



# in our own backyard

THE HIDDEN PROBLEM OF  
CHILD FARMWORKERS IN AMERICA

<http://www.ourownbackyard.org>

## Part II: How Can This Happen?

### **Child Labor Laws by State**

Each state has its own laws governing child labor. This chart by the U.S. Department of Labor compares state laws as of 2007 with each other and with federal regulations.

*Source: Department of Labor,*

*<http://www.dol.gov/esa/programs/whd/state/agriemp2.htm>*



**Table of State Child Labor Laws for Agricultural Employment**

State <sup>1</sup>	Minimum age for employment		Certificate required to age:		Maximum daily and weekly hours and days per week for minors under 16 unless other age indicated	
	during school hours	outside school hours	Employment certificate	Age certificate	Daily/Weekly	Days per week
<b>Federal:</b> Fair Labor Standards Act (FLSA) applies to migrants and local residents regardless of farm size or number of man-days of farm labor used on that farm.	16	14, 12 with written parental consent or on farm where parent is employed. Under 12 with written parental consent on farms exempt from Federal minimum wage provisions <sup>*</sup>	proof of age not required		---	---
<b>Alaska</b>	16	14	---	18	school day or week: 9 for work and school combined /23	6 under 18
<b>Arizona</b>	16	14	proof of age not required		8/40 non school period. school day or week: 3/18	---
<b>Arkansas</b>	16	14	16	---	8/48 10/54; 16 and 17	6 under 18
<b>California</b>	18,  16 if not required to attend school	12	18	---	8/40, only on non-school day, 12 and 13 8/40 school day/week: 3/18 8/48, 16 and 17 4 school day, (8 on a school day that precedes a non school day) 16 and 17 if required to attend school <sup>2</sup>	6
<b>Colorado</b>	16	12	---	18 on request	8/40, under 18. 6 on school day under 16. In seasonal employment involving perishable	---

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					products where paid by piece-work, minors 14 or older may work up to 12 hours in a 24-hour period and up to 30 hours in a 72-hour period (not more than 8 hours a day for more than 10 days in any 30-day period).	
<b>Connecticut</b> (separate agriculture child labor law)	16	14	proof of age or agriculture permit required to age 16.		8/48	6
<b>Delaware</b> (farm work exempt unless performed in hazardous occupations)	---	---	---	---	---	---
<b>Florida</b>	---	14	---	18 (proof of age)	8/40 schoolday or week: 3 when followed by schoolday /15. 8/30 when school is in session, 16 and 17.	6
<b>Hawaii</b>	18, 16 if not legally required to attend school	14, 15 in pineapple harvesting 10 in coffee harvesting	16	18 applies only to 16 and 17	6/30 no more than 5 consecutive days, under 14 in coffee harvest in non-school period. 8/40; schoolday or week: 3/18, 14 and 15. 8/48 in pineapple harvesting from June 1 through the day before Labor Day.	6

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<b>Idaho</b>	16	---	proof of age not required		9-54	---
<b>Illinois</b> (minimum age only)	12	10	---	---	---	---
<b>Indiana</b> (Exempt except for minimum age or when school is in session)	---	12	---	---	---	---
<b>Iowa</b> (law exempts part-time work in agriculture (less than 20 hours a week when school is not in session and less than 14 hours a week while school is in session) It covers all migratory labor.  Law exempts work in the production of seed, limited to removal of off-type plants, corn tassels and hand-pollinating during June, July and August for children 14 and over.	16	14, 12 migratory labor (younger with permit from Labor Commissioner upon court order)	16	---	8/40 Schoolday or week: 4/28	---
<b>Maine</b> (exempt if not in direct contact with hazardous machinery or substances)	16 unless excused by superintendant of schools	--- except 14 if in direct contact with hazardous machinery or substances	Exempt unless in direct contact with hazardous machinery or substances	---	Exempt	Exempt
<b>Massachusetts</b>	16	---	16	---	Schoolday or	6

