



POISON PARKS

"Environmental racism is racial discrimination in environmental policy-making. It is racial discrimination in the enforcement of regulation and laws, in the deliberate targeting of communities of color for toxic waste disposal and the siting of polluting industries. It is racial discrimination in the official sanctioning of the life-threatening presence of poisons and pollutants in communities of color; and, it is racial discrimination in the history of excluding people of color from mainstream environmental groups, decision-making boards, commission, and regulatory bodies."

- Reverend Dr. Benjamin F. Chavis, Jr., Founder of the United Church Commission on Racial Justice

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EXECUTIVE SUMMARY

In the past decade, America has seen an increase in environmental awareness beginning with many attributing this sudden awareness to the Flint water crisis. While a new wave of environmental justice emerges, many Americans fail to see is that the majority of people affected by these problems are people of color. Unfortunately, people of color that live in low-income neighborhoods bear the brunt of poor environmental policy and suffer from environmental racism. This is not isolated to Flint alone, here in NYC, Black and Brown neighborhoods are being disproportionately sprayed with glyphosate, the cancer-causing, active ingredient in Roundup.

The New York City Parks Department has long used Roundup to control weeds on city property. This toxic herbicide is manufactured by agro-technological company, Monsanto. Roundup contains a cocktail of chemicals that are linked to severe kidney damage, asthma, non-Hodgkin's Lymphoma, and birth defects, among other grave disorders and side effects. Following multiple extensive studies, the International Agency for Research on Cancer (IARC), a division of the World Health Organization, considered glyphosate a "probabl[e] carcinogen"—linking the herbicide to non-Hodgkin's Lymphoma and lung cancer in humans, a variety of cancers in rodents, chromosomal damage in mammals, and reproductive errors in amphibians. It is a terrifying reality that more than 500 gallons of this chemical were sprayed throughout New York City in 2016.¹ Minority and low-income communities suffer from the use of this chemical and have become victims of environmental racism.

Glyphosate is slowly poisoning state and city employees, children, the elderly, and pets. In 2012, the Academy of Pediatrics found that "Children encounter pesticides daily and have unique susceptibilities to their potential toxicity...evidence demonstrates associations between early life exposure to pesticide and pediatric cancers decreased cognitive function and behavioral problems." Employees that apply the chemical are the most at risk as their rate of exposure far surpasses that of any other group.

Despite these warnings, City agencies are quick to argue that there is no harm in using these dangerous chemicals, as they are currently approved by the United States Environmental Protection Agency (EPA). However, the EPA allows highly toxic chemicals to stay in registry and on the market due to their practice of reevaluating effects and conducting reviews every 15 years to determine whether a registered pesticide continues to meet lawful standards. Roundup's effects have not been studied since 1993, after almost twenty years on the market; and 2018 marks its first review since 1993. In this review, the EPA consistently finds something biased or inadequate in each case reporting a positive correlation between non-Hodgkin's Lymphoma and exposure to glyphosate.² At the same time, any report with findings supporting that glyphosate does not cause cancer, faced far less scrutiny.

¹ "Pesticide Use by New York City Agencies in 2016." Division of Environmental Health & Bureau of Environmental Surveillance and Policy & New York City Department of Health and Mental Hygiene. July 2016. www1.nyc.gov/assets/doh/downloads/pdf/pesticide/pesticide-use-report2016.pdf

² "Revised Glyphosate Issue Paper: Evaluation of Carcinogenic Potential." EPA. Dec. 2017. cfpub.epa.gov/si/si_public_file_download.cfm?pdownload_id=534487

Each year more than 300 million pounds of this toxin are used throughout the United States.³ It is sprayed on parks, playgrounds, and schools. Therefore, comprehensive laws need to be passed in order to support studies of glyphosate's toxic effects. The benefits of city parks are endless: they improve our physical and physiological health, strengthen our communities, and make our cities and neighborhoods more attractive environments to live and work. Thus, banning glyphosate products is of the utmost importance. The International Federation of Gynecology and Obstetrics states that it is impossible to ignore the "accumulating robust evidence of exposures and adverse health impacts related to toxic environmental chemicals." There are safe and healthy methods of reducing weeds without the use of toxic chemicals that threaten the City's most vulnerable. In New York City, parks and recreation areas are timeless community magnets. They provide a place of relaxation and connection to others: a place for children to play, our pets to be free, and opportunity to escape the grind of city life, and need to be protected. In order to achieve this goal, New York City must:

- Stop the routine use of dangerous toxic pesticides/herbicides,
- Only allow safe products that are EPA registered, with active ingredients approved by the National Organics Standards Board,
- Immediately adopt an official Integrated Pest Management (IPM) measure that requires public monitoring, record-keeping, and use of non-chemical methods and safer pesticides before using other treatments.

³Main, Douglas. "Glyphosate Now the Most-Used Agricultural Chemical Ever." *Newsweek*. February 2016. www.newsweek.com/glyphosate-now-most-used-agricultural-chemical-ever-422419

HISTORY OF ENVIRONMENTAL RACISM

The term 'environmental racism' was first coined in 1982 by the United Church of Christs' Commission for Racial Justice. The organization, led by Dr. Benjamin Chavis, later published a study in 1987 called "Toxic Wastes and Race in the United States: A National Report on the Racial and Social Economic Characteristics of Communities of Hazardous Waste Sites".⁴ The study found a correlation between race and the location of hazardous waste materials in residential communities across the United States. Environmental racism or eco-racism has become an issue that disproportionately affects all communities of color and is defined as "practices that place African Americans, Latinos, and Native Americans at greater health and environmental risk than the rest of society."⁵ Environmental racism describes the subjection of racially marginalized groups to disproportionate exposure to pollutants from industry, natural resource extraction, toxic waste, poor land management, and sometimes lack of access to clean water. This term also describes the disadvantaged ecological relationships between the industrialized West and developing nations which threaten the health, overall well-being, and safety of these populations. Communities of color also have higher exposure rates to air pollution compared to their white, non-Hispanic counterparts. There is an extensive and severe history of environmental racism in the United States dating back to the pre-Jim Crow Era. Marginalized groups in America suffered before these facts were labeled as such and environmentalism became a topic of discussion among academics. It was and continues to be through the efforts of community-based coalitions, alliances with national recognized organizations, and legal action that minorities have been able to confront individual industries' racist tendencies.

