
Workers in the Field and Lawyers in the Court

Environmental Justice, Poverty Law, and the California Rural Legal Assistance

ABSTRACT In 1966, the Johnson administration established the largest poverty law agency in the nation: the California Rural Legal Assistance (CRLA). From the agency's creation onward, Mexican American farmworkers in rural California directed CRLA staff to significant cases of injustice, many of which involved their communities' disproportionate exposure to environmental hazards in and around produce fields. CRLA litigation helped lead to bans on dangerous pesticides such as Dichlorodiphenyltrichloroethane (DDT) and 1,2-Dibromo-3-chloropropane (DBCP), and it forced growers to be more transparent in their use of agrochemicals. Furthermore, the work of the CRLA helped lead to statewide regulations that required growers to provide portable toilets, washing facilities, and safe drinking water in the fields. Litigation on these matters, which CRLA attorneys later labeled "environmental poverty law," helped expand the focus of reform from workers in the field to entire farmworker communities and helped lay the legal groundwork for the environmental justice movement in rural California. **KEYWORDS** California Rural Legal Assistance (CRLA), Mexican American history, labor history, environmental justice, environmental poverty law, pesticides

On July 23, 1969, the attorneys of the California Rural Legal Assistance (CRLA) released an urgent report that "dangerous levels of DDT [Dichlorodiphenyltrichloroethane] are being found in mother's milk." According to laboratory tests at the University of California–Berkeley, the report explained, DDT levels in several women had tested four times higher than the acceptable amount. "If this much DDT was found in cow's milk," said scientist Jeffrey Davis, the milk "would have to be confiscated." The confiscation of breast milk, of course, was not an option. Humans had been contaminated, and the life-giving act of maternal nursing had become the means of transferring toxic agrochemicals to the bodies of newborn babies. As the report further explained, DDT deposits gather in breast milk and then move to children "in an unusually

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concentrated form.”¹ In many ways, these findings underscored the warnings of environmental activist Rachel Carson’s 1962 book, *Silent Spring*. “If we are going to live so intimately with these chemicals—” she had argued, “eating and drinking them, taking them into the very marrow of our bones—we had better know something about their nature and their power.”² By the late 1960s, the dangerous nature of DDT was no secret, but the Berkeley study revealed the chemical’s frightening ability to threaten the nation’s infants.

Naturally, many mothers were upset. As the press release further indicated, the CRLA was representing a group of fifteen pregnant and nursing mothers who wished to protest the widespread use of DDT. In a meeting at the San Francisco Mission Neighborhood Health Center, Kathaleen Radke declared, “Either I have to stop nursing my three-week-old baby, or I run the risk of feeding him dangerous amounts of poisons.” Similarly, Carol Zola demanded that the state agricultural director “immediately release information as to [which] agricultural producers are using DDT and which aren’t” so that mothers would know which produce to avoid. “We are told this information is a trade secret,” she stated. “Meanwhile, our babies are ingesting . . . DDT. The secrecy which the farmers, the supermarkets, and the State Agriculture Department have drawn over the extensive use of DDT must end.” In another response to the Berkeley study, Arlene Steinberg stated, “if the politicians in Sacramento don’t have sense enough to ban all DDT immediately, then we pray that its use will be quarantined as much as possible.”³

Banning or quarantining pesticides proved difficult. Given the central role of California agribusiness in the nation’s produce industry, the legal and political fight against pesticides quickly became, to borrow the words of scholar Julie Sze, “a never-ending quagmire.”⁴ Nevertheless, one organization that waded in and persistently challenged pesticide practices was the California Rural Legal Assistance. Founded in 1966 during the War on Poverty, and funded through the federal Office of Economic Opportunity (OEO), the CRLA was a private, nonprofit agency with ten small offices throughout the state in which attorneys and community workers provided

1. “CRLA Press Release: July 27, 1969,” Folder 1, Box 65, CRLA Records (MO750). Dept. of Special Collections and University Archives, Stanford University Libraries, Stanford, Calif.

2. Rachel L. Carson, *Silent Spring* (New York: Houghton Mifflin, 1962), 17.

3. The spelling of the name *Kathaleen* reflects the spelling in the source. “CRLA Press Release: July 27, 1969.”

4. Julie Sze, *Noxious New York: The Racial Politics of Urban Health and Environmental Justice* (Cambridge: MIT Press, 2007), 6.

free legal services to the rural poor.⁵ As a journalist observed in 1969, CRLA lawyers acted as “ombudsmen for the poor,” representing “individual indigents in minor court actions,” and “sue[ing] state and local governments on behalf of welfare recipients, migrant workers, and other large groups of poor people.”⁶ Some of the CRLA’s most significant legal battles addressed environmental hazards that Mexican American farmworkers faced regularly in the fields, including pesticides and the lack of portable toilets, handwashing facilities, and potable water. In time, the agency began defending entire communities from pesticide contamination.

In the early 1990s, CRLA attorney Luke W. Cole described the agency’s past and present litigation on these matters as “environmental poverty law.” This legal approach, he explained, combined traditional poverty law with environmental law to create “a new, empowering type of legal advocacy” for low-income communities. Specifically, Cole argued, environmental law, such as the Clean Air Act and Clean Water Act, did not provide adequate protection for the nation’s poor. Poverty lawyers, therefore, could champion “social change and social justice” by stepping in to defend low-income communities from environmental hazards.⁷ From its inception, the CRLA developed the practice of environmental poverty law (even though it did not initially use this term). In doing so, it not only contributed to the farm labor movement in rural California but also laid the legal groundwork for the environmental justice movement of later decades, which protested minority communities’ disproportionate exposure to environmental hazards and sought the “fair treatment and meaningful involvement” of people of all races in shaping environmental policies.⁸

5. For an overview of the California Rural Legal Assistance’s founding and its approach to poverty law, see Michael Bennett and Cruz Reynoso, “California Rural Legal Assistance (CRLA): Survival of a Poverty Law Practice,” *Chicana/o Latina/o Law Review* 1, no. 1 (1972): 1–79.

6. “Poverty Law: Threat to the Ombudsmen,” *Time Magazine*, Chicago, Illinois, Nov. 7, 1969. Folder 6, Box 65, CRLA Records.

7. Luke W. Cole, “Empowerment as the Key to Environmental Protection: The Need for Environmental Poverty Law,” *Ecology Law Quarterly* 19, no. 4 (1992): 620–21, 635–66, 641.

8. The Environmental Protection Agency (EPA) defines environmental justice as: “the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income, with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies. This goal will be achieved when everyone enjoys: the same degree of protection from environmental and health hazards and equal access to the decision-making process to have a healthy environment in which to live, learn, and work.” See “Environmental Justice,” U.S. EPA, <https://www.epa.gov/environmentaljustice> (Apr. 2, 2019).

In scholarship, as in popular memory, the history of Cesar Chavez and the United Farm Workers Union (UFW) overshadows the work of the CRLA.⁹ In fact, scholars often attribute CRLA victories to the UFW. As just one example, in Emigdio Vasquez's 1997 mural *The Legacy of Cesar Chavez*, the artist includes a weathered farmworker to Chavez's right who is holding a short-handled hoe, as if Chavez had saved workers from the back injuries caused by this dreaded hand tool. Chavez did speak out against the short hoe and stoop labor, but it was the CRLA that, in the early 1970s, brought the lawsuit against the California government that resulted in the statewide ban on the tool.¹⁰ Vasquez's painting is now the cover image of the 2020 edition of Eric Foner's widely used documentary reader *Voices of Freedom*, which, unfortunately, may perpetuate the idea in scholarship and popular memory that the farmworker movement, at least from the 1960s onward, was all about Chavez.¹¹

In reality, however, the CRLA played a foundational role in both the farm labor movement of the 1960s and, later, the environmental justice movement in rural California. As historian Lori Flores has argued, two CRLA lawsuits in 1967, one that protected farmworkers' right to unionize and another that prevented growers from importing another wave of guest workers from Mexico, prepared the Salinas Valley for union organization. "Chavez did not suddenly bring a farmworker movement to the valley," she writes; "a vibrant movement had already blossomed and was waiting for him there."¹² In a similar way, environmental justice activists in later decades did not bring a movement to rural California. Rather, the movement had already blossomed with the CRLA's practice of environmental poverty law on behalf of Mexican American farmworker communities.

9. Since the 1970s, dozens of scholars have published books on Cesar Chavez, the United Farm Workers (UFW), and the farm labor movement, yet only two of these book-length studies examine the CRLA closely, namely: Ellen Casper, "A Social History of Farm Labor in California: With Special Emphasis on the United Farm Workers Union and California Rural Legal Assistance" (PhD diss., New School for Social Research, 1984) and Lori A. Flores, *Grounds for Dreaming: Mexican Americans, Mexican Immigrants, and the California Farmworker Movement* (New Haven: Yale University Press, 2016).

10. See Taylor Cozzens, "Defeating the Devil's Arm: The Victory over the Short-Handled Hoe in California Agriculture," *Agricultural History* 89, no. 4 (Fall 2015): 494–512; Maurice Jourdan, *The Struggle for the Health and Legal Protection of Farm Workers: El Cortito* (Houston: Arte Público, 2004); Douglas L. Murray, "The Abolition of El Cortito, the Short-Handled Hoe: A Case Study in Social Conflict and State Policy in California Agriculture," *Social Problems* 30, no. 1 (1982): 26–39.

