



CONGRESSWOMAN
LUCILLE ROYBAL-ALLARD

ORIGINAL CO-AUTHOR OF THE DREAM ACT
PROUDLY SERVING CALIFORNIA'S 40TH
CONGRESSIONAL DISTRICT

WASHINGTON, DC
(202) 225-1766

COMMERCE, CA
(323) 721-8790



ROYBAL-ALLARD.HOUSE.GOV

Roybal-Allard Sends Letter to Labor Secretary Marty Walsh, Urging Him to End Hazardous Child Labor in the United States

Washington- Today, Rep. Lucille Roybal-Allard (CA-40), Vice Chairwoman of the House Labor-HHS-Education Appropriations Subcommittee, and Rep. David Cicilline, along with 44 House Democrats sent a letter to Department of Labor Secretary Walsh, urging him to use his authority to declare certain agricultural occupations particularly hazardous and prohibited for hired child workers under the age of 16.

“Agriculture is the most dangerous industry for child workers in the United States. One U.S. child worker dies every three days and thirty-three are injured every day while working in agriculture. The current list of hazardous occupations in agriculture has not been updated since 1970 and is far too narrow,” **said Rep. Roybal-Allard**. “It is our moral obligation to do all we can to protect the rights, safety, and educational future of our most precious resource: our children.”

“Our nation’s child labor laws are failing to protect child farmworkers,” **said Congressman David N. Cicilline (RI-01)**, sponsor of the Children Don’t Belong on Tobacco Farms Act. “Agriculture is the most dangerous industry for child workers in the U.S. and the Department of Labor must step in, update regulations, and ensure no child is forced to work in a dangerous environment.”

“The Biden Administration has the chance to finally offer child farmworkers the workplace protections they deserve,” **said Margaret Wurth, senior children’s rights researcher at Human Rights Watch**. “Secretary Walsh should heed the call from Members of Congress and initiate a new rulemaking process, with input from a broad range of stakeholders, including health and safety experts and representatives of agricultural communities.”

“There have not been significant updates to occupational protections for children and teens who work on farms in decades,” **said Reid Maki, Director of the Child Labor Advocacy, National Consumers League, and Coordinator of the Child Labor Coalition**. “It’s critical that the U.S. Department of Labor update these rules soon--

children’s lives will be saved and gruesome injuries will be prevented. Our weak child labor laws for agriculture make this an especially urgent task.”

The letter asks that Secretary Walsh initiate a new rulemaking process, in close consultation with health and safety experts and agricultural groups, to update the list of hazardous occupations for hired workers under 16, while maintaining important existing exemptions for children working on family farms.

Letter co-signers include Reps.:

Alma Adams, Karen Bass, Jamaal Bowman, Julia Brownley, Tony Cárdenas, Joaquin Castro, Sheila Cherfilus-McCormick, Judy Chu, Gerald E. Connolly, Danny K. Davis, Rosa Delauro, Mark Desaulnier, Nanette Díaz Barragán, Adriano Espaillat, Sylvia Garcia, Jesús “Chuy” García, Raúl M. Grijalva, Jahana Hayes, Eleanor Holmes Norton, Sheila Jackson Lee, Pramila Jayapal, Mondaire Jones, Ro Khanna, Raja Krishnamoorthi, Barbara Lee, Andy Levin, Alan Lowenthal, Stephen F. Lynch, Carolyn Maloney, James P. McGovern, Grace Meng, Jerrold Nadler, Grace F. Napolitano, Marie Newman, Mark Pocan, Katie Porter, Raul Ruiz, Jan Schakowsky, Thomas Suozzi, Mark Takano, Rashida Tlaib, Nydia Velázquez, Bonnie Watson Coleman, Frederica S. Wilson

The full text of the letter can be found here, and below.

July 19, 2022

The Honorable Martin J. Walsh
US Secretary of Labor
US Department of Labor
200 Constitution Ave. NW
Washington, DC 20210

Dear Secretary Walsh,

We write to urge you to take regulatory action to protect child farmworkers in the United States from danger. We commend you for the work you have done in your first year for the Department of Labor to address child labor abroad and at home, through increased funding, detailed reporting, and expanded enforcement. However, we are deeply concerned that children hired to work in US agriculture remain unprotected due to outdated gaps in US law and regulations.

Agriculture is the most dangerous industry for child workers in the United States. More children die working in agriculture than in any other industry. A 2018 report by the US Government Accountability Office found that children working in agriculture account for more than half of work-related fatalities, even though they represent just three percent of child workers.ⁱ

Public health studies and reports by nongovernmental organizations have shown child farmworkers often work in terrifying conditions and receive little – if any – safety training or workplace protection, placing them at high risk of injury.ⁱⁱ

Despite these dangers, US labor law allows children to work in agriculture from younger ages and for longer hours than in any other sector. Under the Fair Labor Standards Act, children at the age of 12 can work unlimited hours on farms of any size with parental permission, as long as they do not miss school.