ENVIRONMENTAL JUSTICE MOVEMENT

The environmental justice movement has failed to address large-scale environmental practices funded by big business, which disproportionately affects communities of color. Environmental justice today has ignored the needs and demands of minority populations across the world. The movement has ignored the institutionalization of environmental racism. The attitude remains "separate, but equal." Racism has been institutionalized in the policies and decision-making processes of lawmakers, governments, and corporations—and, although individuals who hold racist attitudes come and go, institutionalized racism forms a backbone and foundation on which a racist society may continue to flourish. Rozelia S. Park states that, "environmental racism, 'contributes to the structure of racial subordination and domination that has similarly marked many of our public policies in this country.'" Ultimately, national policies reflect the attitudes of policymakers and racist corporate policies influence and interact to reinforce one another. Effective environmental justice must safeguard communities as places where all people can live, work, and play without fear of exposure to toxic materials and conditions. The environmental justice movement began in the early 1970's and continues today; however, the tools needed to address environmental justice are missing and without an informed public, change cannot be made.

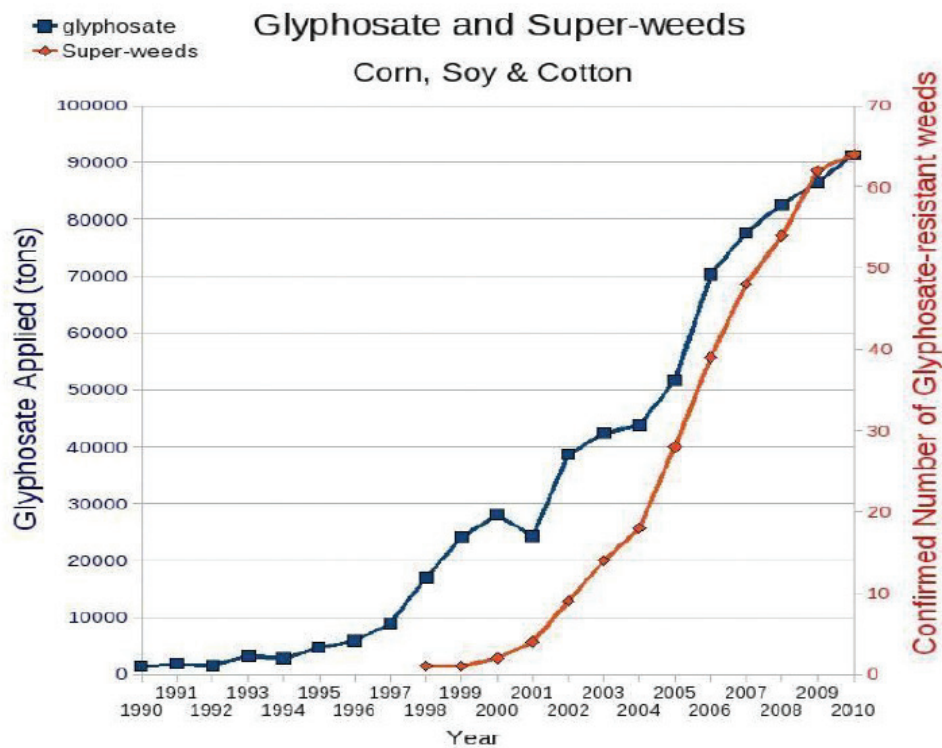
⁴ "Environmental Justice: History," African American Voices in Congress. www.avoiceline.org/environmental/history.html
See report: "Toxic Wastes and Race in the United States." 1987. www.nrc.gov/docs/ML1310/ML13109A339.pdf

⁵ Bullard, Robert. Race and Environmental Justice in the United States. Yale Journal of International Law. 1993.
<https://digitalcommons.law.yale.edu/cgi/viewcontent.cgi?referer=https://www.google.com/&httpsredir=1&article=1615&context=yjil>

BACKGROUND ON HERBICIDES

The turn of the twenty-first century marked a new shift in the use of modern pesticides and herbicides, which sparked a debate over Monsanto's role in the global market. Monsanto's largest manufactured pesticide, Roundup, was introduced in 1974. Today, Roundup, WeatherMax, Roundup UltraMax, and other glyphosate products are among the world's most widely used herbicides. Aside from the main ingredient, glyphosate, these products contain water, ethoxylated tallowamine surfactant, related organic acids of glyphosate, and excess isopropylamine. Ethoxylated tallowamine surfactant is a binding agent that increases the effect of active ingredients—glyphosate in this case. This allows the herbicide to adhere to weed leaves and to penetrate the plant. Excess isopropylamine is an intermediate compound that is used to coat materials such as pesticides, plastics, rubber chemicals, pharmaceuticals. Excess isopropylamine is also an additive used in the petroleum industry.

