

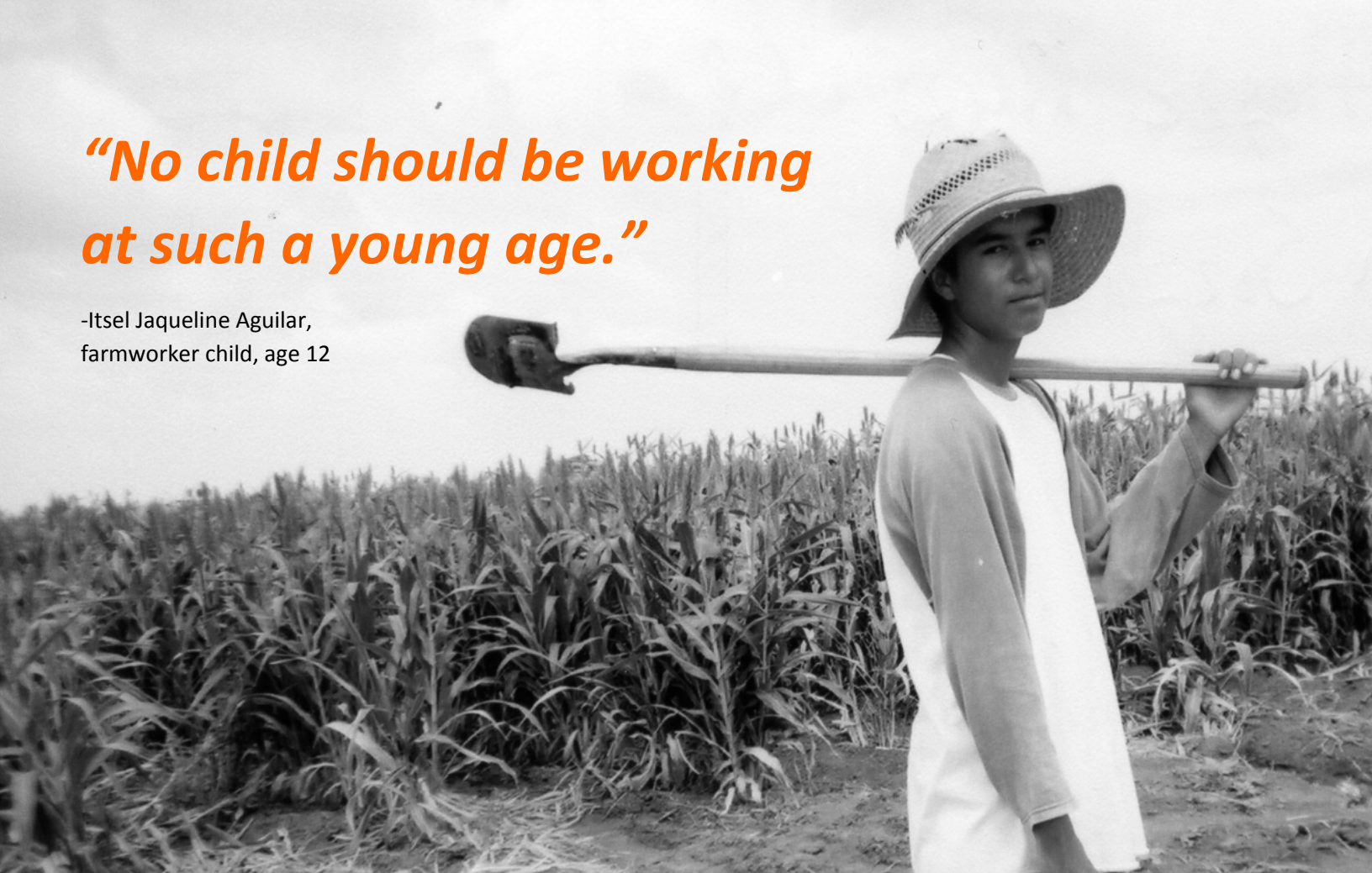
Children In the Fields

THE FACTS YOU SHOULD KNOW



“No child should be working at such a young age.”

-Itzel Jaqueline Aguilar,
farmworker child, age 12



This publication was made possible with grant #P3033500 from the W.K. Kellogg Foundation.