11. See Eric Foner, *Voices of Freedom: A Documentary History*, Vol. 2, 6th ed. (New York: W.W. Norton, 2020).

12. Flores, *Grounds for Dreaming*, 166–67.

A study of environmental litigation for Mexican American workers draws on the histories of environment, race, and labor—three fields that have often struggled to come together all at once.¹³ Environmental historian Kathleen Brosnan, for example, recently called on her colleagues to “lift a metaphorical fog within our field” by “contemplating more thoroughly the ways in which people historically have experienced nature through . . . racially segregated worksapes.”¹⁴ CRLA litigation provides insight into one racially segregated and environmentally hazardous workscape that Mexican American laborers sought to reshape. Although their efforts did not change the racialized nature of farm labor, they did change some pesticide and field sanitation practices in farmworkers’ favor, which in turn helped these workers challenge their status in society at large. As geographer Don Mitchell has argued, in California, “the struggle against the structure of social relations . . . is also necessarily a struggle against [a] landscape” that objectifies workers.¹⁵ Using the CRLA, Mexican American communities both changed a landscape (at least to an extent) and challenged a social hierarchy.

The history of the CRLA thus also fits alongside other histories of farmworker protest and resistance. In recent years, historians have examined many ways, in addition to unionization, that farmworkers in the mid-twentieth century fought exploitation, exercised their agency, and asserted their humanity.¹⁶ In the 1960s, one crucial way, as historian Lauren Araiza has argued, involved forming alliances across racial and class boundaries.¹⁷

13. Labor historian Gunther Peck writes that, despite the efforts of some environmental historians to build bridges to labor history, “the fields of environmental and labor history remain largely disconnected from each other.” Gunther Peck, “The Nature of Labor: Fault Lines and Common Ground in Environmental and Labor History,” *Environmental History* 11, no. 2 (2006): 213.

14. Kathleen Brosnan, “The Lifting Fog: Race, Work, and the Environment,” *Environmental History* 24 (2019): 9–10.

15. Don Mitchell, *The Lie of the Land: Migrant Workers and the California Landscape* (Minneapolis: University of Minnesota, 1996), 11.

16. Mario Sifuentez, for example, has examined the way Bracero workers in the Pacific Northwest skipped out on contracts, played competing growers against each other, and socialized with locals despite strict mandates against such socialization. Mireya Loza considers how Indigenous and Mestizo workers defied both the U.S. and Mexican governments’ rhetoric about achieving greater modernity and masculinity through labor as a Bracero. See Mario Jimenez Sifuentez, *Of Forests and Fields: Mexican Labor in the Pacific Northwest* (New Brunswick: Rutgers University, 2016); Mireya Loza, *Defiant Braceros: How Migrant Workers Fought for Racial, Sexual, and Political Freedom* (Chapel Hill: University of North Carolina, 2016).

17. Lauren Araiza examines the “sustained relationship” between the UFW and five African American activist groups, a coalition that helped the UFW achieve many of its most important victories. Similarly, W.K. Barger and Ernesto M. Reza highlight the role of the Catholic Church in supporting the Farm Labor Organizing Committee (FLOC) in the Midwest. Lauren Araiza, *To*

Another way, as historian Marc Rodriguez has demonstrated, was using and shaping War on Poverty programs.¹⁸ The CRLA exemplifies both strategies. As soon as it came into being, farmworkers around the state began directing its staff to widespread injustices that their communities faced.¹⁹ Their use of the agency to fight policies and practices related to pesticide use and field sanitation contributed significantly to the farm labor and environmental justice movements.

The most basic connection between the farm labor movement and the environmental justice movement lies in the relationship of California farmworkers to their natural environment. In 1939 Californian Marie De L. Welch captured the essence of this relationship in a poem. “Ours is the land of nomad harvesters,” she wrote, “Men of no root, no ground, no house, no rest; / They follow the ripening, gather the ripeness / Rest never, ripen never, / Move and pause and move on.”²⁰ The migratory nature of farm labor helps explain many of challenges field workers and their families faced, including poverty, poor housing, lack of educational opportunities, and general vulnerability in society. The fact that most farmworkers were ethnic or racial minorities further explains why society as a whole often treated them, in historian Richard Street’s words, as “beasts of the field.”²¹

March for Others: The Black Freedom Struggle and the United Farm Workers (Philadelphia: University of Pennsylvania, 2013), 5; W.K. Barger and Ernesto M. Reza, *The Farm Labor Movement in the Midwest: Social Change and Adaptation among Migrant Farmworkers* (Austin: University of Texas, 1994), 146–50.

18. In his study of Tejano migrants in Wisconsin, Marc Simon Rodriguez examines the way workers in the late 1960s achieved the “Latinization” of the United Migrant Opportunity Services (UMOS), a large War on Poverty program. While the all-white management of the agency originally “saw itself as working for migrants rather than with them,” Latino activists remade the agency into a powerful center of action and activism. The success of this agency, once local migrants took charge, challenges the popular belief that War on Poverty programs were little more than “well-intentioned failures.” Marc Simon Rodriguez, *The Tejano Diaspora: Mexican Americanism and Ethnic Politics in Texas and Wisconsin* (Chapel Hill: University of North Carolina, 2011), 100, 111, 98–125.

19. Historians Lori Flores and Doug Genens both emphasize the crucial role of farmworkers in shaping the legal approach of the CRLA. Flores, *Grounds for Dreaming*, 174; Doug Genens, “Fighting Poverty in the Fields: Legal Services and the War on Poverty in Rural California,” *Agricultural History* 94, no. 2 (2020): 271.

20. Marie de L. Welch, *This Is Our Own* (New York: MacMillan, 1940), 56; see also Carey McWilliams, *Factories in the Field: The Story of Migratory Farm Labor in California* (Boston: Little, Brown, and Company, 1939), Preface.

21. Richard Steven Street, *Beasts of the Field: A Narrative History of California Farmworkers, 1769–1913* (Stanford: Stanford University Press, 2004), xv–xxv. For more on racism against Mexican Americans, see Stephen J. Pitti, *The Devil in Silicon Valley: Northern California, Race, and Mexican Americans* (Princeton: Princeton University Press, 2003).

The mid-twentieth century saw a rise in environmental hazards as well as racialized field work in rural California. On one hand, as historian Linda Nash has documented, state and national agricultural departments encouraged growers to use more agrochemicals in the name of modernization and production.²² At the same time, Mexican and Mexican American farmworkers entered the industry in increasing numbers. As scholar Joon Kim's research indicates, in the first half of the century, authorities promoted the use of temporary laborers from Mexico because these workers were supposedly easier to deport once harvest season ended.²³ By the end of World War II, California growers relied on a combination of second- and third-generation Mexican American workers, temporary Mexican workers from the government-sponsored Bracero Program, and first-generation immigrants who came to work informally. This diversity often led to a glutted labor pool, which allowed growers to pay low wages and worry little about working conditions.²⁴

One of the largest problems farmworkers faced was more frequent exposure to dangerous agrochemicals. As one Bracero worker recalled in 1958, "While I was here last September, I got sick as a consequence of my work. I was picking tomatoes near Oxnard. My fingernails became infected as a result of poison that was on the tomato plants. Some of my fingernails fell off. It was very painful to work." Another worker explained, "Many [braceros] are in worse health when they return to [my home town] than they were when they left. The reason for this, I believe, is that they have to breathe in too many chemicals that have been sprayed on the plants where they work."²⁵ As these accounts indicate, farmworkers could easily absorb pesticides through the skin or through the respiratory system, and neither growers nor the state government took great pains to help workers avoid such exposure.

Historian Mary Mendoza highlights the "cruel irony" of these conditions for Bracero laborers. At the U.S. border, officials subjected these workers to a humiliating "cleaning process . . . to transform presumably filthy bodies into what

22. Linda Nash, *Inescapable Ecologies: A History of Environment, Disease, and Knowledge* (Berkeley: University of California Press, 2006), 130–48.

23. Joon Kim, "California's Agribusiness and the Farm Labor Question: The Transition from Asian to Mexican Labor, 1919–1939," *Aztlan*, 37, no. 2 (2012): 47–72.

24. See Flores, *Grounds for Dreaming*, 77–81; see also Dionicio Nodín Valdés, *Organized Agriculture and the Labor Movement Before the UFW: Puerto Rico, Hawai'i, California* (Austin: University of Texas Press, 2011), 179–80, 213–17.

25. See the interviews in Henry P. Anderson, *The Bracero Program in California* (New York: Arno Press, 1976), 213, 215.

authorities considered clean ones,” as well as an invasive screening process “to weed out those they considered disabled.” Yet, in Mendoza’s words, “rather than Mexicans bringing sickness to the United States, working in the United States often made Mexicans sick or disabled.”²⁶ Additionally, Flores, Mario Sifuentez, and other scholars have noted U.S. officials’ practice of spraying Bracero workers with DDT to supposedly “disinfect” their bodies.²⁷ In reality, of course, the pesticide was much more likely to infect, rather than disinfect, and the practice foreshadowed a work experience in which exposure to harmful chemicals would be common. While Mexican American and undocumented Mexican workers did not have to go through this humiliating health inspection, popular ideas of racial inferiority also associated their bodies with disease while ignoring the fact that most workers enjoyed good health until excessive labor, unsanitary housing, and exposure to agrochemicals in U.S. fields all took their toll.²⁸

In the mid-1960s, both the UFW and the CRLA entered rural California and began helping farmworkers assert their voices vis-à-vis farming policies and practices. While these were by no means the first farmworker advocates in California, they both found new ways to challenge grower organizations and their government allies.²⁹ For its part, the UFW’s grape boycott of the late 1960s awoke the nation to the plight of farmworkers, and the rhetoric and commitment of Cesar Chavez attracted significant support. “We are not beasts of burden, agricultural implements or rented slaves,” Chavez boldly declared; “we are men.”³⁰ In 1968 the nation witnessed Chavez’s twenty-five-day fast for the farmworker movement, which he concluded by attending mass alongside Senator Robert Kennedy.³¹ It likewise witnessed union members’ long marches. *Time Magazine* named Chavez Man of the Year in 1969.