FIGURE 1: The graph below details the correlation between glyphosate usage and the production of super weeds propagating as a result of growing resistance to the pesticide. The graph also shows the increasing dosage of glyphosate on weeds and how that affects the number of weeds growing and showing resistance. *Source: USDA, super-weed data from Charles Benbrook*

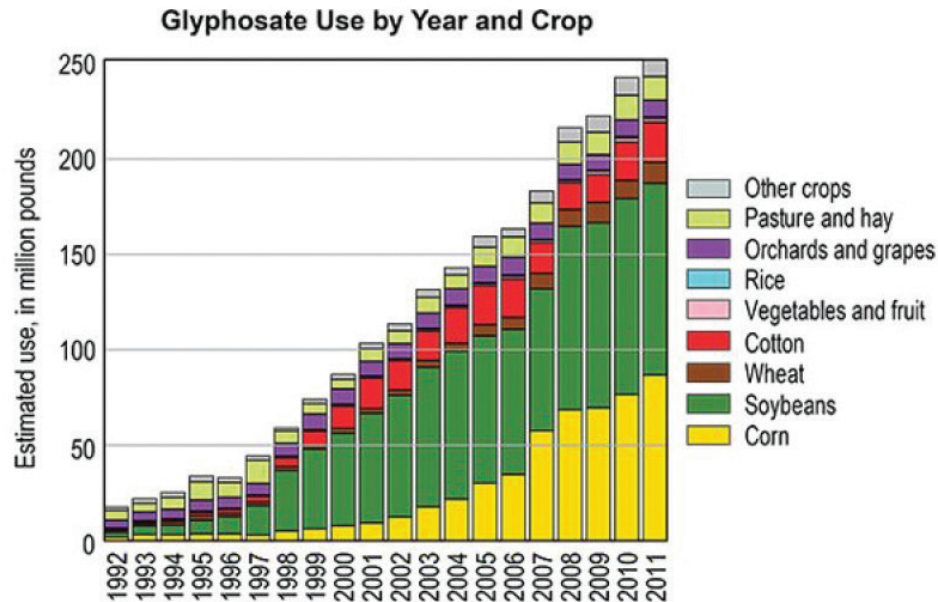


When glyphosate is applied on a plant, the active ingredient travels throughout the plant so that the entire plant dies. It takes several days for the plant tissue and roots to yellow, wither, and die—preventing further regeneration. Glyphosate binds itself to most soils, and according to Monsanto, is not available for uptake by roots or nearby plants. The compound works by disrupting the enzyme (EPSPS synthase) synthesis that produces amino acids essential for plant growth. This particular enzyme is not available in animals, causing Monsanto to argue the low toxicity of glyphosate to humans. However, this neglects other possible means of contact and the subsequent effects. Monsanto claims that glyphosate, used in over 700 products (agricultural, forestry, home use, etc.) has low toxicity when used at the recommended levels. However, studies have shown weeds to be growing resistant to the product, thus requiring higher dosage applications⁶

These products are marketed to have broad, non-selective targets, however, there is no dimension of the population and/or environment that can be completely protected against herbicide exposure. Due to the nature of these chemicals, their known negative effects on [human, animal, and plant] health and the environment should trigger a closer examination into their side effects as environmental risk factors. In April of 2017, a study titled “Chemical pesticides and the Human Health: The Urgent Need for a New Concept in Agriculture,” conducted at a Shanghai medical school found that glyphosate has neurological impacts, associated with conditions like Parkinson’s Disease. It was concluded that animals, such as humans, store pesticide byproducts in the fat and muscle tissue of their liver, lungs, and the endocrine organs. Within the human population, glyphosate exposure is linked to non-Hodgkin’s Lymphoma, renal tubule carcinoma (kidney cancer), pancreatic islet-cell adenoma (neuroendocrine tumor), miscarriage/ low birth weights, pulmonary edema (excess fluid), autism, Parkinson’s Disease, Alzheimer’s, Anxiety, fatigue, depression, and severe eye, mouth, and nose irritation, skin burns, and inflammation. Aside from direct contact, residues of glyphosate have been found in a variety of everyday foods and beverages: water, wine, fruit juices, honey and oatmeal products, corn, soy, milk, eggs, and animal feed to name a few.

⁶“Facts About Glyphosate-Resistant Weeds.” Purdue Extension. www.extension.purdue.edu/extmedia/gwc/gwc-1.pdf

FIGURE 2: The below graph shows the estimated use of glyphosate and the percentage that is used on particular crops. This shows that as the years progress, a larger percentage of pesticide dosage was allocated to soybean, cotton, and corn crops.



Source: U.S. Geological Survey, National Water Quality Assessment Program, Pesticides in U.S. Streams and Rivers: Occurrence and Trends during 1992-2011 <http://water.usgs.gov/nawqa/pnsp/pubs/pest-streams/>



In an April 2018 article, the Guardian reported on a 2017 email chain (obtained through the Freedom of Information Act) sent from FDA (Food and Drug Administration) chemist Richard Thompson to his colleagues.⁷ Thompson recorded the results of a study in which the FDA had trouble finding food that did not carry traces of the pesticide. Richard Thompson wrote that “broccoli was the only food ‘on hand’ that he found to be glyphosate-free.” In a separate report, FDA chemist Narong Chamkasem found ‘over-the-tolerance’ levels of glyphosate in corn. This study detected exposure at 6.5ppm (parts per million), when the legal limit is 5.0ppm. Such a discrepancy would normally be reported to the EPA; however, an FDA supervisor wrote that corn is not considered an “official sample.” Within the same findings, the Chamkasem’s study also found traces of glyphosate in honey and oatmeal products. Testing was temporarily suspended, and the FDA ruled that such findings were not considered a part of the official report.

Generally, the FDA is responsible for testing food samples for the presence of various pesticides/herbicides, however, despite its 40 plus years of usage, the agency has just started testing for glyphosate residues in 2015. The EPA, however, marks that pets may indeed be at risk for health concerns if they ingest it or are in contact with plants that have been recently sprayed with the pesticide. Toxicologist Linda Birnbaum, director of the U.S. National Institute of Environmental Health Sciences (NIEHS), concludes, “Even with low levels of pesticides, we’re exposed to so many and we don’t count the fact that we have cumulative exposures.” Ultimately, current regulatory analysis does not account for the repeated dangers of low levels of dietary exposure.

