



**Shelley Davis.** Photo provided by Farmworker Justice. Used with permission.

# Shelley Davis: Public Health Advocate at the Service of the Farmworker

| Sherry Baron, MD, MPH, Amy K. Liebman, MPA, Virginia Ruiz, JD, and Andrea L. Steege, PhD

## SHELLEY DAVIS MADE

important contributions to civil rights, public health, and social justice, but, above all, she was a tireless advocate at the service of farmworkers. During her thirty-year career she fought in every available forum—federal and state courts, administrative agencies, state and federal legislatures, and the court of public opinion—over many issues, but especially over occupational health, environmental justice, child labor, and the rights of Latino and indigenous farmworkers. On Shelley Davis' CaringBridge Web site, Arturo S. Rodriguez, president of the United Farm Workers, wrote of her, "She is driven by an intense desire to ensure that the people who harvest the food we eat not be forced to sacrifice their health in the process."

Davis, recognized and respected by allies and adversaries alike as a brilliant strategist in the area of social policy, was a masterful attorney who authored extraordinarily well-written and well-argued briefs. She was perhaps best known to her colleagues as an indefatigable and tenacious fighter for justice whose irrepressible optimism inspired others to join in her cause. Davis consistently fought

to defend farmworkers, whether the matter was wage theft, pesticides, or HIV/AIDS. She was an authority not only on the law but also on public health issues. Davis was a bilingual (English and Spanish) activist personally involved with workers' lives and concerns. Her collaborator Nargess Shadbeh remembers that, in the field, Davis's first request was always, "Let's go to the labor camps so we can talk to the workers."

Born in New York City in 1952, Davis graduated from Bryn Mawr College in 1973 and later earned a law degree from the Columbus School of Law at Catholic University in 1978. As a young lawyer, Davis worked on various social justice causes including representing poor people in disability rights and employment discrimination. She formed part of the Political Rights Legal Defense Fund in New York City, which won a landmark lawsuit against illegal government spying on the Socialist Workers Party. She was an activist in the antiapartheid movement in the United States, which worked to end South Africa's racist regime, for which Nelson Mandela later personally thanked her during a visit to Washington, D.C. When Davis began representing

farmworkers in 1986, she found her life's work: *La Causa*.

## CHALLENGING EMPLOYERS AND GOVERNMENT TO PROTECT FARMWORKERS

Her farmworker advocacy work began with lawsuits to end massive wage abuses. For example, in *Frederick County Fruit Growers Association v. McLaughlin*,<sup>1</sup> apple pickers with H-2A temporary work visas received \$8 million in back pay, a remarkable achievement in the world of farmworker advocacy. Davis later said of this work that, "Most moving to me was what I saw in their eyes. As each worker approached me, I could see that they had been cheated many times in their lives, but what was different here was that someone had made it right."<sup>2</sup>

For the next twenty years, primarily through her work at Farmworker Justice, Davis turned her attention to farmworker health and quickly became a leading authority on health and safety litigation and policy. In 1992 the Environmental Protection Agency (EPA) published the Worker Protection Standard, a regulation aimed at reducing the risk of



**Shelley Davis with family. Photo provided by Farmworker Justice. Used with permission.**

pesticide poisonings among agricultural workers. Davis, through advocacy, testimony before government hearings, media work, and advocacy coalition building, worked to pressure the EPA to issue acceptable Worker Protection Standard rules. Jennifer Sass, a senior toxicologist of the Natural Resources Defense Council, remembers, “Shelley was among the most tireless, dedicated, and skilled activists I’ve ever had the honor to know. We would regularly meet with high-level EPA officials and Shelley would list her demands for better protections for farmworkers, supported with legal arguments and real-world evidence of harm. Shelley was successful because she was tenacious, she was smart, and she was always right.”

Although she was a critic of government inaction, Davis still won the respect of government agencies. She served on EPA’s Children’s Health Protection Advisory Committee advocating more stringent protections for children of farmworkers. She also became a member of EPA’s Pesticide Program Dialogue Committee, which advises the EPA on pesticide program and policy issues.

In addition to her work on the federal level, Davis collaborated

with local communities to create innovative new training programs and legislation. Beginning in 2004, she and Farmworker Justice worked with the Oregon Law Center, *Pineros y Campesinos Unidos del Noroeste*, Portland State University, and Salud Medical Center to identify and address the work-related health needs of Mexican indigenous farmworkers. They found that indigenous farmworkers who, for example, spoke Mixteco (a family of languages spoken by the Mixtec people of Mexico), were not receiving adequate training and information about workplace hazards.<sup>3</sup> To remedy this, they developed creative approaches, such as sociodramas recorded in indigenous languages to train workers.

Davis and Farmworker Justice won an important victory for farmworker health with the passage of the 2008 Farm Bill. The law included a new pesticide safety research program<sup>4</sup> that Davis designed to study the relationship between pesticide exposure and cancer, with the goal of acquiring the data needed for better policies and health promotion programs. The new Farm Bill also called for research to develop new technology for testing pesticide residues in the fields to determine

safe reentry times. Although this legislation passed, the fight to win sufficient appropriations to fund the program is ongoing.

