

## Child labor law proposals concern locals about effect on agriculture

Written by Wauneta Breeze

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By Carolyn Lee

The Imperial Republican

The Department of Labor (DOL) is proposing to revise the child labor regulations in the Fair Labor Standards Act, which set forth the criteria for the permissible employment of minors under the age of 18 in agricultural and non agricultural occupations.

The proposal, according to DOL, "would implement specific recommendations by the National Institute for Occupational Safety and Health, increase parity between the agricultural and non agricultural child labor provisions and also address the other areas that can be improved."

However, the changes concern people associated with youths who work on incorporated family farms, with 4-H and with FFA.

"Several things bother me," said Robert Tigner, Extension Agent for the Chase County Extension Office. "The rules from DOL are prohibiting work by children under age 18 around a lot of things, and on non-parent farms under the age of 16."

Tigner said the rules don't define what "work" means, and whether it's compensated or non-compensated.

Until "work" is defined, Tigner said, he has questions concerning 4-H and FFA.

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“Youths are supposedly exempt if they work on their parents’ farm or ranch. But what if they live in town and have projects on their grandparents’ ranch?” he asked.

In addition, Tigner said the rule seems to prohibit work around horses, as well as cattle, sheep and hogs.

While the rule exempts youths from working on their parents’ farm or ranch, many “family farms” now are corporations or LLCs, with more than one owner.

“Then that exemption no longer applies,” he said. “Virtually all corporations in production agriculture are family-owned organizations,” he pointed out.

Some of the prohibitions in the proposed rule upon youths under age 18 are that they cannot work at above six feet in height, or work around irrigation systems.

Detasseling corn by those under 16 would be permitted on farms owned by parents but would be forbidden on farms structured as corporations or partnerships. Youths under age 16 must be directly supervised by parents.

Jason Speck, FFA advisor and ag teacher at Chase County Schools, added that if a student works for someone who owns a lawn mowing business, the youth can’t run the mower. Youths under age 18 can’t use equipment with moveable parts, he noted.

SAE (Supervised Agricultural Experience) projects that would be affected would include working at grocery stores, golf courses, equipment companies and more, not including on-farm jobs.

Tigner said the rule as proposed “is foggy at best. It prohibits kids under 16 from operating powered equipment over 20hp.”

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Where he grew up, Tigner said, youths are hired to pick up rocks in a field and throw them on a flat rack pulled by a tractor. That would be prohibited.

Oiling and maintaining powered equipment or equipment attached to powered equipment is also prohibited, he said.

“So a youth can’t change the oil on a tractor? Who’s going to define those kinds of things?” he asked.

Speck said the rule is “a big issue in FFA because of the students’ SAE projects. Most are hit by that because of the machinery issue. It also goes into working with animals, too.” The teacher added that the DOL says the proposed rule won’t affect FFA or 4-H, “But if you don’t own your animals it will affect you.”

“The biggest thing at issue,” Tigner stated, “is that farming is a business but also a lifestyle, with the lessons that they (youth) learn with this work. These are lessons that will probably get lost if this rule isn’t modified or dropped.”

Although the proposed change in rules is meant by the DOL to bring farm agriculture labor in alignment with non-agriculture farm labor rules, Tigner said the premise of “one size fits all” is wrong.

The comment period for the proposed revision closed Dec. 1. Many agricultural organizations in many states have voiced opposition to the proposed changes.