

# Human Rights Watch

## Children's Rights

**<https://www.hrw.org/news/2013/09/17/north-carolina-choosing-not-protect-child-farmworkers>**

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Margaret Wurth

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When I met Miguel on a farm in Eastern North Carolina in July, he was working in the fields in his stocking feet, his torso draped with a black plastic garbage bag. He didn't have work boots that could withstand the thick mud from the summer's heavy rains or a raincoat to keep his clothes dry. He described the headaches he gets while working 10-hour days in intense heat. It was horrible, he said. It felt like there was something in my head, trying to eat it.

Unlike most other middle-schoolers, 12-year-old Miguel was spending his summer vacation planting sweet potatoes, pulling the tops off tobacco plants and harvesting watermelons. When I asked whether he had ever missed a day of school to work in the fields, he misunderstood and quickly answered, Yeah, I miss school. I miss my friends, and my teacher, and homework, and recess, and lunch. I miss all of that.

Gov. Pat McCrory has proclaimed this week Farm Health and Safety Week in North Carolina, acknowledging that youth are among the agricultural workers at higher risk than others. I doubt Miguel will be celebrating.

Across North Carolina, thousands of children like Miguel work long hours on commercial farms that make agriculture the state's top industry. Many use sharp tools, operate dangerous machinery and lift heavy loads.

With little access to protective equipment, they are exposed to pesticides and other toxic chemicals.

Laura, now 17, told me she saw a tractor spraying the field where she worked when she was 15. They were spraying on the other side of the field, but you could still smell it. I got a lot of splashes on my legs. And the man we worked for, he didn't want to take us out of the field at first.

Children are particularly vulnerable to the harmful effects of pesticide exposure as their bodies are still developing, and they consume more water and food and breathe more air, pound for pound, than adults. Long-term effects of pesticide exposure include cancer, neurological problems and reproductive health issues.

Most children working on farms in North Carolina are poor and Latino. While their parents are frequently undocumented migrants, most of the children are U.S. citizens. Farmworker parents rely on their children's minimum wage earnings to help supplement meager family incomes, averaging less than \$20,000 annually nationwide.

Under a double standard in federal labor law, children can work in agriculture at far younger ages, for far longer hours and in far more hazardous conditions than other working children. Federal law has no minimum age for children to work on small farms with their parents' permission. At age 12, children can work for hire on a farm of any size.

In all other industries, children must be at least 14 to work, and the jobs they are allowed to do are carefully restricted. Farm work is one of the most hazardous occupations open to children. Moreover, child farmworkers can do jobs at age 16 that are considered particularly hazardous by the U.S. Department of Labor, jobs that are restricted for children under 18 working anywhere else.

Efforts to amend federal laws and policies to protect children or establish a higher minimum age to work in agriculture have fallen short. Congress has failed to close the loophole that would provide child farmworkers with the same minimum age protections as all other working children.

Even an attempt to update the decade-old list of hazardous tasks that are off-limits to children under 16 collapsed last year when the Obama administration caved in to opposition from the agricultural lobby and others.

North Carolina was poised to take an important step to protect children during the last legislative session. Senate Bill 707 would have

prohibited children under 14 from working for hire in agriculture. Despite an explicit exception for children working on family farms, the bill was left to die in committee.

In light of the General Assembly's failure to address hazardous child labor, McCrory's Farm Health and Safety Week seems like an empty proclamation. If North Carolina's policymakers are serious about protecting children, they should amend state law to apply the same minimum age requirements and hazardous work restrictions to farmworker children that already protect all other working children. The lives of children who work on North Carolina's farms depend on it.

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