Special thanks to Reid Maki of the Child Labor Coalition; Norma Flores Lopez of the East Coast Migrant Head Start Project; Zama Coursen-Neff of Human Rights Watch; Marsha Salzwedel of Marshfield Research; and Roger Rosenthal of the Migrant Legal Action Program for contributing to this report. Where indicated, photo stills are from U. Roberto (Robin) Romano Papers, Archives and Special Collections, University of Connecticut Library.

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All photos unless indicated otherwise: Children in the Fields Campaign (CIFC)

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Printed in the United States.

INTRODUCTION

In September of 2017, the Office of the United States Trade Representative held a hearing to consider levying additional trade sanctions against Bolivia in response to Bolivia's law that lowered its minimum working age to 10.¹ Though the Bolivian law is indeed controversial and heavily criticized by the international community, so also is our own. **U.S. labor laws allow children to work in agriculture beginning at age 12** – not far off of what is allowed in Bolivia.² Reid Maki, coordinator for the Child Labor Coalition, reminded commissioners at the hearing about the United States' own agricultural laws and suggested that "it would have seemed hypocritical for the US to take such action."³ Maki later attended the Global Child Labor conference in Buenos Aires, Argentina, where international advocates against child labor expressed shock at the laxness of U.S. agricultural child labor law and its obvious disregard for children's well-being.⁴

Unfortunately, kids even younger than 12 often accompany their parents to work on American farms and fields. This means that farmworker children are being put at risk from a very young age – even before birth – from the pesticides, dangerous equipment, and other hazards populating those environments. Teenagers are permitted to operate various equipment from a young age, which corresponds to an increase in the rate of tragic accidents involving youth. Though children are at the height of vulnerability when they are still in the womb, there are inadequate protections for farmworkers who are expecting a child. Children also interact with their environment in fundamentally different ways than adults, yet this is not in regulators' minds when setting standards for things such as pesticide use.

All of this results in a surfeit of negative outcomes in farmworker children: cancer, developmental disorders, serious injury, etc., which diminish their future prospects and quality of life. The severity and continued prevalence of these issues in the farmworker community demands our attention and action. The Association of Farmworker Opportunity Programs (AFOP) is dedicated to fighting child labor injustice through its Children in the Fields Campaign (CIFC). As part of that Campaign, we have developed this publication to educate readers about the top 10 issues facing farmworker children in America today, and what we can do about it.



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¹ Maki, Reid. "CLC proposed comments regarding Bolivia's 2014 child labor and the possible loss of trade benefits." Message to Kendra Moesle. 25 September 2017. Email.

² "Fact Sheet #40: Overview of Youth Employment (Child Labor) Provisions of the Fair Labor Standards Act (FLSA) for Agricultural Occupations." *Wage and Hour Division*. US Department of Labor, December 2016. Web. 16 October 2017.

³ Maki, Reid. "Re: CIFC Publication – Introduction." Message to Kendra Moesle. 5 January 2018. Email.

⁴ Child Labor Coalition (ChildLaborCLC). "At the Global #ChildLabor conference last week, participants were stunned to learn that US law allows children to work in agriculture at age 12. #HazardousWork #CLConf17 "The migrant child in the photo here was only 10. World #ChildrensDay." 20 Nov 2017, 5:21 PM. Tweet.



FACT #1

400,000-500,000 children between the ages of 12-17 are estimated to be working in U.S. agriculture.

The federal government does not have a complete count of children who work in agriculture, but, by piecing together data sets, the advocacy community has come up with an estimate. In 2006, the Childhood Agricultural Injury Survey by the USDA/NASS found 307,000 youth under the age of 20 employed in the agricultural industry. In 1998, the Government Accountability Office (GAO) estimated that 300,000 youth aged 15 to 17 worked in agriculture. In the same year, the National Agriculture Statistics Service released a report indicating that 431,730 youth aged 12 to 17 were hired for agricultural work. No studies have been done on the number of child farmworkers under age 12. However, when the Association of Farmworker Opportunity Programs (AFOP) Health & Safety has visited farms, we have routinely encountered kids as young as six working alongside their parents in the field, as well as toddlers and babies who are kept nearby with a sibling or at their parents' feet.

