

**Congress of the United States**  
**Washington, DC 20515**

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 However, we are deeply concerned that children hired to work in US agriculture remain unprotected due to outdated gaps in US law and regulations.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.<sup>1</sup>

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.<sup>2</sup>

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.<sup>3</sup> 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.<sup>4</sup> The current Hazardous Occupations Orders (HOs) for Agricultural Employment have not been updated since they took effect in 1970.<sup>5</sup> 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.<sup>6</sup> 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,



LUCILLE ROYBAL-ALLARD  
Member of Congress



DAVID CICILLINE  
Member of Congress

/s/ ALMA ADAMS  
Member of Congress

/s/ JOAQUIN CASTRO  
Member of Congress

/s/ KAREN BASS  
Member of Congress

/s/ SHEILA CHERFILUS-McCORMICK  
Member of Congress

/s/ JAMAAL BOWMAN  
Member of Congress

/s/ JUDY CHU  
Member of Congress

/s/ JULIA BROWNLEY  
Member of Congress

/s/ GERALD E. CONNOLLY  
Member of Congress

/s/ TONY CÁRDENAS  
Member of Congress

/s/ DANNY K. DAVIS  
Member of Congress

/s/ ROSA DeLAURO  
Member of Congress

/s/ MARK DeSAULNIER  
Member of Congress

/s/ NANETTE DÍAZ BARRAGÁN  
Member of Congress

/s/ ADRIANO ESPAILLAT  
Member of Congress

/s/ SYLVIA GARCIA  
Member of Congress

/s/ JESÚS “CHUY” GARCÍA  
Member of Congress

/s/ RAÚL M. GRIJALVA  
Member of Congress

/s/ JAHANA HAYES  
Member of Congress

/s/ ELEANOR HOLMES NORTON  
Member of Congress

/s/ SHEILA JACKSON LEE  
Member of Congress

/s/ PRAMILA JAYAPAL  
Member of Congress

/s/ MONDAIRE JONES  
Member of Congress

/s/ RO KHANNA  
Member of Congress

/s/ RAJA KRISHNAMOORTHY  
Member of Congress

/s/ BARBARA LEE  
Member of Congress

/s/ ANDY LEVIN  
Member of Congress

/s/ ALAN LOWENTHAL  
Member of Congress

/s/ STEPHEN F. LYNCH  
Member of Congress

/s/ CAROLYN MALONEY  
Member of Congress

/s/ JIM McGOVERN  
Member of Congress

/s/ GRACE MENG  
Member of Congress

/s/ JERROLD NADLER  
Member of Congress

/s/ GRACE NAPOLITANO  
Member of Congress

/s/ MARIE NEWMAN  
Member of Congress

/s/ MARK POCAN  
Member of Congress

/s/ KATIE PORTER  
Member of Congress

/s/ RAUL RUIZ  
Member of Congress

/s/ JAN SCHAKOWSKY  
Member of Congress

/s/ THOMAS SUOZZI  
Member of Congress

/s/ MARK TAKANO  
Member of Congress

/s/ RASHIDA TLAIB  
Member of Congress

/s/ NYDIA VELÁZQUEZ  
Member of Congress

/s/ BONNIE WATSON COLEMAN  
Member of Congress

/s/ FREDERICA S. WILSON  
Member of Congress

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<sup>1</sup> 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).

<sup>2</sup> 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.

<sup>3</sup> 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)

<sup>4</sup> United States Code, Title 29—Labor, Chapter 8—Fair Labor Standards, Sec. 213. Exemptions, <http://uscode.house.gov/browse.xhtml>, (c)(2).

<sup>5</sup> 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).

<sup>6</sup> 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.