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					week: 4/24, under 14 8/48	
<b>Michigan</b> (exempt except for operations involving detasseling, roguing, hoeing, or similar in production of seed)	16	13	Exempt	---	10/48 in non-school/week, (11/62 during a school vacation with parental consent) 16 and 17 48 combined hours of work and school in schoolweek, under 18	6 under 18
<b>Minnesota</b>	16	12	16 for work during school hours	18	Exempt	---
<b>Missouri</b>	16	14	16 during school term	18 on request	8/40 schoolday: 3	6
<b>Nevada</b> (exempt except for minimum age when school in session)	14	---	---	---	---	---
<b>New Hampshire</b>	18, 16 if not enrolled in school	12	exempt	---	8 on non-schoolday/48 during vacation. Schoolday/week: 3/23 if enrolled in school. 30 in schoolweek/48 during vacation, 16 and 17 if enrolled in school.	6  16 and 17 if enrolled in school
<b>New Jersey</b>	16	12	16	---	10 a day	6
<b>New Mexico</b>	16, 14 hardship cases	---	16	18 on request	8/44 (special cases (8/48) under 14,	---
<b>New York</b>	16	14, 12 hand harvest berries, fruits and vegetables	16	---	4 a day, 12 and 13	---
<b>North Dakota</b>	14	---	---	---	Exempt	Exempt

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<b>Ohio</b>	16	14	18 if residing in agriculture labor camp	---	8/40 schoolday/week: 3/18	---
<b>Oregon</b>	16	12, 9 picking berries or beans for intrastate use with parental permission	Required only for under 18 employed in connection with power-driven farm machinery	---	10/40 (more than 10 hours a day with special permit) schoolday/week: 3/18	6
<b>Pennsylvania</b> (exempt from child labor law. Separate law covers seasonal farm workers).	---	--- seasonal farm worker under 14 not to be required to work	---	---	Employment prohibited from 7 a.m. to 1 hour after end of schoolday of school district where employed, under 18 whether or not registered in such school district.	---
<b>South Carolina</b>	16	14, 12 with parental approval	proof of age not required		Exempt	---
<b>South Dakota</b>	---	---	---	---	8/40 schoolday/week: 4/20	---
<b>Utah</b>	16	12, no limit with parental consent	---	18 on request	8/40, schoolday: 4 (waived with parental consent)	---
<b>Vermont</b>	16, 14 with cert.	---	16 during school hours	---	Exempt	Exempt
<b>Virginia</b>	16	14, 12 with parental consent	Exempt	16 on request	---	---
<b>Washington</b>	18	14, 12 hand-harvesting or cult. berries, bulbs, cucumbers and spinach during non-school week.	18	---	8/40, 12 and 13 during non-schoolweek. 8/40 when school not in session, 14 and 15. 10/50 (60 for wheat, hay and pea harvest) when	6  7 in dairy, livestock, hay and irrigation, with one day

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					school not in session; 4/28 when school in session, 16 and 17.	off every two weeks, under 18
<b>Wisconsin</b>	18	12	Exempt	Exempt	8/40 schoolday/week: 4 (8 before non-schoolday) /18 (24 school in session less than 5 days) under 16. 5 (8 before non-schoolday) /26 (32 school in session less than 5 days) 16 and 17. Minors 14 through 17 may be employed outside of school hours in excess of permitted weekly hours during peak periods. Time and one-half regular rate of pay must be paid after 50 hours per week.	6  12 and 13

\*Local minors (permanent residents) 10 and 11 years old may be employed outside school hours under prescribed conditions to hand harvest short season crops for no more than 8 weeks between June 1 and October 15 in any calendar year, upon approval by the Secretary of Labor of an employer's application for a waiver from the child labor provisions for such employment. The Secretary of Labor has not issued such waivers.

State <sup>1</sup>	Nightwork prohibited for minors under 16 unless other age indicated	Prohibited hazardous occupations (HOs) in agriculture to age:
<b>Federal:</b> Fair Labor Standards Act (FSLA) applies to migrants and local	---	16. Numerous occupations have been declared hazardous in 11 categories of employment including, among others,