Regarding pesticides, Chavez and the union called on growers to be more transparent in their use of agrochemicals so that farmworkers could avoid

26. Mary E. Mendoza, “La Tierra Pica/The Soil Bites: Hazardous Environments and the Degeneration of Bracero Health, 1942–1964,” in *Disability Studies and the Environmental Humanities: Toward an Eco-Crip Theory*, eds. Sarah Jaquette Ray and Jay Sibara (Lincoln: University of Nebraska Press, 2017), 475–77.

27. Flores, *Grounds for Dreaming*, 45–47, 214–15; Sifuentez, *Of Forests and Fields*, 13–14.

28. See Flores, *Grounds for Dreaming*, 20, 77–78, 103–104.

29. For more on farm labor organization prior to the 1960s, see Ernesto Galarza, *Spiders in the House and Workers in the Field* (Notre Dame: University of Notre Dame Press, 1970); Valdés, *Organized Agriculture*, 5–6, 169–230. Farmworkers also fought pesticide practices in other parts of the nation; see Barger and Reza, *The Farm Labor Movement*, 137–38, 143–44.

30. Cesar Chavez, “Letter from Delano, 1969,” in Foner, *Voices of Freedom*, 293.

31. See Randy Shaw, *Beyond the Fields: Cesar Chavez, the UFW, and the Struggle for Justice in the Twenty-First Century* (Berkeley: University of California Press, 2008), 89–91.

exposure. Growers ignored the union's requests until Chavez, to their chagrin, adopted a different strategy and publicized the dangers that consumers faced, which broadened the debate and placed additional pressure on growers.³² At the same time, Chavez continued to emphasize workers' well-being. In early 1969, he sent a letter to the Southern Central Farmers Commission, the California Grape and Tree Fruit League, and the Desert Grape League. "We will not tolerate the systematic poisoning of our people," he wrote. "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."³³ Although the growers did not respond to his letter, they eventually had no choice but to negotiate. The contracts they signed included some controls on pesticide use.³⁴ The UFW's work during this time also helped lead to the passage of the 1975 Agricultural Labor Relations Act (ALRA) in California, which gave farmworkers, who had not been covered under the National Labor Relations Act, the right to organize and negotiate their terms of employment.³⁵

Meanwhile, the CRLA had begun playing a crucial, albeit less public, role in the farmworker movement. The formation of the agency reflected two of the Lyndon Johnson presidential administration's main goals in its War on Poverty and promotion of civil rights. First, Johnson and his staff believed that the poor throughout the nation should have free access to attorneys. This step, they believed, was necessary in order to move the fight for civil rights from the streets to the courts.³⁶ Second, the administration recognized that migrant workers throughout the nation were, as one religious leader put it, "the *most* voiceless and voteless citizens in this land."³⁷ Johnson's personal experiences among Mexican American communities in southern Texas added special energy to the

32. See Matt García, *From the Jaws of Victory: The Triumph and Tragedy of Cesar Chavez and the Farm Worker Movement* (Berkeley: University of California Press, 2012), 78–79.

33. "El Malcriado: 'Growers Spurn Negotiations on Poisons,' 1969" in *Environmental Justice in Postwar America: A Documentary Reader*, ed. Christopher W. Wells (Seattle: University of Washington Press, 2018), 97–98.

34. See Miriam Pawel, *The Crusades of Cesar Chavez: A Biography* (New York: Bloomsbury, 2014), 191, 200.

35. See "About the Agricultural Labor Relations Board," <https://www.alrb.ca.gov/about-us/> (accessed May 27, 2022).

36. See, for example, Lewis F. Powell, "The Response of the Bar," *American Bar Association Journal* 51 (Aug. 1965): 751.

37. See Rev. James L. Vizzard, "Meeting the Needs of Migrant Workers," Nov. 17, 1964, Folder: LA 5 Migratory Labor— Seasonal Labor 10/1/64–12/25/64, Box 18: Labor, Gen LA 5, 10/1/1964; Lyndon Baynes Johnson Presidential Library, Austin, Texas (emphasis in original).

focus on migrant workers.³⁸ In rural California, where some 400,000 Latino (mostly Mexican American) men and women worked in the fields and lived in abject poverty, these two goals combined in the creation of the largest and boldest legal service agency in the nation: the CRLA. In May of 1966, with an OEO grant of \$1.27 million, the agency opened offices in the agricultural towns of El Centro, Santa Maria, McFarland, Salinas, Madera, Modesto, Gilroy, and Santa Rosa. Soon thereafter, it added an office in Marysville and established a central office in San Francisco.³⁹

The agency quickly became one of farmworkers' most powerful allies. Not only did workers themselves direct local offices to cases of significance, but many CRLA staff members and even some of its leading attorneys, such as Cruz Reynoso and Ralph Abascal, were personally familiar with farm labor. This familiarity helped underpin their visions for civil rights and social reform in rural California.⁴⁰ The agency did its job so well that California Governor Ronald Reagan's administration soon accused it of giving farmworkers "economic leverage equal to that existing in large corporations," and the pro-business governor tried to shut the agency down.⁴¹ In a way, Reagan's response reflects the way that the CRLA leveled the playing field between farmworkers and grower organizations. The work of the CRLA also confirmed Johnson's belief that federal programs really could mitigate poverty and injustice. As Cruz Reynoso later declared, "The CRLA has proven that a degree of social and economic change is possible within the system [and] that the system is available and open to the powerless."⁴²

38. See Robert A. Caro, *The Years of Lyndon Johnson: The Path to Power* (New York: Knopf, 1982), 166–73, 241–60; Julie Leininger Pycior, *LBJ and Mexican Americans: The Paradox of Power* (Austin: University of Texas Press, 1997); Michelle Hall Kells, *Vicente Ximenes, LBJ's Great Society, and Mexican American Civil Rights Rhetoric* (Carbondale: Southern Illinois University Press, 2018).

39. See "Report to the Office of Economic Opportunity and CRLA Board of Trustees on Operations of California Rural Legal Assistance, May 24, 1966–Nov. 23, 1966." Folder 1, Box 7, CRLA Records see also "A CRLA Casebook: Selected Clippings and Summaries of 1968 Cases," Folder 1, Box 28, CRLA Records.

40. See María L. La Ganga, "Cruz Reynoso, California's First Latino Supreme Court Justice, Dies at 90," *Los Angeles Times*, May 7, 2021, <https://www.latimes.com/obituaries/story/2021-05-07/cruz-reynoso-california-supreme-court-justice-died> (accessed May 30, 2022); Tim Golden, "Ralph S. Abascal, 62, Dies; Leading Lawyer for the Poor," *The New York Times*, March 19, 1997, <https://www.nytimes.com/1997/03/19/us/ralph-s-abascal-62-dies-leading-lawyer-for-the-poor.html> (accessed May 30, 2022).

41. See quotation from Lewis K. Uhler in Fundraising letter from Alberto Saldamando to California communities, 1982, Folder 1, Box 279, CRLA Records; see also Taylor Cozzens, "Ronald Reagan v. CRLA: Politics, Power, and Poverty Law," *California Legal History* 15 (2020): 175–206.

42. CRLA Press Release, Dec. 27, 1970. Folder 54, Carton 29, CRLA Records.

CRLA attorneys and community workers helped farmworkers with a wide range of needs. Given the endless number of individual cases, however, CRLA directors soon instructed attorneys to “strive to take cases which affect a large number of people, will result in an important change in the law, or will prevent or rectify a great hardship or injustice.”⁴³ Under Johnson, the federal OEO warmly endorsed this move.⁴⁴ While these “impact cases,” as the CRLA called them, only amounted to 20 percent of the agency’s overall caseload, they made a bold statement about farmworkers’ new legal clout.

Many of these impact cases had an environmental focus. Although the agency and its clients did not use the terms environmental justice or environmental poverty law during these early years, their focus on minority communities’ disproportionate exposure to environmental hazards fits clearly within these concepts. For example, in one of their earliest cases, lawyers of the McFarland field office issued formal complaints against the authorities of the nearby town of Wasco for providing the Mexican American and African American section of the town with unsanitary drinking water from an independent utility company. The rest of the town, they noted, enjoyed safe water from the municipal facility. If these administrative procedures did not yield results, the lawyers warned, “we will consider equity actions against the city of Wasco and damage actions . . . against the independent utility and the city.”⁴⁵

In a parallel case, the same attorneys protested the location of a feed lot for cattle next to a Mexican American community near McFarland. The Spanish-speaking residents specifically complained that “large swarms of flies [had] . . . infested their neighborhood and their homes,” and “neither the cattle company nor the city have taken any steps to abate the nuisance.” When formal complaints yielded no results, the agency prepared to file suit against the county.⁴⁶ In both cases, CRLA attorneys emphasized the discriminatory effects of existing policies and practices related to the environment, and they began developing the argument that disproportionate exposure to environmental hazards or nuisances violate minority communities’ civil rights.

43. “Report to the Office of Economic Opportunity,” 1966.

44. In 1968 the Office of Economic Opportunity (OEO) urged all legal service agencies in the nation to not only engage in “routine legal services,” but also in “law reform,” which it defined as any “innovative [legal work] designed to make a substantial impact on more than an individual client and the cycle of poverty.” See Memo from Burt W. Griffin [OEO National Director of Legal Services Program], “Priorities and Policies on Refunding,” Oct. 1, 1968, Folder 8, Carton 75, CRLA Records.

45. “Report on Operations,” 39, December 6, 1966, Folder 1, Box 7, CRLA Records.