Thanks to piece-rate work and minimum wage exemptions, employers benefit from children's continued presence in the fields. Parents are also motivated to bring their kids to work due to their inability to afford childcare and the need for family members to contribute to the family's overall income. This brings into relief the core issue: that farmworkers live in extreme poverty, despite working long days and sacrificing their own health to harvest America's produce. Zama Coursen-Neff of Human Rights Watch reports that "[s]everal mothers have told me they later regretted sending their children to work - without a high school diploma their children were left with few options besides a lifetime of farmwork and the accompanying

poverty. The fact that the work is legal presents it as a legitimate choice."⁵

Until farmworkers receive a living wage and until child labor in agriculture is outlawed, farmworker families will continue to take their kids to the fields, exposing them to the occupational risks and hazards of the job.

cherries onions
corn fern blueberries
sugar beets cucumbers
squash tomatoes oranges
watermelon grapes
raspberries strawberries
apples

*just a small sample of
the crops kids pick*



"The work I have to do is hard. We work some [sic] much and don't get pay as much as we work and it is also hard to make the money we do get. I work hard that I get exhausted."

- Carlos Gerardo, age 13

⁵Coursen-Neff, Zama. "A Tough-and Dangerous- Way to Spend a Childhood." *Human Rights Watch*, 16 Nov. 2010,



FACT #2

Under current U.S. law, youth working in agriculture do not receive the same protections provided to other working youth.

IN AGRICULTURE:

- Children can perform particularly hazardous work starting at age 16.
- Children can work unlimited hours outside of school hours.
- The standard minimum age for being able to do any work is 14.
- There are many exceptions to the standard minimum age. As a result, many children 12 and younger are permitted to work in the fields, with no restrictions on hours except that they cannot work during school hours.
- Children who work more than 40 hours per week are not entitled to overtime pay.
- Children are exempt from minimum wage provisions in certain cases.

IN NON-AGRICULTURAL OCCUPATIONS:

- Children cannot perform particularly hazardous work until age 18.
- Children have strict limits on the amount of time they can work outside of school hours.
- The standard minimum age for being able to do any work is 16.
- There are few exceptions to the standard minimum age. As a result, most children under age 16 who work are 14- and 15-year-olds in retailing, with strict limits on hours, such as not more than 3 hours on a school day and not more than 8 hours on a non-school day.
- Children are not allowed to work more than 40 hours per week.
- Children are required to be paid the minimum wage.

These unfair labor laws impact thousands of farmworker children who have no voice in the legislative process, leaving them vulnerable to exploitation and injury. According to Norma Flores Lopez of the East Coast Migrant Head Start Project, farmworker children are shuttled onto buses like all other workers and sent with or without their parents to a field, where their paycheck can be held as ransom if they refuse to just do as they are told. Away from their parents, farmworker children can easily be taken advantage of by the crew leaders, who compel them to work long hours with insufficient breaks, inadequate protective equipment, no toilets, and no shade from the hot sun.

“As I got older, my responsibilities grew. Once it was legal for me to work, I was expected to work for the grower that was providing our family with migrant housing. I began to work 10- to 12-hour days, often seven days a week, and at the peak of the harvest, going as long as three weeks straight without any days off. The work was incredibly hard, especially for a young child.” – Norma Flores Lopez, Governance and Development/Collaboration Manager at East Coast Migrant Head Start Project⁶

⁶ Flores Lopez, Norma. “Interview with Norma Flores Lopez, Farmworker Advocate & Child Rights Activist.” *Global March Against Child Labor*, 2016, www.globalmarch.org/content/interview-norma-flores-lopez-farmworker-advocate-child-rights-activist.



FACT #3

Farmworker children who migrate must be uprooted from their homes, schools, and communities 2-3 times a year.

Because they follow the crops, migrant farmworkers move with the seasons. One example of a migrant's path might be harvesting berries in Florida in the early spring, then moving north to harvest blueberries and other crops in North Carolina, before returning south to catch the citrus crop in the fall. With multiple homes to maintain in two or more locations, migrant farmworker families can only afford substandard housing wherever they go. In times of natural disaster, this housing is often the least protected, vulnerable to flooding and winds. In the 2017 hurricanes and wildfires, farmworkers all over the U.S. were dealt a double blow when they lost their homes *and* livelihoods to the elements, with crops and communities having been all but wiped out by fire or flood. According to ABC News, farmworker children who came home to find their houses destroyed ended up in makeshift shelters: in limbo while their parents searched for work.⁷

Even without natural disasters adding to their woes, migrant children are struggling with the effects of moving too much: homes left behind, friends abandoned, and constant change. Most importantly, their education is impacted, since children suffer academically when they're repeatedly pulled from one school and then placed in another. Constantly playing catch-up, farmworker kids often assume they're not as smart or capable as their peers, which leads them to withdraw, give up, and drop out.