State <sup>1</sup>	Nightwork prohibited for minors under 16 unless other age indicated	Prohibited hazardous occupations (HOs) in agriculture to age:
residents regardless of farm size or number of man-days of farm labor used on that farm.		operating tractors of over 20 PTO horsepower; operating or assisting to operate corn pickers, grain combines, hay movers, potato diggers, trenchers or earthmoving equipment, or power-driven circular, hand or chain saws; working in a yard, pen or stall occupied by a stud animal or a sow with suckling pigs; working inside a silo or manure pit; handling or applying certain agricultural chemicals; and handling or using a blasting agent such as dynamite or black powder.
<b>Alaska</b>	9 p.m. to 5 a.m	No specific agriculture HOs. Those of general application under 18 are considered as covering agriculture where applicable (e.g. working with power-driven machinery).
<b>Arizona</b>	9:30 p.m. (11 p.m. before non-schoolday) to 6 a.m.	16 (similar to Federal HOs)
<b>Arkansas</b>	7 p.m. (9 p.m. before non-schoolday) to 6 a.m 11 p.m. before schoolday to 6 a.m., 16 and 17	No specific agriculture HOs. Those of general application for under 16 are considered as covering agriculture where applicable (e.g. working with unguarded belts and adjustable belts)
<b>California</b>	7 p.m. (9 p.m. June 1 through Labor Day) to 7 a.m. 10 p.m. (12:30 a.m. before non-schoolday) to 5:30 a.m., 16 and 17	16, adopts Federal HOs 12 work prohibited in any agriculture danger zone (areas in or about moving equipment, unprotected chemicals, and unprotected water hazard).
<b>Colorado</b>	9:30 p.m. to 5 a.m. before schoolday	No specific agric. HOs. Those of general application for under 18 are considered as covering agric. where applicable (e.g. work 20 feet above ground, operation of power-driven machinery).
<b>Connecticut</b> (separate agriculture child labor law)	---	No specific agric. HOs. Those of general application for under 18 are considered as covering agric. where applicable (e.g. work on ladders, operation of power-driven machinery).
<b>Delaware</b> (farm work exempt unless performed in hazardous occupations)	---	16 (adopts, by reference, the Federal HOs). Law exempts those working with adult supervision.
<b>Florida</b>	7 p.m. before schoolday (9 p.m. during holidays and summer vacations) to 7 a.m. 11 p.m. to 6:30 a.m. before schoolday, 16 and 17.	18, operating or assisting to operate a tractor over 20 PTO horsepower, any trencher or earthmoving equipment, forklift, or any harvesting, planting, or plowing machinery, or any moving



State <sup>1</sup>	Nightwork prohibited for minors under 16 unless other age indicated	Prohibited hazardous occupations (HOs) in agriculture to age:
		machinery. 16, operation of power-driven machinery.
<b>Hawaii</b>	6 p.m. to 6 a.m. during coffee harvest, under 14. 7 p.m. to 7 a.m. (9 p.m. to 6 a.m. during any authorized school break) 14 and 15, 12:30 a.m. to 6 a.m., 15 in pineapple harvest.	16 (several), 15 pineapple harvestors prohibited from being on the harvesting machine or the truck attached to it, 12 prohibited from using any harvesting equipment while engaged in coffee harvesting except holding hooks which are free of any attachments or accessories and baskets or containers used to carry coffee berries. They are not allowed to carry loads in excess of 15 pounds.
<b>Idaho</b>	9 p.m. to 6 a.m.	---
<b>Illinois</b> (minimum age only)	---	---
<b>Indiana</b> (Exempt except for minimum age or when school is in session)	---	---
<b>Iowa</b> (law exempts part-time work in agriculture (less than 20 hours a week when school is not in session and less than 14 hours a week while school is in session) It covers all migratory labor)	7:30 p.m. (9 p.m. June 1 through Labor Day) to 5 a.m. with migratory labor permit	No specific agric. HOs. Those of general application for under 18 and under 16 are considered as covering migrant labor where applicable (e.g. power-driven hoisting apparatus - under 18, power-driven machinery - under 16).
<b>Maine</b> (exempt if not in direct contact with hazardous machinery or substances)	Exempt	- (hazardous machinery or substances mentioned in exemption refers to occupations prohibited under Federal law)
<b>Massachusetts</b>	7 p.m. (9 p.m. July 1 through Labor Day) to 6:30 a.m.	16 operation of saw or cutter on a farm except family farm; stripping, sorting, manufacturing or packing tobacco.
<b>Michigan</b> (exempt except for operations involving detasseling, roguing, hoeing, or similar in production of seed)	9 p.m. to 7 a.m., 10:30 p.m. (11:30 p.m. on Fridays, Saturdays and during school vacation periods) to 6 a.m., 16 and 17 if attending school, 11:30 p.m. to 6 a.m., 16 and 17 if not attending school	No specific agriculture HOs. Those of general application under 18 are considered as covering agriculture where applicable (e.g. working with power-driven machinery).
<b>Minnesota</b>	9 p.m. to 7 a.m	18 (a few) 16 (several including, by reference, the Federal HOs)
<b>Missouri</b>	7 p.m. (9 p.m. June 1 through Labor Day) to 7 a.m.	No specific agriculture HOs. Those of general application under 16 are considered as covering agriculture where applicable (e.g. working with power-driven machinery, ladders, toxic or hazardous chemicals).
<b>Nevada</b> (exempt except for	---	---

