

Human Rights Watch

Children's Rights

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Proposed Rules to Shield Children from Most Dangerous Tasks Withdrawn

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(Washington, DC) The US Labor Department's withdrawal of proposed rules to shield hired child farmworkers from the most dangerous tasks condemns children to be killed and maimed, Human Rights Watch said today. The proposed regulations would have updated for the first time in decades the list of tasks too dangerous for employed children under age 16. The regulations would not have applied to children working on family farms. The Labor Department withdrew the proposal on April 26, 2012.

"The US Labor Department has caved in to Big Agriculture and their allies in Congress to abandon the most vulnerable working children in America," said [Zama Coursen-Neff](#), deputy children's rights director at Human Rights Watch. "Instead of protecting child farmworkers, the Labor Department will look the other way when children get crushed, suffocated, and poisoned on the job."

Agriculture is the most dangerous work open to children in the United States, according to the Centers for Disease Control's National Institute for Occupational Safety and Health (NIOSH). Children risk pesticide poisoning, serious injury, and heat illness. In 2010, the latest figures available, 16 children under age 16 were fatally injured at work in the US; 12 of them worked on farms. Thousands more are injured each year.

In [interviews](#) with Human Rights Watch, child farmworkers have described working with heavy machinery, including tractors; falling from ladders; exposure to pesticides and experiencing symptoms consistent with pesticide poisoning; working in extreme heat to the point of dehydration; and topping and harvesting tobacco, risking nicotine poisoning, known as green tobacco sickness.

Under the Fair Labor Standards Act (FLSA), the US Department of Labor bears responsibility for determining what jobs are particularly hazardous, and thus off limits, for children under age 16 working on farms that are not owned or operated by their parents. Current rules, known as hazardous orders, which were drafted decades ago, prohibit operating certain equipment, working in areas with certain animals, working from a ladder at a height of over 20 feet, and applying the most toxic agricultural chemicals.

The new restrictions, based on expert research and proposed in mid-2011, would have added prohibitions on operating additional heavy machinery, working in silos and grain storage facilities, handling all pesticides, and working in the production of tobacco.

Expert research shows that some jobs are too hazardous for children, Coursen-Neff said. As new farm equipment is developed and we learn more about pesticides and other risks to children evolve, restrictions on children's work should be updated.

The proposed rules exempted farms owned or operated by parents, Human Rights Watch said. However, after the Labor Department introduced the proposed rules in 2011, several members of Congress, including Senators John Thune and Jerry Moran and Representative Tom Latham, claimed that they would hurt family farms and agricultural training, and introduced bills to block the new rules.

Training children for agricultural work shouldn't include exposing them to being killed or maimed, Coursen-Neff said. Like all other jobs, the most dangerous farm jobs should be done by adults, not children."

US law allows 16 and 17-year-olds to work under hazardous conditions in agriculture; in all other occupations the minimum age for hazardous work is 18. In addition, in other occupations, the law prohibits the employment of children under age 14, and limits children under 16 to three hours of work a day when school is in session. In agriculture, however, children can work on any farm at age 12 and at any age on a small farm. Unlike for other jobs, the law sets no limit on how early in the morning, how late at night, or how many hours children can work in agriculture, as long as they do not work during school hours.

Even existing orders prohibiting hazardous work for children are almost never enforced for agriculture by the US government. In 2010 the Wage and Hour Division of the Labor Department cited only three violations of agricultural hazardous orders, or 0.3 percent of the 1,064 hazardous occupation violations it found that year. Voluntary farm safety rules have been tried but they have failed to keep

children from dying at disproportionate rates, Human Rights Watch said.

The US government gives less protection to children hired on farms than all other working children, Coursen-Neff said. This dangerous double standard falls disproportionately on poor Hispanic children, who are the great majority of child farmworkers.

Some 85 percent of crop workers in the United States are Hispanic and they are overwhelmingly poor.

Child labor on farms not only risks children's health and lives, it also violates the international legal obligations of the US under the Worst Forms of Child Labor Convention of the International Labor Organization (ILO). In 2010, the ILO Committee of Experts expressed serious concerns regarding the significant number of injuries and fatalities suffered by children in US agriculture, and the exemptions in US law that allow young children to work. The committee called on the United States to take immediate action to comply with its treaty obligations.

"Only Congress can change the lethal double standard that allows children to do hazardous work in agriculture at age 16, while prohibiting the same work in all other jobs until age 18, Coursen-Neff said. But the Labor Department can protect children under 16 from hazardous jobs, and it should.

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