In order to spare them this, some farmworker parents make the difficult decision to migrate alone, sacrificing their own happiness for the security of their children. Unfortunately, migration is a double-edged sword. Farmworker kids whose parents migrate will inevitably miss that parent and experience sadness, loneliness, and anxiety, which can lead to Separation Anxiety Disorder (SAD). Symptoms of SAD include headaches, nausea, vomiting, and difficulty sleeping at night, as well as difficulty focusing on schoolwork during the day.⁸ This precipitates the same outcome as migrating does, in that their education ultimately suffers.

"I always been a migrant kid ever since I was born and for me it's sort of difficult. Every summer when my family would leave Yuma the friends that I had hanged out with the past months would be gone for the rest of the season. I didn't have many friends as a normal 10 year kid would. When I didn't leave with my dad for my summer I would stay home with mom and siblings. The times when I wasn't with my dad would be a very difficult time for me because I wouldn't see my dad often, whenever I saw my friends spending quality time with their dad, that would emotionally hurt me real bad." - Jonathan Espindola, Age 14

⁷ Rivers, Megan. "Migrant Family Displaced Twice by Irma Gets Help from Johns Island Church, Mission Group." *ABCNews4*, Sinclair Broadcast Group, abcnews4.com/news/local/irmas-effects-still-being-felt-by-migrant-worker-family-that-evacuated-to-south-carolina.

⁸ "Medical Definition of Separation Anxiety Disorder." *MedicineNet.com*, MedicineNet, Inc., www.medicinenet.com/script/main/art.asp?articlekey=26314.

FACT #4

Farmworker children's mental health is suffering.

In the Children in the Fields Campaign's essay contest, farmworker children report high levels of responsibility at home, like cleaning the house, cooking dinner each night, or watching younger siblings while their parents are at work. These children cannot afford adequate clothes or school supplies, and are being bullied in their schools.

All of this combined with migrating and the general insecurity of farmwork adds up to more stressors than a child can bear, resulting in higher rates of depression, anxiety, suicide, etc. in farmworker children than in the population at large. According to the Journal of the American Academy of Child & Adolescent Psychiatry, 66% of farmworker children have one or more psychiatric diagnoses.⁹

This reality precipitates worse outcomes for their education due to the challenge of staying in school and keeping one's grades up while in a state of poor psychological health. It should be no surprise that almost half do not graduate. Human Rights Watch states in its report "Fingers to the Bone" that only 55% of farmworker children complete high school.¹⁰ Those children have no other choice but to follow their parents into the dangerous and undesirable field of agricultural work – and so the cycle continues.

"Bullying is probably one of the worst things that a migrant child has to go through. I had to move from my other school because I got harassed almost every day because the type of socks I wore.

-Itzel de la Rocha, Age 14

⁹ Kupersmidt, James B. and Sandra L. Martin. "Mental Health Problems of Children of Migrant and Seasonal Farm Workers: A Pilot Study." *Journal of the American Academy of Child & Adolescent Psychiatry*, 36.2 (1997): 224-232. JAACAP. Web. 22 Oct. 2017.

¹⁰ "Fingers to the Bone: United States Failure to Protect Child Farmworkers." *Human Rights Watch*, 2 June 2000, www.hrw.org/report/2000/06/02/fingers-to-the-bone/united-states-failure-protect-child-farmworkers.



FACT #5

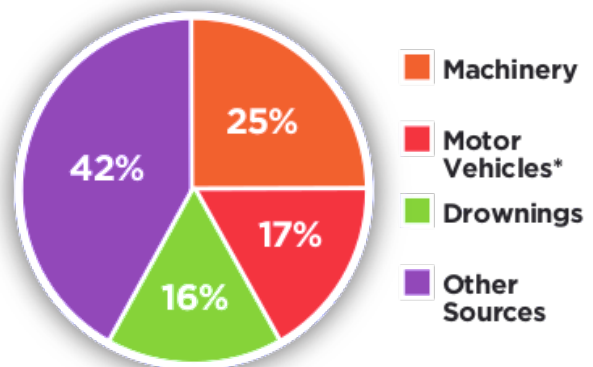
Agriculture is our country's most dangerous occupation for farmworker youth.¹¹

Farms are hazardous places. According to the National Ag Safety Database, one kid dies every three days in an agriculture-related incident.¹² This is due to the many dangers that threaten them there, such as ATVs, manure pits, pesticides, tractors, and other power-driven machinery.

