



Proposal to Revise Child Labor Rules for Agriculture

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This fall, the U.S. Department of Labor's [Wage and Hour Division](#) proposed new regulations for children working agricultural jobs. The Wage and Hour Division (WHD) worked with the National Institute for Occupational Safety and Health to craft the first proposed updates to agricultural child labor regulations in over forty years. The purpose of the [proposed regulations](#) is to increase the safety of children who work in agriculture align the rules with those of other high-risk occupations, such as manufacturing.

Current federal, agricultural child labor standards primarily concern the age at which children become eligible to perform various activities on the farm. Generally, a child must be 16 or older to work on a farm during school hours and 14 years old to perform farm work when school is not in session. [29 C.F.R. § 570.2](#). 12 and 13 year olds may work on a farm either with their parents or with parental consent. Children younger than 12 may only work on their parents' farms or on small farms exempted from the federal statute. Children ages 10 to 12 can work on farms not owned by their families only in rare circumstances, and the employer must show that the business would be severely disrupted without the child labor. [29 C.F.R. §§ 575.1-575.9](#)

Federal law also prohibits children under 16 from performing hazardous activities unless they are employed by their parents or working on their parents' farm. Hazardous activities include, but are not limited to, operating large farm machinery, working in enclosed spaces with dangerous animals (studs and new mothers), working on a ladder or scaffold more than 20 feet high, working inside certain spaces such as manure pits, and handling hazardous farm chemicals. [29 C.F.R. § 570.71](#) contains the [full list of activities considered hazardous](#).

Although the proposed rule changes cover a wide range of safety concerns—it is important to note that none of the WHD's proposed regulations would apply to a child working on a farm owned in whole or in part by his or her parents. Additionally, the new rule would not affect a child's participation in [4-H and FFA](#). The WHD has specifically stated that under the new rules a child will be able to raise his or her 4-H or FFA animal, even if the animal is being raised on a working farm. The child participating in these activities would not be an employee, and thus the new regulations would not apply. The WHD's entire proposal and links to more in-depth analysis can be found on the WHD's [website](#).

One proposed change would prevent children from working with animals in timber operations, manure pits, storage bins, and pesticide handling. Other elements of the proposal would prohibit children under

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16 from operating nearly all power driven vehicles (a similar rule has been in effect for non-agricultural labor for over 50 years). Perhaps the least controversial proposal would prohibit children from using electronic communication devices while operating power driven vehicles, a prohibition that several states already enacted. The proposal with perhaps the widest impact on commercial agriculture would prohibit children under 18 from working in “country grain elevators, grain bins, silos, feed lots, stockyards, livestock exchanges and livestock auctions.” A side-by-side fact sheet of the current and proposed rules is available [here](#).

The WHD believes that these new regulations will increase the safety of children employed in agricultural jobs. However, children, as well as adults, who live and work in rural communities may find their life changing, and not in a positive way. In some farming communities, the prohibited places of employment are the largest employers, and a minor who wants to work in agriculture when he or she is an adult, would obviously benefit from having work experience in those places. On the other hand, the [Department of Labor proposed these rules because](#) the “fatality rate for young agricultural workers is four times greater than that of their peers employed in nonagricultural work places” and “injuries suffered by young farm workers tend to be more severe than those suffered by nonagricultural workers.” Moreover, current agricultural child labor rules are more than forty years old and have never been updated. For an interesting thirty minute audio podcast discussing the impacts of the proposed rule, see [here](#).