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June 6, 2023

The Honorable Virginia Foxx
Chair
Committee on Education and the Workforce
U.S. House of Representatives
Washington, DC 20515

Dear Chair Foxx:

We write to request that you schedule a hearing to examine the illegal employment of children in unsafe conditions, in violation of both the *Fair Labor Standards Act* (FLSA) and the *Occupational Safety and Health Act* (OSH Act). Proper oversight requires that Committee members have the opportunity to explore the scope of the problem and proposed legislation that has been referred to our Committee that would help address it.

“A self-supporting and self-respecting democracy can plead no justification for the existence of child labor,” President Franklin Delano Roosevelt proclaimed in a 1937 message to Congress to support passage of FLSA.¹ Nevertheless, as we near the 85th anniversary of that landmark law later this month, the “existence of child labor” still looms large. High-profile exposés of companies illegally employing and overworking children in dangerous jobs² put a face on the

¹ *Message to Congress on Establishing Minimum Wages and Maximum Hours*, THE AMER. PRES. PROJ., <https://www.presidency.ucsb.edu/documents/message-congress-establishing-minimum-wages-and-maximum-hours> (last visited May 8, 2023).

² *A New Child Labor Crisis in America*, N.Y. TIMES (Mar. 9, 2023), <https://www.nytimes.com/2023/03/09/podcasts/the-daily/migrant-child-labor-america.html>; David J. Neal, *A Restaurant's Florida Franchisees Illegally Used Child Labor and Owed Workers \$24,000*, MIAMI HERALD (Mar. 8, 2023), <https://www.miamiherald.com/news/business/article272835475.html>; *How Child Labor Violations Have Quadrupled Since 2015*, 1A: NPR (Mar. 6, 2023), <https://www.npr.org/2023/03/06/1161486299/how-child-labor-violations-have-quadrupled-since-2015>; Nandita Bose & Mica Rosenberg, *U.S. to Crack Down on Child Labor Amid Massive Uptick*, REUTERS (Feb. 27, 2023), <https://www.reuters.com/business/us-crack-down-child-labor-amid-massive-uptick-2023-02-27/>; Hannah Dreier, *Alone and Exploited, Migrant Children Work Brutal Jobs Across the U.S.*, N.Y. TIMES (Feb. 25, 2023), <https://www.nytimes.com/2023/02/25/us/unaccompanied-migrant-child->

numbers available in the Wage and Hour Division's (WHD) own data, which show a near quadrupling of the number of children involved in child labor violations since 2015—and these are just the cases that have been detected.³ This surge in child labor violations is happening while WHD has had steadily decreasing resources to invest in enforcement.⁴

Meanwhile, the National Institute for Occupational Safety and Health (NIOSH)—the agency charged with researching occupational risks to young workers—is likewise constrained by years of flat or diminished funding. In inflation-adjusted dollars, NIOSH has seen its budget cut every year since 2016.⁵ With decreased funding, NIOSH has decreased capacity to monitor and report on the hazards children face at work. For example, NIOSH discontinued the Child Agriculture Injury Surveillance program, leaving policymakers with an “absence of timely, valid, and reliable injury data.”⁶

Meaningful solutions are on the table. Reps. Hillary Scholten (D-MI) and Nancy Mace (R-SC) have introduced a bipartisan bill (H.R. 2388, *Justice for Exploited Children Act of 2023*) to increase civil monetary penalties for child labor violations. Rep. Dan Kildee (D-MI) has introduced a bill (H.R. 2956, *Combatting Child Labor Act*) to increase both civil monetary penalties and criminal sanctions. Additionally, we plan to introduce soon a comprehensive bill to toughen penalties for child labor violations and unsafe workplaces that harm children, expand research and expertise on these issues, update standards about occupations too hazardous for the employment of children, and track the statistics on the scope of child labor violations. Other legislative solutions may yet surface, especially if we have a proper hearing to discuss the problem.

In short, the scourge of child labor that Congress sought to eliminate 85 years ago with the passage of FLSA is back, and it has returned at time when the agencies we expect to provide timely data and aggressive enforcement lack the resources they need. We ask that you schedule a hearing this month so that Committee members have the opportunity to hear about the nature

[workers-exploitation.html](#); Terri Gerstein, *Child Labor Has Made a Comeback*, SLATE (Nov. 16, 2022), <https://slate.com/business/2022/11/packers-sanitation-child-labor-department-hyundai-chipotle.html>; *Child Labor Allegations at Alabama Hyundai Factory Lead to Class Action Lawsuit*, FOX 23 NEWS (Aug. 2, 2022), https://www.fox23.com/news/trending/child-labor-allegations-at-alabama-hyundai-factory-lead-to-class-action-lawsuit/article_96833571-664a-57ce-9413-f32a7018ec0b.html.

³ See Wage & Hr. Div., *Child Labor*, U.S. DEP'T OF LAB., <https://www.dol.gov/agencies/whd/data/charts/child-labor> (last visited Mar. 13, 2023) (showing 1,012 children in child labor violations in FY15 compared to 3,876 in FY22).

⁴ According to WHD data, the number of personnel hours spent on enforcement has decreased *every year since FY17*. See Wage & Hr. Div., *WHD: All Acts*, U.S. DEP'T OF LAB., <https://www.dol.gov/agencies/whd/data/charts/all-acts> (last visited Mar. 13, 2023).

⁵ Adjusted to FY24 dollars, the most recent budget peak for NIOSH was FY16 (\$446.1 million), and funding has steadily fallen through FY23 (\$375.1 million).

⁶ Barbara C. Lee & Marsha A. Salzwedel, *Safeguarding Youth from Agricultural Injury and Illness: The United States' Experience*, FRONTIERS PUB. HEALTH (Jan. 30, 2023), <https://fjfsdata01prod.blob.core.windows.net/articles/files/1048576/pubmed-zip/.versions/1/.package-entries/fpubh-11-1048576/fpubh-11-1048576.pdf?sv=2018-03-28&sr=b&sig=cNjNVr1%2BGfQKPeOItn4O1wIB39G0gqRUB9yH%2BRj3QP4%3D&se=2023-05-19T16%3A06%3A02Z&sp=r&rscd=attachment%3B%20filename%2A%3DUTF-8%27%27fpubh-11-1048576.pdf>.

The Honorable Virginia Foxx

June 6, 2023

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and scope of the child labor problem confronting the country and the legislative solutions to address it.

Thank you for your prompt attention to this matter.

Sincerely,



ROBERT C. "BOBBY" SCOTT
Ranking Member



ALMA S. ADAMS, Ph.D.
Ranking Member
Subcommittee on Workforce Protections