Many young people also suffocate in granaries, where they fall into the quicksand of corn or silage and cannot crawl out. Others are alone with equipment when it catches on their clothes or boots, and are pulled to their deaths. However, the most common cause of death for farmworker youth and children is tractors. Frequently, a young person will be taught or allowed to drive at a very young age, which causes serious accidents and injuries. Also, small children are sometimes allowed to ride along on a tractor, but frequently fall off and are run over. These all are heartbreaking, preventable tragedies.

Most Common Causes

Fatalities¹



*Includes ATVs

¹¹ "Farm Safety is a Big Deal!" *Cultivate Safety*, National Children's Center for Rural and Agricultural Health and Safety. www.cultivatesafety.org/accidents/

¹² "Childhood Agricultural Injuries in the U.S.- 2016 Fact Sheet." *National Ag Safety Database*, nasdonline.org/7114/d002364/childhood-agricultural-injuries-in-the-u-s-2016.html.



FACT #6

Pesticides are highly toxic, and the population most vulnerable to them is farmworker children.

Pesticides are on just about everybody's short list of things to worry about. However, AFOP Health & Safety's blog reports that pesticides pose the greatest risk to children because:

- children's metabolic rates are more rapid than adults;
- children's ability to expel toxins is different compared to adults;
- children are exposed to greater quantities of pesticides because of their "playing and learning" behaviors; and
- children consume more fruits and vegetables relative to their body weight in comparison to adults.

Furthermore, farmworker children's families live and work amid these poisonous chemicals 24/7, meaning they are the most vulnerable AND the most frequently exposed.¹³

'Pesticide safety' is a dubious phrase, but, if it exists, it absolutely depends on the correct application and use of these dangerous chemicals. The U.S. Environmental Protection Agency (EPA) writes regulations and conducts cost/benefit analyses with the assumption that pesticides will be applied properly – even while admitting that accidents will inevitably occur.¹⁴ EPA also assumes that companies and pesticide handlers will not choose to spray pesticides on windy days, which would cause "drift," and that pesticide workers and handlers will read labels and use the pesticide properly. Unfortunately, that is often not the case.

Other key challenges that interfere with the successful implementation of pesticide safety training:

- Lengthy labels with pages that can go into the triple digits, making it highly unlikely that handlers will ever read or fully comprehend them;
- Workers who don't speak the language that a label is written in;
- Protective clothing and eyewear that loses its efficacy more quickly than the worker realizes;
- Workers' fear of retaliation, which prompts them to comply when an employer presses them to do something unsafe or hazardous;
- A mobile workforce that makes retaliatory firings difficult to prove;
- EPA's scarce resources for enforcing safety regulations;
- New spraying technologies that make it difficult to monitor an area and prevent persons from entering it during a pesticide application.¹⁵

One of the most common and dangerous organophosphate pesticides, chlorpyrifos, was banned from domestic use in 2001. In 2007, Pesticide Action Network North America (PANNA) and the Natural Resources Defense Council (NRDC) filed a petition with the EPA that it be banned from *all* use, including agricultural. But in March 2017, EPA denied that petition, keeping chlorpyrifos legal and continuing to put farmworker children in harm's way.¹⁶

¹³ Kelly, Vashti. "Children Unknowingly Exposed to Pesticides." *AFOP Health & Safety*, Association of Farmworker Opportunity Programs, 27 Dec. 2016, afophs.wordpress.com/2016/12/27/children-unknowingly-exposed-to-pesticides/

¹⁴ "Agricultural Worker Protection Standard (WPS)." *United States Environmental Protection Agency*, www.epa.gov/pesticide-worker-safety/agricultural-worker-protection-standard-wps.

¹⁵ Pont, Richard. "Worker Protection Standard Certification." AFOP National Conference. Golden Nugget Hotel, Las Vegas. 18 September 2017. Training.

¹⁶ "Pesticide Tolerances: Chlorpyrifos." *Regulations.gov*, Environmental Protection Agency, 29 March 2017, www.regulations.gov/document?D=EPA-HQ-OPP-2007-1005-0100.



FACT #7

Pesticides increase the risk of developmental disorders in farmworker children.

When farmworker women become pregnant, they do not stay home from the fields. They continue to go to work, where they come into contact with pesticides. These chemicals get absorbed into their bloodstream, exposing the babies to higher levels of toxicity than their developing brains and bodies can withstand. The result is malformations like missing one or more limbs, severe disabilities, and a high incident rate of developmental delays and disorders in the farmworker population at large.