46. *Ibid.*, 40.

As time passed, the agency's focus on problems related to the environment continued, as did the role of local communities in shaping its work. In 1970, looking back on the previous year, attorneys observed that "changes in [our] caseload appear to have been prompted by an increasing awareness of certain issues by the community at large." Among these issues, attorneys listed "hunger and pesticide injuries," as well as matters relating to "health care recipients, consumers, wage earners concerned with environmental issues, and juveniles." In this same report, attorneys noted that they had worked on "420 cases involving the dangerous use of pesticides, and 440 other matters relating to employers' failure to enforce the state's sanitation and pure food laws."⁴⁷

One of the CRLA's first impact cases took on DDT. As the work of historian David Kinkela illustrates, the U.S. government embraced DDT as a scientific miracle during World War II because it significantly reduced mosquito-borne illnesses such as malaria and yellow fever among soldiers. Following the war, authorities promoted the pesticide as an essential ingredient in the Green Revolution, a plan to strengthen strategically important nations of the Global South by increasing their agricultural productivity.⁴⁸ In California, the Department of Agriculture promoted DDT and many other pesticides in the name of productivity.⁴⁹ Yet the practices of spraying the poison on Bracero workers at the border or using the pesticide in the fields with little consideration for farmworker health reveal the racism within the idea of modernization.

The CRLA's effort to ban DDT challenged this idea. As the agency's litigation suggested, not only had authorities, growers, and manufacturers failed to protect farmworkers, but, as the Berkeley report on mother's milk suggested, they could not control all forms of contamination even if they tried. This lack of control could have dire consequences, for scientific studies later linked DDT to increased risk of pancreatic and breast cancer, non-Hodgkin's lymphoma, hypertension, impaired neural functions, liver disease, reduced psychomotor functions, obesity, elevated cholesterol, reduced fecundity, and reproductive problems.⁵⁰

47. "A Brief Analysis of the 1969–1970 Caseload," 1–2, Folder 9, Box 7, CRLA Records.

48. David Kinkela, *DDT and the American Century: Global Health, Environmental Politics, and the Pesticide that Changed the World* (Chapel Hill: University of North Carolina Press, 2011), 15–18, 30–32, 60–66, 137–38; for more on the Green Revolution, see "Roundtable: New Narratives of the Green Revolution," *Agricultural History* 81, no. 3 (2017), 397–422.

49. Nash, *Inescapable Ecologies*, 130–33.

50. See Dorceta E. Taylor, *Toxic Communities: Environmental Racism, Industrial Pollution, and Residential Mobility* (New York: New York University Press, 2014), 7–8.

After publishing the Berkeley report on DDT deposits in mother's milk, the CRLA filed a case with the federal government on behalf of six farmworkers, five of whom were nursing mothers, and on behalf of the Environmental Defense Fund. Debates over the pesticide lasted for nearly three years, but in June of 1972, the Environmental Protection Agency, which the federal government had created in 1970, outlawed the pesticide domestically. The CRLA lawsuit on behalf of the female farmworkers had been instrumental in the legal debate.⁵¹ In the 1990s, CRLA attorneys Ralph Abascal and Luke W. Cole called the battle over DDT "the first environmental justice case within legal services," and they argued that the "CRLA's 25-year history of environmental poverty law advocacy stem[med] from that suit."⁵²

Unfortunately, chemical manufacturers soon replaced DDT with other pesticides that were also hazardous. As a journalist observed in 1970, "Fewer and fewer farmers are using DDT but some of the chemicals replacing it may pose a far greater direct hazard to man. . . . Causing primary concern are the organo phosphate pesticides which the California Rural Legal Assistance believes are contributing to a high injury rate among farm workers."⁵³ German chemists originally developed organophosphates as nerve gas in the late 1930s, and in their later use as a pesticide, they were extremely dangerous to humans. Notably, these toxins were just one of many chemical weapons that became agricultural pesticides. Chloropicrin, the World War I tear gas, was later used as an insecticide. Similarly, the U.S. Department of Agriculture helped market paradichlorobenzene (PDB), an explosives byproduct, as a remedy for peach tree borers and clothes moths.⁵⁴ As another example, pesticide critics in the 1960s and 1970s pointed out that land owners routinely doused "American crop and forest lands" with the "close chemical relatives" of Agent Orange, the U.S. Army's infamous defoliant that left countless

51. See Luke W. Cole and Sheila R. Foster, *From the Ground Up: Environmental Racism and the Rise of the Environmental Justice Movement* (New York: New York University Press, 2001), 221, footnote 32; see also, Julie Sze, "Denormalizing Embodied Toxicity: The Case of Kettleman City," in *Racial Ecologies*, ed. LeiLani Nishime and Kim D. Hester Williams (Seattle: University of Washington Press, 2018), III.

52. Ralph Santiago Abascal and Luke W. Cole, "The Struggle for Environmental Justice: Legal Services Advocates Tackle Environmental Poverty Law," *Clearinghouse Review: Journal of Poverty Law* 29, no. 4 (1995): 459.

53. Jerry Henry, "Pesticides Subbed for DDT Hazard," *Bakersfield Californian*, April 20, 1970, Folder 6, Box 65, CRLA Records.

54. Edmund Russell, *War and Nature: Fighting Humans and Insects with Chemicals from World War I to Silent Spring* (Cambridge: Cambridge University Press, 2001), 83, 87–88.

children in Vietnam with cancer and birth defects.⁵⁵ For farmworkers, the transition of wartime chemical weapons to peacetime pesticides meant that their natural environment was no safer in some respects than that of civilians in a war zone.

The probability of poisoning in the fields increased dramatically with the use of another wartime development: the spray plane. Many growers preferred aerial spraying for its efficiency. The challenge, however, was the environment. The wind could easily carry the chemicals to unintended places, which, in turn, could harm plants, animals, and people. Moreover, on more than one occasion, careless sprayers doused farmworkers in the fields with pesticides from above. On June 22, 1969, for example, Miguel and Hermelinda Ybarra were picking strawberries with forty-eight other workers in a field near Santa Maria when “they were sprayed without warning by a blackish liquid from an airplane about 12 to 15 feet above the ground.” Many workers began vomiting. Hermelinda reported temporary blindness. Soon thereafter, the CRLA filed a complaint on behalf of the Ybarras and won a temporary ban on all aerial spraying for this particular grower. The agency also won a court ruling that required the director of the California Department of Agriculture, the county agricultural commissioner, and the grower to “give one hour’s notice to field workers that such aerial activity is scheduled.”⁵⁶ The fact that it took mass poisoning and legal action to establish such a basic regulation reflects farmworkers’ situation in rural California. To return to Mitchell’s ideas about landscapes and social structures, workers such as the Ybarras were just tiny dots on the land.

Farmworkers’ anonymity heightened their vulnerability. In 1951, a federal Commission on Migratory Labor had written that “The [farm labor] employment relationship is highly impersonal. Often the employer . . . does not know the names of his employees nor how many on any given day are working for him.” Workers, it concluded, live in “insecurity and obscurity.”⁵⁷ With the rise of pesticide use, such obscurity put workers at tremendous risk. Jesús Lopez, a CRLA community worker who spent nearly twenty years

55. “Herbicides that Kill Weeds—and Fetuses,” *San Jose Mercury News*, February 4, 1980, Folder 14, Box 345, CRLA Records.

56. “Court Order Halts Aerial Crop Sprays,” *Santa Barbara News Press*, Aug. 5, 1969, Folder 6, Box 65, CRLA Records.

57. “Migratory Labor in American Agriculture,” Report of the President’s Commission on Migratory Labor, 1951, 18, quoted in “Proposal to Aid Farm Workers and Other Poor Persons Residing in the Rural Areas of California,” CRLA, 4–5, Folder 3, Box 271, CRLA Records.

(1971 to 1989) in the fields before joining the agency, explained that in his experience growers did not *want* to hurt their workers but neither did they have a culture of communicating with them. In fact, as agriculture became more specialized, growers usually hired third parties to spray their fields. Thus, information about pesticide application—which chemicals, which field, what time, etc.—had to go from the sprayer to the grower to the labor contractor to the foreman to the crew.⁵⁸ Lack of communication was common, especially given the language differences between growers and workers, as well as the monetary incentives to get the work done as quickly as possible. The legal work of the CRLA obligated growers and other officials to begin communicating with workers about pesticide hazards.

The Ybarra and DDT cases represented two foundational victories in the CRLA’s fight against pesticides. Reporting on both cases in 1970, before they were even resolved, attorneys wrote that “the battle to limit pesticide usage is by no means won, but a first step has been taken.”⁵⁹ This same year, Marty Spiegel, the director of the CRLA’s Santa Rosa field office, offered a similar assessment of the agency’s work in general. “Maybe we’re only hitting the tip of the iceberg,” he said. “But it feels very good to chip away.”⁶⁰ As the DDT case indicated, even if litigation led to a ban on a certain chemical, growers could simply replace it with an equally toxic pesticide that remained legal. Furthermore, chemical manufacturers could introduce a new product that had just enough technical differences to sidestep the ban. These strategies worked exceptionally well for both chemical manufacturers and growers, ensuring that the fight against pesticides would be never-ending. At the same time, in an industry that was producing agrochemicals almost exponentially, CRLA litigation frequently helped workers put a check on some of the most dangerous products and practices.

During these early years, the agency argued many other impact cases, several of which focused on children. Although not all of these cases related directly to environmental hazards, they reveal the experiences of farmworker children in a society that often viewed their parents as dots on the land. They also highlight the way the CRLA helped broaden the farm labor movement to include entire families and not just workers in the field. In 1970, with the help of Mexican American families in the Soledad area, the CRLA found that state educators had placed some 22,000 farmworker children in special

58. Jesús Lopez, In conversation with author, March 18, 2019.

59. “A Brief Analysis of the 1969–1970 Caseload,” 25, Folder 9, Box 7, CRLA Records.