⁷ Gillam, Carey. “Weedkiller found in granola and crackers, internal FDA emails show.” *The Guardian*. April 2018. www.theguardian.com/us-news/2018/apr/30/fda-weedkiller-glyphosate-in-food-internal-emails

GLYPHOSATE ALTERNATIVES

Despite the lack of formal studies, biodegradable alternatives to artificial pesticides have been proposed. These include the use of EcoSmart products (that rely on food grade plant oils to do the same job as pesticides), 2-Phenethyl Propionate and Eugenol (oil of clove), BioSafe products, horticultural strength vinegar, orange oil, and/or mechanical weed treatment. In order to stop the widespread use of Roundup in New York City, the risks associated with the product must be recognized by the Parks Department and other agencies responsible for applying or contracting businesses to apply the harmful product. These agencies continue to use Roundup based on the EPA's assessment that is "not likely to be carcinogenic to humans." New York City must be prepared to submit to the IARC's conclusions by conducting an independent study, as California has done. In doing so, NYC can establish and adhere to its own standards.

It is not necessary to revert to hand-pulling weeds, if the use of non-toxic alternatives can be implemented. Burbank, California banned glyphosate-containing herbicides and replaced them with organic herbicide, Avenger.⁸ Avenger's active ingredient is d-limonene (citrus oil), a nonselective, post-emergent organic herbicide that naturally strips away the waxy plant cuticle, causing it to dehydrate and die. University and independent testing results prove that the product is as effective and faster acting than other leading synthetic herbicides.

GLYPHOSATE USE IN NYC

The NYC Division of Environmental Health, Bureau of Environmental Surveillance and Policy, and the Department of Health and Mental Hygiene (DOHMH) releases an annual report detailing the use of pesticides (rodenticide, insecticide, herbicide, fungicide, and others) throughout New York City Agencies. The latest report was released in 2016 and details a summary of pesticide use, any changes (comparing the current findings to previous years), and a breakdown summary of each agencies' use based on volume in gallons, weight, and total number of applications, as well as the active ingredient(s).⁹ The data listed is reported and acquired by the appropriate NYC agency.

The DOHMH launched an electronic reporting tool in 2014 that all NYC agencies, contractors, and licensed pest control applicators can use. Despite this system, it is not possible to determine if every agency reports every pesticide application. FOIL documents obtained by Reverend Billy and the Stop Shopping Choir showcase an abysmal reporting strategy that is likely inaccurate. Savitri, a representative of The Immediate Life, the non-profit that runs The Stop Shopping Choir, has reported that pesticide applicators make 'guestimations' of the amount of product they have sprayed and a note the location loosely.

⁸ Clark Carpio, Anthony. "Burbank to discontinue using Roundup in city parks for a year." July 2017. www.latimes.com/socal/burbank-leader/news/tn-blr-me-roundup-stopped-20170713-story.html

⁹ "Pesticide Use by New York City Agencies in 2016." Division of Environmental Health & Bureau of Environmental Surveillance and Policy & New York City Department of Health and Mental Hygiene. July 2016. www1.nyc.gov/assets/doh/downloads/pdf/pesticide/pesticide-use-report2016.pdf

Local Law 37 of 2005 established new requirements regarding pesticide use on property owned or leased by New York City, including the prohibition of certain pesticide products, posting of warning notices prior to applications and new recordkeeping provisions. Local Law 37 further established a series of exemptions to pesticide use prohibition, which are as follows:

- Pesticides classified by the United States Environmental Protection Agency as toxicity Category 1 (§17-1203(a)). Products assessed as Toxicity Category 1 have the word "Danger" on the product label.
- Pesticides classified by the EPA Office of Pesticide Programs as carcinogenic (§ 17-1203(b)). This prohibition includes known, probably likely, and possible carcinogens.
- Pesticides classified by the State of California's Office of Environmental Health and Hazard (OEHHA) Assessment as developmental toxins (§17-1203(c)).

The law cites the phasing out of certain pesticides of NYC agencies; however, exemptions are made in relation to EPA standards. Because glyphosate is not banned by the EPA, DOHMH has granted an exemption to its use. DOHMH, further fails to recognize California's ruling of the pesticide as a carcinogen and its subsequent ban, again because the EPA takes precedence. In addition to the above, staff and contractor turnover may prevent timely and appropriate reporting of data. As a result, these findings may be inaccurate to certain degrees.

According to the NYC report, pesticides were applied a total of 237,812 times (with a total gallon usage of 6,711 and 163,182 pounds of product).¹⁰ Insecticides were the most frequently applied with a 64% increase in the volume of liquid insecticides compared to 2015. Approximately two-thirds of this increase was due to the increased use of pyrethroids by New York City Housing Authority (NYCHA) to target bedbugs. In terms of herbicide use, there was a 25% decline in the use of liquid herbicide in 2016 compared to previous years. However, solid herbicide product use was 2.5 times higher than in 2015.

These applications were sprayed across 28,000 acres of parks, playgrounds, athletic fields, natural areas, recreational facilities, beaches, historic buildings, and parkways.¹¹ The data available states that pesticides are also applied on all city-owned golf courses and at organizations that operate on Parks property such as zoos, conservatories, and botanical gardens. It is detailed that Parks and Recreation employs 104 certified pesticide applicators. The New York City Charter mandates the preparation of a contract budget to identify expenditures for contractual services, defined as any "technical, consultant, or personal service provided to the City by means of contract."¹² According to DPR's contract Budget for Fiscal Year 2018, the Department holds 287 contracts valued at approximately \$46.8 million (including three contracts valued at approximately \$6 million for the maintenance and operation of the City's three zoos managed by the Wildlife Conservation Society (WCS)).¹³

¹⁰ Ibid.

