



CHILD FARMWORKERS: TOO YOUNG, VULNERABLE, & UNPROTECTED

Addressing Racial Inequity in America's Child Labor Laws

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LAWYERS FOR
GOOD
GOVERNMENT

STOP CHILD LABOR





“Child labor and poverty are inevitably bound together and if you continue to use the labor of children as the treatment for the social disease of poverty, you will have both poverty and child labor to the end of time.”

-Grace Abbott

“Sustainable agriculture does not deplete soils or people.”

-Wendell Berry

“Every single day we sit down to eat breakfast, lunch, and dinner, and at our table we have food that was planted, picked, or harvested by a farm worker. Why is it that the people who do the most sacred work in our nation are the most oppressed, the most exploited?”

-Dolores Huerta



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Summary of Findings

- Throughout its history—from slavery, to Jim Crow, to the Bracero guest worker program, and into the present day—the **United States has used and exploited the labor of marginalized communities of color, and their children, to grow food.**
- The **federal minimum age to work full-time in the agricultural industry is only 12 years old**, the age of a sixth grader, while in most other industries, the federal minimum age to work full-time is 16, the age of a tenth grader.
- Approximately **330,000 children under the age of 16, including over 80,000 children under the age of 10, are child farmworkers** in the United States.
- Neither the U.S. Department of Labor nor the U.S. Census Bureau collects data on the demographics of agricultural workers in the U.S., but researchers estimate that over **90% of farmworkers in the United States are persons of color**—roughly 83% of farmworkers are Hispanic, 7% are Haitian, 6% are Indigenous, and 3% are African American.
- Approximately **33 children are injured on farms every day, and a child dies in a farm accident once every three days in the United States.** Although only 6% of child workers in the United States are employed on farms, more than half of child work-related deaths are in agriculture.
- Since 2000, children have been killed in farm-related accidents in at least 49 states.
- Our new survey of the laws of the 50 states, D.C., and Puerto Rico show:
 - **22 states have no minimum age to work in agriculture.**
 - 14 states, D.C., and Puerto Rico have raised the minimum age to work in agriculture to age to 14.
 - All 50 states have laws protecting children from work more than 8 hours a day, but **25 states and D.C. set no limit on the amount of hours in a day** a child farmworker under 16 can work in the fields.
 - **35 states and D.C. allow children under 16 to work 7 days a week** in the fields.
 - 15 states and Puerto Rico have laws that say children can only work 6 days in a week.
 - All 50 states have laws protecting children from working at night, but **23 states fail to protect child farmworkers** under those laws.
 - All 50 states give employers fines for violating child labor laws, but 15 states make that fine \$500 or less for the first offense. **Indiana, has the lightest penalty for an initial violation of state child labor laws: a warning letter.**

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Introduction

“It’s really hot. You think you’re going to die.”
—Child farmworker, North Carolina¹

As the country has evolved from a largely agrarian society, and our population increasingly lives in urban centers, Americans have become mostly agriculturally illiterate,² disconnected from their food, with a widening gap between farm and table. But as a rise in globalization began to awaken consumers’ consciousness of exploitative foreign labor practices that have a hand in creating the goods on which we depend — from clothing and sneakers, to mining and electronics. Domestically we have seen recent protests against companies like Wayfair for furnishing

child migrant detention facilities,³ and Chipotle for contracting with vendors who violate OSHA rights.⁴ However, one domestic industry — agriculture — has been largely overlooked, and the children who work the fields and farms across the United States go unnoticed harvesting fruits and vegetables, tending land, raising livestock, cultivating crops, and feeding the nation.

For many white communities in this country, family farming has been a strong tradition. The farming community has long prided itself on values of independence and self-reliance and passing down that same strong work ethic to their children and future generations. But that image betrays a history of racist terror and exploitation. The agricultural system that once depended on the subjugation of African Americans now increasingly exploits impoverished Brown and Black migrant

1 Student Action with Farmworkers and Wake Forest School of Medicine Center for Worker Health, “Hired Latinx Child Farmworkers: HEAT-RELATED ILLNESS (HRI)” infographic, accessed September 23, 2021, https://saf-unite.org/resources/_child-labor-research-study-2/

2 Caitlin Dewey, “The surprising number of American adults who think chocolate milk comes from brown cows,” The Washington Post, June 15, 2017, <https://www.washingtonpost.com/news/wonk/wp/2017/06/15/seven-percent-of-americans-think-chocolate-milk-comes-from-brown-cows-and-thats-not-even-the-scary-part/>

3 Jasmine Wu, “Wayfair employees walk out, customers call for boycott in protest over bed sales to Texas border detention camp,” CNBC, June 26, 2019, <https://www.cnn.com/2019/06/26/wayfair-draws-backlash-calls-for-boycott-after-employee-protest.html>

4 Christopher Weber, “Chipotle in hot salsa over tomato pickers’ rights,” Grist, September 26, 2012, <https://grist.org/food/chipotleciw/>



workers. The one constant has been relying on vulnerable communities of color to feed a country that turns a blind eye to them and the dangers they face.

Today, child farmworkers are among the most vulnerable workers in our country. The horrors of work conditions in the Industrial Revolution inspired a children's rights movement and restrictions on child labor, child farmworkers have been largely exempt due to outdated exemptions from over 80 years ago.

As a result, under federal law, children as young as 12-years-old may be legally⁵ employed unlimited hours in the hot sun, exposed to heat, chemicals, and hazardous machinery, risking serious injury, illness, or death. With poor safety regulations and limited enforcement, children are exposed to health risks that may affect them for the rest of their lives. The average farmworker family income is extremely low, and most migrant farmworkers live in extreme poverty, forcing their children to work to supplement incomes, especially where they are paid by the piece. This perpetuates a cycle where families are kept in poverty for generations because the proven paths out — fair pay and a quality education — are too often out of reach.



Employers today benefit from employing children for the same reasons they have for centuries because they can pay children less,

⁵ 29 U.S.C. § 213(a) available at <https://www.law.cornell.edu/uscode/text/29/213>.

and they know that vulnerable communities, and especially children in vulnerable communities, are less likely to unionize and strike. With weak protections in child labor laws, and limited enforcement and low penalties for violating those laws, there is little incentive for employers to comply. And as opposed to pressure against individual corporations, it is nearly impossible to get the country to boycott entire goods. As labor leader and civil rights activist Dolores Huerta said while organizing with The United Farm Workers Association, “How do I stop eleven million people from buying the grapes?”⁶ The solution is strong labor laws that are meaningfully enforced.

To that end, in 2021, Lawyers for Good Government (L4GG) partnered with the Child Labor Coalition and L4GG's network of pro bono attorneys to conduct a survey of child labor laws across 50 states, the District of Columbia, and Puerto Rico. The survey investigated state laws regarding age and hour restrictions, wages, safety requirements, penalties, and other child labor regulations. The purpose of this report is to share the findings of that research and recommend a model policy for state and local advocates to keep safe the vulnerable children who work across their states.

⁶ Barbara L. Baer, “Stopping Traffic: One Woman's Cause,” in A Dolores Huerta Reader, edited by Mario T. Garcia, p. 97, University of New Mexico Press, 2008

America's Agricultural Child Labor Laws Developed Because of America's History with Race

Many histories of child labor in the United States center the labor movement in the industrial North, while often ignoring America's history of exploiting people of color in the agricultural industry. Before and after the Thirteenth Amendment's abolishment of slavery on paper, Black children were enslaved, auctioned away from the arms of their parents,⁷ and functionally re-enslaved in the Jim Crow era through apprenticeship agreements, giving their free labor in return for "training."⁸ Even where schools for Black children existed, sharecropping families often could not afford to send them because their labor was needed to meet the demands of land-owners.⁹

The response to child labor and the racial divide therein exposed that for many people,



the question was not whether children should be exploited, but only which children were exploitable. The news that southern textile mills employed child labor, though mainly white children, was sensationalized in the North as racialized "white child slavery."¹⁰ When the Fair Labor Standards Act (FLSA) of 1938 was enacted, it prohibited child labor in factories but exempted the agricultural industry from child protections, ending the "white child slavery" in factories but allowing similar conditions to continue for children of color in the fields.¹¹ Shortly thereafter, in 1942, the United States created the Bracero Program, a temporary guestworker program, officially for Mexican men. The goal was to provide cheap farm labor, while deterring undocumented immigration and the permanent settlement of Mexicans within the United States. Women and children were officially excluded from the program, because it was thought they would encourage permanent settlement.¹² Nevertheless, families were regularly present in Bracero camps, working in the fields with husbands and fathers.¹³ Thus a new community of color

7 DeNeen L. Brown, "Barbaric: America's cruel history of separating children from their parents," *The Washington Post*, May 31, 2018, <https://www.washingtonpost.com/news/retropolis/wp/2018/05/31/barbaric-americas-cruel-history-of-separating-children-from-their-parents/>

8 Michael Schuman, "History of child labor in the United States—part 1: little children working," U.S. Bureau of Labor Statistics, January 2017, <https://www.bls.gov/opub/mlr/2017/article/history-of-child-labor-in-the-united-states-part-1.htm>

9 Russell Brooker, "The Education Of Black Children In The Jim Crow South," *America's Black Holocaust Museum*, accessed September 21, 2021, <https://www.abhmuseum.org/education-for-blacks-in-the-jim-crow-south/>

10 Betsy Wood, "Abolishing child labor took the specter of 'white slavery' and the job market's near collapse during the Great Depression," *The Conversation*, August 27, 2020, <https://theconversation.com/abolishing-child-labor-took-the-specter-of-white-slavery-and-the-job-markets-near-collapse-during-the-great-depression-144454>

11 The Fair Labor Standards Act of 1938, 29 U.S.C. § 203

12 Ana Elizabeth Rosas, "Breaking the Silence: Mexican Children and Women's Confrontation of Bracero Family Separation," *Gender & History* 23 No.2 (August 2011), 38.