State <sup>1</sup>	Nightwork prohibited for minors under 16 unless other age indicated	Prohibited hazardous occupations (HOs) in agriculture to age:
minimum age when school in session)		
<b>New Hampshire</b>	9 p.m. to 7 a.m.	16 (adopts, by reference, the Federal HOs)
<b>New Jersey</b>	---	18 (a few) 16 (a few)
<b>New Mexico</b>	9 p.m. to 7 a.m., under 14	No specific agriculture HOs. Those of general application under 16 are considered as covering agriculture where applicable (e.g. belted, moving, machinery).
<b>New York</b>	4 p.m. to 9 a.m. day after Labor Day through June 20. 7 p.m. to 7 a.m. June 21 to Labor Day, 12 and 13.	16, adopts Federal HOs
<b>North Dakota</b>	Exempt	-(Law specifies that minors under 16 are not to be prohibited from doing ordinary farm work or from operating farm machinery.)
<b>Ohio</b>	7 p.m. (9 p.m. June 1 - Sept. 1 and during 5 or more schoolday holiday periods) to 7 a.m. 11 p.m. before schoolday to 7 a.m. on schoolday (6 a.m. if not employed after 8 p.m. pervious night), 16 and 17 if required to attend school.	16 (same as Federal HOs)
<b>Oregon</b>	Exempt	18 (16 with Certificate of Training) operating power-driven farm machinery of any kind; riding in or on power-driven farm machinery for the purpose of transporting, sorting, delivering, or otherwise processing farm products. State adopts Federal HOs.
<b>Pennsylvania</b> (exempt from child labor law. Separate law covers seasonal farm workers).	---	---
<b>South Carolina</b>	Exempt	16 (same as Federal HOs)
<b>South Dakota</b>	After 10 p.m. before schoolday	---
<b>Utah</b>	9:30 p.m. to 5 a.m. before schoolday (waived with parental consent)	With parental consent, no age limit for agriculture work, including operation of power-driven farm machinery. Otherwise, HOs of general application for under 18 are considered as covering agriculture where applicable (e.g. power-driven hoisting apparatus).
<b>Vermont</b>	Exempt	No specific agriculture HOs. Those of general application under 16 are

State <sup>1</sup>	Nightwork prohibited for minors under 16 unless other age indicated	Prohibited hazardous occupations (HOs) in agriculture to age:
		considered as covering agriculture where applicable (e.g. operating a machine having an unguarded belt, adjusting belt- driven equipment, and cleaning machinery).
<b>Virginia</b>	---	18 (several) 16 (a few) (Generally the same as Federal HOs) Children 16 may operate, assist in operating, or otherwise perform work involving a truck, excluding a tractor trailer, or farm vehicle. Children 14 may perform work as a helper on a truck or commercial vehicle, while engaged in such work exclusively on a farm.
<b>Washington</b>	9 p.m. to 5 a.m., 12 and 13 when school not in session. 6 p.m. to 7 a.m. (6 a.m. in dairy, livestock and irrigation) 14 and 15 on school day. 9 p.m. to 5 a.m., 14 and 15 on non-school day. 10 p.m. (9 p.m. on consecutive school nights preceding a school day) to 5 a.m., 16 and 17.	18 (some) 16 (same as Federal HOs)
<b>Wisconsin</b>	8 p.m. (9:30 p.m. before non-school day) to 5 a.m. 12 and 13. 8 p.m. (11 p.m. before non-school day) to 5 a.m. while school is in session, 8 hours of rest are required before the start of work the next day.	16 (same as Federal HOs)

--- No provision

<sup>1</sup> Agricultural employment is exempted from or is not listed among the covered sectors in the child labor laws of 17 states: Alabama, Delaware (non-hazardous employment), Georgia, Kansas, Kentucky, Louisiana, Maryland (non-hazardous employment), Mississippi, Montana, Nebraska (covers only work in detasseling and beet fields), North Carolina, Oklahoma, Rhode Island, Tennessee, Texas, West Virginia (non-hazardous employment) and Wyoming. Laws generally exclude minors employed by parents on family farms.

<sup>2</sup> California. Until January 1, 2005, 16- and 17-year olds in Lake County who were employed in agricultural packing plants were permitted to work more than 48 hours, but no more than 60, in any 1 week with written approval of the Lake County Board of Education.