¹¹ Ibid.

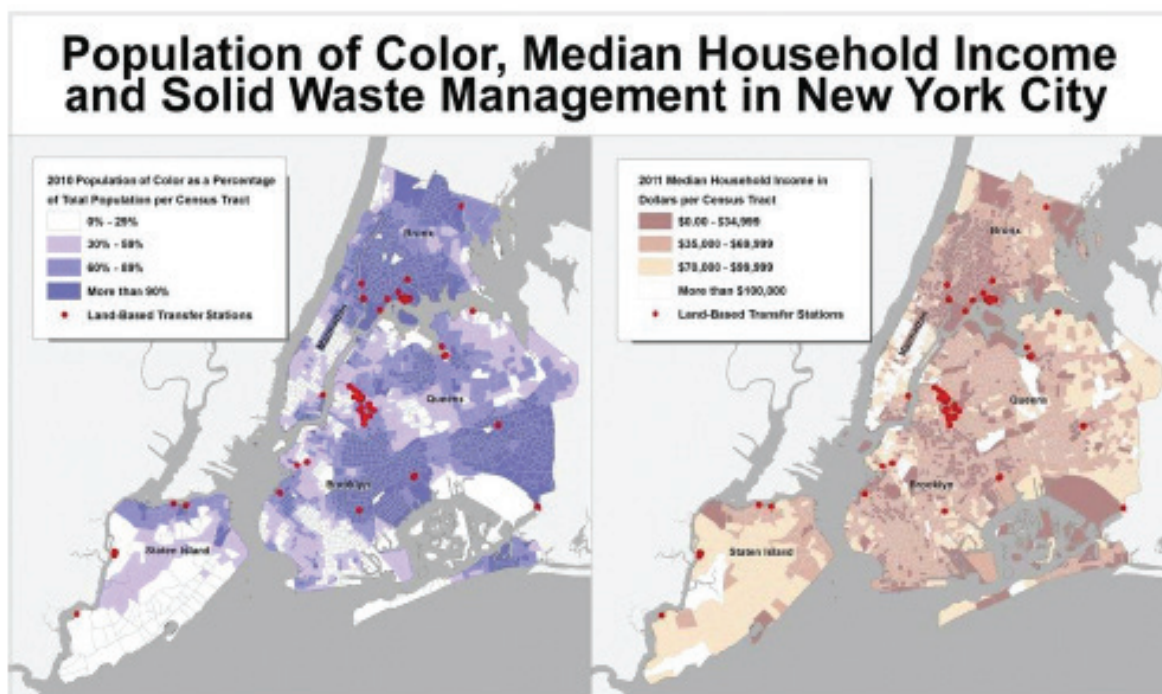
¹² Ibid.

¹³ "Report of the Finance Division on the Fiscal 2018 Preliminary Budget and the Fiscal 2017 Preliminary Mayor's Management Report for the Department of Parks and Recreation." The Council of the City of New York, March 2017. <http://council.nyc.gov/budget/wp-content/uploads/sites/54/2017/03/846-DPR.pdf>

New York City's current policies and practices in regulating toxic pesticides are inherently racist and manifest themselves in the unequal health and environmental hazards in communities where people of color predominantly reside. Brooklyn, where the population contains the largest population of color within New York City according to the 2010 U.S. Census (89% Native Black), has been said to be "the most heavily pesticide[d] and herbicide[d] county in the entire state," by No Spray Coalition's Mitchel Cohen.

Not only are communities of color more directly affected, more people of color hold jobs that would expose them to glyphosate products. People of color are also doubly exposed to the dangers of pesticides because they live in greater proximity to pollution caused by waste disposal. The waste from these pesticides are collected by trucks that use high-polluting diesel fuel and dump waste in New York City's over-burdened neighborhoods where people of color predominantly reside. As of 2014, the neighborhoods of Newtown Creek and the South Bronx hosted 32 transfer stations, more than 60% of NYC's annual waste and more than 50% of the total transfer stations in the City (59 in total).¹⁴ Both of these areas have higher than average hospitalizations, child asthma, and death rates linked to air pollution. In addition, Newtown Creek has 19 Waste Transfer Stations, the densest cluster in the city.¹⁵ In NYC, highways and industrial facilities are located away from higher-income areas, i.e. Manhattan, where a majority of white people live. Thus, people of color living in these low-income communities are impacted at a higher rate because they are both exposed to toxic pesticides and are the hardest hit by these toxins—with the fewest resources to fight these conditions.

FIGURE 3: The map below shows the locations of waste transfer stations in relation to low-income neighborhoods.




Source: [New York Environmental Justice Alliance](http://www.nyeja.org)

¹⁴ Crean, Sarah. "Neighborhoods Burdened by Processing City's Trash Look to New Sanitation Commissioner." ALIGN. <https://alignnyc.org/press/neighborhoods-burdened-by-processing-citys-trash-look-to-new-sanitation-commissioner>

¹⁵ Waste Transfer Stations. Newtown Creek Alliance. www.newtowncreekalliance.org/waste-transfer-stations

The growing number of studies detailing the negative effects of glyphosate on public populations have instigated a motion to address government agencies' usage of the product, especially in communities of color. When considering those most affected by toxic pesticides and herbicides, workers and NYCHA (New York City Public Housing Association) public housing tenants and employees are at the highest risk. In addition, children and pets also face an increased risk with easily compromised immune systems. The Title VI provisions in the Civil Rights Act of 1964 acknowledges that "racial and ethnic minorities and poor children may be exposed to more pollution." Consequently, any instances where policies permit the spraying of pesticides, the African American community is disproportionately affected.