13 Rachel DeLaCruz, "Bracero Families: Mexican Women and Children in the United States 1942-1964," MA diss., (Old Dominion University, 2014), 47-71 https://www.academia.edu/8752462/BRACERO_FAMILIES_MEXICAN_WOMEN_AND_CHILDREN_IN_THE_UNITED_STATES_1942_64

emerged again to do the grueling agricultural labor, whose children were not protected from working in the fields.

This dynamic continues today. Over 90% of farmworkers in the United States are persons of color—roughly 83% of farmworkers are Hispanic, 7% are Haitian, 6% are Indigenous, and 3% are African American.¹⁴ There is no reliable data on the ethnicity of child farmworkers. The Department of Labor’s statistics explicitly exclude children under 16 in the Bureau of Labor Statistics, and under 14 in the National Agricultural Workers Survey.¹⁵ The FLSA remains the primary federal law governing the employment of children, and the same exemptions exist that allow the continued exploitation of children, mostly children of color, as an underclass of society on farms across America. Conditions in states vary, depending on the strength and enforcement of state laws, but the same incentives exist for employers to hire children, and they will continue to do so until the law changes and prohibits them from doing so.

14 U.S. Department of Labor, “Findings from the National Agricultural Workers Survey (NAWS) 2015-2016, A Demographic and Employment Profile of United States Farmworkers,” (January 2018), https://wdr.doleta.gov/research/FullText_Documents/ETAOP_2019-01_NAWS_Research_Report_13.pdf. Statistics likely overlap some because 24% of farmworkers self-identified as white, although the survey did not distinguish between Hispanic and non-Hispanic whites. The “Black or African American” number is likely a significant undercount given 24% of Latinos in the United States are Afro-Latino. See Gustavo Lopez & Ana Gonzalez-Barrera, “Afro-Latino: A deeply rooted identity among U.S. Hispanics,” Pew Research Center, March 1, 2016, <https://www.pewresearch.org/fact-tank/2016/03/01/afro-latino-a-deeply-rooted-identity-among-u-s-hispanics/>. Additionally researchers with the Association of Farmworker Opportunity Programs estimate that 7% of farmworkers in the United States are Haitian. See Association of Farmworker Opportunity Programs, “Haitians in U.S. Agriculture,” (February 2017), <https://afophs.wordpress.com/2017/02/23/haitians-in-u-s-agriculture/>.

15 Zama Coursen-Neff, “Fields of Peril, Child Labor in US Agriculture”, Human Rights Watch, May 5, 2010, https://www.hrw.org/report/2010/05/05/fields-peril/child-labor-us-agriculture#_ftnref366

Current Federal Child Labor Laws Underprotect Child Farmworkers

The standard minimum age for non-agricultural employment is 16, and under the FLSA, youth under age 18 may not work in any occupation “particularly hazardous for the employment of children...or detrimental to their health or well-being.” Yet exemptions for agriculture allow children to work at age 12 and to perform hazardous work at age 16. The Secretary of Labor may permit employing children aged 14-16 in work that is not “oppressive,” that does not interfere with schooling, and is not detrimental to their health,¹⁶ but further agricultural exemptions with parental consent allow children to start working at younger ages in more hazardous environments. The Secretary of Labor may also issue Hazardous Occupation Orders, deeming certain work activities too dangerous for youth below a certain age. However, attempts to update these hazardous regulations failed during the Obama administration, ignoring recommendations from the National Institute for Occupational Safety, and leaving thousands of farmworker children vulnerable to performing farm tasks that are dangerous.

Agricultural work, of course, looked very different when the FLSA was enacted, but subsequent amendments did not keep pace with agricultural advancements. While modern machinery and the use of agrochemicals increased production on American farms, they also heightened the risks that farmworkers and farmworker children face.

Regulators discovered early on that it was difficult to enforce and verify compliance within industrial housework, and that often remains the case for agricultural workers,

16 The Fair Labor Standards Act of 1938, 29 U.S.C. § 203

Federal Child Labor Protections for Agricultural and Nonagricultural Employment, Compared

	Non-Agricultural Employment	Agricultural Employment
Minimum age for hazardous work at any time	18 years or older	16 years or older
Hours per school day	14- and 15-year olds are limited to working 3 hours on a school day and 8 hours on a non-school day (with certain other restrictions)	14- and 15-year olds may do non-hazardous work anytime outside of school hours without hour limits
		If they have parental consent, 12- and 13- year olds may do non-hazardous work anytime outside of school hours without hour limits
		Youth under age 12 may do non-hazardous work anytime outside of school hours on family farms exempt from minimum wage requirements with parental consent
Minimum Age for Work	14 (with certain exemptions)	No minimum age for working on a family-owned or operated farm, or farms that are exempt from federal minimum wage provisions



Gerald Mayer, "Child Labor in America: History, Policy, and Legislative Issues," U.S. Congressional Research Service, RL31501, November 18, 2013, <https://sgp.fas.org/crs/misc/RL31501.pdf>

especially impoverished child migrant workers. State by state enforcement varies. Recent budget cuts to OSHA led to decades-high levels of workplace fatalities, decades-low workplace inspection rates,¹⁷ and overall reduction in compliance and safety officers.¹⁸

For several years, U.S. Congresswoman Lucille Roybal-Allard has introduced and led efforts to pass The Children’s Act for Responsible Employment and Farm Safety [The CARE Act], which would close agricultural loopholes in the FLSA and increase protections for child farmworkers. This bill would raise the minimum age for agricultural child work, limit their working hours, and increase penalties for employers who violate the law. In the absence of federal action, our research shows that states have a vital role to play to protect child farmworkers.



17 Ted Knutson, “Worker Dangers Up As Trump OSHA Cuts Come Home to Roost, Say AFL-CIO Exec, Ex-DOL Official,” *Forbes*, August 1, 2020, <https://www.forbes.com/sites/tedknutson/2020/04/01/worker-dangers-up-as-trump-osha-cuts-come-home-to-roost-say-afl-cio-exec-ex-dol-official/?sh=53014ccc8bf5>

18 National Safety Council, “House passes budget bills that include OSHA, MSHA and NIOSH funding,” *Safety+Health Magazine*, August 6, 2021, <https://www.safetyandhealthmagazine.com/articles/21553-house-passes-budget-bills-that-include-osha-msha-and-niosh-funding>

The Vast Majority of Child Farmworkers Today are Children of Color

As of 2014, more than 719,000 youth under age 20 were working on farms across the United States, as either hired workers or on farms owned by their parents.¹⁹ Current estimates range from hundreds of thousands²⁰ to half a million.²¹ However, reported estimates may undercount children hired by contractors or subcontractors, working off the books, or working for their parents on family-owned farms. Additionally, many immigrant parents and children may not wish to be identified.²² A lack of up-to-date and reliable data make it difficult to assess the total numbers of child farmworkers accurately.

