

Goal

This program provides information on child labor laws pertaining to the agriculture industry in Texas.

Objective

To familiarize farmers and ranchers with the safety laws and regulations that affect the employment of children under the age of 18 in agricultural operations in Texas.

Background

In 2002, the U.S. Bureau of Labor Statistics (BLS) reported 20 children under the age of 19 died from accidents directly related to agriculture operations. The BLS reported that five children died while working in crop production, nine while working with livestock and six while working in agricultural services. Ten of these children were age 16 or under. Although accurate injury statistics for children 16 and younger are not available, the National Safety Council estimates that the agriculture-related injury rate for children is 10 times the national agriculture injury rate for adults.

State and federal child labor laws apply to farm and ranch owners and operators who employ workers under the age of 16. Compliance with the law is the employer's responsibility. Failure to comply can result in fines, legal liability, and a possible jail term.

Hazardous Farm Jobs

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

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 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, cow with newborn offspring, or 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 two weeks after silage has been added, or when the top unloading device is operating; or packing a horizontal silo with a tractor.
8. The handling or application of farm chemicals that have a I or II classification by the Federal Insecticide, Fungicide and Rodenticide Act.
9. The handling or use of blasting agents.
10. Transportation, transference or application of anhydrous ammonia.

Exemptions

Children under the age of 16 years may work on their parents' farm. There are no legal restrictions for a child who works on a farm owned and operated by a parent, legal guardian or close family member. However, the law requires that the parent have control of the day-to-day operations of the farm and remain on the premises when the child is working. All legal restrictions apply for any other close relatives.

Can children under the age 16 work in agriculture?

Youth enrolled in a vocational agriculture program may perform any of the first six hazardous farm tasks, provided the tasks are incidental to the training, occur for short periods of time, and are closely supervised by a qualified and experienced instructor or teacher. The primary function of the work is to expand the student's educational experience. Special coordination between employer, employee, and the school is required.

Upon completing a certified tractor or machine operation training course, children under the age of 16 may work in an agricultural job. This exemption is part of the 4-H Federal Extension Service Training Program, which allows 14 and 15-year-olds to perform hazardous tasks in the first two categories listed. Most courses charge a fee and can be taken at local extension offices, generally in the spring.