60. Laurence J. Kirshbaum, “Lawyers in the Lettuce Patch,” *Los Angeles Times West Magazine*, February 8, 1970, Folder 7, Box 65, CRLA Records.

education classes simply because these children spoke limited English and performed poorly on English-only IQ tests. Just one month after a CRLA lawsuit, the state Board of Education began developing “culturally relevant” exams for Mexican American schoolchildren.⁶¹

This same year, a smaller case began in the high school of San Benito County. As CRLA attorneys reported, the school’s dress code required male students to be clean shaven, but some did not abide closely by the rule. School officials had not worried about the students’ facial hair until one day, seemingly out of the blue, the Dean of Boys ordered all male students to line up against the wall during gym class. “He [then] took a razor without water or soap or cream to the boys and shaved those whom he felt were out of compliance with regulations. Besides causing them substantial pain and drawing blood,” the lawyers wrote, “the action was extremely humiliating to the students.” While the attorneys brought a suit to the federal district court, the student themselves chose to stand up to the dean by letting their facial hair grow “as a matter of long-standing family culture as well as individual preference.” The school board soon gave in.⁶²

Several impact cases involved children’s hunger. Another cruel irony of rural California was that those who spent their days harvesting crops often had inadequate money for food. As CRLA investigation revealed, several school systems did not serve milk to schoolchildren who could not afford it. This practice, the attorneys argued, violated the students’ basic rights, and the fact that the low-income students “must sit at tables with those who do receive [milk] during the break time” added insult to injury.⁶³ Outside the school, the agency’s investigations in San Benito county revealed that poor “families . . . have been living on nothing but beans, potatoes, and bread,” and “some children have been getting only two glasses of milk a month.”⁶⁴ In both cases, CRLA lawsuits obligated state authorities to provide milk and food for these children and families.⁶⁵ During this time,

61. See, Mary Ellen Leary, “Children Who Are Tested in an Alien Language: Mentally Retarded?,” *The New Republic*, May 30, 1970, Folder 6, Box 65, CRLA Records; “A Brief Analysis of the 1969–1970 Caseload,” 8–10 (quote on page 10), Folder 9, Box 7, CRLA Records.

62. “A Brief Analysis of the 1969–1970 Caseload,” 21, Folder 9, Box 7, CRLA Records.

63. Michael Harris, “Federal Subsidy: Suit Says Needy Fail to Get Milk,” *San Francisco Chronicle*, December 3, 1969, Folder 6, Box 65, CRLA Records.

64. Michael Harris, “Lawmaker Tries to Get Surplus Food for Poor,” *San Francisco Chronicle*, March 7, 1969, Folder 6, Box 65, CRLA Records.

65. “Suit Settled: More Free Milk for State’s Kids,” *San Francisco Chronicle*, March 17, 1970, Folder 3, Box 65, CRLA Records.

the agency also argued cases that addressed discrimination in food stamp distribution.⁶⁶

Unlike the cases over English-only testing and dress code violations, the CRLA's "hunger suits" met with considerable opposition. At the national level, the U.S. Department of Agriculture first refused to send surplus food to impoverished families in California.⁶⁷ At the state level, Governor Reagan remained committed to his anti-welfare campaign declaration that "there just *'ain't no such thing as a free lunch.*"⁶⁸ At a more local level, trustees of the Windsor Elementary School District in Sonoma County argued that it was not their responsibility to worry about students' nutrition. We are "in the business of education, not feeding," they said.⁶⁹ More than mere opinions, each of these responses exemplify structural injustices that stemmed in large measure from farmworkers' place in California landscapes.

In her work on incarceration camps during World War II, historian Connie Chiang argues that Japanese Americans' restriction to particular environments "reinforced their racial status." Furthermore, "the inequalities and injustices that they endured were inextricably linked to the environment."⁷⁰ In a similar way, language, lack of formal education, and poverty restricted many Mexican American families to farm work, and this restriction reinforced their racial status in society at large. The experiences of farmworker children provide a sobering window into this situation.

Another significant but less studied environmental injustice involved the lack of field sanitation. While problems such as the lack of potable water, portable toilets, and handwashing facilities presented different health risks than those associated with pesticide exposure, they nonetheless represented environmental hazards that reinforced farmworkers' racial status. In his study of the sanitary units in the federal government's farm labor camps in New Deal California, historian of religion Jonathan Ebel notes that although authorities

66. "Judge Says Discrimination in Food Program," *San Juan Missions News*, January 3, 1969, Folder 4, Box 65, CRLA Records.

67. Michael Harris, "Lawmaker Tries to Get Surplus Food for Poor," *San Francisco Chronicle*, March 7, 1969, Folder 6, Box 65, CRLA Records; "CRLA Pushing Battle for Food," *San Jose Mercury*, March 4, 1969, Folder 4, Box 65, CRLA Records.

68. "The Republican Party and the Conservative Movement," *National Review*, Dec. 1, 1964; emphasis in original, quoted in, Lou Cannon, *Governor Reagan: His Rise to Power* (New York: Public Affairs, 2003), 132.

69. "We're Educating, not Feeding, Say Trustees," *Sebastopol Times*, September 24, 1970, Folder 7, Box 65, CRLA Records.

70. Connie Y Chiang, *Nature Behind Barbed Wire: An Environmental History of the Japanese American Incarceration*. (New York: Oxford University Press: 2018), 10–11.

expected moral and physical cleanliness of “white” farmworkers, they associated foreign workers with incorrigible dirtiness in both body and soul.⁷¹ This association persisted for decades and helps explain why state and local authorities, as well as growers, often turned a blind eye to obvious problems of field sanitation.

Through the CRLA, workers fought for more control over interactions with their environment involving hydration and hygiene. At the heart of the debate was the idea that workers deserved water and sanitary facilities simply because they were human beings (and not beasts of the field). CRLA attorneys included the problem of field sanitation in one of their first reports on poverty in rural California. As they pointed out, regulations existed; enforcement did not. By law, they wrote, “employers are required to provide their workers with drinking water, toilets, and handwashing facilities and periodic rest periods. Yet it has been observed that less than 20% of [agricultural] employers in the state comply with these requirements.”⁷²

As the agency’s staff began to examine the problem more closely, this figure turned out to be generous. In 1968, they interviewed hundreds of workers and concluded that 101 of 173 employers in Sutter, Yuba, Butte, and Colusa counties did not provide drinking water for their employees. Of the 72 that did provide water, 43 provided only one cup, which workers had to share, and twelve others provided water that was dirty or open to the air. A similar survey regarding portable toilets revealed that 125 of 139 growers provided no toilets; and of the few growers that did provide toilets, workers reported that the facilities were not private or had no paper. Such poor compliance flew in the face of California Labor Code, which required at least one toilet in the fields for every 40 workers.⁷³ With regard to handwashing stations, of 139 growers surveyed, 132 did not provide these facilities.⁷⁴ The following year, a different source found that growers had collectively violated state sanitation laws some 600,000 times.⁷⁵

71. Jonathan H. Ebel, *From Dust They Came: Government Camps and the Religion of Reform in New Deal California* (New York: New York University Press, 2023), 182–226.

72. “Proposal to Aid Farm Workers and Other Poor Persons in the Rural Areas of California,” 1966, CRLA Report, Folder 3, Box 271, CRLA Records.

73. Jack Magee, “Field Sanitation Study Spurs Health Inspections,” *Telegraph Tribune*, September 18, 1970, Folder 7, Box 65, CRLA Records.

74. Don Razez, “Agricultural Work in Unfit, CRLA Contends,” *California Farmer*, May 18, 1968, Folder 6, Box 65, CRLA Records.

75. Harry Bernstein, “Enforce Farm Health Laws, State Urged,” *Los Angeles Times*, Mar. 27, 1970, Folder 3, Box 65, CRLA Records; Jack Magee, “Field Sanitation Study Spurs Health Inspections.”

Not only did these violations unnecessarily expose farmworkers (and fresh food) to germs, they also humiliated workers on a daily basis. Female farmworkers, who, by the late 1960s made up approximately one third of the domestic agricultural labor force, faced additional challenges. As journalist John Gregory Dunne reported, the lack of portable toilets forced women workers “to squat down several rows over from where they were picking” in order to relieve themselves. When they did so, his interviewees reported that on some occasions “their foreman [would] sneak after them and watch them.”⁷⁶ The unique challenges facing female farmworkers, from sexual harassment in the fields to pesticide toxins in breast milk, exemplify the assertion of scholar Traci Brynne Voyles that “even within . . . marginalized communities, environmental problems tend to be borne differently by women than men.”⁷⁷

As time passed, CRLA attorneys crafted more and more legal arguments that specifically addressed the situation of female farmworkers. In the fight for field sanitation, however, they first filed a suit in federal court on behalf of former farmworker Maricio Muñoz charging that California’s farm labor placement offices regularly “refer workers to farms which refuse to provide toilets or drinking water and otherwise violate health and safety laws.”⁷⁸ In his testimony, Muñoz stated that he had accepted a job in the Salinas Valley on the condition that the grower provide sanitary facilities. When he arrived at the fields, however, he found that, in his words, “the toilets were too filthy to use and men and women [were] urinating and defecating in the fields.” As for the drinking water, “dogs shared with 60 workers the only faucet providing water.”⁷⁹ In their lawsuit, CRLA attorneys called on Secretary of Labor George Shultz to close the “grower-controlled” offices or make them start enforcing sanitation and other regulations. Since these state offices received federal funding, they reasoned, the offices should comply with federal sanitation regulations.