The largest numbers of migrant farmworkers work in California, Texas, Washington, Florida, and North Carolina.²³ Sixty-nine percent come

from Mexico, and 83% identify as members of a Hispanic group.²⁴ Language may also present a barrier to accessing safety and services. More than three-fourths reported that Spanish is the language they are most comfortable speaking, and 30% cannot speak English at all.²⁵ Many speak neither English nor Spanish.²⁶ The average level of education completed is eighth grade.²⁷

Farm work is one of the most dangerous jobs — with a higher fatality rate than police officers²⁸ and military personnel²⁹ — but lowest paid, failing to equitably compensate farmworkers for the high risks they take. According to the most recent National Agricultural Workers Survey, the average individual farmworker income is between \$20,000 and \$24,999, and 21% of farmworkers have family incomes below the poverty level.³⁰ Extreme poverty

19 The National Institute for Occupational Safety and Health, Centers for Disease Control and Prevention, “Childhood Agricultural Injury Survey (CAIS) Results, 2014,” <https://www.cdc.gov/niosh/topics/childag/cais/default.html>

20 Center for Farmworker Families, “Get Informed,” accessed September 23, 2021, <https://farmworkerfamily.org/information>

21 Association of Farmworker Opportunity Programs, “Children in the Fields Campaign,” accessed September 23, 2021, <https://afop.org/cif/#table23>; Karen Coates & Valeria Fernandez, “The Young Hands That Feed Us,” Pacific Standard, July 9, 2019, <https://psmag.com/social-justice/the-young-hands-that-feed-us>; National Center for Farmworker Health, “Maternal & Child Health Fact Sheet,” accessed September 23, 2021, http://www.ncfh.org/uploads/3/8/6/8/38685499/fs-maternal_and_child_health_2018.pdf

22 Elizabeth Grossman, “Children Are Harvesting Your Food. Are They Safe?” Civil Eats, May 13, 2015, <https://civileats.com/2015/05/13/children-are-harvesting-your-food-are-they-safe/>

23 Teresa Wiltz, “States Struggle to Provide Housing for Migrant Farmworkers,” Pew, May 2, 2016, <https://www.pewtrusts.org/en/research-and-analysis/blogs/stateline/2016/05/02/struggle-to-provide-housing-for-migrant-farmworkers>

24 U.S. Department of Labor, “Findings from the National Agricultural Workers Survey (NAWS), 2017-2018: A Demographic and Employment Profile of United States Farmworkers,” <https://www.dol.gov/sites/dolgov/files/ETA/naws/pdfs/NAWS%20Research%20Report%2014.pdf>

25 National Center for Farmworker Health, “Facts About Agricultural Workers,” accessed September 23, 2021, <http://www.ncfh.org/facts-about-agricultural-workers.html>

26 Richard Mines, Sandra Nichols, and David Runsten, “Indigenous Mexicans in California Agriculture: Indigenous Languages,” Indigenous Farmworker Study, accessed September 30, 2021, http://www.indigenousfarmworkers.org/indigenous_languages.shtml

27 National Center for Farmworker Health, “Facts About Agricultural Workers,” accessed September 23, 2021, <http://www.ncfh.org/facts-about-agricultural-workers.html>

28 Industrial Safety and Hygiene News, “Top 25 most dangerous jobs in the United States,” Nov. 5, 2020, <https://www.ishn.com/articles/112748-top-25-most-dangerous-jobs-in-the-united-states>

29 U.S. Department of Labor, Bureau of Labor Statistics, National Census of Fatal Occupational Injuries in 2019, Dec. 16, 2020, <https://www.bls.gov/news.release/pdf/cfoi.pdf>

30 U.S. Department of Labor, “Findings from the National Agricultural Workers Survey (NAWS), 2017-2018: A Demographic and Employment Profile of United States Farmworkers,” <https://www.dol.gov/sites/dolgov/files/ETA/naws/pdfs/NAWS%20Research%20Report%2014.pdf>

Demographics of Farmworker Youth

Type of Child Farmworker	Household	453,978	63.1%
	Hired	265,604	36.9%
Region	Northeast	60,714	8.4%
	Midwest	308,315	42.8%
	South	217,366	30.2%
	West	133,185	18.5%
Gender	Male	468,226	65.1%
	Female	240,962	33.5%
	Unknown	10,394	1.4%
Age	18-19 years old	171,112	23.8%
	16-17 years old	194,750	27.1%
	10-15 years old	248,823	34.6%
	Under 10 years old	80,106	11.1%
	Unknown	24,791	3.4%

Statistics from The National Institute for Occupational Safety and Health, Centers for Disease Control and Prevention, "Childhood Agricultural Injury Survey (CAIS) Results, 2014," <https://www.cdc.gov/niosh/topics/childag/cais/default.html>.



and low family incomes force children to work for longer hours starting at earlier ages to help support the family. In an industry at the mercy of bad weather, drought, and natural disasters, and especially where farmworkers are paid by the piece, families are incentivized to bring to work as many children as they can, because the more they harvest, the more they earn. Even where farmworker children do not work, they may still be present in the field, exposed to the same dangers as their parents and siblings.

While employers are subject to federal child labor laws if they engage in interstate commerce or earn more than \$500,000 per year,³¹ numerous exemptions treat child agricultural workers differently, and allow them to work at earlier ages, for longer hours, under more hazardous conditions. When school is out of session, children as young as twelve years old may legally work for unlimited hours on farms with parental permission. There is no minimum age to work on family farms or small farms.

Nevertheless, farm and farm labor companies have long been cited for child labor violations, from strawberry farms in Washington State³² to blueberry farms in Michigan, including suppliers to major supermarket chains Kroeger, Meijer, and Walmart.³³ Because of these exemptions and subsequent violations,

31 U.S. Department of Labor, “State Labor Laws,” accessed September 23, 2021, <https://www.dol.gov/general/topic/youthlabor/statelaborlaws>

32 Avni Patel, “Who’s Picking Your Berries? Feds Find Young Children on Strawberry Farms,” ABC News, August 11, 2011, <https://abcnews.go.com/Blotter/feds-find-young-children-working-strawberry-farms/story?id=14281166>

33 Avni Patel, Angela M. Hill, Asa Eslocker, & Brian Ross, “ABC News Investigation: The Blueberry Children,” ABC News, October 29, 2009, <https://abcnews.go.com/Blotter/young-children-working-blueberry-fields-walmart-severalties/story?id=8951044>

it is difficult to know to what extent food sold in grocery stores across America is the work of children, whether a 12-year-old harvesting fruits and vegetables in New York, a 9-year-old picking beans in Oregon, or a 10-year-old working on coffee plantations in Hawaii.³⁴

Children in migrant farmworker families face significant barriers to education. Seasonal migration patterns force children to start and stop schools across different states throughout the school year. In one year, farmworker children may be forced to attend up to four schools that operate on different course schedules and credit systems.³⁵ Lack of affordable housing and regulations around migrant farmworker housing may cause additional family disruption and relocation.³⁶ When children can attend school, they often must travel long distances. If they make it into the classroom, they may struggle to stay awake after working throughout the weekend.³⁷ Fatigue, illness, and work-related injuries negatively impact their development and education. Migrant students interviewed report facing racism and xenophobia from teachers and fellow students.³⁸

As they spend more time working and commuting to school, students lose time to study and rest and are pressured to drop out to support their families. This unsurprisingly leads to social isolation and poor educational outcomes. This further leads to a 45%-60% high school dropout rate,³⁹ and according to the Center for Farmworker Families, a high school graduation rate of only 10%.⁴⁰ These barriers to education produce generations of children with uncertain futures.

34 U.S. Department of Labor, “State Child Labor Laws Applicable to Agricultural Employment,” accessed September 23, 2021, <https://www.dol.gov/agencies/whd/state/child-labor/agriculture>

35 Center for Farmworker Families, “Get Informed,” accessed September 23, 2021, <https://farmworkerfamily.org/information>

36 Aggie Ebrahimi Bazaz, “Missing school is a given for children of migrant farmworkers,” *The Conversation*, April 26, 2019, <https://theconversation.com/missing-school-is-a-given-for-children-of-migrant-farmworkers-100793>

37 Student Action with Farmworkers and Wake Forest School of Medicine Center for Worker Health, “Hired Latinx Child Farmworkers: EDUCATIONAL EXPERIENCE AND CHALLENGES” infographic, accessed September 23, 2021, https://saf-unite.org/resources/_child-labor-research-study-2/

38 Ibid.

39 Nadra Nittle, “For Children of Migrant Farmworkers, High School Graduation Takes a Village,” *Civil Eats*, July 9, 2019, <https://civileats.com/2019/07/09/for-children-of-migrant-farmworkers-high-school-graduation-takes-a-village/>

40 Center for Farmworker Families, “Get Informed,” accessed September 23, 2021, <https://farmworkerfamily.org/information>

Farmwork is Dangerous, Especially for Children

Agriculture is the most dangerous sector in which youth are allowed to work.⁴¹ Child farmworkers are exposed to many hazards on the job, including chemicals and pesticides, confined spaces, electrocution, environmental hazards, falls, organic dust, machinery, tractors, and being struck by equipment.⁴² The Department of Labor lists hazardous occupations and restrictions for youth under 18, but youth in agriculture may do these jobs at age 16 and sometimes even younger with certain exemptions. These jobs include driving tractors⁴³ and ATVs,⁴⁴ and operating chainsaws and other high-risk equipment,⁴⁵ often unsupervised and without adequate training. Political pressure from farm lobbyists impedes the Department of Labor from updating its list of hazardous agricultural jobs.