In California, the Center for Biological Diversity, Californians for Pesticide Reform, the Center for Food Safety, the Pesticide Action Network, and the Center for Environmental Health found that 54% of glyphosate is sprayed in 8 counties, largely located in the Southern Valley—an area inhabited predominantly by people of color. Caroline Cox, research director at the Center for Environmental Health states:



“No one should be needlessly exposed to chemicals like glyphosate, that may cause cancer and other health problems. It’s especially troubling that communities of color who are already at serious risk from chemicals in their environment are the most likely to suffer from exposures to this dangerous pesticide. The state must take the lead in protecting all Californians from glyphosate.”

The report, *Lost in the Mist: How Glyphosate Use Disproportionately Threatens California’s Most Impoverished Counties*, agrees with previous studies that found that Hispanics and other impoverished individuals disproportionately live in areas of high pesticide use. A 2014 California Department of Health study concluded that Hispanic children were 46 percent more likely than white children to attend schools near hazardous pesticide use. There is growing concern among Black and Latino communities regarding public spaces including; playgrounds, parks, recreation centers, etc. This is the perfect opportunity to address these concerns, as the FDA and EPA are both reassessing the dangers of various pesticides with the public, agricultural, and recreational sectors.

Following this discussion, a number of countries (See figure 4) and the EU banned the use of glyphosate, following the recommendation of the European Food Safety Authority (EFSA). Such countries include, the Netherlands, Portugal, Austria, Sri Lanka, Italy, and France. This is significant because smaller countries with fewer resources, such as Sri Lanka, still had the capacity to ban the use of this dangerous chemical.

FIGURE 4: Countries that have banned glyphosate as of 2016

Sri Lanka	Scotland	Ireland
Brazil	Hungary	Argentina
Portugal	Poland	Belgium
Australia	Bermuda	Spain
El Salvador	Colombia	Austria
Sweden	Switzerland	Italy
Slovenia	Malta	Greece
Croatia		Luxembourg

PROFESSIONAL DANGER

City workers including building services workers, farmers, and laborers all have the potential to come into contact with glyphosate-containing chemicals. This exposure uniquely affects people of color working for NYC. The NYC Parks Department is 64% people of color, including all positions in the department. However, when broken down further, building services employees are 96% people of color, laborers are 56% people of color, farmers are 78% people of color, and transportation service workers are 77% people of color.¹⁶ Combined, an average of 77% of these employees are people of color. Black and Brown New Yorkers make up many NYC employees that would come in contact with glyphosate.

Glyphosate-containing chemicals such as Roundup have historically been marketed as safe to drink, although a Monsanto advocate refused to drink it when pressured.¹⁷ The Monsanto advocate refused to drink the chemical while simultaneously advocating for the endangerment of professionals that would then be asked to apply to chemical.

As described in the job definitions of the NYC Government Workforce Profile Report for Fiscal Year 2017, building services and laborers would work with pesticides. It is assumed that farmers would also work with the chemical as it is associated with the occupation and transportation workers have reported spraying glyphosate products on railways. These are not the only jobs that may use chemical herbicides, anyone employed as a pesticide applicator, whether they are NYC employees or not, would also use the chemical. As court cases have come to reveal, regardless of the use, misuse, or non-use of protective gear, spraying Roundup has still resulted in cases of non-Hodgkin's Lymphoma.

¹⁶ NYC Government Workforce Profile Report FY 2017, NYDCAS. 2017. www1.nyc.gov/assets/dcas/downloads/pdf/reports/workforce_profile_report_2017.pdf

¹⁷ Visser, Nick. "Monsanto Advocate Says Roundup Is Safe Enough To Drink, Then Refuses To Drink It." Huffington Post. March 2015. www.huffpost.com/entry/monsanto-roundup-patrick-moore_n_6956034

IMPACTS ON THE COMMUNITY

Applying glyphosate to city parks and playgrounds puts Black and Brown families at risk of being exposed to a chemical that can cause cancer. While their white, affluent counterparts leave the city for the summer, low-income, Black and Brown families will find themselves in free public spaces such as city parks.

Reports show that glyphosate has been sprayed in NYC parks since at least 2011 and likely long before that. Information obtained through a FOIL request by Reverend Billy and the Stop Shopping Choir details the dates, locations, and amount of glyphosate sprayed in certain areas. This data shows that Idlewild Park in Queens had higher application rates in 2017 and 2018 compared to surrounding locations. Based on this data, normal concentrations for glyphosate remain in the .5% to 3% range. However, concentrations in Idlewild Park get as high as 50%. According to census data, the communities surrounding Idlewild Park are approximately 90% African American. People of color that use this park are being hit with extraordinarily high amounts of glyphosate concentrate. Not to mention the impact this high concentration would have on pesticide applicators who are mostly men of color.

The only location that was sprayed at a higher concentration was Roy Wilkins Recreation Center. This recreation center is also located in a predominantly African American community. At this location, 100% glyphosate concentrate was sprayed in 2017. Any concentration is unacceptable, but the pure disregard for the lives that could be affected by this chemical is astounding. Imagine spraying Agent Orange all over your child's neighborhood rec center.

The same FOIL document shows that in Manhattan, Harlem was disproportionately sprayed in comparison with the rest of Manhattan. When analyzing this data, only locations that included parks, playgrounds, or recreation centers on park land were considered. Of the fifty parks or playgrounds sprayed in Manhattan in 2018, only 8 locations were not in Harlem. Forty-two locations were in Harlem where about 62% of the population is Black or Brown.

It is difficult to keep children happy and healthy on a miniscule budget. Poisoning parks with toxic chemicals is yet another strike against the Black and Brown community. Enjoying a free, public space should not carry unexpected consequences. The number of cancer cases being reported should be a reminder to city officials that the herbicide is not safe and should not be treated as such. A chemical that disproportionately impacts people of color is an act of environmental racism. When Black and Brown families that are economically disadvantaged must bear the burden of toxic exposure at a higher rate than white families, there is no argument that can change the racist nature of the subject.

