



# NATIONAL ISSUES

## ACTION ALERT

2011 Kentucky Farm Bureau Agricultural Contact Team (FBACT)

### **CHILD LABOR LAW PROPOSED RULES**

October 11, 2011

#### **ACTION ALERT:**

**ISSUE:** The U.S. Department of Labor (DOL) recently proposed regulations that would significantly limit employment opportunities for youth in agriculture. DOL is accepting comments on the proposed rule through November 1, 2011. DOL is proposing updates based on the enforcement experiences of its Wage and Hour Division, recommendations made by the National Institute for Occupational Safety and Health, and an apparent commitment to bring parity between the rules for young workers employed in agricultural jobs and the more stringent rules that apply to those employed in non-agricultural workplaces. The proposed regulations would not apply to children working on farms owned by their parents.

The proposed regulations make a number of substantial changes. They would:

- Significantly limit contact with tractors of any size for hired youth below the age of 16;
- Expand existing restrictions to prohibit most, if not all, operation of power-driven machinery by hired youth under age 16;
- Prohibit most herding activities and involvement with activities that might inflict pain on animals by hired youth;
- Prohibit hired youth from working at a height greater than 6 feet above another elevation (implicating activities such as fruit harvest, stacking hay, etc.);
- Prohibit hired youth under 16 from working inside a fruit, forage, or grain storage container or inside a manure pit;
- Prohibit farm workers under age 16 from participating in the cultivation, harvesting and curing of tobacco; and,
- Prohibit hired youth in both agricultural and non-agricultural employment from using electronic (including communication) devices while operating power-driven equipment.

DOL also is proposing to create a new non-agricultural hazardous occupations order that would prevent children under 18 from being employed in the storing, marketing and transporting of agricultural raw materials. Prohibited places of employment would include grain elevators, grain bins, silos, feed lots, stockyards, livestock exchanges and livestock auctions. DOL is also soliciting comments, and may promulgate regulations, limiting hired youths' exposure to "extreme" temperatures, as well as whether the payment of piece rates to young farm workers impacts their prolonged exposure to potentially harmful conditions.

**IMPACT:** While DOL states the proposed regulations would not apply to children working on farms owned by their parents, it is unclear as to how children would be considered under partnership agreements, LLCs, corporations or even working on relative's farms; the resulting regulations would likely affect family members (nieces, nephews, cousins, etc) that are not children of farm owners or operators. Also unclear is how children engaged in supervised youth events such as 4-H and FFA livestock shows or tractor-driving contests would be treated. A broad coalition of agricultural organizations is working jointly on this rulemaking and is expected to file extensive comments registering concern with the proposal.

**ACTION:** Comments can be made electronically at [Regulations.gov](http://Regulations.gov) or by mail to: Wage and Hour Division, U.S. Department of Labor, Room S-3502, 200 Constitution Avenue, NW., Washington, DC 20210. Comments should be identified by **Document ID: WHD-2011-0001-0001, RIN 1235-AA06.**

At this point comments must be submitted before the close of business on November 1, 2011. However, a request to extend the comment period through January 1, 2012 is pending.

Additional information, talking points and a sample comment letter will be posted at [kyfb.com](http://kyfb.com) under the Action Alerts tab.

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