While these are risks for all farmworkers, children are more vulnerable to significant

injury because their bodies are still growing and developing, and they are often less aware of these risks. Pesticide exposure may lead to cancer, nervous system disorders, and infertility or sterility.⁴⁶ Children's bodies are also disproportionately exposed to pesticides compared to adults, because pesticide laws based on toxicity are written to protect adults' bodies, not children's bodies that have a higher surface to body mass ratio, and that are still developing.⁴⁷

“You could see the spray coming at you...but we kept on working. The next day I didn't feel so good...I wouldn't feel comfortable talking about pesticides to the owner or supervisor because they'll see you as nagging. They just really want you to work.” -- Child Farmworker, North Carolina⁴⁸

Heavy lifting and repetitive standing and bending impact a child's growing body disproportionately, leaving children more vulnerable than adults to muscle and joint problems and musculoskeletal injuries and disorders, including bursitis, tendonitis, carpal tunnel syndrome, and back problems, which may affect them throughout their lives.⁴⁹ And especially at a young age, children are more vulnerable to heat exhaustion when they are less able to recognize these conditions

41 Reid Maki, “Agriculture: Other types of farm work--Harvesting crops and using machinery,” The Child Labor Coalition, June 2, 2016, <https://stopchildlabor.org/agriculture-other-types-of-farm-work-harvesting-crops-and-using-machinery/>

42 Occupational Safety and Health Administration, U.S. Department of Labor, “Youth in Agriculture eTool,” accessed September 23, 2021, <https://www.osha.gov/etools/youth-agriculture>

43 Childhood Agricultural Safety Network, Bury a Tradition Poster, accessed September 23, 2021, <https://www.marshfieldresearch.org/Media/Default/NFMC/National%20Childrens%20Center/PDFs/CASN/BuryATradition.pdf>

44 Childhood Agricultural Safety Network, ATV Poster, accessed September 23, 2021, <https://www.marshfieldresearch.org/Media/Default/NFMC/National%20Childrens%20Center/PDFs/CASN/CASN-ATV-Poster-7-10.1.pdf>

45 U.S. Department of Labor, “Prohibited Occupations Agricultural Employees,” accessed September 23, 2021, <https://webapps.dol.gov/elaws/whd/flsa/docs/hazag.asp>

46 Farmworker Advocacy Network, “Child Labor Facts,” accessed September 23, 2021, <https://ncfan.org/resources/child-labor-facts/>

47 Phillip J. Landrigan and Joy E. Carlson, “Environmental policy and children's health,” *The Future of Children*, 5 2 (1995): 34-52 <https://www.semanticscholar.org/paper/Environmental-policy-and-children%27s-health.-Landrigan-Carlson/6d136fbbc3218b764d4388b8e86c3cb93dd6c10f?p2df>

48 Beyond Pesticides, “New Film Reveals Child Farmworkers' Exposure to Pesticides,” October 3, 2011, <https://beyondpesticides.org/dailynewsblog/2011/10/new-film-reveals-child-farmworkers-exposure-to-pesticides/>

49 Thomas A. Arcury and Sara A. Quandt, *Latinx Farmworkers in the Eastern United States: Health, Safety, and Justice* (Springer: 2020) Farmworker Advocacy Network

as they occur. While children under age 16 are prohibited from performing explicitly hazardous jobs, the work they do daily poses long-term and significant health and safety risks. The U.S. Department of Labor has not comprehensively updated its agricultural Hazardous Occupations Orders for more than four decades. And without reliable data, it is difficult to verify compliance with even these limited restrictions.

Tobacco fields pose additional unique risks,⁵⁰ where merely handling the crop is a health hazard.⁵¹ Interviews conducted by researchers at Wake Forest University found that 16- and 17-year-olds working in tobacco fields in North Carolina, Kentucky, Tennessee, and Virginia reported experiencing sickness and pain while tending to or harvesting leaves, and symptoms of acute nicotine poisoning such as nausea, vomiting, headaches, and dizziness.⁵²

“This painful stomach ache hit me. It was so strong that I was crying at night...And I started puking. I think I threw up three or four times that day. It was so painful.” -- Child Farmworker, North Carolina⁵³

50 Reid Maki, “Tobacco harvester - A five-most-dangerous job for teens,” The Child Labor Coalition, June 2, 2016, <https://stopchildlabor.org/tobacco-harvester-a-five-most-dangerous-job-for-teens/>

51 Occupational Safety & Health Administration, U.S. Department of Labor, “Green Tobacco Sickness,” accessed September 23, 2021, <https://www.osha.gov/green-tobacco-sickness>

52 Margaret Wurth and Jane Buchanan, “Teens of the Tobacco Fields,” Human Rights Watch, December 9, 2015, <https://www.hrw.org/report/2015/12/09/teens-tobacco-fields/child-labor-united-states-tobacco-farming#>

53 Madeline Buiano, “A Push to Equalize Labor Laws for Child Farmworkers, Who Are Often Immigrants,” The Center for Public Integrity, July 3, 2019, <https://publicintegrity.org/in-equality-poverty-opportunity/immigration/immigration-employment/child-farmworkers-labor-laws/>

Children as young as 13 have exhibited symptoms associated with acute nicotine poisoning, including “nausea, vomiting, loss of appetite, headaches, dizziness, skin rashes, difficulty breathing, and irritation to their eyes and mouths”, after handling tobacco plants and absorbing the chemical directly through their skin.⁵⁴



54 Human Rights Watch, “Tobacco’s Hidden Children: Hazardous Child Labor in United States Tobacco Farming,” May 2014, p. 3, 6 https://www.hrw.org/reports/CRD_Tobacco_brochure_spreads.pdf

Examples of Child Farmworker Deaths, 2000–2021*

State	Cause of Death	Age
Iowa	ATV overturned	8
Kentucky	Tractor overturned	16
Michigan	Run over by a skid-steer loader	6
Minnesota	Tractor overturned	10
Minnesota	Run over by a grass seeder	13
Minnesota	Tractor overturned	12
Missouri	Tractor overturned into a drainage ditch	11
Nebraska	Engulfed by corn inside a grain bin	15
New York	Caught in a silage defacer	18
Ohio	Trapped in a hay baler that caught fire	17
Washington	Asphyxiation in an agricultural silo	16
Wisconsin	Pinned underneath a tractor	11



* The National Institute of Occupational Safety and Health, Centers for Disease Control and Prevention, “Childhood Agricultural Fatality Assessment and Control Evaluation (FACE) Investigation Reports,” accessed September 23, 2021, <https://www.cdc.gov/niosh/topics/childdag/ChildAgFACErpts.html>

A more comprehensive list may be found in our appendix. Open-source research of news articles, government agency investigations, and other publicly available reports identified at least one child in 49 states who was killed in a farm-related accident since 2000. Children’s ages ranged from 2 years old to 17 years old. Deaths caused by tractors and ATVs are included as farm related, because although they are driven for various purposes, they are commonly used in farm work, and experts explain that they represent a high risk of death and serious injury to farmworker youth. These are provided as examples and do not include all child farm-related deaths over this period, which happen once every three days nationwide.

Farm Work Regularly Injures and Kills Children

Every day, 33 children are injured on U.S. farms.⁵⁵ In 2014, working youth had more than 4,000 work-related injuries. Over six years of surveys, there were more than 34,000 work-related injuries to working youth, 10.6% of whom were children under age 10, and more than half of whom were under age 16. These injuries include cuts and bruises to stabs and burns, and traumatic brain injury, dislocation, and amputation.⁵⁶

While the overall numbers of farm injuries are declining, injuries to youth on their parents' farms have held steady. Approximately 60% of youth agricultural injuries are to children who are not working at the time.⁵⁷ Almost three-fourths of those injuries are to working household youth.⁵⁸

More child workers in the U.S. die in agricultural work than any other industry. A child dies in an agriculture-related incident

approximately every 3 days.⁵⁹ Transportation incidents were the most common cause of fatal injury, primarily with tractors, especially those that are outdated and without rollover protection,⁶⁰ and ATV/UTVs.⁶¹ Although only 6% of child workers are employed on farms, more than half of child work-related deaths are in agriculture.⁶²



55 Margaret Wurth, "Children Working in Terrifying Conditions in US Agriculture," Human Rights Watch, November 13, 2019, <https://www.hrw.org/news/2019/11/13/children-working-terrifying-conditions-us-agriculture>

56 The National Institute of Occupational Safety and Health, Centers for Disease Control and Prevention, "National estimates of work-related injuries to working youth (< 20 years) on US farms by injury characteristics, 2001, 2004, 2006, 2009, 2012, 2014 (all years combined)," accessed September 23, 2021, <https://www.cdc.gov/niosh/topics/childag/cais/pdfs/I-27-508.pdf>