Members of Congress have championed and supported legislation to close these loopholes and protect hired child farmworkers, while maintaining existing exemptions for children working on family farms.ⁱⁱⁱ In addition to these legislative efforts, we need support from the Department of Labor to update regulations.

As Secretary of Labor, we urge you to use your authority under the Fair Labor Standards Act to declare certain agricultural occupations particularly hazardous and prohibited for hired child workers under the age of 16.^{iv} The current Hazardous Occupations Orders (HOs) for Agricultural Employment have not been updated since they took effect in 1970.^v They are far too narrow and do not sufficiently protect younger children from workplace hazards such as handling tobacco, operating heavy machinery, or working at dangerous heights. The National Institute for Occupational Safety & Health (NIOSH) recommended the regulations be updated in 2002, but 20 years later, they are unchanged. In contrast, the HOs for Nonagricultural Employment were updated in 2010.

We understand that former Secretary of Labor Hilda Solis, serving in President Barack Obama's administration, initiated a rulemaking effort to update the agricultural HOs. Despite exemptions for family farms, the proposed regulations were ultimately withdrawn due to opposition from agricultural groups. Children hired to work in agriculture should be able to expect safety at their place of employment just like children in other sectors. The Department of Labor's mandate includes protecting child workers, and the department's failure to update the hazardous occupation orders is an abdication of this responsibility and must be rectified.

There were nearly 12,000 injuries to youth ages 19 and younger on U.S. farms in 2014, the last year for which NIOSH collected data.^{vi} Nearly 70 percent of those injuries were in children younger than 16 – the age group that should be protected by hazardous occupations orders.

Secretary Walsh, we urge you to initiate a new rulemaking process, in close consultation with health and safety experts and agricultural groups, including agricultural youth training groups such as 4-H and Future Farmers of America, to update the list of hazardous occupations for hired workers under 16. The health and lives of thousands of children nationwide depend on it.

Thank you for your prompt attention to this urgent request, and we look forward to working with you.

Sincerely,

###

ⁱ United States Government Accountability Office, *Working Children: Federal Injury Data and Compliance Strategies Could Be Strengthened*, November 2018, <https://www.gao.gov/assets/gao-19-26.pdf> (accessed December 13, 2021).

ⁱⁱ See, for example, publications by Association of Farmworker Opportunity Programs, “Children in the Fields Campaign,” 2007-2019, <https://afop.org/cif/#table23> (accessed November 11, 2021); National Children’s Center for Rural and Agricultural Health and Safety, “Childhood Agricultural Injuries (U.S.) 2020 Fact Sheet,” <https://marshfieldresearch.org/Media/Default/NFMC/PDFs/ChildAgInjuryFactsheet2020.pdf> (accessed November 11, 2021); Sara A. Quandt, Taylor J. Arnold, Dana C. Mora, et al., “Hired Latinx Child Farmworkers in North Carolina: Educational Status and Experience Through a Social Justice Lens,” *New Solutions: A Journal of Environmental and Occupational Health Policy*, vol. 30, no. 4 (2021): pp. 282-293, accessed December 13, 2021, doi: 10.1177/1048291120970207; Thomas A. Arcury, Sara A. Quandt, Taylor J. Arnold, et al., “Work Safety Culture of Latinx Child Farmworkers in North Carolina,” *American Journal of Industrial Medicine*, vol. 63, no. 10 (2020): pp. 917-927, accessed December 13, 2021, doi: 10.1002/ajim.23161.

ⁱⁱⁱ H.R.7345 - Children's Act for Responsible Employment and Farm Safety of 2022 or the CARE Act of 2022, <https://www.congress.gov/bill/117th-congress/house-bill/7345> (accessed May 17, 2022); H.R.3865 - Children Don't Belong on Tobacco Farms Act, <https://www.congress.gov/bill/117th-congress/house-bill/3865/> (accessed May 17, 2022)

^{iv} United States Code, Title 29—Labor, Chapter 8—Fair Labor Standards, Sec. 213. Exemptions, <http://uscode.house.gov/browse.xhtml>, (c)(2).

^v United States Department of Labor, Wage and Hour Division, “29 CFR Parts 570 and 579: Notice of Proposed Rulemaking and Request for Comments: Child Labor Regulations, Orders and Statements of Interpretation; Child Labor Violations—Civil Money Penalties” in *Federal Register*, vol. 76, no. 171 (September 2, 2011) p. 54839, <http://www.gpo.gov/fdsys/pkg/FR-2011-09-02/pdf/2011-21924.pdf> (accessed April 28, 2022).

^{vi} Kitty J. Hendricks, Scott A. Hendricks, and Larry A. Layne, “A National Overview of Youth and Injury Trends on U.S. Farms, 2001-2014,” *Journal of Agricultural Safety and Health*, vol. 27, no. 3 (2021): p. 125, accessed May 5, 2022, doi: 10.13031/jash.14473.