



OPENING STATEMENT

House Committee on Education and Labor

Chairman Robert C. "Bobby" Scott

Opening Statement of Chair Adams (NC-12)

Subcommittee on Workforce Protections

Children at Risk: Examining Protections for Child Farmworkers

Zoom

Wednesday, September 7, 2022 | 12:00 p.m.

Today, we are meeting to examine workplace protections for child farmworkers.

Today's hearing represents the third in a series to spotlight workers who are all too often overlooked, neglected, and exploited. These hearings have been intended to lift these workers up and champion their causes.

Each day, hundreds of thousands of children—many of whom come from low-income migrant families—risk their health and well-being while working on farms across the country.

Child farmworkers should be able to rely on the basic workplace protections that are standard for other child workers. Unfortunately, our nation's labor law has left these child workers behind.

And while the *Fair Labor Standards Act* provides labor standards and protections for children in the workforce, children working in the *agricultural* industry are either excluded from many of these protections or provided weaker protections. For example:

- Unlike other industries, child farmworkers can be assigned hazardous job duties from the age of 16;
- They can work full-time with parental permission during non-school hours as young as 10 years old; and
- They are not guaranteed overtime pay, allowing them to generally work longer, more grueling hours compared to other child workers.

Additionally, supervisors often provide little to no training, leaving children to manage heavy machinery, pesticides, and even machetes—without guidance. As one fourteen-year-old child farmworker said, “When you’re chopping with the machete, they say, ‘Oh, be careful, to not hurt yourself,’ but that’s basically it.” Another child farmworker said, “None of our bosses ever have told us... how to protect ourselves...”

Our nation has turned its back on child farmworkers and the results are devastating.

A recent study among Latino child farmworkers in North Carolina found that 70 percent of the children were exposed to harmful pesticides in the field.

Another study of child farmworkers in North Carolina found that nearly 50 percent of children suffered from heat-related illnesses.

And, between 2003 to 2017, child farmworkers accounted for **over 50 percent** of **all** work-related child fatalities—despite making up only about 5 percent of all child workers in the country.

Child farmworkers are frequently underpaid for the dangerous work they perform. While they are legally entitled to the minimum wage, employers often withhold wages by underreporting hours. Children are also regularly required to purchase their own equipment, undercutting their already meager income.

The long hours and demands of farm work also result in high school drop-out rates that are four times the national average. As we all know, without a diploma, those in poverty can become fully entrenched in a cycle of poverty.

As lawmakers, we have a responsibility to protect **all** child workers—no matter where they live—and ensure each of them has the opportunity to achieve their dreams.

To that end, I applaud our colleague, Congresswoman Allard of California, for her longstanding leadership on this issue.

She is a sponsor of H.R. 7345, the *Children's Act for Responsible Employment and Farm Safety of 2022*, or the CARE Act of 2022—of which I am also a cosponsor. This bill would:

- Prohibit any industry from employing workers who are under the age of 14;
- Protect children from harmful pesticides;
- Repeal the waiver that allowed children under the age of 10 to seasonally hand-pick crops;
- Require employers to report injuries to the Department of Labor; and,
- Increase penalties for employers who violate the FLSA.

This legislation will go a long way toward making sure that children working in agriculture are similarly protected to children working in other industries.

I look forward to hearing from our witnesses and working with my colleagues to protect our child farmworkers.