57 National Children's Center for Rural and Agricultural Health and Safety, Marshfield Clinic Research Institute, "Childhood Agriculture Injuries 2020 Fact Sheet," <https://marshfieldresearch.org/Media/Default/NFMC/PDFs/ChildAg-InjuryFactsheet2020.pdf>

58 The National Institute of Occupational Safety and Health, Centers for Disease Control and Prevention, "National estimates of work-related injuries to working youth (< 20 years) in US farms by type of youth," accessed September 23, 2021, <https://www.cdc.gov/niosh/topics/childag/cais/pdfs/I-8-508.pdf>

59 National Children's Center for Rural and Agricultural Health and Safety, Marshfield Clinic Research Institute, "Childhood Agriculture Injuries 2020 Fact Sheet," <https://marshfieldresearch.org/Media/Default/NFMC/PDFs/ChildAg-InjuryFactsheet2020.pdf>

60 Gretchen Brown, "Farming Remains One of the Most Dangerous Jobs in America," Wisconsin Public Radio, April 25, 2017, <https://www.wpr.org/farming-remains-one-most-dangerous-jobs-america>

61 National Children's Center for Rural and Agricultural Health and Safety, Marshfield Clinic Research Institute, "Childhood Agriculture Injuries 2020 Fact Sheet," <https://marshfieldresearch.org/Media/Default/NFMC/PDFs/ChildAg-InjuryFactsheet2020.pdf>

62 Margaret Wurth, "More US Child Workers Die in Agriculture Than in Any Other Industry," Human Rights Watch, December 4, 2018, <https://www.hrw.org/news/2018/12/04/more-us-child-workers-die-agriculture-any-other-industry>.

Our Findings: State Child Labor Laws

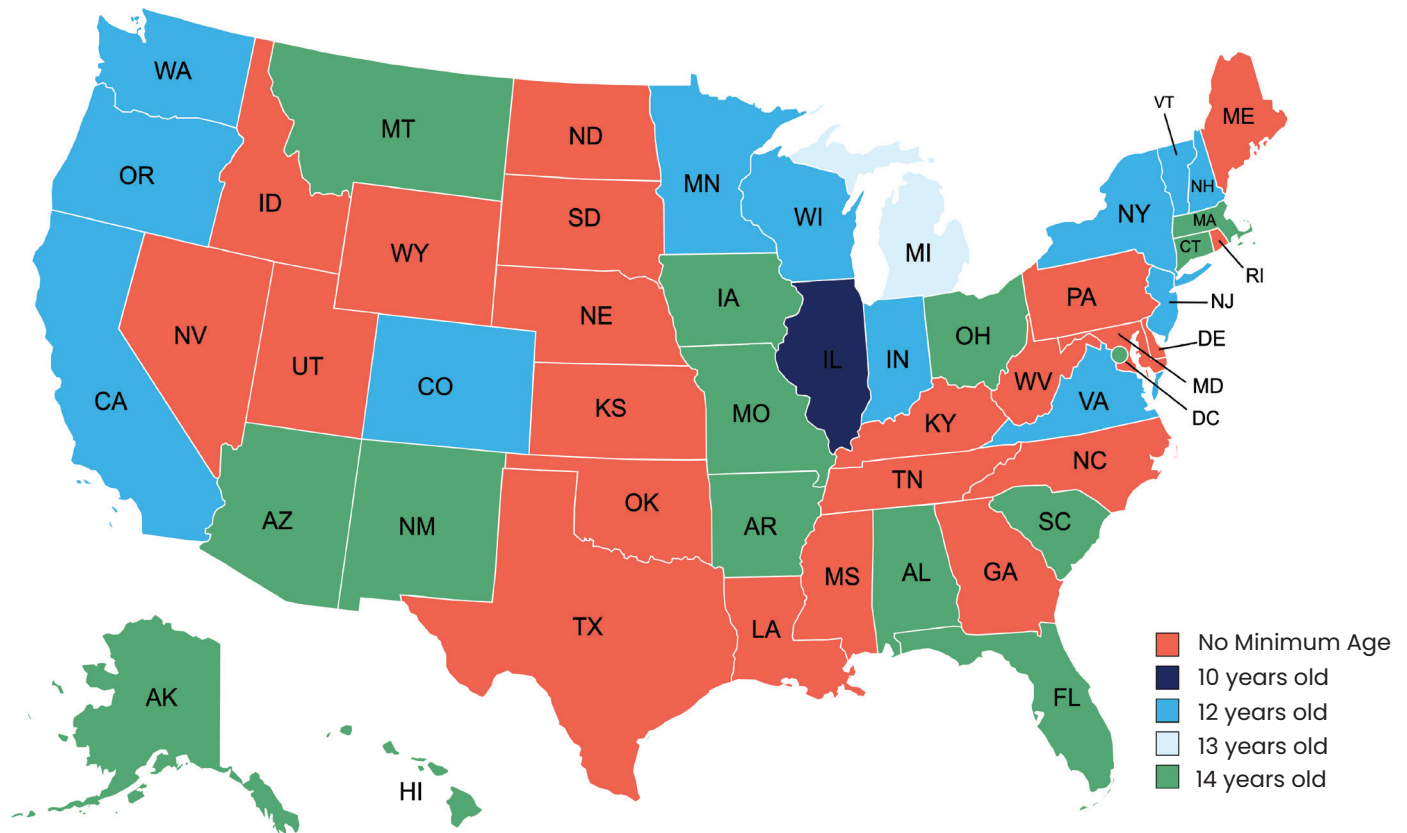
The following is a summary of our findings after surveying the laws of the 50 states, the District of Columbia, and Puerto Rico. Detailed findings for each state, including citations to where these provisions may be found in state law and hyperlinks to public versions of those laws, are available in the appendix.

The information provided in this report does not, and is not intended to, constitute legal advice.

1. Minimum Age to Perform Agricultural Work

Federal law allows 12-year-olds to work full-time as child farmworkers, but any age to work part-time.⁶³ States can increase those protections, but 22 states chose to go no further than the federal requirement. Our research shows the following:

- Twenty-two states allow any age of child to be a child farmworker.
- One state, Illinois, sets a minimum age of 10-years old.
- Twelve states set a minimum age of 12-years-old.
- One state, Michigan, sets a minimum age of 13-years-old.
- Sixteen states set a minimum age of 14-years old.



63 29 U.S.C. § 213(a) available at <https://www.law.cornell.edu/uscode/text/29/213>.

**Table 1. The Minimum Age To Perform
Agricultural Work in the 50 states,
D.C., & Puerto Rico**

Alabama	14		Nebraska	None
Alaska	14		Nevada	None
Arizona	14		New Hampshire	12
Arkansas	14		New Jersey	12
California	12		New Mexico	14
Colorado	12		New York	12
Connecticut	14		North Carolina	None
Delaware	None		North Dakota	None
Florida	14		Ohio	14
Georgia	None		Oklahoma	None
Hawaii	14		Oregon	12
Idaho	None		Pennsylvania	None
Illinois	10		Rhode Island	None
Indiana	12		South Carolina	14
Iowa	14		South Dakota	None
Kansas	None		Tennessee	None
Kentucky	None		Texas	None
Louisiana	None		Utah	None
Maine	None		Vermont	12
Maryland	None		Virginia	12
Massachusetts	14		Washington	12
Michigan	13		West Virginia	None
Minnesota	12		Wisconsin	12
Mississippi	None		Wyoming	None
Missouri	14		District of Columbia	14
Montana	14		Puerto Rico	14

2. Maximum number of hours a child can work daily

All 52 jurisdictions have laws protecting children from work more than 8 hours a day. Still, half of jurisdictions (26) set no limit on the number of hours in a day a child farmworker under 16 can work in the fields (Delaware, District of Columbia, Georgia, Illinois, Indiana, Kansas, Kentucky, Louisiana, Maine, Maryland, Minnesota, Mississippi, Montana, Nevada, New Hampshire, New Jersey, North Carolina, North Dakota, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Virginia, Wyoming). Different states have different rules for different age groups and different times of year—for details on a particular state’s rules, please see the appendix entry for that state.

3. Maximum number of days per week that a child under 16 may work

Our research shows that most jurisdictions (36) allow children under 16 to work 7 days a week in the fields. The other 16 jurisdictions allow them to work 6 days a week.