### CHILD LABOR, ENVIRONMENTAL JUSTICE, AND INFECTIOUS DISEASES

Davis’ interest and advocacy for farmworkers’ health expanded beyond work-related exposures. In 1999 she created Clean Environment for Healthy Kids in collaboration with the Health Resources and Services Administration, the Border Health Program, and EPA. The project trained lay health professionals or *promotores de salud*, from both sides of the US–Mexico border to provide education about environmental contaminants that posed health risks.

The Fair Labor Standards Act allows employment of farmworker children in agriculture at younger ages than in other industries. This disparity led Davis to become active in protecting farmworker children from exploitation. With James B. Leonard, she cowrote, *The Ones the Law Forgot: Children Working in Agriculture*,<sup>5</sup> and became an advisor on child labor to the National Advisory Council on Migrant Health for the Department of Health and Human Services. Also, when Congress changed the rules governing immigrants’ access to Medicaid, the Children’s Health Insurance Program, food stamps, and other public benefits, Davis campaigned to make sure that farmworker families and their allies understood how they might continue to receive some benefits.

In 2001, Davis and Farmworker Justice became a community partner in an HIV/

AIDS prevention project of the Centers for Disease Control and Prevention (CDC). Davis helped to develop the program *Líderes Campesinos Por la Salud* (Farmworker Leaders for Health), which trained lay health promoters and worked with popular opinion leaders.<sup>6</sup> Gerlinda G. Somerville, a CDC collaborator in this HIV project, said, “Shelley Davis advanced the practice and science of community health by providing training, mentorship, and skills-building for men, women, and youth, so that many farmworkers learned to protect themselves and their families from HIV.”

Davis also developed training materials and guidance to protect farmworkers during avian influenza outbreaks. She was concerned both about farmworkers’ potential to contract avian and other influenza strains from work as well as their increased vulnerability during any outbreaks because of immigration issues, substandard housing, lack of health coverage, and lack of economic resources. She and CDC coauthors wrote recommendations in 2008,<sup>7</sup> which were then used to develop CDC guidance to protect migrant and seasonal farmworkers during the Spring 2009 outbreak of H1N1 influenza. The prior year, she and Jackie Nowell of the United Food and Commercial Workers trained “bird catchers” on farms to protect themselves from avian influenza. “Shelley and I shared a similar perspective on workers, respecting their knowledge and experience, marveling at their stamina in performing this thankless work,” said Nowell.

Davis carried out all of her work—coalition building, policy work, litigation, writing and speaking, visits to the farmworkers in

the field—while suffering from a progressive eye disease, retinitis pigmentosa, that led to the gradual deterioration of her vision until she was legally blind. She took such joy in living and never let her visual impairment limit her sensitivity to her surroundings. Shadbeh explains, “Shelley would take the opportunity to connect with other people and see the world through their eyes, asking simply, ‘What do you see?’ Often as we drove from the airport or between various sites, I would describe what I saw and all the colors to her, and she seemed to enjoy that very much.” As committed as Shelley was to her work, no matter how busy or how far away she was, her family was always on her mind. She relished talking about “watching” baseball games with her son and husband. Later she contracted breast cancer, the disease that took her life on December 12, 2008, at the young age of 56.

Davis had a remarkable life (and career), one that had a profound impact on many around her, and it was a life she relished. Her attitude toward her profession and her work was summed up in her observation: “We have the rare privilege of living out our most deeply held principles, every single day. This is a privilege I would not give up for higher pay or more status—or frankly, for anything.”<sup>2</sup>

Mily Treviño Saucedá, executive director of *Líderes Campesinas*, a farmworker women’s group, recalls that, “Her words of encouragement, support and guidance, personally gave me strength, hope, and focus. She was a good mentor in so many ways. She will always be in our hearts and our memories. I know that her spirit will always be caring for us.” ■



Training of Promotores de Salud on occupational and environmental health in Oregon. Photo provided by Farmworker Justice. Used with permission.

#### About the Authors

Sherry Baron and Andrea L. Steege are with the National Institute for Occupational Safety and Health, Centers for Disease Control and Prevention, Cincinnati, OH. Amy K. Liebman is with the Migrant Clinicians Network, Quantico, MD. Virginia Ruiz is with Farmworker Justice, Washington, DC.

Correspondence should be sent to Sherry Baron, 4676 Columbia Parkway MS R-17, Cincinnati, OH 45226 (e-mail sbaron@cdc.gov). Reprints can be ordered at <http://www.ajph.org> by clicking on the “Reprints/Eprints” link.

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#### Contributors

S. Baron originated the article and wrote and edited the article. A. K. Liebman, V. Ruiz, and A. L. Steege assisted with formulation of the article, contributed material, and reviewed and edited drafts.

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“Shelley was there to tell the powers that be when they were being unfair, when they were not protecting those whom they should protect, and when they were failing to do what the law said they should do. Shelley’s effect was like a strong magnet. She pulled along and aligned those around her; those who were like her but not as strong.”

Matthew Keifer, MD, professor, University of Washington School of Public Health, Seattle, and migrant clinician in Yakima, Washington.

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