

Posted on Wed, Jun. 08, 2005

## FLORIDA FARMS

### New tactic used in labor case

In the newest crackdown on abuse against farmworkers, federal authorities are examining both environmental and exploitation issues.

BY RONNIE GREENE

[rgreene@herald.com](mailto:rgreene@herald.com)

In its newly energized crackdown against abuse of farmworkers in Florida, the federal government has unveiled a new weapon: the Clean Water Act.

On Friday, federal agents raided an East Palatka housing camp operated by Ronald R. Evans Sr., 47, and the labor boss has been barred from the compound after his indictment on five federal charges.

For over a year, authorities have been examining allegations that Evans and his underlings criminally abused destitute farmworkers.

Yet as agents examined those claims, they learned of another alleged abuse: The fouling of the environment by Evans' camp, tucked in a remote hub south of Jacksonville and 40 minutes west of I-95.

In recent years, a dozen Florida farm contractors, smugglers and henchmen have landed in prison for crimes against farmworkers, including indentured servitude. Yet none of the cases had an environmental angle.

A search warrant application for Friday's raids -- one at the camp, another at Evans' home on East Cracker Swamp Road -- details the budding environmental inquiry.

In May, federal agents discovered a five-foot PVC pipe "protruding from underneath a wooden security fence" on the camp's lower boundary. The pipe, buried underground on the other side of the fence, "clearly appeared to be run through" the camp.

Cow Creek, a seven- to eight-foot-wide waterway running behind the Evans camp, flows directly into the St. Johns River, a major body of water used for state and foreign commerce.

"At the time I observed it . . . the white PVC pipe was discharging directly into Cow Creek gray, cloudy liquid," James Mowatt III, a special agent with the U.S. Environmental Protection Agency's Criminal Investigation Division, wrote in the affidavit.

"In the creek, directly at and near the area that the PVC pipe was discharging into the creek, I recognized a substantial quantity of both submerged and floating human waste," Mowatt continued. "The strong, pungent odor of raw human waste also permeated that precise area."

Among the suspected pollutants: Kitchen, laundry, shower and bathroom wastes.

Mowatt found no permit or other paperwork allowing "the Evans labor camp to discharge any pollutant into any water of the United States covered by the Clean Water Act."

## AGENTS SEARCH

The team of agents raiding the compound on Friday included EPA investigators, who collected samples for

evidence.

"It's not Mr. Evans' intent to pollute the environment, and we're certainly checking into that," his attorney, Robert Fields, said Tuesday.

So far, no environmental charges have been filed, but U.S. officials say the investigation is early and more charges are likely beyond the five brought so far.

Evans is accused of lying to the U.S. Department of Labor, saying his crew consisted of 40 laborers when it was more than double that. The grand jury indictment also says he filed a false statement saying his crew worked only at Tater Farms, when it also worked at nearby Randy Byrd Farm. And it says he allowed three underlings to transport farm laborers without proper licenses.

Fields said he could not yet comment on the charges. "At this point, we want to make sure we have a full understanding . . . and that has not happened yet," he said.

In Jacksonville federal court Monday, Evans was released on \$50,000 bond and ordered to have no contact with his camp. Based on those charges, he faces up to 13 years in prison, the U.S. Attorney's Office said. Three associates have also been charged with either lying to U.S. Labor officials or driving workers without authorization.

Civil-rights attorneys have begun interviewing some of the laborers housed at the squalid, horseshoe-shaped compound, exploring allegations that workers were cheated of pay by deductions for crack cocaine said to be readily available at the camp. During Friday's raid, agents recovered crack cocaine.

"The accommodations at the camp are primitive, and the laborers are primarily U.S. citizens of African-American descent and very low socioeconomic status," said the EPA agent's report.

Several of Evans' former charges have been put in protective custody as potential witnesses in the case being prosecuted by Assistant U.S. Attorney John Sciortino and Susan French, of Justice's Civil Rights Division. Beyond Labor and the EPA, the U.S. Drug Enforcement Administration and Putnam County Sheriff's Office are investigating.

"Taking advantage of the disadvantaged is an ugly crime, it must be and shall be stopped," Jacksonville U.S. Attorney Paul I. Perez said in a statement.

## **OTHER CASES**

Evans' camp is not the only one to face such allegations.

In 2003, a Herald series, *Fields of Despair*, detailed how many North Florida labor bosses recruit from homeless shelters, city parks and soup kitchens. Yet laborers quickly found themselves at camps far from big cities, without transportation and with few dollars in their pockets. Some alleged physical abuse, and others said they were cheated hundreds or thousands of dollars in pay.

That the feds are now pursuing both workforce and environmental issues reflects the breadth of their crackdown against long-running abuse of those at the bottom of Florida's second-largest industry.

Farmworker advocates are encouraged by the approach. But, just as quickly, they note that this criminal case, like others before it, focuses on the middlemen contractors, not the wealthy growers who pay bosses to hire workers.

"I've always been of the belief that the person in the best position to change behavior is the grower," said Gregory Schell, an attorney with Florida Legal Services in Lake Worth, who has fought worker abuses for decades.

## CIVIL CASES

The federal charges against Ronald R. Evans Sr. are only the latest allegations of abuse of North Florida farmworkers:

- **In April:** Attorney Lisa Butler filed suit on behalf of three workers against Byrnes Farms in Hastings and Crescent City contractor Sinclair T. Smith.

The suit alleged Smith charged workers 100 percent interest on wage advances, housed them in a camp with broken toilets, understated their hours, and battered and threatened them. Smith and grower Daniel L. Byrnes deny the complaints..

- **In December 2003:** Butler filed suit on behalf of 12 farmworkers against a labor boss and the potato farmer who hired him, saying the workers suffered poverty pay, illegal loans, slum housing and physical abuse at the hands of the boss. Labor boss Ronald Jones and farmer Thomas R. Lee of Bulls-Hit Ranch & Farm initially denied the complaint. The case was settled last June for an undisclosed amount.