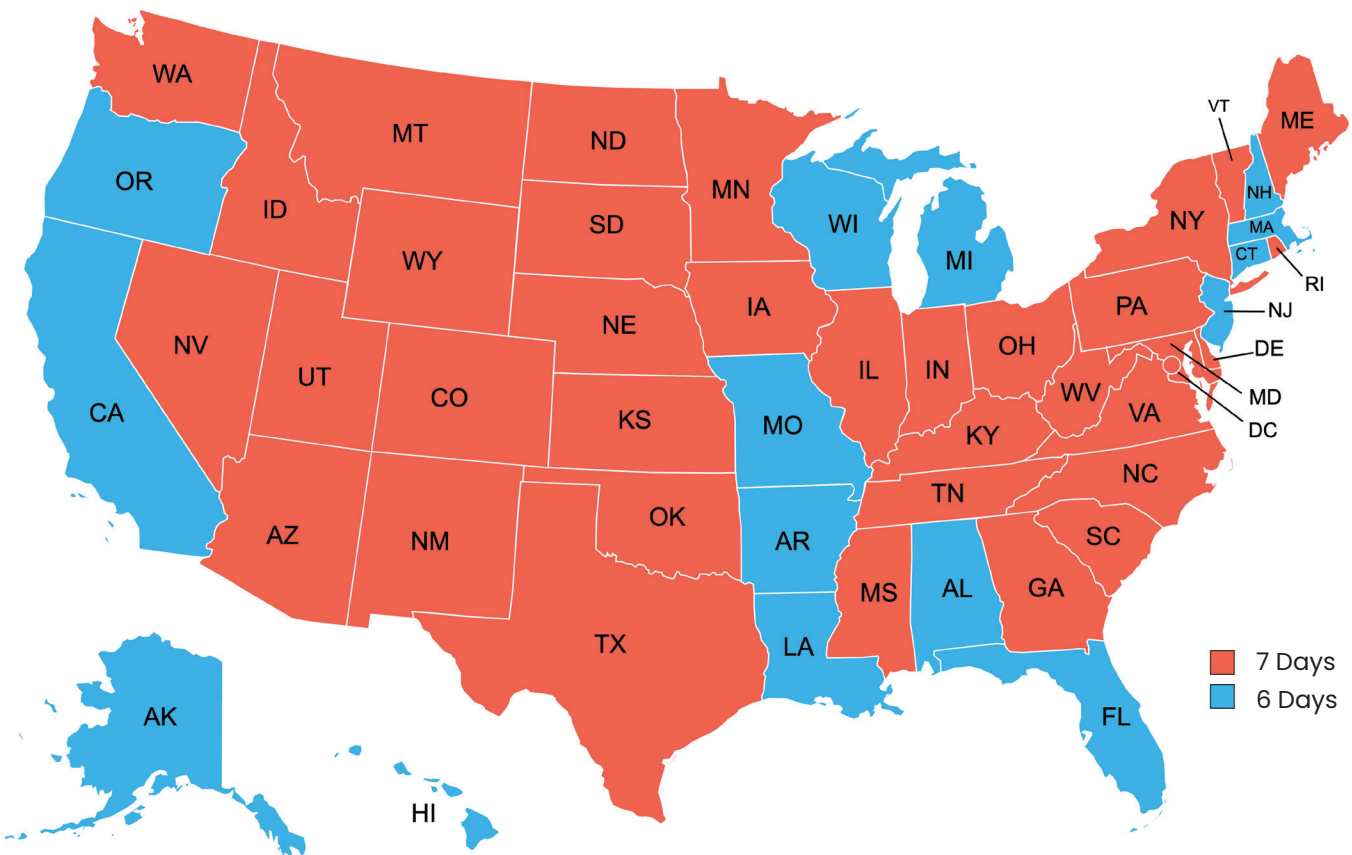


Table 2. Maximum Days a Week That a Child Under 16 May Work in the 50 states, D.C., & Puerto Rico

Alabama	6		Nebraska	7
Alaska	6		Nevada	7
Arizona	7		New Hampshire	6
Arkansas	6		New Jersey	6
California	6		New Mexico	7
Colorado	7		New York	7
Connecticut	6		North Carolina	7
Delaware	7		North Dakota	7
Florida	6		Ohio	7
Georgia	7		Oklahoma	7
Hawaii	6		Oregon	6
Idaho	7		Pennsylvania	7
Illinois	7		Rhode Island	7
Indiana	7		South Carolina	7
Iowa	7		South Dakota	7
Kansas	7		Tennessee	7
Kentucky	7		Texas	7
Louisiana	6		Utah	7
Maine	7		Vermont	7
Maryland	7		Virginia	7
Massachusetts	6		Washington	7
Michigan	6		West Virginia	7
Minnesota	7		Wisconsin	6
Mississippi	7		Wyoming	7
Missouri	6		District of Columbia	7
Montana	7		Puerto Rico	6

4. Prohibited Night Work

All 52 jurisdictions have laws protecting children from working in the middle of the night, but roughly half of jurisdictions (23) do not extend these protections to child farmworkers (Connecticut, Delaware, Georgia, Illinois, Indiana, Kansas, Louisiana, Maryland, Michigan, Mississippi, Nebraska, Nevada, New Jersey, North Carolina, North Dakota, Oklahoma, Rhode Island, Tennessee, Texas, Utah, Vermont, Virginia, West Virginia). Different states have different rules for different age groups and different times of year—for details on a particular state’s rules, please see the appendix entry for that state.

5. Monetary Fines for Violating Child Labor Laws

All jurisdictions have the ability to charge an employer a fine if they violate child labor laws, and all but one allow a fine for a first offense (Indiana gives a warning letter only). Additionally, five jurisdictions (Idaho, Kansas, Mississippi, Puerto Rico, West Virginia) have a warning fine of \$100 or less for the first offense. Different states have different rules for different infractions of violating child labor laws, and many give different fines based on whether the employer is a repeat offender or whether a child is injured due to the infraction. For details on a particular state’s rules, please see the appendix entry for that state.

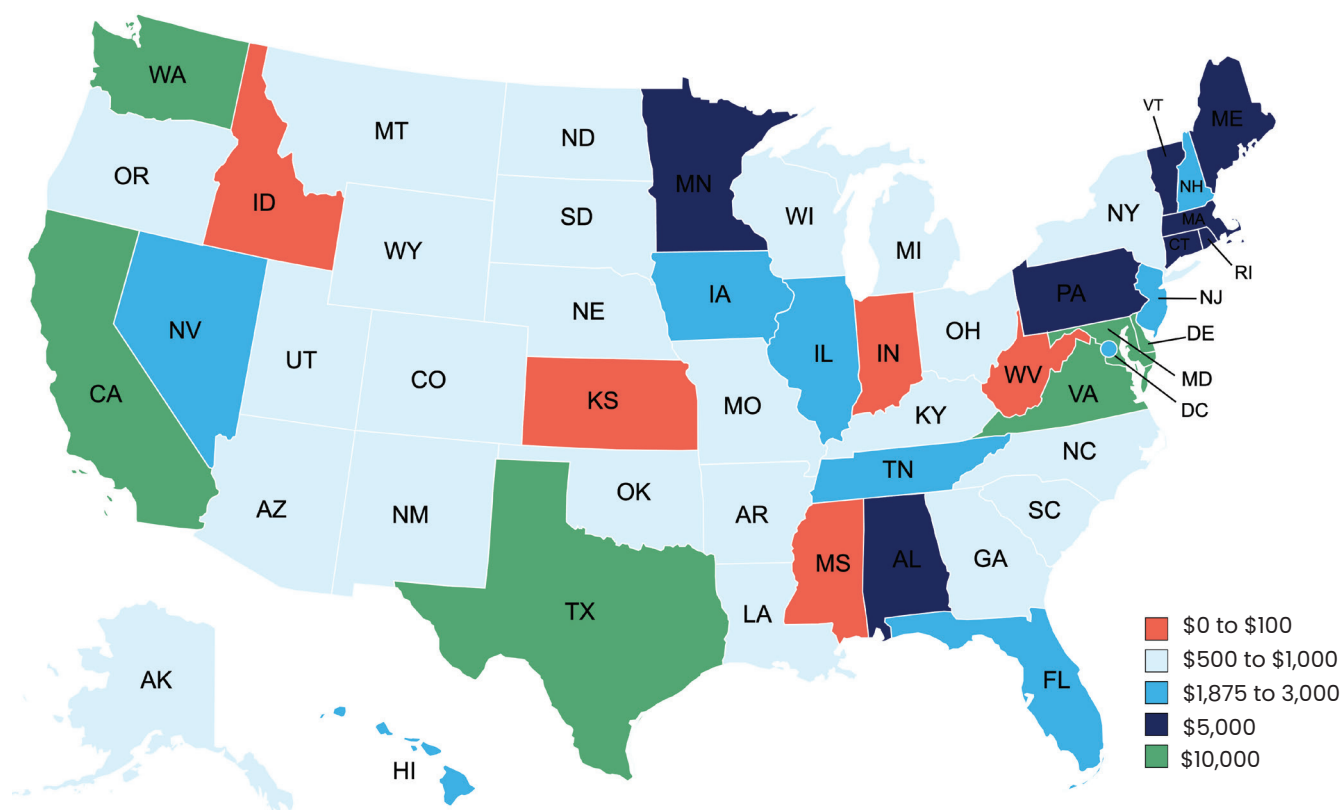


Table 3. Maximum Monetary Fine For Violating Child Labor Laws (1st Offense)

