

**MISSOURI FARM BUREAU FEDERATION**

P.O. Box 658, 701 South Country Club Drive, Jefferson City, MO 65102 / (573) 893-1400

**MEMORANDUM**

**October 19, 2011**

**TO: County Farm Bureau Leaders**  
**FROM: Garrett Hawkins, Director, National Legislative Programs**  
**RE: Urgent Action Needed!**

---

**The regulatory onslaught at the federal level continues, but this time it's coming from the U.S. Department of Labor (DOL) and agriculture is the target.** Proposed changes in federal child labor rules, if finalized, will place more restrictions on what youth can do on the farm, increasing legal liabilities for farm families and forcing changes in the way some operators plant, harvest, handle livestock, etc. The regulations would also limit hands-on training opportunities afforded through high school agricultural education programs.

**The negative impact of this rule would be felt as soon as it is finalized, and for generations of farmers to come.** All farm and ranch employers affected by this proposal are encouraged to submit comments to the DOL and send copies to members of Congress. **The deadline to submit comments is November 1.**

**Background and Potential Impacts:**

This rulemaking has been in the works within the DOL for nearly a year and half and is the first significant update to the child labor rule since it was promulgated in 1970. DOL says the proposal continues to exempt family farms and does not provide protections for 16- and 17-year-olds. The changes apply to youth under age 16.

The DOL proposal could affect your operation by:

- Restricting the “Parental Exemption” rule so that farms operated by partnerships and corporations may not benefit. As a result, the rule does not take into account the ownership patterns and operations of family farms because many family farms involve different members and generations of the same family working on the farm. DOL wants to limit the “family farm” exemption solely to the children of the owner or operator of a farm. Other family youth—nieces, nephews or grandchildren—would be restricted in what jobs they could do on the family farm by this rule.
- Calling into question longstanding practices in agriculture, including livestock welfare, planting, operating a tractor, and harvesting of fruits and vegetables, working near grain bins & elevators, silos, and livestock barns.

- Affecting standard education and training for future farmers by reducing on-farm learning opportunities. A student-learner on a farm must satisfactorily complete at least 90 hours of systematic school instruction in agricultural education at or above the 8th grade level before working on the farm—and even then the exemption would *only* apply to power-driven equipment.
- Setting a maximum height restriction of 6 feet (no work on roofs, scaffolds, elevated farm structures, vehicles, machines and implements at elevations greater than 6 feet).
- Prohibiting young hired workers from engaging and assisting in many animal husbandry practices to include those that inflict pain upon the animal and/or are likely to result in unpredictable animal behavior such as, but not limited to, branding, breeding, dehorning, vaccinating, castrating, and treating sick or injured animals. The prohibition would also include herding animals in confined spaces such as feed lots or corrals, or on horseback, or using motorized vehicles such as trucks or all terrain vehicles.
- Potentially preventing youth from working under “extreme temperatures” (e.g., harvesting fruit) or being paid piece rate wages for such jobs. DOL contends it is seeking input to prevent heat-related illnesses and injury to workers in the field.

#### **FB Action:**

AFBF took the lead in bringing together a broad group of organizations a couple of weeks ago to discuss the proposed rule and is coordinating an effort to extend the comment period by 60 days. MFB is encouraging members of the Missouri Congressional delegation to cosign Representative Rehberg’s (R-Montana) “Dear Colleague” letter to the DOL requesting a 60 day extension.

MFB staff participated in a webinar sponsored by the AgriSafe Network yesterday (October 11) to gain a better understanding of the proposed rule. Like other proposals we have seen in recent years, there are many “gray” areas that could be problematic in the future, especially if activist groups were to sue the DOL in an effort to make the regulations more stringent.

#### **Member Action:**

**We need your help!** AFBF recently issued a formal action alert to State Farm Bureaus asking for grassroots comments. A sample letter is found below. Feel free to use it as a starting point for your comments. Adding personal examples to your letter certainly makes it stronger. Here are a few points to keep in mind:

- As an agricultural producer, I support and provide a safe working environment for my children, young workers and all employees.
- The Department of Labor rule does not take into account the unique organization of family farms being owned and operated by many members and generations of one family.

- Farms and ranches provide a unique educational and training experience to learn about horticulture, animal care & welfare, equipment operation, environmental protection among other unique opportunities found exclusively on a farm.
- Traditional farm activities performed by youth are threatened by this rule.
- Family members and other workers on the farm are protected by numerous laws and regulations. Parts of this rule represent regulatory over-reach. It does not recognize the unique structure of today's family farm operations and the traditions that the family farm provides to all workers.

Comments may be submitted by U.S. mail to: Wage and Hour Division, U.S. Department of Labor, Room S-3502, 200 Constitution Avenue, NW., Washington, DC 20210.

To submit comments electronically, please click on this link:

<http://www.regulations.gov/#!submitComment;D=WHD-2011-0001-0001>, insert your information and press "submit." You may also go to [www.regulations.gov](http://www.regulations.gov) and type WHD-2011-0001-0001 in the "Enter Keyword or ID" box to find the proposed rule and comment page. It will be the only rulemaking that appears; please click on "Submit a Comment" on the right side of the screen.

Please include identification number RIN 1235-AA06 in the letter. As a reminder, all comments received by DOL will be publically accessible.

Enclosed you will find a side-by-side comparison of the present rules and the proposed revisions. Thank you in advance for your prompt action. Please contact me at (573) 893-1408 or [ghawkins@mofb.com](mailto:ghawkins@mofb.com).

*SAMPLE LETTER*

Wage and Hour Division  
U.S. Department of Labor  
Room S-3502  
200 Constitution Avenue, NW  
Washington, DC 20510

RIN 1235-AA06

To Whom It May Concern:

I am concerned about the Department of Labor “Child Labor Regulations, Orders and Statements of Interpretation” (RIN 1235-AA06). This rule will have a dramatic change on current agricultural practices by limiting young family workers from learning how to manage a farm. The activities on a modern farm range from planting, harvesting, collecting fruits and vegetables, caring for animals, and operating tractors and other equipment, among other actions.

Also, ownership of the family farm partnership is unique. In many instances ownership of the family farm has changed as land has passed from one generation to another with multiple family members owning, operating and being employed by the farm. The rule would undermine the traditional extended family farm by limiting the ability of grandchildren, nieces and nephews to learn the family business.

Agriculture operations offer a safe work environment for all workers, especially youth. Farms offer a unique opportunity to train, education and provide resources for young workers and their families in rural communities. Currently, there are protections for workers on farms and this rule is confusing, duplicative and unnecessary.

Thank you for the opportunity to comment.

Sincerely,