



in our own backyard

THE HIDDEN PROBLEM OF
CHILD FARMWORKERS IN AMERICA
<http://www.ourownbackyard.org>

Part I: The Hidden Problem

"Children in the Fields"

Basic facts and statistics regarding child farmworkers.
*Source: Association of Farmworker Opportunity Programs,
<http://www.afop.org/childlabor.htm>*



Hundreds of thousands of children work in the fields in the United States.

No one knows how many children work in agriculture in the United States. In 1998, the Government Accountability Office (GAO) estimated that 300,000 youths aged 15-17 worked in agriculture. The National Agriculture Statistics Service released a report indicating that 431,730 youths aged 12-17 were hired for agricultural work in 1998. No studies have been done on the number of child farmworkers under age 12.

Most of the children working in agriculture are Latino.

An estimated 85 percent of migrant and seasonal farm workers are racial minorities. In some communities, 99 percent of the farmworkers are Latino. An increasing number of immigrant youths between the ages of 14 and 17 are migrating to the United States from Mexico and Central America to perform farm labor. In 1997, a Department of Labor report estimated that there were 55,000 of these child laborers traveling without the protection of their immediate families.

These children are dropping out of school at an alarming rate.

Half the youths who regularly perform farm work never graduate from high school. Report authors found that children in agriculture work, on average, 30 hours a week, often during times of the year when school is in session. Long hours in the field make it difficult to succeed in school.

Elda Hernandez, now 19, the seventh child of a farmworker family, fell so far behind in her school work, she dropped out of school at 16. When she was six, her family worked in an area of California that was so remote, she and her siblings ended up missing an entire school year. "There wasn't anything there. My parents couldn't take us to school," she recalled. Elda started helping her family in the fields when she was in the fifth grade, missing two months of school to pick cherries and raspberries. By the time she was 12, her wrists hurt too much to work. She resumed work a year later, continuing to miss the last two weeks of each school year. Poor grades her freshman year, partly caused by missing school to do farm work, may have contributed to her decision to drop out as a sophomore. Later, she returned to school and, like many farmworker children, valiantly struggled to catch up with her course work.

Children working in agriculture face serious health threats.

Children account for about 20 percent of all farm fatalities. Between 1992 and 2000, 42 percent of all work-related deaths of minors occurred in agriculture. According to the Government Accountability Office, in 1998, more than 100,000 children and teens are injured on farms each year. Farmworkers regularly work in fields treated with pesticides—some of which are known carcinogens. Child farmworkers are exposed to the same pesticide levels as adults, yet likely face a far greater health risk. In March 2003, the Environmental Protection Agency (EPA) estimated that children under two may be 10 times more vulnerable to cancer from chemicals and pesticides that cause gene mutations. Children ages three to 15 may experience at least three times the cancer threat the same chemicals pose to adults, said the EPA. Yet, the Agency has not established additional protections for working children under the Worker Protection Standard, the body of regulations that limits farmworkers' exposure to recently sprayed fields.

In June 1998, a 17-year-old migrant farmworker named José Antonio Casillas died suddenly of brain hemorrhage. The youth had mistakenly been sprayed with organophosphate pesticides twice in the previous week.

Farmworker children are not being afforded the same protection as other working children.

Federal laws permit a child aged 13 to work in 100-degree heat in a strawberry field, but do not permit that child to work in an air-conditioned office. Under the Fair Labor Standards Act (FLSA) the legal age to perform most farm work is only 12 if a parent accompanies the working child. Children who are 14 or older can work unlimited hours in the fields before or after school hours. The same law requires a minimum age of 14 years for non-agricultural work and limits such work to 3 hours per day while school is in session.

Furthermore, federal laws allow children to perform hazardous work in agriculture at age 16, while the minimum age for hazardous work in all other industries is 18.

Farmworker children should not receive less protection from labor laws because they must work in agriculture—an industry that no longer deserves sweeping exemptions to the Fair Labor Standards Act, legislation that was enacted almost 70 years ago when our national economy was vastly different.

In July 2002, the Association of Farmworker Opportunity Programs interviewed a group of 15 farmworkers in Texas. Most of the workers were between the ages of 10 and 16. Ten-year-old Robert Aguilar worked five hours a day to help support his family. Another youth, Gilberto, said he was 13 and had been working cotton for five years. Four of the group had started farm work at 10 or younger. Sixty percent had missed some school because of farm work.

We must provide support services to farmworker families and children.

Many children work with their families or play in the fields because their families cannot find or afford childcare. There are federal programs for migrant youths—Migrant Head Start and Migrant Education—that need to be fully funded so that all migrant and seasonal farmworker families have access to safe and affordable child care. A study in 2001 found that only 19 percent of the eligible migrant children and 2 percent of the eligible seasonal children in our country were being served. This compares to a 60 percent national rate of participation.

We must ensure that farmworker families make a living wage.

Many migrant children work to supplement family income. In 2002, researchers found that 57 percent of farmworkers earned less than \$12,500. The average farmworker family made between \$15,000 and \$17,500, well below the federal poverty level for families of four or more people.

We must act now to protect child farmworkers.

It's time to address the unequal treatment of child farmworkers under the law. The 109th Congress considered legislation to remedy the problem but did not act.

Please urge members of the 110th Congress to revise the Fair Labor Standards Act to remove exemptions that allow children working in agriculture to work longer hours at younger ages and to perform hazardous work at younger ages than children working in other industries.