Alabama	\$5,000		Nebraska	\$1,000
Alaska	\$500		Nevada	\$2,500
Arizona	\$1,000		New Hampshire	\$2,500
Arkansas	\$1,000		New Jersey	\$2,000
California	\$10,000		New Mexico	\$500
Colorado	\$500		New York	\$1,000
Connecticut	\$5,000		North Carolina	\$500
Delaware	\$10,000		North Dakota	\$1,000
Florida	\$2,500		Ohio	\$500
Georgia	\$1,000		Oklahoma	\$500
Hawaii	\$2,000		Oregon	\$1,000
Idaho	\$50		Pennsylvania	\$5,000
Illinois	\$2,500		Rhode Island	\$5,000
Indiana	\$0		South Carolina	\$1,000
Iowa	\$1,875		South Dakota	\$500
Kansas	\$100		Tennessee	\$2,500
Kentucky	\$1,000		Texas	\$10,000
Louisiana	\$500		Utah	\$1,000
Maine	\$5,000		Vermont	\$5,000
Maryland	\$10,000		Virginia	\$10,000
Massachusetts	\$5,000		Washington	\$10,000
Michigan	\$500		West Virginia	\$100
Minnesota	\$5,000		Wisconsin	\$1,000
Mississippi	\$100		Wyoming	\$750
Missouri	\$1,000		District of Columbia	\$3,000
Montana	\$500		Puerto Rico	\$100

6. Criminal penalties for violating child labor laws

Most jurisdictions (36) make it a crime to violate child labor laws, however 16 jurisdictions do not. Two jurisdictions make it a felony for the first offense. Different states have different rules for different infractions of violating child labor laws and may make them different crimes based on whether the employer is a repeat offender or whether a child is injured as a result of the infraction. For details on a particular state's rules, please see the appendix entry for that state.

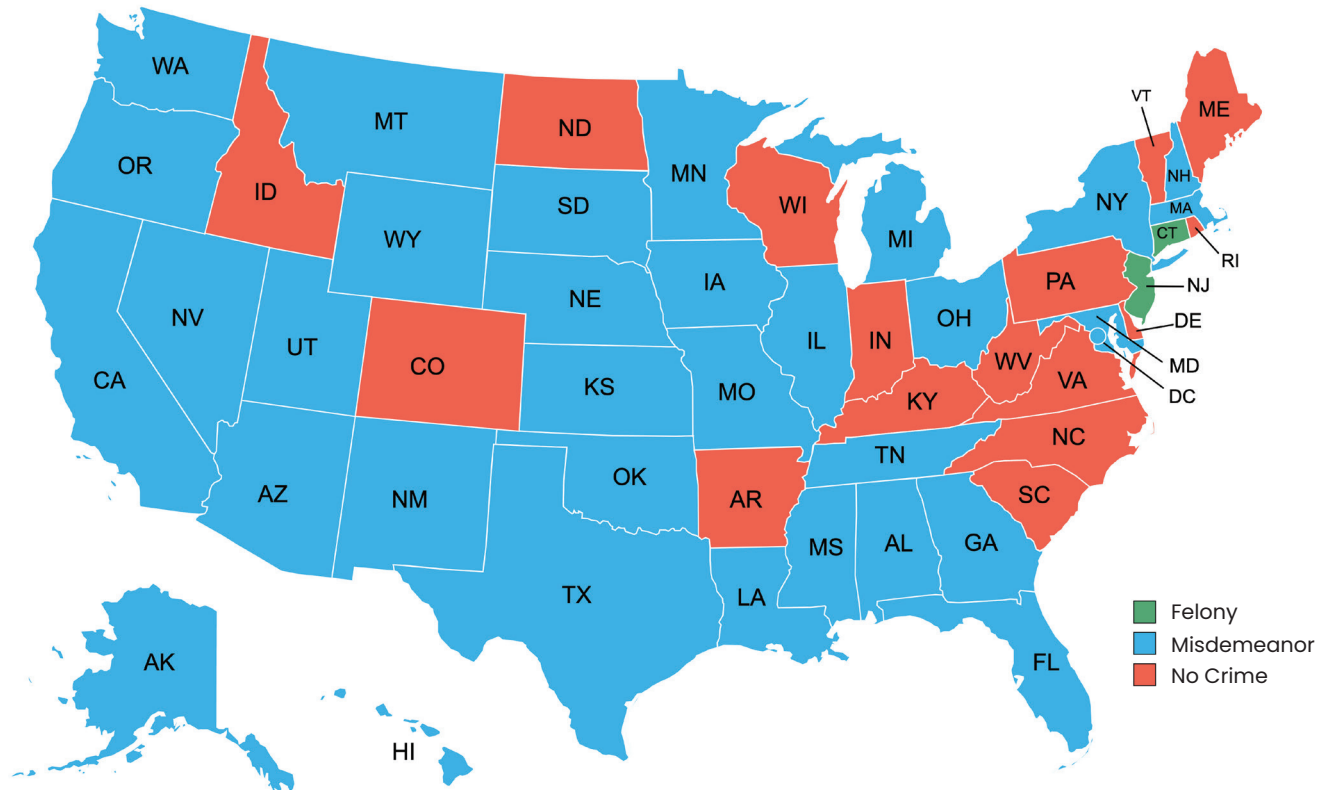


Table 4. Level of Crime Fine For Violating Child Labor Laws (1st offense; assuming no injury)*

Alabama	Misdemeanor	Nebraska	Misdemeanor
Alaska	Misdemeanor	Nevada	Misdemeanor
Arizona	Misdemeanor	New Hampshire	Misdemeanor
Arkansas	Not a child labor crime	New Jersey	Felony
California	Misdemeanor	New Mexico	Misdemeanor
Colorado	Not a child labor crime	New York	Misdemeanor
Connecticut	Felony	North Carolina	Not a child labor crime
Delaware	Not a child labor crime	North Dakota	Not a child labor crime
Florida	Misdemeanor	Ohio	Misdemeanor
Georgia	Misdemeanor	Oklahoma	Misdemeanor
Hawaii	Misdemeanor	Oregon	Misdemeanor
Idaho	Not a child labor crime	Pennsylvania	Not a child labor crime
Illinois	Misdemeanor	Rhode Island	Not a child labor crime
Indiana	Not a child labor crime	South Carolina	Not a child labor crime
Iowa	Misdemeanor	South Dakota	Misdemeanor
Kansas	Misdemeanor	Tennessee	Misdemeanor
Kentucky	Not a child labor crime	Texas	Misdemeanor
Louisiana	Misdemeanor	Utah	Misdemeanor
Maine	Not a child labor crime	Vermont	Not a child labor crime
Maryland	Misdemeanor	Virginia	Not a child labor crime
Massachusetts	Misdemeanor	Washington	Misdemeanor
Michigan	Misdemeanor	West Virginia	Not a child labor crime
Minnesota	Misdemeanor	Wisconsin	Not a child labor crime
Mississippi	Misdemeanor	Wyoming	Misdemeanor
Missouri	Misdemeanor	District of Columbia	Misdemeanor

* Please note that while some states may not make violating child labor laws a crime, they may make related offenses a crime, such as contributing to the delinquency of a minor. Please also note that many states have different types of misdemeanors and felonies. This table defines misdemeanor as a crime with a maximum penalty of less than a year behind bars, and a felony as a crime with a maximum penalty of more than a year behind bars. For details on a particular state, please see the appendix entry for that state.

Model Policy

The following model policy is based on the federal Children’s Act for Responsible Employment and Farm Safety (CARE Act), which is endorsed by at least 185 organizations, including several of America’s largest labor unions, child advocacy groups, farmworker support organizations, and civil rights groups, including the organizational authors of this report Lawyers for Good Government, the Child Labor Coalition, and the National Consumers League.⁶⁴ The model policy below incorporates additional provisions based on best practice recommendations from other organizations, and consultation with leading child labor experts.⁶⁵

Section 1. Definitions.

