

Child Labor in Texas Agriculture

David W. Smith, Extension Safety Program
The Texas A&M University System

Agriculture is the most dangerous industry for young workers in the United States. Between 1992 and 2000, this industry accounted for 42 percent of all work-related fatalities of workers under age 18 (Fig. 1). In contrast, agricultural workers over age 18 account for only 14 percent of all work fatalities. Farm hazards include machinery, confined spaces, animals and livestock, chemicals, respiratory irritants, toxic gases and extreme environmental conditions.

Children working in agriculture may be hired employees, labor contractor employees or farm family members. Child labor laws exist to ensure that a child is not employed in an occupation or manner that can harm him or her. However, these laws do not cover workers under age 16 who work on their parent's or guardian's farm. The National Institute for Occupational Safety and Health reported that between 1992 and 2000, family businesses accounted for 76 percent of all fatalities involving agricultural workers under age 16.

Some child labor restrictions are specifically for the employment of minors in agriculture:

- The *Federal Fair Labor Standards Act* provisions for child labor specify the ages at which minors can be employed.
- *Hazardous Farm Jobs* as declared by the U.S. Secretary of Labor pertain to the employment restrictions of minors.
- The Texas Workforce Commission, *Texas Labor Code, Chapter 51* specifies age and hour restrictions and general exemptions to these rules.

One exemption to Federal and Texas child labor restrictions applies to children employed in agriculture when they are not legally required to be attending school. According to Chapter 51 of the Texas Labor Code, employment in agriculture means:

- Cultivating and tilling the soil
- Producing, cultivating, growing and harvesting an agricultural or horticultural commodity
- Dairy farming
- Raising livestock, bees, fur-bearing animals or poultry

The U.S. Department of Labor classifies certain farm tasks as hazardous. Children under age 16 may not perform the following jobs unless exempted by a special classification or training certificate:

1. Operating tractors larger than 20 horsepower or connecting/disconnecting implements
2. Operating or assisting with machines, including corn pickers, combines, hay mowers, forage harvesters, hay balers, feed grinders, crop dryers, forage blowers, auger conveyors, wagon or trailer unloading mechanisms (powered or self-unloading), powered post-hole diggers, post drivers, non-walking rotary tillers, trenchers or

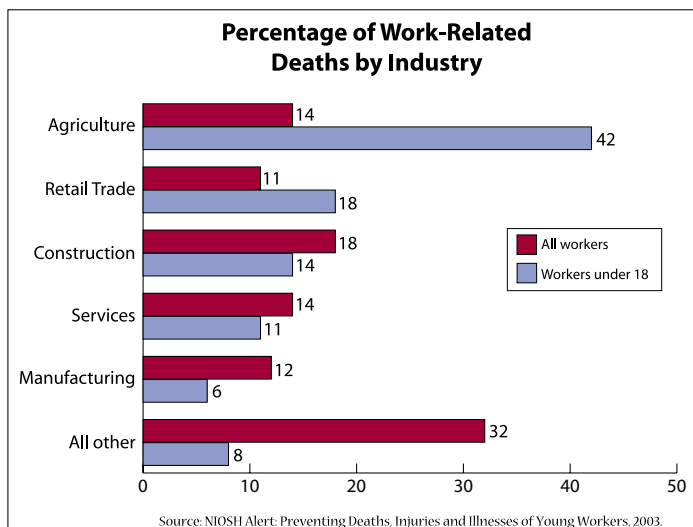


Figure 1.

earth-moving equipment, fork lifts, or power-driven circular, band, or chain saws

3. Working in a livestock yard, pen or stall occupied by a bull, boar, sow or cow with newborn offspring, or a stud horse maintained for breeding purposes
4. Working with timber
5. Working from ladders or scaffolds above 20 feet, including performing tasks that require painting, tree-pruning or fruit harvesting
6. Riding on tractors or transporting passengers in buses, trucks or automobiles
7. Working inside potentially oxygen-deficient or toxic storage structures containing fruit, forage, grain or manure; performing work in an upright silo 2 weeks after silage has been added, or when the top unloading device is operating; or packing a horizontal silo with a tractor
8. Handling or applying of farm chemicals that have a I or II classification by the Federal Insecticide, Fungicide and Rodenticide Act
9. Handling or using of blasting agents
10. Transporting, transferring or applying of anhydrous ammonia

It is illegal to employ a child less than 14 years old in agricultural employment unless the child is performing a nonhazardous farm job and is working on a farm owned or operated by the child's parent or legal guardian.

Children under age 16 in agricultural employment cannot work during school hours. When school is in session, children can work only part-time, no more than 28 hours per week. Children under age 16 employed in agriculture during the school year may not work:

- Between 10 p.m. and 5 a.m. on a day that is followed by a school day
- Between midnight and 5 a.m. on a day that is not followed by a school day

Exemptions

Children of any age may work on their parent's farm provided the parent has control of the day-to-day operations of the farm and the parent remains on the premises when the child is working.

Children under age 16 may work in any of the first six hazardous farm jobs listed above if they are enrolled in a vocational agriculture program and the tasks:

- Are incidental to training
- Occur for short periods
- Are closely supervised by a qualified and experienced instructor

The 4-H Federal Extension Service Training Program allows 14- and 15-year-olds to perform the first two hazardous farm jobs if they complete a certified tractor or machine operation training course. Vocational agriculture training programs may also provide these approved courses through the public school system. For more information, contact your county extension agent or school agriculture faculty.

An offense under Chapter 51 of the Texas Labor Code is a Class B misdemeanor, except for the offense of employing a child to sell or solicit, which is a Class A misdemeanor. Those found in violation of Chapter 51 may be fined up to \$10,000 for each violation.

The Federal Fair Labor Standards Act prescribes a maximum fine of \$10,000 per violation and/or criminal prosecution and fines.

Texas Workforce Commission

Labor Law Enforcement Education and Regulation
Web site: <http://www.twc.state.tx.us>

U.S. Department of Labor

Employment Standards Administration
Wage and Hour Division
Web site: <http://www.dol.gov>

Produced by AgriLife Communications and Marketing, Texas A&M System
Extension publications can be found on the Web at: <http://AgriLifebookstore.org>

Visit the Texas AgriLife Extension Service at <http://AgriLifeextension.tamu.edu>

Educational programs of the Texas AgriLife Extension Service are open to all people without regard to race, color, sex, disability, religion, age, or national origin.

Issued in furtherance of Cooperative Extension Work in Agriculture and Home Economics, Acts of Congress of May 8, 1914, as amended, and June 30, 1914, in cooperation with the United States Department of Agriculture. Edward G. Smith, Director, Texas AgriLife Extension Service, Texas A&M System.