This not only comes up in AFOP's interactions with farmworker kids, but is backed up by substantial research in environmental health. One study in particular, called CHAMACOS, has been studying farmworker children for 17 years and has documented a significant drop in IQ for kids whose mothers live within 1 kilometer of a spray zone.¹⁷

"I do have a cousin that is handicapped... probably because, when my aunt was pregnant, she was out in the fields with him. He's in a wheelchair. He doesn't talk. He's really skinny, but he eats and eats. He gets seizures, like epilepsy. He's 20 [years old]." - Teresita Daniela Paz

¹⁷ Gunier et al. "Prenatal Residential Proximity to Agricultural Pesticide Use and IQ in 7-Year-Old Children." *Environmental Health Perspectives*. doi: 10.1289/EHP504. Web. 3 Jan. 2018.



FACT #8

Pesticides cause childhood cancer in farmworker children.

Farmworker children are too often the unwitting bystanders when it comes to pesticide exposure. In the event of an accidental spraying, kids aren't educated to recognize the danger so that they or an adult can even begin to address it. Young farmworker kids have often thought of the toxic chemicals as "medicine for the plants," or plain water, not knowing the serious risk it poses to their well-being. Uninformed and unaware, these children in the field have no reason to perform mitigation procedures, like leave the area and decontaminate their skin, eyes, and clothes.

Years down the road, these children are at great risk of developing life-threatening cancers as a direct result of their exposure to pesticides. Due to the time lapse, the direct causal link is difficult to prove, yet research backs

up the well-studied hypothesis that pesticides are carcinogenic. Evidence has shown, for example, that children whose parents use pesticides are at a significantly higher risk of developing acute lymphocytic leukemia and brain tumors.¹⁸

Other studies and reports are consistent. Environmental watchdog Beyond Pesticides has been tracking the research since 1981 and lists 28 different cancers that have been linked by a scientific study to pesticide exposure – among them, childhood eye and renal cancers in areas of high agricultural activity.¹⁹ The conclusion is clear: no farmworker child can be assured of the chance to develop and grow into a normal, healthy human being, as long as they are exposed to pesticides.

¹⁸ Roberts, James R and Catherine J. Karr. "Pesticide Exposure in Children." *Pediatrics* 130.6 (2013): 1765-88. PubMed. Web. 11 Nov. 2017.

¹⁹ "Pesticide-Induced Diseases: Cancer." *Beyond Pesticides* <https://www.beyondpesticides.org/resources/pesticide-induced-diseases-database/cancer>, Accessed 3 Jan. 2018.



FACT #9

Valley Fever sickens farmworker children and their parents in the course of their work in the fields.

In certain areas of the country, farming is hot and dusty work. Enter coccidioidomycosis, better known as “cocci” or “Valley Fever,” a flu-like illness caused by a fungus in the soil. When the soil is disturbed in these dry climates, the fungus spores enter the air and, once breathed into a person’s lungs, often cause lifelong, debilitating illness or death. The Centers for Disease Control reports that “approximately 5-10% of people who get Valley fever will develop serious or long-term problems in their lungs.”²⁰

Due to the nature of the work, farmworkers and farmworker children are falling ill to Valley Fever at a high rate. 2016 was the highest year on record for cocci, with 5,372 total cases reported in California alone.²¹ Approximately 17% of those were children under the age of 18. As reported in the BBC, one farmworker youth described it as “definitely one of the most frightening experiences I’ve ever had in my life.”²² It can be difficult to identify breathing problems or chest pain as Valley Fever, so some don’t go to the hospital until it has already spread to their brain. At that point it can cause death for the unlucky ones who succumb to the illness. Those who survive still have a long road ahead of them, as it can take years to recover fully from coccidioidomycosis.

According to California’s Department of Public Health Prevention, prevention strategies for Valley Fever are to “limit exposure to outdoor dust as much as possible, including staying inside and keeping windows and doors closed when it is windy and the air is dusty.”²³ Unfortunately, this is often just not an option for farmworkers and farmworker children who do not get paid on the days they do not go outside.

