



El Malcriado

THE VOICE OF THE FARM WORKER

10¢

in English

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Delano, California

February 1, 1969



Photo by Fred Iltis

WHAT ARE THEY HIDING?

See Page 4.

WHAT ARE THEY HID

THIODAN® DIAZINON* 3-2 Dust

BS.

By Wt. 3%
2%
95%
diazathiepin

(243)

1. ACCORDANCE
2. DIRECTIONS, AND
3. REGULATIONS.
4. CONSEQUENCE
5. VE RECOMMEND
6. IENT STATIONS

7. OUT OF SMOKE.

Cabbage Looper,
k. Moth Larvae,
e. Harlequin Bug,
ot apply within 7

Cucumber Beetles

CAUTION

READ THE LABEL

KEEP OUT OF REACH OF CHILDREN

CAUTION: Harmful if swallowed, inhaled or absorbed through skin. Avoid breathing of dust. Avoid contact with skin, eyes or clothing. In case of contact with skin or eyes, flush with plenty of water; for eyes, get medical attention. Wash with soap and water after handling and before eating or smoking; wear clean clothing. Avoid contamination of feed and foodstuffs. Do not apply or allow to drift to areas occupied by unprotected humans or beneficial animals. Workers entering treated areas the day of application should wear protective clothing. Use of this material in a manner or at a time other than in accordance with the directions may produce plant injury. Do not apply under conditions involving possible drift to food, forage or other plantings that might be damaged or the crops thereof rendered unfit for sale, use or consumption. Toxic to fish and wildlife. Do not contaminate any body of water nor apply to any area not specified on the label.

HEAD LETTUCE: Dipterous Leaf Miners, Cabbage Looper, Aphids, Diamond-Back Moth Larvae, Imported Cabbage Worm—25 to 33 lbs. per acre. Do not make more than 3 applications after thinning. Do not apply within 14 days of harvest. Remove wrapper leaves. Do not feed crop refuse to livestock.

PEPPERS: Green Peach Aphid, Flea Beetle, Thrips—33 pounds per acre. Apply when insects first appear and repeat as required. Do not apply within 5 days of harvest.

TOMATOES: Aphids, Blister Beetle, Colorado Potato Beetle, Flea Beetle, Green Stink Bug, Whitefly—17 lbs. per acre. Yel- lowworm—17 to 33 lbs. per acre. Tomato Fruitworm, Yel- low-striped Armyworm, Thrips, Dipterous Leaf Miner, Vine- gar Flies (*Drosophila* sp.)—35 lbs. per acre. Do not apply within 3 days of picking.

NOTICE ON CONDITIONS OF SALE: 1. Chevron Chemical Company (Chevron) warrants that this material conforms to the chemical description on the label and is reasonably fit for use as directed hereon. Chevron neither makes, nor authorizes any agent or representative to make, any other warranty, guarantee or representation, express or implied, concerning this material. 2. Because critical, unforeseeable factors beyond Chevron's control prevent it from eliminating all risks in connection with the use of chemicals even though reasonably fit for such use, buyer and user acknowledge and assume all risks and liability (except those assumed by Chevron under 1 above) resulting from handling, storage, and use of this

The farm worker on our cover is spraying this dangerous chemical, Thiodan Diazinon 3-2 Dust, on a field of broccoli near Indio. Photo by Iltis.

DELANO, December 30--"Trade secrets" and "private information" continued to be the key words today in the second day of Superior Court hearings on whether or not officials of the United Farm Workers Organizing Committee should be permitted to inspect records on the use of dangerous poisonous pesticides in Kern County.

Kern County Counsel Ralph Jordan, representing County Agricultural Commissioner Sheldon Morely, objected vigorously this afternoon to the introduction of evidence from the State Department of Public Health in this afternoon's session, as UFWOC attorney David Averbuck sought to show the necessity for making what he called "public records" available for inspection by the public.

According to testimony, growers and commercial pesticide applicators who use poisonous chemicals to control insects and plant dis-

eases in their fields must have permits, and must file reports on dosages, applications, and other details of their operation with the County Agricultural Commissioner.

UFWOC attorney Jerome Cohen tried last August to inspect the records on the poisons in connection with research on the danger to farm workers which may result from their use.

Cohen told EL MALCRIADO information on the danger of the pesticides to farm workers and consumers is "woefully inadequate," and the Union had a responsibility to try to protect workers.

He said that while the records in the commissioner's office are supposed to be public information Morely refused permission to see them.

Two hours after Cohen had gone to see the records, a temporary restraining order was issued by Superior Court Judge J. Kelly Steele

prohibiting Morely from divulging the contents of the reports.

The present hearings are a three-sided affair. Crop dusting companies, represented by attorney Stephen Wall, are technically the plaintiffs, while Morely, represented by County attorney Jordan, are the defendants.

Cohen, represented by Averbuck, is the third party in the suit. To courtroom observers, it is clear that plaintiffs and defendants are on the same side, while Cohen and Averbuck represent the opposition.

Morely testified this morning that even though he was enjoined from making the records public, he had taken the information "in confidence," and would keep it confidential regardless of Judge Steele's temporary order, which still stands after five months.

The Commissioner told hearing
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Judge George A. Brown he was acting under instructions from the State Director of Agriculture to keep the content and dosage of the application of economic poisons on table and wine grapes a secret, though Assistant State Director Allen A. Lemmon testified the directives were only staff instructions and did not have the force of law.

Lemmons said he knew of "at least some" cases where farm workers had been injured by the use of pesticides and cited an incident in Delano in which 16 out of 24 grape workers had been hospitalized for Parathion poisoning. The workers had entered the field 33 days after the poisoning was applied. Fields are usually declared safe after two or three weeks, he said.

