

Human Rights Watch

Children's Rights

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Legislation Before Congress Would Endanger Young Farmworkers

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(Washington, DC) Legislation introduced in the US Congress in March 2012 to block proposed safety rules for child farmworkers will endanger children who work on farms, said advocates from the Child Labor Coalition (CLC), representing more than two dozen organizations concerned with protecting working youth. The group called on the US Department of Labor (DOL) to implement immediately its proposed updates to safety rules listing dangerous agricultural tasks that are off limits to hired child farmworkers.

The Department of Labor's proposed safety rules are rooted in expert research and designed to protect child farmworkers, said Sally Greenberg, executive director of the National Consumers League and the co-chair of the CLC. Agriculture has long been exempt from many child labor and occupational safety protections granted to all other industries. As new farm equipment is developed and our knowledge of pesticides and other risks to children evolve, it only makes sense to update the list of tasks that employers should not be allowed to hire children to do.

The 15 proposed rules known as hazardous occupation orders would, for the first time in decades, update the list of farm tasks considered too dangerous for children under age 16 working for hire. New restrictions would include operating certain heavy machinery, working in silos and grain storage facilities, and handling pesticides.

Bill S. 2221, introduced on March 21 by Senators John Thune (R-SD) and Jerry Moran (R-Kan), would stop the Labor Department from issuing the occupational child safety rules. A version was introduced March 7 in the House (H.R. 4157) by Rep. Tom Latham (R-Iowa), with the misleading title, Preserving America's Family Farms Act.

The Department of Labor has long held responsibility for restricting employers from hiring children to do tasks that are considered hazardous. In agriculture, those restrictions lift at age 16; while in all other jobs, hazardous work cannot be done until age 18. The rules do not apply to children working on farms owned or operated by their parents, and Secretary of Labor Hilda Solis said at a House hearing recently that she intends to expand the parental exemption to allow children to work without safety restriction on farms owned by other relatives.

Agricultural exemptions to [US](#) child labor law allow children to work for hire at age 12 on any farm with their parents consent. There is no minimum age for children to work on small farms.

Agriculture is the most dangerous industry open to [children](#). Three quarters of working children under age 16 who died from work-related injuries in 2010 worked in agriculture. Thousands more are injured each year. Agricultural injuries tend to be much more severe than other youth injuries according to a new study in the April 2012 edition of the journal *Pediatrics*, resulting in a hospitalization rate that is 10 times as high as that in all other industries.

As a former child farm worker, I know how dangerous the fields can be, said Norma Flores Lopez, the *Children in the Fields Campaign* Director for the Association of Farmworker Opportunity Programs. Pesticides, razor-sharp tools, and farm machinery were ever-present dangers. Last summer two 17-year-olds in Oklahoma lost their legs in a grain auger accident. Banning grain facility work, which killed 26 workers in 2010, would prevent those tragedies from happening to others.

The proposed legislation inaccurately suggests that the proposed safety rules would make it difficult for children to work or get hands-on training on farms. Instead the Department of Labor's proposed rules merely require more rigorous training for some hazardous work and remove training exemptions for other tasks.

The Department of Labor's proposed safety rules would be a huge leap forward in keeping children safer while they're at work and while they're learning to be farmers, said Zama Coursen-Neff, deputy children's rights director at Human Rights Watch. Job training for farmworker youth is important, but it shouldn't involve the few tasks that experts find are most likely to kill and maim them.

The proposed legislation also inaccurately implies that occupational child safety rules would be an attack on the family farm.

The proposed rules represent long-overdue protections for children working for hire in farm communities, said Reid Maki, the CLC coordinator. They will save lives and preserve the health of farm children so they can grow up to be farmers. The department should implement them as soon as possible.

We must push back against the attacks against safety protections for children, said Lorretta Johnson, secretary-treasurer of the American Federation of Teachers and a co-chair of the CLC. It is our task to protect the most vulnerable in our society and all over the world. All children should be afforded the opportunity to go to school and thrive and not be placed in harms way by working in the fields or in other dangerous occupations.

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