This legal action did force some local officials to begin inspecting fields more regularly, yet most inspectors favored growers. “I feel we’re getting

76. John Gregory Dunne, quoted in John C. Hammerback and Richard J. Jenson, *The Rhetorical Career of César Chávez* (College Station: Texas A&M University Press, 1998), 67.

77. Traci Brynne Voyles, *Wastelanding: Legacies of Uranium Mining in Navajo County* (Minneapolis: University of Minnesota Press, 2015), 6.

78. Harry Bernstein, “Farm Group to Sue, Ask Enforcing of Labor Office Laws,” *Los Angeles Times*, March 5, 1970, Folder 6, Box 65, CRLA Records.

79. “Sanitary Field Work: Lawsuit to Protect Farm Labor,” *San Francisco Chronicle*, April 11, 1969, Folder 4, Box 65, CRLA Records.

reasonable compliance,” stated Edward Everett, supervising county sanitarian of Santa Maria. After all, he added, enforcing sanitation laws in the fields is difficult because the laws applied only during harvest season. Similarly, in San Luis Obispo County, environmental health director James Gates declared that he had spoken with growers and labor contractors and the situation was being resolved.⁸⁰ For farmworkers and their allies, these assurances were not encouraging. As CRLA attorney Ralph Lightstone recalled, at the local level, grower influence was usually so strong that county offices rarely did anything to challenge it. Consequently, in the 1970s the CRLA began arguing for statewide regulation of field sanitation through the California Division of Occupational Safety and Health (Cal/OSHA).⁸¹ Several years would pass before the agency’s efforts bore fruit.

In the meantime, another strategy involved appealing to the public. As CRLA attorney Michael Brennan publicly declared, “the time has come to be blunt and open about this situation. We must recognize that consumers are endangered by adulterated produce, and farm workers are subject to contagious diseases and other health hazards as well as to humiliation and discomfort.” Speaking further about workers’ practice of relieving themselves in or near the fields, Brennan explained that they “have no choice. They work long hours in fields of produce, far from any house, gas station, or any area where crops are not growing. They cannot use the highway. They cannot walk to a distant place because they work on a piece-rate and any time taken off is their own economic loss.” Finally, he added, “as long as growers know the laws requiring them to provide sanitation facilities are not enforced, the law will continue to be violated on a mass scale.”⁸²

To drive home the ramifications of field sanitation violations—and make growers take the problem seriously—CRLA staff member and former field worker Hector de la Rosa decided to *show* consumers in the Salinas Valley, the world’s lettuce bowl, where workers had to relieve themselves when growers did not provide toilets. One morning, he took a professional photographer and some workers to a nearby field. There, he asked a worker to purposely defecate on a head of lettuce. Once the worker had done so, the photographer took a close-up picture of the lettuce beneath a pile of

80. Jack Magee, “Field Sanitation Study Spurs Health Inspections.”

81. Ralph Lightstone, in conversation with author, Oct. 22, 2019.

82. Harry Bernstein, “Enforce Farm Health Laws, State Urged,” *Los Angeles Times*, Mar. 27, 1970, Folder 3, Box 65, CRLA Records.

excrement. When growers learned of the photo, they summarily rented portable toilets for their workers.⁸³ Public shame and the potential for diminished sales made all the difference. Using Upton Sinclair's *The Jungle*, historian Matt García argues that protests of production practices that focus exclusively on consumers may yield the quickest results, but that these tactics may lose sight of workers themselves and their rights.⁸⁴ The CRLA certainly understood this, and most of its work prioritized farmworkers. Nevertheless, in environmental cases, it regularly bolstered its legal arguments by considering consumers as well.

De la Rosa's strategy also mattered because it created the kind of energizing story that workers would tell and retell in the long fight for better working conditions. These stories encapsulated farmworker boldness, and their retelling helped sustain the labor movement. On another occasion near Salinas, for instance, farmworkers one afternoon tossed their short-handled hoes into a pile, doused them with gasoline, and burned them.⁸⁵ As a third example from the Salinas Valley, activist and fieldworker Frank Bardacke fondly recalled a day on the picket line when he and his coworkers used slings to "half-jokingly" hurl rocks at a helicopter that had come to spray the field. At one point, his friend Roberto, a former Bracero worker, "ran into the field, directly at the oncoming helicopter [with] a baseball-size rock twirling in the sling above his head, screaming a warrior's roar." The pilot, Bardacke concluded, "yanked the helicopter straight up and away from the kamikaze attack."⁸⁶ For the farm labor movement, such boldness had tremendous symbolic value; and, as the fecal matter in the lettuce field demonstrates, it could also yield concrete results.

From a legal standpoint, however, the problem of field sanitation was still unresolved. Attorney Ralph Lightstone explained the problem with a practical theory of deterrence. If growers truly wanted to avoid the costs of maintaining field sanitation facilities, then regulation was one of the only ways to get growers to comply. For such regulation to work, two factors must exist: one, a plausible chance that recalcitrant growers will be caught; and two, a large enough fine for violators. In many areas, neither factor existed. Even when local health departments began levying fines for sanitation violations, the fine

83. Hector de la Rosa, in conversation with author, March 18, 2019.

84. García, *Jaws of Victory*, 2.

85. See Murray, "Abolition of El Cortito," 26.

86. Frank Bardacke, "Cesar's Ghost," *The Nation*, January 21, 2006, <https://www.thenation.com/article/archive/cesars-ghost/> (accessed May 27, 2022).

was usually so low that most growers preferred to pay it rather than rent portable toilets.⁸⁷ To address this problem, the CRLA continued arguing for statewide enforcement as well as higher penalties.

Meanwhile, the legal battle over pesticide registration and regulation moved from the state government to the Environmental Protection Agency. From the 1970s onward, the CRLA filed dozens of petitions and complaints with the EPA that sought to reduce farmworkers' exposure to toxins in the fields. These efforts yielded some results. By the end of the decade, the EPA was in the process of banning 10 percent of all pesticides because there was a strong correlation between these agrochemicals and health problems such as cancer, birth defects, nerve damage, or mutations. California farmworkers, of course, suffered the greatest risks. In the 1970s, the state was responsible for approximately 10 percent of all pesticide use in the world, and some 400,000 California farmworkers were exposed to pesticides each year. These farmworkers had a life expectancy of just forty-nine years, twenty years lower than the national average, and studies indicated that only a tiny percentage of pesticide poisonings in California were even reported.⁸⁸

During the late 1970s, one large battle involved the pesticide 1,2-Dibromo-3-chloropropane (DBCP). In 1977, scientific studies linked DBCP to infertility in males, and laboratory tests on animals indicated that low doses of the chemical could cause cancer. Given these risks, OSHA banned domestic production of DBCP to protect factory workers, but the EPA did not ban all DBCP in California agriculture. To obtain the chemical, growers simply began importing it from factories just south of the U.S.-Mexican border.⁸⁹ The irony of a pesticide that was too dangerous for U.S. factory workers but not too dangerous for California farmworkers underscored the need for environmental justice in the farming industry. Workers who were American citizens received an "American standard" of workplace safety and dignity, whereas workers who were not citizens or who were ethnic minorities did not.⁹⁰

In 1978 the CRLA petitioned the EPA on behalf of several organizations and several farmworkers, including Carlos Amaya (18), Juan Carreon (22), and Paul Gusman (34) of Stanislaus County and Maria Acosta (25) and Jesus

87. Ralph Lightstone, in conversation with author, Oct. 22, 2019.

88. Sonoma County People for Economic Opportunity, "Narrative Description of Pesticide Intervention and Health Advocacy Project," July 1979, Folder 10, Carton 286, CRLA Records.

89. "Before the U.S. Environmental Protection Agency, Washington D.C.: Petition for Hearing," 1978, Folder 8, Carton 286, CRLA Records.

90. This argument builds on Mitchell, *Lie of the Land*, 179.

Gusman (no age given) of Ventura County. In the petition, the CRLA noted that some of the workers regularly mixed and loaded DBCP in their work with grape, peach, and apricot crops, while others suffered exposure to chemical dusts when they picked lemons and oranges. In the case of Acosta, the petition noted that she was a consumer of agricultural products that had DBCP residues. The petition argued that dangerous exposure to the chemical could easily occur through respiration, skin contact, or ingestion, and that, according to OSHA, “standard rubber and neoprene protection clothing do not provide adequate protection.” Furthermore, it pointed out the hazards of contaminated irrigation runoff to agricultural communities. As a solution, the CRLA called on the EPA to “immediately cancel registration of DBCP for use on all crops” and to hold a hearing “to consider further evidence of the unavoidable risks to human health from DBCP use.”⁹¹

When the EPA accepted the petition and scheduled a pre-hearing, California growers were irate. The California Grape and Tree Fruit League declared that the petitioners “have no right to demand, and the Administrative Law Judge has no authority to grant a hearing.” It added that its growers would be “adversely affected” if DBCP restrictions were considered, and it argued that the experiences of Carlos Amaya and the other workers were “of highly questionable validity.” The growers even cited studies from the California Department of Food and Agriculture, which supported their interests.⁹² Such solidarity with the state government was not surprising. While Governor Jerry Brown had offered significant support to the farmworker movement since his election in 1975, the Department of Agriculture had, in large measure, maintained the pro-business stance of the Reagan administration. As a Sonoma County Community Action Agency charged in 1979, “After three years of considering problems in the regulation of pesticides, California’s Dept. of Food and Agriculture has proposed only one half page of new regulations and 40 pages of justification for not changing regulations”⁹³ In the case of DBCP, the EPA went through with the hearing, despite the California Department of Agriculture’s opposition.