“My family has been a victim of the effect of working in the fields. A couple of months ago, my mother became very sick; she constantly had fevers, chills, lack of energy, and also had rashes and huge blisters all over her ill body. It was valley fever. Going through this was extremely difficult for my family and me. My sisters and I had to step up and take care of the house, while my father worked even harder than before and my mom was in and out of hospitals. ...It tore my heart to pieces seeing my mother cry and go through all that pain.” -
Lizbeth Caballero



²⁰ “Symptoms of Valley Fever.” *Centers for Disease Control and Prevention*, 25 Jan. 2017, www.cdc.gov/fungal/diseases/coccidioidomycosis/symptoms.html#four.

²¹ Bartolone, Pauline. “California Valley Fever Cases Highest on Record.” *Kaiser Health News*, Kaiser Family Foundation, 24 July 2017, khn.org/news/california-valley-fever-cases-highest-on-record/.

²² Geoghegan, Tom. “Valley Fever: An Incurable Illness in the Dust.” *BBC*, 16 July 2013, www.bbc.com/news/magazine-23166839N.

²³ Tabnak et al. “Epidemiologic Summary of Coccidioidomycosis in California.” 2016. California Department of Public Health, June 2017.



FACT #10

Momentum has been building to ban all children from applying or handling pesticides.

Currently, minors may start handling pesticides at the age of 16. Exposure to these chemicals can cause immediate health problems, including acute pesticide poisoning, rashes, respiratory problems, and death. In the long-term, the cumulative effect of pesticide exposure is also serious, causing various chronic conditions and diseases like asthma, birth defects, Alzheimer's, Parkinson's, and more.²⁴ Pesticide handlers are responsible for mixing and applying these toxic chemicals in their most potent and dangerous forms. Since young farmworkers are especially susceptible to pesticide exposure and have more limited judgment and experience when working with them (see Facts 6-8), it's extremely important that laws and regulations in the U.S. bar all minors from applying or handling pesticides.

Advocates for farmworker children have been fighting for a change in these laws for decades, and the momentum is building. We feel we are close to a victory, and look forward to celebrating when this country finally takes notice of, and protects, its most vulnerable, exploited labor force: farmworker children.

No matter what, CIFIC is committed to fighting for U.S. farmworker children's rights, so that our progress isn't one step forward, two steps back. There is still so much work to be done.



²⁴ "Pesticide-Induced Diseases Database." *Beyond Pesticides*, www.beyondpesticides.org/resources/pesticide-induced-diseases-database/overview.



Conclusion

The Association of Farmworker Opportunity Programs (AFOP) is a national association of nonprofit and public agencies that serves the nation's migrant and seasonal farmworkers with employment and training programs, and assists them with immediate and emergency needs. Starting in the late 1990's AFOP members and national staff have noticed a large number of children present in the fields. Educationally, we know these children are at a disadvantage; additionally, they are vulnerable to long- and short-term health effects. About half of farmworker children drop out of school. Their presence in the fields often leads to the continued cycle of poverty in which farmworkers and their families live.

As part of AFOP's mission to serve farmworkers, AFOP formed the Children in the Fields Campaign (CIFIC). CIFIC works on behalf of farmworker children in three areas:

- **Education/Prevention:** We give pesticide safety training to farmworker children through our interactive and bilingual story-telling curriculum *Jose Learns About Pesticides*. We also focus trainings towards farmworker parents about take-home exposure and exposure to pesticides while pregnant. If parents don't know the harm of pesticide exposure, they won't protect their children properly, either.
- **Awareness & Advocacy:** CIFIC advocates for federal policies to strengthen the U.S. child labor safeguards in agriculture by educating the public, advocating for educational programs for farmworker children, and supporting a fair living wage for all farmworkers.
- **Expression:** We believe farmworker children have a story to tell. We offer that platform through our annual Essay and Art Contest. The stories are used to help advocate for farmworker children's rights.



GET INVOLVED

WHAT CAN YOU DO?

AFOP invites you to join with us in assisting these children to obtain the same opportunities enjoyed by other children in the United States. Here are some ideas for how you can get involved:

- ★ **Donate** to our cause, so we can continue fighting injustice.
- ★ **Urge** your state and federal elected representatives to support legislation that will correct the inequities in the Fair Labor Standards Act and protect child farmworkers.
- ★ **Support** measures that will increase the wages of farmworker parents, so they do not feel compelled to bring their children to work.
- ★ **Volunteer** your time and support championing educational programs that help migrant children.
- ★ **Contact** your local media outlets to educate them and your fellow community members about the plight of child farmworkers.
- ★ **Follow** us on social media.





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