COURT CASES

California has become the leader in winning court cases against Monsanto's Roundup. There have been several successful court cases including the highly publicized Dewayne "Lee" Johnson v. Monsanto, Hardeman v. Monsanto, and Pilliod v. Monsanto. There are many other cases that have yet to reach the court system.

The Johnson v. Monsanto trial by jury under Judge Curtis Karnow of the San Francisco court system, offers hope in the continued fight to ban glyphosate and other related products throughout the United States. After three days of deliberation, the San Francisco jury unanimously awarded DeWayne Lee Johnson, an African American man and former groundskeeper for the Bay Area suburban school district, \$39 million in compensatory damages and an additional \$250 million in punitive damages, although the total award amount was later reduced to 78.5 million.¹⁸ Mr. Johnson reportedly developed non-Hodgkin's Lymphoma after spending four years (2010-2014) applying Monsanto's Roundup weed killer. Figure 5 shows an image of the lesions and bumps on his hand caused by cancer. According to Ken Cook, president of Environmental Working Group, "Monsanto made Roundup the OxyContin of pesticides, and now the addiction and damage they caused have come home to roost. This won't cure DeWayne Lee Johnson's cancer, but it will send a strong message to a renegade company." Despite being acquired by German agro-industrial Bayer AG, Monsanto continues to operate independently. Scott Partridge, Monsanto's vice president of global strategy argues, "[this] decision does not change the fact that more than 800 scientific studies and reviews—and conclusions by the U.S. Environmental Protection Agency, the U.S. National Institutes of Health and regulatory authorities around the world—support the fact that glyphosate does not cause cancer, and did not cause Mr. Johnson's cancer." This statement disregards evidence from IARC that has provided well researched reports on glyphosate.

FIGURE 5: Depictions of Dewayne "Lee" Johnson's terminal non-Hodgkin's Lymphoma.



¹⁸ "Dewayne Johnson v. Monsanto Company | California State Court." Baum, Hedlund, Aristei, Goldman Consumer Attorneys. www.baumhedlundlaw.com/toxic-tort-law/monsanto-roundup-lawsuit/dewayne-johnson-v-monsanto-company

As of March 2019, the Los Angeles County Board of Supervisors banned the use of glyphosate-containing herbicides in Los Angeles County. The moratorium includes a ban on Monsanto's Roundup. The moratorium is effective until more research is done of the effects of the probable carcinogen. Until more testing is done, the chemicals are banned. The County Board of Supervisors decided to impose this ban the same day that Monsanto was held accountable for the first case of Roundup poisoning brought before a judge; 70-year-old Edwin Hardeman's Non-Hodgkin's Lymphoma.

According to the EPA, "Glyphosate products can be safely used by following label directions. There are no risks to children or adults from currently registered uses."¹⁹ However, as was previously explained and determined through several successful court battles in California and more than 960 pending lawsuits in San Francisco alone, glyphosate poses a risk to human health. It is Monsanto's negligence and illicit activity that has allowed the EPA to maintain that glyphosate is a safe substance.

MONSANTO'S ROLE

The merger of Monsanto and Bayer resulted in the formation of the largest agro-technical company on the planet. The conglomerate controls over 25% of the world's seeds. Monsanto, known for producing cancer-causing chemicals, was bought by Bayer, a company that produces cancer medications. Countless lawsuits have done little to dissuade the powerful company.

Carey Gillam, a leading investigative journalist on the subject, reported that there is evidence "... showing that Monsanto worked closely with the Environmental Protection Agency to block a toxicity review of glyphosate by a separate government agency."²⁰ According to her research, the EPA report on glyphosate was delayed for four years by several key people including Jess Row, an EPA official and "friend" of Monsanto. Evidence also supports that Monsanto 'ghost-wrote' several scientific papers that concluded glyphosate was safe. According to Gillam with whom we have corresponded with for this report, every 'scientific' paper on glyphosate that was ghost-written by Monsanto concluded that glyphosate was safe.

The Monsanto Papers, documents that were released during trials, show how Monsanto colluded with the EPA to make sure the information on glyphosate would not be released. The Monsanto Papers quoted a prominent DC law firm partner with contacts in the EPA: "In essence, the political leadership favors deregulation and dismisses the expert risk analysis..." Correspondence between Monsanto and Hakluyt, a British corporate intelligence firm, reveals a conversation about how the reversed ban on Chlorpyrifos is proof that the White House will not target glyphosate.²¹

Those who looked to sue the company remain relatively unsuccessful, unless they happened to find themselves in California. Unfortunately for the majority of those suing, legalities including limitations and loopholes in product liability are making it difficult to successfully file a lawsuit.

¹⁹ "Glyphosate." EPA. www.epa.gov/ingredients-used-pesticide-products/glyphosate

²⁰ Gillam, Carey. "NYC Leaders join calls for ban on Monsanto herbicide." Environmental Health News. April 2019. www.ehn.org/monsantos-herbicide-defense-falling-on-deaf-ears-as-nyc-leaders-join-calls-for-ban-2634974362.html?rebelltitem=3#rebelltitem3

²¹ Baum, Hedlund Aristei, Goldman PC. Relevant documents included: www.baumhedlundlaw.com/toxic-tort-law/monsanto-roundup-lawsuit/monsanto-secret-documents

CURRENT LEGAL ACTIONS IN NYC

Currently, City Council Member Ben Kallos has drafted a bill (Int. No. 1524) that would ban the use of chemical pesticides on city property. The bill's co-prime sponsor, Council Member Carlina Rivera, has worked on pesticide policies as well. According to Wilfredo Lopez, Kallos' Legislative Director, the NYC Parks Department has gone on record stating that they have not sprayed glyphosate products since 2018. However, according to off-the-record interviews conducted by Reverend Billy and the Stop Shopping Choir, Parks pesticide applicators claim they have continued to spray glyphosate into 2019. The city also has contracts with landscaping firms Dragonetti Brothers and Bartlett. Both firms have recorded use of glyphosate in the FOIL documents and are still allowed to spray on city property. As recently as June 2019, Dragonetti Brothers were contracted to spray at the Bergen Beach Community Board's property.²² According to the article, this property is located near Paerdegat Basin that runs off into Jamaica Bay. This could pose a problem if glyphosate will continue to be sprayed near bodies of water.

