environmental Defense Center (EDC), California Rural Legal Assistance (CRLA), and California Rural Legal Assistance Foundation (CRLAF), based on concerns that the health standards used by DPR were inadequate to protect farmworkers and the public. The Superior Court ruled against DPR in March 2006. The Office of the Governor and DPR, along with industry groups that had intervened against plaintiffs in the lawsuit, appealed that decision.

“The Environmental Defense Center, California Rural Legal Assistance, and California Rural Legal Assistance Foundation have achieved a significant legal victory that will protect farmworkers and the public from exposure to methyl bromide,” stated Linda Krop, Chief Counsel for the EDC. “Hopefully, this ruling will not only result in lower exposure to this highly toxic pesticide, but will also encourage farmers to use safer alternatives.”

“We urge DPR to do the right thing and take steps to immediately implement the health protective measures that farmworkers and rural residents are legally entitled to,” stated Mike Meuter, a Director of Litigation, Advocacy and Training for CRLA.

Anne Katten, CRLA Foundation Staff Scientist, noted that “We are very concerned that DPR’s regulations allowed methyl bromide exposure 8 and 9 fold higher than the limits recommended by OEHHA for protection of public and worker health.”

“Methyl bromide should be phased out of use permanently, and hopefully we are headed in that direction. In the meantime, we are encouraged by the Court’s decision that the worker safety risks posed by methyl bromide should be assessed by OEHHA, an office whose focus is on health risk assessment,” stated Jonathan Gettleman, an Agricultural Worker Health Project staff attorney for CRLA.

Methyl bromide is a fumigant applied to soil before the planting of crops such as strawberries. Overexposure can cause long term neurological problems including seizures, tremors, convulsions, and coma and neurobehavioral problems. It is a central nervous system depressant and shown to cause birth defects in test animals. Recent studies have found an elevated risk of prostate cancer among methyl bromide applicators and farmworkers.

At issue in this lawsuit was the role of OEHHA, a State office of the California Environmental Protection Agency whose specific mission is to evaluate risks posed by hazardous substances, and which, along with DPR, is charged with responsibility for developing regulations related to pesticide and worker safety. OEHHA had recommended that seasonal (or subchronic) exposure levels of methyl bromide should not exceed 1 part per billion for the general public and 2 parts per billion for adult workers. In contrast, DPR’s adopted regulations allowed seasonal exposure levels of this highly toxic pesticide to reach 9 parts per billion for the public and 16 parts per billion for workers, an 800% and 900% increase, respectively, over OEHHA’s recommended levels.

The Appellate Court agreed with the Superior Court that DPR violated the law when it failed to jointly develop the methyl bromide regulations and ignored the recommendations of OEHHA scientists.

Decision available upon request and at EDC’s website www.EDCnet.org

EDC is a non-profit, public interest environmental law firm serving Central Coast communities for over 25 years. EDC works to protect the environment, health and quality of life for Central Coast residents by providing legal services, advocacy support and education on a wide range of issues.

CRLA is a non-profit law firm that has advocated for farmworkers and other low income people throughout the State for 40 years. CRLA’s priority areas of emphasis include labor and employment, including occupational safety issues such as pesticides, housing, education, civil rights and public benefits.

CRLA Foundation is a non-profit organization which as provided advocacy and educational assistance to California's farmworkers and other rural poor to improve social, health and economic conditions for the past 25 years.

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