

Brief Summary of Public Policy Relating to Childhood Agriculture Labor

The protection of children in occupational settings is the primary focus of three pieces of federal legislation. The Fair Labor Standards Act, Hazardous Occupation Orders for Agriculture, and Occupational Safety and Health Act were established to provide protection of children in occupational settings.

Many states also set child labor standards and compulsory school attendance standards for children involved in agricultural work. When these apply, the more stringent standard must be observed. Contact your local, state, and federal labor resources for more information. A brief description of the primary legislation is below.

Fair Labor Standards Act

The Fair Labor Standards Act (FLSA) as amended, sets labor standards for children younger than 16 years. The FLSA covers minimum wages, work limits, maximum hours of work, and prohibited hazardous tasks. Child labor provisions of this act are designed to protect the educational opportunities of minors and prohibit their employment in conditions that could harm their health or well-being. Child labor provisions of the Act apply to the employment of all children, migrant as well as local resident in any labor, with or without pay, the exception being parents or guardians employing their own children. Fines for child labor violations can be up to \$10,000.

Hazardous Occupation Orders for Agriculture

The Hazardous Occupation Orders for Agriculture (HOOA) applies to the Fair Labor Standards Act for children under the age of 16 years employed by someone other than parents or guardians. The HOOA does not apply to children under 16 years of age employed "by their parents, or by persons standing in the place of their parents on farms owned or operated by such parents or persons."

The HOOA restricts minors under 16 years from the following tasks:

- Operating a tractor over 20 horsepower*
- Operating a variety of farm machinery*
- Working in a yard with certain animals*
- Harvesting timber*
- Working on a ladder over 20 feet*
- Driving a vehicle with passengers or riding on a tractor
- Working in confinement buildings under certain circumstances
- Handling or applying agricultural chemicals
- Handling or using a blasting agent
- Using anhydrous ammonia

*These are allowable for 14 and 15 year olds under carefully regulated conditions and in certain agricultural settings. Settings include student learners, 4-H Federal Extension Service training programs, and vocational agriculture training programs.

Some youth may be employed in non-hazardous occupations with written parental consent; outside school hours; on farms where their parent is employed; situations exempt from federal minimum wage restrictions; harvesting short season crops or special waivers from the Secretary of Labor. Consult your regional Wage and Hour Division for additional information. (See Resources.)

Safety and Health

The 1970 Occupational Safety and Health Act (OSHA) created the Occupational Safety and Health Administration which is responsible for overseeing workplace health and safety. All agricultural operations of one or more workers engaged in a business that affects interstate commerce must comply with OSHA regulations except 1) farm operations employing only their own family members, and 2) farm operations which have 10 or fewer employees during the previous 12 months and do not maintain a migrant labor camp. OSHA has authority to:

- Set standards
- Inspect work places
- Cite violations
- Impose penalties and assess fines up to \$10,000 for child labor violations
- Shut down operations
- Allow employee participation

According to the 1992 U.S. Census of Agriculture, less than 5% of U.S. farms are affected by OSHA standards.

Resources	Responsibility
Your state Department of Labor and Employment	Provides state-specific information on child labor in agriculture.
Your state Extension Agricultural Safety Specialist	Provides state-specific information on agricultural health and safety for children.
Employment Standards Administration Wage and Hour Division U.S. Department of Labor 200 Constitution Avenue, N.W., Room S3510 Washington, DC 20210 (202)219-8305 Regional offices available to serve you http://www.dol.gov/dol/esa/public/whd-org.htm	Enforces Fair Labor Standards Act.
National Institute for Occupational Safety and Health (NIOSH) Hubert H. Humphrey Building 200 Independence Ave., S.W. Washington, DC 20201 (800)35-NIOSH "Hot-line" for technical assistance http://www.niosh.gov	Provides education and conducts research for safety and health in the workplace.
Occupational Safety and Health Administration U.S. Department of Labor 200 Constitution Ave., N.W. Washington, DC 20210 (202)219-8151 publications office http://www.osha.gov	Oversees workplace health and safety.
U.S. Environmental Protection Agency (EPA) Public Information Center, 3404 401 M Street, S.W. Washington, DC 20460 (202)260-2080 http://www.epa.gov	Available to assist you in locating EPA information available to the public.

References:

Census of Agriculture. U.S. Department of Commerce. Report No. AC92-A-51, 1994:1

Centers for Disease Control and Prevention. Preventing deaths and injuries of adolescent workers. Cincinnati (OH): NIOSH Alert, U.S. Department of Health and Human Services, Public Health Service. Publication No. 95-125, 1995

Children's Safety Network National Injury and Violence Prevention Resource Center, Education Development Center, Inc. and Occupational Health Surveillance Program, Massachusetts Department of Public Health. Protecting working teens: a public health resource guide. Newton (MA): Education Development Center, Inc., 1995

Department of Labor, Child labor requirements in agriculture under the Fair Labor Standards Act. Washington (DC): U.S. Dept. of Labor, Employment Standards Administration, Wage and Hour Division. Child Labor Bulletin No. 102, 1990

Department of Labor, Program Highlights: Federal Child Labor Laws in Farm Jobs. Washington (DC): U.S. Dept. of Labor, Employment Standards Administration, Wage and Hour Division. Fact Sheet No. ESA 86-2

Murphy DJ. Safety and health for production agriculture. St. Joseph (MI): American Society of Agricultural Engineers, 1992

Note: Persons employing children should be knowledgeable about the Migrant and Seasonal Workers' Act (U.S. Department of Labor - Wage and Hour Division) and Worker Protection Standard (U.S. Environmental Protection Agency). Consult the respective agencies for additional information.