Fortunately, the bill will include conservatories that operate in public parks as well. The largest conservancy is the Central Park Conservancy (CPC) that cares for Central Park. The CPC is a private, not-for-profit organization that has a long-standing contract the City. According to their own website:

"In connection with the City's partnership with the Central Park Conservancy, the City retains overall control and policy responsibility for Central Park. The Parks Commissioner and officials of the City of New York/ NYC Parks are involved in all aspects of Park planning and must approve all capital improvements the Conservancy seeks to undertake. In addition, administrative rulemaking, law enforcement, and concessions operations in Central Park are under the exclusive domain of the City."²³

Although the CPC has been unresponsive to requests for more information regarding their pesticide use, the Central Park Conservancy would have to comply with city regulations.

²² Sandoval, Gabriel. "Community Board Sprays Weed-Killer Its Council Pal Wants to Ban." The City, July 2019. <https://thecity.nyc/2019/07/community-board-sprays-glyphosate-as-city-council-eyes-ban.html>

²³ About Us. Central Park Conservancy. www.centralparknyc.org/about

CONCLUSION

Following these latest developments, Monsanto faces a slew of high potential liabilities from hundreds, if not thousands of lawsuits. Currently, statewide lawmakers in Hawaii, California, and Connecticut are considering introducing legislation to ban or restrict the use of the toxic product. Environmental justice groups throughout the United States are celebrating the Johnson vs. Monsanto verdict as the perfect opportunity to fight to get carcinogenic pesticides off the market. However, as current President Donald Trump and EPA chief Scott Pruitt have rolled back environmental protections, it more imperative than ever to ban glyphosate.

New York City lawmakers should take this opportunity to pursue legislation to ban the use and sale of glyphosate. In so doing, the city would ensure the health and well-being of the City's public, including its minority populations. The New York City Council also has the option to amend Local Law 37. Because the EPA does not ban the use of glyphosate products, NYC needs to amend Local Law 37 to include glyphosate as a category 1 pesticide, effectively banning the chemical from use. This is the perfect opportunity for Mayor de Blasio and the New York City Council to reform Local Law 37, in conjunction to overwhelming evidence that glyphosate is a dangerous toxin that must be banned from all public spaces. Currently, Local Law 37, works according to EPA standards; however, California has shown that there are constructive alternatives to glyphosate containing products. There is no legal requirement stating that the City cannot ban the chemical because the EPA has not. As we have seen in California, localities are welcome to ban glyphosate and any other chemical the locality/ city/county sees fit.

Another issue in New York State is the three-year limitation for product liability. Consumers of the product will only have three years from the date of diagnosis to make a case against Monsanto. Unfortunately, cancer does not always give someone three years, stamina, or willpower for a long, drawn-out trial. Governor Cuomo and the state of NY should conduct an independent glyphosate toxicity report outside of influence from the EPA, Monsanto, or Bayer.

Under the current federal administration, it is difficult to assess the resulting impact on policy and legislation when it comes to environmental regulation. Despite overwhelming evidence, the EPA continues to defend its reasons for not listing glyphosate as a danger to human health. The Inspector General of the EPA is seeking to investigate reports that an agency employee colluded with Monsanto, in order to conduct biased research on glyphosate. In addition to preventing such actions in the future, the federal government must be able to pursue comprehensive regulation towards companies that knowingly endanger the health of its citizens.

The greatest force to tackle environmental justice, however, are environmental justice groups and advocates. Environmental organizations must be inclusive of these groups in order to engage the public and encourage comprehensive change. In order to change the conversation regarding economic justice, environmental justice advocates must work strategically to make equity a priority across all platforms. We demand that states pursue environmental justice analyses and engage low-income communities and communities of color in the conversation. In so doing, states will prioritize and promote the health and well-being of all people.



THE BLACK INSTITUTE DEMANDS:

- That Mayor De Blasio and the New York City Counsel ban glyphosate, amend Local Law 37, and hold hearings on the use of pesticides in NYC, and
- that Governor Cuomo and the state of New York reject and ban the use of glyphosate at the state level, and
- that the federal government must require states to pursue unbiased environmental impact studies on glyphosate.

INFORMATION FOR AFFECTED RESIDENTS

If you or a loved one are suffering from symptoms of pesticide poisoning, please contact **The Black Institute** so that we may refer you to our partners at **Onder Law Firm**.

Symptoms of **glyphosate** poisoning vary from person to person but low-dose exposures can cause skin and eye irritation, vomiting, and diarrhea. Glyphosate can also be fatal if a large quantity is ingested. Common cancers related to long-term exposure to glyphosate include but are not limited to; **non-Hodgkin's Lymphoma**, multiple myeloma, lung cancer, and other cancers as well as chemically damaging human DNA.

It is your responsibility as a concerned citizen to fight against the use of toxic chemicals in **New York City**. What we can accomplish here has the potential to spread to the state level and effect positive change for an even larger number of people. Please consider reaching out to **The Black Institute** to speak about organizing an event or protest that sounds the alarm on glyphosate in our parks. If you are interested you can reach us at **(212) 871-6899**.






POISON PARKS



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