In the most heated discussion of the hearings, Averbuck attempted to introduce a summary of reports filed by doctors with the Bureau of Occupational Health of the State Public Health Department.

Though authenticated by Dr. Milby chief of the Bureau, the report was for some reason unacceptable to County attorney Jordan, who objected to its introduction. Cohen said the report listed "many, many" cases of farm workers who had been poisoned as the result of working with pesticides in the fields.

Morely told the Court "no farm workers have been injured by the application of economic poisons in Kern County to my knowledge."

Lemmon, the State Assistant Director, and a pesticides specialist, mentioned several Kern County cases later in the hearings.

Thomas C. Griffin, owner of a spraying and dusting company, testified he had abandoned the use of the pesticide TEPP (tetra-ethyl pyrophosphate) after he himself had become seriously ill as a result of working with the chemical, but he refused to say whether other companies in the area were still using the substance.

He said releasing details of poison application to the public would re-

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On January 7, UFWOC General Counsel Jerome Cohen sent a letter to Stephen Wall, a Bakersfield attorney who represents a number of grape growers.

"The most pressing problem which faces us as of now is the ever-increasing danger to farm workers' health and safety which arises from the use of dangerous pesticides in the vineyards," Cohen wrote.

He sent along a proposal to all, in which an agreement between growers and pesticide applicators on the one hand, and the Union on the other, was suggested.

The purpose: to avoid litigation on the pesticide question and provide for a cooperative effort in protecting farm workers and consumers from the dangers of deadly economic poisons, some of which are based on "nerve gases" developed by the Third German Reich for the extermination of humans.

The answer of Mr. Wall, Esquire, to Mr. Cohen's proposal, began as follows:

"This is in answer to your January 7, 1969 letter to me enclosing a copy of what you propose for agreement between the United Farm Workers Organizing Committee, my clients, and others. It is obvious either that we completely failed to communicate or else you are trying to be funny. . .

"I understood you to say also that your only other interest in seeing these specific reports on file now was for your use in formulating some pertinent language for future use in negotiating labor contracts, hopefully. You definitely stated that you were not interested in seeing the subject reports or using any part of the contained data in connection with your boycott effort or as the basis of filing any lawsuit or lawsuits. . .

"Your actual purpose is clearly evident and there is not even a coincidental resemblance to the ones you expressed. But the end justifies the means in your league--right?"

"Very truly yours, Stephen E. Wall"

To this, Cohen replied on January 9,

"Let me assure you that the United Farm Workers Organizing Committee is attempting to act reasonably and develop adequate safeguards concerning the use of economic poisons in the vineyards. We are available to meet to discuss this subject at your convenience. We hope that such a meeting will take place soon, for the delay in working out safeguards only hurts the workers and consumers."

There was no further word from Wall or the growers, and on January 14, César Chávez sent the letter which was described at length on page 3 of the January 15 issue of EL MALCRIADO.

"There is one critical issue of such overriding

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lease "trade secrets" and do damage to his business because his competitors would be able to find out his secret formulas.

He said that his company continued to perform a process called "washing grapes," which had to be kept secret because produce buyers would not buy grapes which had undergone the process.

In an off-the cuff statement during a recess, Jordan said public health and trade secrets were both important.

You have to weigh them against each other," the rotund, white-haired Jordan said.

As the hearing closed for the second day, there was no sign of what the outcome would be.

If Judge Brown rules UFWOC has a right to see the records, it will make no change in the situation, as Morely has already warned.

Should he rule that the records must be kept secret until a final decision is reached, he will cancel the present temporary restraining order and replace it with a preliminary injunction, which is just about the same thing.

In that case, a new hearing will be held--this time to determine whether a final injunction, keeping the records a secret permanently,

should be issued, or if a writ of mandate should be served on the Agricultural Commissioner, forcing him to reveal the records.

Farm workers nearly filled the court room both days, while a cluster of crop dusters and growers joined them to listen to testimony.

The crop dusters appeared genuinely worried about the possibility of the records becoming public, while farm workers who could speak English whispered translations of the proceedings to their Spanish and Ilocano speaking brothers.

The farm workers clustered in groups in the hallways during each recess, and peppered each other with the unanswerable question;

"What are they trying to hide? Why don't they want us to know about the chemicals we work with day after day?"

EL MALCRIADO can provide no answer. There are too many secrets. Only the chemical companies and pesticide applicators really know what they are spraying on the grapes, and their research is centered around damage to Willamette mites and leafhoppers.

Nobody seems to know --and if they know, they won't say --what the chemicals can do to humans.

So EL MALCRIADO asks the same question: "What are they hiding?"

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importance that it demands immediate attention, even if other labor relations problems have to wait. I mean the harmful effects of spraying grapes with pesticides, or economic poisons, as they are called," Chávez wrote.

"We will not tolerate the systematic poisoning of our people. Even if we cannot get together on other problems, we will be damned --and we should be--if we will permit human beings to sustain permanent damage to their health from economic poisons."

There was no reply.

HERNANDEZ UNDERGOES OPERATION

CLEVELAND--Brother Julio Hernandez, in charge of the boycott in the Cleveland area, recently underwent surgery. EL MALCRIADO wishes a speedy recovery to our

far-off Vice President.

Brother Julio was the first farm worker to join Brother Chavez in his early organizing drive.



The sign that tells
you people are
working together
to fill their needs



You do not have
to be a member
to shop-come in
and see how
economic
democracy works



GREETINGS TO
THE UNITED FARM
WORKERS FROM

The Consumer
Cooperative
of Berkeley