91. “Before the U.S. Environmental Protection Agency, Washington D.C.: Petition for Hearing,” 1978. See also Susan Ward, “Pesticide Ban . . . CRLA Opens Door to Prohibit DBCP, Tied to Cancer,” *The Sacramento Bee*, January 27, 1979, Folder 14, Box 345, CRLA Records.

92. Letter from California Grape and Tree Fruit League to U.S. Environmental Protection Agency, Dec. 9, 1978, Folder 8, Carton 286, CRLA Records.

93. Sonoma County People for Economic Opportunity, “Narrative Description.”

As it did so, CRLA attorneys reiterated their priority, namely the protection of the rural poor. In this spirit, they soon added another charge to the case. “We have learned,” wrote Ralph Lightstone to California legislators, “that six farm labor camps have been found with DBCP in their water at levels from 1 to 6.8 ppb (parts per billion). The Department of Health Services has stated that people should not drink water at 1.0 ppb or higher.” In spite of these findings, Lightstone continued, state authorities have not notified farmworker families who use the contaminated water, nor have they tested other camps in areas where DBCP is used.⁹⁴ Lightstone’s focus on communities and their contaminated water moved the DBCP case beyond consumers and even beyond workers in the field. This part of the case identified the connection between marginalized neighborhoods and toxic environments that urban activists on the east coast would soon use as the impetus for the official environmental justice movement.

Ultimately, the EPA did outlaw DBCP. However, as with DDT a decade earlier, chemical manufacturers and growers immediately replaced it with another cancer-causing agrochemical, in this case ethylene dibromide (EDB). As journalists noted in late 1979, “the National Cancer Institute first said in 1974 that EDB was a carcinogen. And [OSHA] concluded in 1977 that there was no ‘safe’ level for on-the-job use.” Nevertheless, federal authorities hesitated to ban EDB too, estimating a loss of \$300 million in grain and produce if growers could not use the chemical.⁹⁵ In some ways, agribusiness’s quick transition from one cancer-causing chemical to another—and the government’s acceptance of it—made a mockery of all the research and debate that had contributed to the decision to ban DBCP.

Back in the fields, another recent incident underscored the struggles of the movement against pesticides. In 1978, the company Onstott Dusters of Sutter County sprayed three workers—Higinio Martinez, Santiago Reyes, and Baudelio Vela—from an airplane as these workers pruned trees in a local orchard. After years of protest, workers’ situation remained as dangerous as ever. The case also highlighted another unresolved problem in the California fields, namely unenforced sanitation regulations. As a CRLA press release explained, “State and federal law require toilets, soap and water in the fields”

94. Memo from Ralph Lightstone to the California Assembly, September 14, 1979, Folder 15, Carton 345, CRLA Records.

95. David Hoffman, “Substitute for Banned Pesticide Under Fire,” *San Jose Mercury News*, December 23, 1979, Folder 17, Box 345, CRLA Records.

not just for worker hygiene but also “to reduce pesticide accidents.”⁹⁶ If soap and water had been available, the three workers in the orchard could have washed immediately after the spraying and likely reduced some of the effects of chemical exposure. Without them, however, the chemical caused several weeks of “itching, scratching, and tingling skin . . . on their faces, eyes, neck, arms, wrists, and legs.”⁹⁷

According to attorney Martin Flam of the Marysville office, this problem of sanitation remained widespread. In the press release, he stated that he knew of “no case in which the local agricultural commissioners, health departments, district attorneys or judges have imposed penalties for failure to comply with [field sanitation] health laws.”⁹⁸ Perhaps to make up for the lack of penalties, the CRLA not only sued Onstott Dusters in municipal court and sought reparations for medical costs, but also filed a complaint with the EPA requesting the “imposition of the severest appropriate penalties” against the company for violating federal pesticide law.⁹⁹

Two other pesticide poisonings occurred around the same time. In July of 1980, twenty-two workers in a Salinas Valley cauliflower field suffered pesticide poisoning because they did not know the field had dangerous chemical residues. The following April, another mass poisoning occurred nearby at Cal Coastal Farms for similar reasons. In response to the two incidents, the CRLA field office in Salinas filed suit and represented the affected workers at hearings before Cal/OSHA. In June of 1981, the attorneys and their clients won “emergency field posting regulation” for all of Monterey County that required growers to post warning signs after spraying toxic pesticides. This regulation was the first of its kind for row crops in California.¹⁰⁰

In addition to these cases, the CRLA began the decade with a lawsuit against the California Department of Food and Agriculture (CDFA) for failing to halt the use of pesticides such as Dimethoate, Benomyl, and

96. “News Release: Three Sutter County Farmworkers Sprayed from the Air with Pesticides, Sue Onstott Dusters and Bring in U.S. Environmental Protection Agency,” Jan. 16, 1979, Folder 9, Carton 286, CRLA Records.

97. “Before the United States Environmental Protection Agency: Administrative Petition,” Jan. 15, 1979, Folder 9, Carton 286, CRLA Records.

98. “News Release: Three Sutter County Farmworkers Sprayed from the Air with Pesticides.”

99. The law that this case referred to was the 1947 Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). “Before the United States Environmental Protection Agency: Administrative Petition,” Jan. 15, 1979, Folder 9, Carton 286, CRLA Records.

100. See “Mass Poisoning Case Continues,” *Noticiero* (Publication of the California Rural Legal Assistance), Fall 1981, Folder 3, Box 279, CRLA Records.

Toxaphene, which laboratory tests had linked to cancer, sterilization, birth defects, and mutations. “CDFA is conducting a giant experiment with our health and the health of future generations,” charged CRLA attorney Maria Arevelo. In framing the suit, the CRLA further explained that “the CDFAs are required by law to determine that the pesticides in food are safe to eat. But, in violation of the law, CDFAs have effectively shifted the burden of proof so that a pesticide is allowed in food until it is proven to be dangerous.”¹⁰¹ Plaintiffs in this case included activist groups but also several farmworkers, including Ofelia Rico, Amelia Rodriguez, and Porfirio Monteon. These individuals, attorneys wrote, “live near fields which are regularly sprayed with pesticides which drift, resulting in their greater exposure to such pesticides than the general population.”¹⁰² Again, the attorneys helped move the fight for pesticide regulation beyond the fields to entire farmworker communities.

CRLA litigation during this time contributed to a growing dialog in which many citizens roundly condemned the nation’s reliance on so many toxic chemicals. “Herbicides . . . kill weeds—and fetuses,” read one headline.¹⁰³ Such ideas reached many politicians. In California, Governor Jerry Brown announced in 1981 his support of eight bills designed to clean up and regulate dump sites, as well as ensure workers’ right to know about any hazards they faced in their job.¹⁰⁴ Around this time, state authorities began requiring chemical manufacturers to publish information on their product labels that indicated health risks.¹⁰⁵ Meanwhile, in Congress, the U.S. House of Representatives provided mild support for regulation. As the *Washington Post* explained, “Chemical manufacturers took an unexpected dousing yesterday as the House defeated a series of pro-industry amendments and then approved a two-year extension of the basic federal pesticide law.”¹⁰⁶

101. “Suit Against California Department of Food and Agriculture Seek Ban of Cancer, Birth Defect Causing Pesticides in Food,” Press Release, February 5, 1980, Folder 17, Box 345, CRLA Records.

102. “Complaint for Injunctive and Declaratory Relief: Superior Court of the State of California in and for the City and County of San Francisco,” February 5, 1980, 4–5, Folder 17, Box 345, CRLA Records.

103. “Herbicides that Kill Weeds—and Fetuses.”

104. “Office of the Governor: Press Release,” March 25, 1981, Folder 15, Box 345, CRLA Records.

105. See Larry Parsons, “Insecticide Linked to Birth Defects,” *Salinas Californian*, March 16, 1984, Folder 4, Carton 167, CRLA Records.

106. Ward Sinclair, “House Passes Tough Pesticide Control Bill,” *The Washington Post*, August 12, 1982, Folder 1, Box 27, CRLA Records.

The anti-pesticide momentum quickly ran into opposition, however. On one hand, Reagan, now the U.S. president, sought to defund programs for the poor, including the CRLA.¹⁰⁷ In California, Republican George Deukmejian succeeded Jerry Brown for governor and quickly appointed pro-grower members to the Agricultural Labor Relations Board, which rendered this landmark body of 1975 less useful to farmworkers. In fact, the UFW soon brought a suit against M. David Stirling, one of the new appointees, for “conspire[ing] with . . . grower agents to deny and curtain farmworkers’ access to ALRB.”¹⁰⁸ Additionally, in rural California, the U.S. Border Patrol became increasingly aggressive. In 1985, the CRLA brought a suit against several agents for a raid without probable cause at the Employment Development Department in Sanger, California.¹⁰⁹ As a final example, the short-handed hoe returned to some produce fields and legal debates—a stark indicator that political winds were eroding the legal gains of the previous decades.¹¹⁰

Despite these obstacles, the CRLA continued its fight against environmental hazards, and it began focusing even more on the particularly dangerous consequences of pesticide exposure for pregnant women and fetuses. In 1984, it prepared a report on the “reproductive hazards of pesticide exposure” and challenged the “evolving governmental policy which would ban the worker, not the hazard.” Aside from questioning the discriminatory idea of banning pregnant women from fieldwork, the CRLA argued that 60 to 70 percent of pesticides in use had not been tested for their effects on fetuses, and it criticized many state and federal institutions’ de facto policy of approving pesticides first and worrying about their health effects later. To emphasize the need for more preliminary research, the attorneys reminded authorities that many agrochemicals that had once been approved and widely used were later connected to cancer or other problems. “The herbicide TOK [of the Nitrophenol family] was widely used for two decades before its potential to cause birth defects became widely known,” they wrote. “CRLA was instrumental in efforts to remove it from the market.”¹¹¹

107. See Letter from Claudia E. Smith to Alberto Saldamando, February 24, 1983, Folder 6, Box 104, CRLA Records; see also Angela F. Turner, “President Reagan and the Legal Services Corporation,” *Creighton Law Review* 15 (1982): 711–32.

