

U.S. Department of Labor Notice of Proposed Rule Making (NPRM) on Child Labor Regulations, RIN 1235-AA06

For many, farming and ranching is a family tradition, involving two, three or more generations. But proposed Department of Labor requirements for farm and ranch employers and restrictions on what youth can do on the farm would put that tradition at risk.

Farm Bureau is concerned that the proposed rule would increase legal liabilities to farm families like yours, as well as force you to change the way you plant, harvest, handle livestock and work on your farm every day. The regulations would also limit training for future farmers and affect some youths' ability to earn money in the summer picking fruit. The lessons learned on the family farm instill respect for the land and animals, persistence, discipline and hard-work.

How this NPRM could impact your farming operation:

- It restricts the "Parental Exemption" rule so that farms operated by partnerships and corporations may not benefit. As a result, the rule does not take into account the ownership patterns and operations of family farms because many family farms involve different members and generations of the same family working on the farm. DOL wants to limit the "family farm" exemption to the children of the "sole" owner or operator of a farm. Other family youth—nieces, nephews or grandchildren—would be restricted in what jobs they could do on the family farm by this rule.
- This proposed rule calls into question longstanding practices in agriculture, including livestock welfare, planting, operating a tractor, harvesting of fruits and vegetables, and working near grain bins & elevators, silos, and livestock barns.
- It affects standard education and training for future farmers by reducing on-farm learning opportunities. A student-learner on a farm must satisfactorily complete at least 90 hours of systematic school instruction in agricultural education at or above the 8th grade level before working on the farm.
- It sets a maximum work height restriction of 6 feet, thereby limiting hired workers under age 16 from working in areas such as barn lofts or working on ladders to harvest fruit. The current work height restriction is 20 feet.
- The rule would prohibit hired workers under age 16 from engaging and assisting in many animal husbandry practices, such as herding of animals on horseback or practices that inflict pain on animals.

- It could potentially prevent youth from working under “extreme temperatures” (e.g., harvesting fruit) or being paid piece rate wages for such jobs. DOL contends it is seeking input to prevent heat-related illnesses and injury to workers in the field, but does not take in to account that many children choose to work alongside their family. This helps to raise family income; in other instances, parents grant permission for their children to work in the fields or orchards as a way of learning about agriculture.
- The rule would prohibit the employment of hired farm workers under the age of 16 in the production and curing of tobacco.
- This rule could impact participation in traditional youth activities such as 4-H and FFA because of restrictions on welding, operation of power equipment, working with livestock or raising of tobacco.

Talking points to consider when preparing comments:

- As a farmer, I support and provide a safe working environment for my children, young workers and all employees.
- The Department of Labor proposed rule fails to take into account the unique organization of family farms being owned and operated by many members and generations of one family. A family farm could be solely owned, limited liability company (LLC), partnership or corporation.
- Farms provide a unique educational and training experience to learn about horticulture, animal care and welfare, equipment operation and environmental protection among other unique opportunities found exclusively on a farm.
- Traditional farm activities performed by youth are threatened by this rule.
- Family members and other workers on the farm are already protected by numerous laws and regulations. Parts of this rule represent regulatory over-reach. It does not recognize the unique structure of today’s family farm operations and the traditions that the family farm provides to all workers.
- Farm labor is difficult to secure. Supervised youth workers provide a valuable resource for local farms and provide valuable learning experiences for youth workers.

When preparing comments to submit to DOL concerning this proposed rule, be sure to provide personal examples of the benefits of growing up and working on a farm provided you or youth you know. Also note the potential economic impact imposing these rules could have on your farming operation.