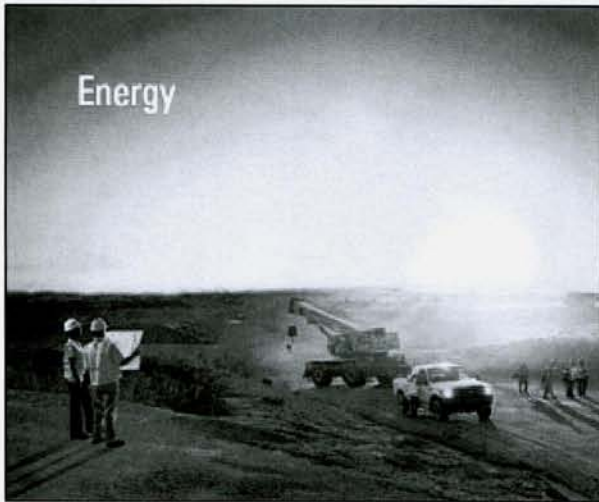


Child labor rules rile rural lawmakers

By Rachel Leven - 12/02/11 06:00 AM ET

Rural-state lawmakers and agriculture groups are up in arms about new Labor Department regulations that would limit the work that young people can do on farms.

Farming groups are worried the rules would affect children's ability to earn money, work for their families and learn "life lessons" while training to work in agriculture.



A group of more than 70 lawmakers in the House, led by Rep. Denny Rehberg (R-Mont.), sent a letter to the Labor Department that said the rule "challenges the conventional wisdom of what defines a family farm in the United States."

In an interview with The Hill, Rehberg said the proposals are coming from officials who do not understand rural life.

"You've got a president of the United States ... from Chicago, you've got a director for secretary of Labor who's pushing this from Los Angeles, and you have to think to yourself, do you have any idea what it's like not just to run an agricultural business in a rural state ... but to raise a family in one?" said Rehberg, who is a fifth-generation rancher.

"In many cases this is the very culture of our history ... Sometimes I wonder if the people who are running our government right now think food comes from a grocery store," Rehberg said.

Health advocates assert that children are often at risk of injury or death while working in agriculture.

Rep. Lucille Roybal-Allard (D-Calif.), who wrote a separate letter in support of the proposed changes, said the farm regulations are not a rural-versus-

urban issue.

"I think that the focus needs to be that there are an estimated 400,000 children working on farms that are not owned by family members and those children are not being protected by our current labor laws," Roybal-Allard told The Hill.

The proposed rule would forbid children younger than 16 years of age from completing "agricultural work with animals and in pesticide handling, timber operations, manure pits and storage bins."

It would also forbid farm workers under 16 from handling most "power-driven equipment" and from contributing to the "cultivation, harvesting and curing of tobacco."

A non-agricultural restriction would also prohibit children younger than 18 years old from working "in the storing, marketing and transporting of farm product raw materials."

None of the rules would apply to children who work on farms operated or owned by their parents.

"Children employed in agriculture are some of the most vulnerable workers in America. Ensuring their welfare is a priority of the department, and this proposal is another element of our comprehensive approach," Secretary of Labor Hilda Solis said in a press release about the proposed regulatory changes.

The fatality rate for child farm workers is four times higher than that of nonagricultural child workers, according to the Labor Department.

Several members of the Nebraska State Legislature signed a letter insisting that necessary safety standards already exist.

For instance, children under 16 years of age would not be allowed to use power-driven equipment under the new rules. But current regulations only allow those children to "operate heavy equipment" if they have taken a safety course, the letter states.

"Doing away with this exemption will not only reduce the number of youth getting proper training on operating power equipment, but will deny them the experience and responsibility associated with learning to operate the equipment safely and effectively," said the letter, which was signed by more than 30 Nebraska state senators.

AFL-CIO Industrial Hygienist Bill Kojola noted there have been equally stringent regulations for non-agriculture work.

"We ought not have a situation where child workers in non-agricultural settings are protected and, on the other hand, kids in agriculture aren't protected," Kojola said.

One key dispute is who would be exempt from the new regulations.

Rehberg said that if parents don't have full ownership of their property — a common situation — the family exemption would not apply.

"It is so difficult to pass ranches or farms from generation to generation; oftentimes it's the only retirement your parents have. So you buy the farm or the ranch from them," Rehberg explained, saying that constitutes only partial ownership.

American Farm Bureau Federation labor specialist Paul Schlegel emphasized that many larger farms are partially owned by families under LLCs or corporations, but are done so “for tax reasons or state purposes.”

“When you have ownership patterns that ... are organized around a certain business model, we don’t think that that model should drive how the Department of Labor implements their authority under the law,” Schlegel said. “We think that a family farm is a family farm.”

But Roybal-Allard said that most farms are not “the traditional family farm that we were talking about back in 1910.” The real focus needs to be what the regulations would do to protect children, she said.

A Labor Department spokesman said “the regulation would not impact” families who partially own or partially operate a farm.

The way the current regulation is worded makes lawmakers and agriculture groups worry, however.

“There’s apparently a big difference between what the rule actually says and how the Department of Labor promises to interpret it. The future of the family farm is too important to leave to the whims of how the next Labor secretary or the next administration decides to interpret these rules,” Rehberg said.

Rehberg also called much of the other language in the proposed regulation “egregious.” For instance, children under 16 would not be allowed to help in any tasks that involve inflicting pain, like branding or vaccinating.

“If you were to take your baby to have its vaccinations, you’re going to have to take it to get shots in the arm or in the butt and it’s going to hurt. How do you say a vaccination is inflicting pain even if it’s keeping the animal healthy? That’s not very bright,” he said.

The proposed regulation says vaccinating animals is a dangerous situation for child workers.

Rehberg said the next move for the Labor Department should be to withdraw the proposed changes.

The Labor Department has been flooded with more than 6,000 comments about the new rules. Some farmers weighed in against the changes.

“The federal government cannot save everyone from [sic] accidents and incidents that happen in life nor should they have the authority to try,” one rancher, Jayde Van Cleave, wrote.

“This nannyism [sic] mentality has gone overboard. The child Labor Regulations has overreached with disregard to how it will affect the very future and security of our country.”

Source:

<http://thehill.com/business-a-lobbying/196769-child-labor-rules-rile-lawmakers-from-farm-states>