108. See Genes, “Fighting Poverty in the Fields,” 270.

109. See Memo from Ephraim Camacho to Paulino Olguin, January 25, 1985 and Memo from Dave Grabill to Bill Kennedy, Paulino Olguin, and Steve Teixeira, January 4, 1985, Folder 5, Box 104, CRLA Records.

110. See “Advisory Committee Minutes,” Occupational Safety and Health Standards Board, March 26, 1985, Folder 5, Box 104, CRLA Records.

111. “Report V: Pesticides,” Folder 1, Carton 271, CRLA Records.

Tragically, discoveries during the second half of the decade confirmed the warnings of the CRLA and other pesticide opponents. In 1985, county authorities declared a “local public health emergency” in McFarland because studies had revealed a large cluster of birth defects and cancer among the city’s babies and children. Follow-up studies discovered pollutants such as DBCP in the city’s water and, more generally, a higher rate of birth defects in California families that lived close to farmland where pesticides were used.¹¹² Researchers also identified cancer clusters in cities such as Fairchild, Rosamond, and Earlimart.¹¹³ These discoveries moved the national debate over pesticides even further beyond consumers and fieldworkers to entire communities—usually Mexican American communities—that lived near the fields. This expansion in public perceptions of the pesticide problem underscored the legal arguments that for years CRLA attorneys had been making about community exposure.

The work of the agency became even more important as the UFW struggled. Throughout the decade, conservative backlash and inner divisions had weakened the union.¹¹⁴ In McFarland specifically, Chavez carried out a thirty-six-day water-only fast in 1988 to demonstrate solidarity with the affected families and to call on authorities to do more to curb the use of dangerous pesticides.¹¹⁵ While his fast attracted support from around the nation, the union’s anti-pesticide campaign ran into problems when UFW photographers, in an effort to publicize the stories of pesticide victims, took several pictures of Felipe Franco, the son of McFarland farmworkers who had been born without arms or legs. During her first trimester, Felipe’s mother, Ramona, worked as a grape picker in fields that had been sprayed with various pesticides. The growers told me the chemicals were harmless, she recalled, just “medicine” for the plants.¹¹⁶ With Ramona’s permission, union

112. “A Chronology of the McFarland Cancer Cluster, October 1, 1988,” Folder 2, Box 299, CRLA Records.

113. See Nash, *Inescapable Ecologies*, 185–95.

114. See Hammerback and Jenson, *The Rhetorical Career of César Chávez*, 156–57; Frank del Olmo, “Cesar Chavez Suffers for and Revives the Cause of Farm Workers’ Contracts,” *Los Angeles Times*, August 26, 1988.

115. “A Chronology of the McFarland Cancer Cluster, October 1, 1988.”

116. See Pat Hoffman, “UFW Fights Harvest of Poison,” *The Witness*, July/August 1988, <https://libraries.ucsd.edu/farmworkermovement/essays/> (accessed June 26, 2019); Richard Steven Street, *Everyone Had Cameras: Photography and Farmworkers in California, 1850–2000* (Minneapolis: University of Minnesota Press, 2008), 523–27; Susan Ferriss and Ricardo Sandoval, *The Fight in the Fields: Cesar Chavez and the Farmworkers Movement* (New York: Harcourt Brace, 1997), 235–39.

photographer Victor Alemán included a photo of Victor in the union publication *Food and Justice*. Later, however, union supporters in Canada and on the east coast made posters from the photo and used it in boycotting activities. Since she had not given permission for such use of her son's photo, Ramona sued the union. As a result, a judge prohibited the union from using the photo as well as its video *The Wrath of Grapes*, which informed the public about pesticides. The latter restriction weakened the anti-pesticide campaign considerably.¹¹⁷

In the early 1990s, therefore, the CRLA, which had opened several more field offices, was perhaps the most experienced and best positioned organization in California to carry the baton in the battle against environmental hazards. During this time, attorneys Ralph Abascal, Luke Cole, and others followed the growing urban environmental justice movement closely and realized its potential for rural California. For one, they saw the parallels between the Not-In-My-Backyard campaign, which protested the frequent siting of waste facilities in or near communities of color, and farmworker communities' struggle against pesticide exposure. Additionally, after a difficult decade, the environmental justice movement offered a way for civil rights advocates to renew their energy and protest from a new angle—"another stone in David's sling," as attorney Luke Cole described it.¹¹⁸

The attorneys soon acted, initially by helping Latino communities in Westmorland and Kettleman City protest the siting of toxic waste facilities.¹¹⁹ Then, in 1999, they applied the logic of environmental justice to pesticides. Like several of their successful impact cases of the late 1960s, they focused their argument on farmworker children. Using Title VI of the Civil Rights Act, which prohibited discrimination on the basis of race, CRLA attorneys argued before the EPA that, given the proximity of California's rural public schools to produce fields, Latino children faced a disparate impact of drift from pesticides such as methyl bromide.¹²⁰ In none of these

117. Street, *Everyone Had Cameras*, 523–27.

118. Luke W. Cole, "Environmental Justice Litigation: Another Stone in David's Sling," *Fordham Urban Law Journal* 21, no. 3 (1994).

119. See Letter from Ralph Abascal to Byron Sher, August 24, 1993, Folder 4, Box 272, CRLA Records; Yalda Asmatey, "Corporation, People, and Government: A Look at the Rise of the Waste Management Corporation from Rural California to the Rest of the World," (PhD diss., University of California, Berkeley), 2013.

120. The Center on Race, Poverty, & the Environment. "A Right Without a Remedy: How the EPA Failed to Protect the Civil Rights of Latino Schoolchildren," CRPE Publications, 2016. <https://crpe-ej.org/resources/publications/> (accessed Mar. 18, 2019), 5.

cases did the agency eliminate environmental hazards altogether, but, as in previous cases, it helped Latino communities assert their voices regarding environmental policy and achieve incremental victories.¹²¹

Notably, the 1990s also marked an important victory regarding field sanitation. After decades of protesting the complacency and inconsistency of local field inspectors, CRLA staff members and farmworkers welcomed Senate Bill 1341, which changed California Labor Code so that Cal/OSHA assumed the responsibility of overseeing field sanitation through programmed and unprogrammed inspections of agricultural workspaces. As the labor code now stipulated, inspectors would issue fines of \$750 (fifteen times more than previous fines) for employers' failure to provide "potable drinking water, suitably cool and in sufficient amounts," and "one toilet and handwashing facility for each 20 employees."¹²²

Of course, as the industry's history of poor field sanitation demonstrated, regulation did not guarantee compliance. Indeed, when attorney Ralph Lightstone recalled his experience inspecting portable toilets near Sacramento, he described the toilets as "unbelievably disgusting and horrible." He added, "I still remember the smell."¹²³ Evidently, growers often rented the toilet on the first day of harvest to satisfy Cal/OSHA and then left them in the one-hundred-degree weather until the end of the harvest. The lack of service made them virtually unusable. In time, however, Lightstone worked with California Senator Gary Hart to tighten the requirements for compliance.

In the twenty-first century, farmworkers continue to face environmental injustices.¹²⁴ Most recently, they have been disproportionately exposed to hazards such as covid-19 and smoke from wildfires, in addition to the extreme heat, agrochemicals, and other aspects of fieldwork.¹²⁵ Nevertheless, the CRLA's past five decades of environmental poverty law have repeatedly

121. See, for example, CRLA, "CRLA Wins Precedent Setting Environmental Justice Victory," Press Release, Aug. 16, 2016, <http://www.crla.org/crla-wins-precedents-setting-environmental-justice-victory> (accessed July 8, 2019).

122. "Field Sanitation Fact Sheet," California Department of Industrial Relations, Revised, July 1995, https://www.dir.ca.gov/dosh/dosh_publications/sanitation.html (accessed Oct. 25, 2019); see also, "Field Sanitation and Agricultural Safety and Health," California Labor Code 6712, and Title 8, California Code of Regulations, Section 3457. Issued Aug. 17, 1992, <https://www.dir.ca.gov/DOSHPol/P&PC-46.htm> (accessed Oct. 24, 2019).

123. Ralph Lightstone, in conversation with author, Oct. 22, 2019.

124. See, for example, Seth M. Holmes, *Fresh Fruit: Broken Bodies: Migrant Farmworkers in the United States* (Berkeley: University of California Press, 2013), 30–31.

125. See Erika Mahoney, "Farm Workers Face Double Threat: Wildfire Smoke and Covid-19," NPR, <https://www.npr.org/2020/09/07/909314223/farm-workers-face-double-threat-wildfire-smoke-and-covid-19> (accessed May 27, 2022).

helped farmworkers weigh in on the policies and practices that determine, in large measure, the kind of lives that they live. The agency has succeeded in banning many dangerous pesticides in California.¹²⁶ Today, Latino work crews in the vast lettuce and asparagus fields of the Salinas Valley (or other farming regions) are usually told when pesticides have been sprayed. Close by, they have access to a pickup truck and flatbed with portable toilets, washing stations, drinking water, and disposable cups. These concrete changes and the long process by which they were achieved constitute important steps in the civil rights and environmental justice movements in rural California, and they stand as a legacy of the workers and lawyers who fought for them.

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126. Julie Sze, “Denormalizing Embodied Toxicity,” III.