1. “Oppressive agricultural child labor” means agricultural employment where:
 - a. Any employee who is 16 or 17 years of age is employed in any occupation that involves performing a hazardous agricultural activity, or that is otherwise particularly hazardous for the employment of children between such ages or detrimental to their health or well-being;
 - b. Any employee who is 14 or 15 years of age is employed by an employer, unless the employment is confined to periods which will not interfere with the schooling of the employee, and that the conditions of employment will not interfere with the health and well-being of the employee; or
 - c. Any employee who is under 14 years of age is employed by an employer.
2. The provisions of subsection (1) shall not apply to any employee under:
 - a. 18 years of age who is employed in agriculture by his or her parent, or by a person standing in the place of the parents, on a farm owned by the parent or person; and
 - b. 16 years of age who is employed by his or her parent, or by a person standing in the place of the parent, in employment of a child 16 or 17 years of age or detrimental to their health or well-being.
3. “Hazardous agricultural activity” means:
 - a. Any agricultural activity performed by any employee, that creates a substantial risk of serious injury or serious illness to any person, including but not limited to:
 - i. Operating an all-terrain vehicle (ATV) or similar off-road vehicles;
 - ii. Operating a tractor, forklift, or other heavy equipment;
 - iii. Handling any part of a tobacco plant; and
 - iv. Any task that requires:

⁶⁴ Reid Maki, “185 Organizations Endorse Legislation (CARE Act) to Close Child Labor Loopholes that Endanger the Health, Safety and Educational Development of Farmworker Children,” The Child Labor Coalition, July 27, 2021, <https://stopchildlabor.org/90-organizations-endorse-legislation-to-close-child-labor-loopholes-that-endanger-the-health-safety-and-educational-development-of-farmworker-children/>

⁶⁵ This model policy is based on The CARE Act. Primary additions include a new definition of “hazardous agricultural activity” to explicitly protect children from agricultural occupations that have been shown to create a substantial risk to the health and safety of children, and a new heat illness prevention standard, which is based on state laws that have already been enacted on this issue.

1. handling pesticides, open containers of pesticides, or any equipment that may contain pesticide residues;
 2. assisting with application of pesticides;
 3. acting as a pesticide flagger;
 4. performing tasks as a crop advisor during any pesticide application;
 5. entering a treated area during an applicable restricted-entry interval; or
 6. otherwise significant risk of pesticide exposure.
4. “Serious injury or serious illness” means:
- g. Permanent loss or substantial impairment of the function of a bodily member, organ or mental faculty; or
 - h. Permanent paralysis or substantial impairment that causes loss of movement or mobility or an arm, leg, foot, hand, or other body part.

Section 2. Oppressive Child Labor Prohibition

No employer shall employ oppressive agricultural child labor, nor produce, manufacture, deal, ship, or deliver for shipment any goods produced where the employer knew or reasonably should have known that oppressive child labor was employed.

Section 3. Penalties

1. Any person who violates any of the provisions of this title shall upon conviction be subject to:
 - a. a fine of not less than \$500 and not more than \$15,000 for each employee who was the subject of such a violation, or to imprisonment for not more than 5 years, or both; or
 - b. a fine of not less than \$15,000 and not more than \$60,115 with regard to each such violation that results in the serious injury, serious illness, or death of any employee under the age of 18 years, which may be doubled where the violation is a repeated or willful violation, or to imprisonment for not more than 5 years, or both.

Section 4. Reporting Requirements

1. The [State Department of Labor] shall annually collect and analyze data concerning children under the age of 18 who are employed in agriculture, and each work-related injury, illness, or death of any such child.
2. The [State Department of Labor] shall annually submit to the [State Legislature] and publish on its website a report which shall include:
 - a. A summary of the data collected under this section;
 - b. An evaluation, based on such data, that reflects the status of child labor and related safety and health hazards; and
 - c. Any information, based on such data, that leads the [State Labor Commissioner] to believe that children under 18 years of age may have been employed in violation of this section.
3. Any employer shall submit a report to the [State Labor Commissioner] no later than 5 days thereafter when the employer is involved in any event related to:
 - d. A work-related serious injury to an employee under 18 years of age employed in agriculture;
 - e. A work-related serious illness of an employee under 18 years of age employed in

agriculture; or

f. A work-related death of an employee under 18 years of age employed in agriculture.

4. The report in subsection (3) of this section shall at a minimum include:
 - a. The name and address of the employer,
 - b. The name, address, and age of the employee,
 - c. Details relevant to the incident, to include environmental hazards, chemical or pesticide exposure, use of machinery or tools at the time of the incident, work tasks performed at the time of the incident, and other details relating to the incident; and
 - d. Such other information as the [State Labor Commissioner] may by regulation prescribe.

Section 5. Failure to Report

1. Any employer who fails to file a report as required under Section 4 of this title may be assessed a civil penalty of not less than \$500 and not more than \$7,000 per violation.

Section 6. Employer Written Procedure Requirement

1. Each employer who employs agricultural workers under age 18 shall develop and implement written procedures to comply with the provisions of this title.

Section 7. Heat Illness Prevention

1. Employees shall have access to potable drinking water that is fresh, pure, suitably cool, and provided to employees free of charge. The water shall be located as close as practicable to the areas where employees are working. Employers shall provide water in sufficient quantity to allow employees to drink one quart or more of water per hour. Employers shall encourage employees to drink water frequently.
2. Shade
 - a. Shade that is open to the air or provided with ventilation or cooling shall be present when the temperature exceeds 80 degrees Fahrenheit. Employers shall provide timely access to shade upon an employee's request when the temperature does not exceed 80 degrees Fahrenheit.
 - b. Employees shall be allowed a preventative cool-down rest in the shade for a minimum of five minutes per hour.
 - c. Where the employer can demonstrate that it is unsafe or infeasible to have shade present on a continuous basis, the employer may utilize alternative procedures that provide equivalent protection.
 - d. Employees who experience symptoms of heat illness shall not be ordered back to work until any symptoms of heat illness have abated, and shall be provided timely appropriate first aid or emergency response.
3. The [State Labor Commissioner] shall develop and adopt regulations that require employers to train supervisors and employees to protect employees from heat-related illness caused by heat stress.

Section 8. Rulemaking

1. The [State Labor Commissioner] may prescribe any rule as necessary to implement the provisions in this title.

Appendix: The State of Child Farmworker Law in the 50 States, the District of Columbia, and Puerto Rico

The following appendix is a survey of the laws of the 50 states, DC, and Puerto Rico on the following questions:

1. What is the minimum age to perform agricultural work?
2. What is the maximum number of hours a child can work daily?
3. What is the maximum number of days per week that a child may work?
4. Is night work prohibited for certain hours and certain ages?
5. What are the fines for violating child labor laws?
6. What are the criminal penalties for violating child labor laws?

The information provided in this report does not, and is not intended to, constitute legal advice.

The appendix includes citations along with hyperlinks to where in the law these provisions reside, to show how simple it would be to change these laws to protect farmworker children. A motivated advocate in a state could encourage a lawmaker to simply change the minimum age to perform agricultural work. Or take a law that protects all children except child farmworkers and remove the exception or limit the exception to family farms.

The appendix also includes examples of farm-related deaths. Open-source research of news articles, government agency investigations, and other publicly available reports identified at least one child in 49 states who was killed in a farm-related accident since 2000. Children's ages ranged from 2 years old to 17 years old. Deaths caused by tractors and ATVs are included as farm related, because although they are driven for various purposes, they are commonly used in farm work, and experts explain that they represent a high risk of death and serious injury to farmworker youth. These are provided as examples and do not include all child farm-related deaths over this period, which happen once every three days nationwide.

Alabama

In November 2019, a [4-year-old girl](#) died after being run over by a tractor in Fruithurst, Alabama. In April 2004, a 17-year-old Alabama youth, [Elizandro Martinez](#), died at a poultry plant. He fell onto a conveyor belt that carries live chickens into the plant to be processed.

- 1) What is the minimum age to perform agricultural work?** 14. See [Ala. Code § 25-8-33](#).
- 2) What is the maximum number of hours a child can work daily?** Eight hours on a non-school day and three hours on a school day if under 16 years old. See [Ala. Code § 25-8-36\(a\)](#).
- 3) What is the maximum number of days per week that a child may work?** A child between the ages of 14 to 15 may not work more than 6 days per week. See [Ala. Code § 25-8-36\(b\)](#).
- 4) Is night work prohibited for certain hours and certain ages?** Yes. 14 or 15 years of age: not before 7:00 a.m. or after 9:00 p.m. during school summer vacation. During the time school is in regular session: 14 or 15 years of age not before 7:00 a.m. or after 7:00 p.m. (b) 16, 17, or 18 years of age: not between 10:00 p.m. and 5:00 a.m. on any night preceding a school day. Exemptions may be granted by the appropriate county or city superintendent of schools, or where there is no superintendent, the school headmaster. See [Ala. Code § 25-8-36](#).
- 5) What are the fines for violating child labor laws?** \$1000 to \$5000 if violating provisions about use of machinery or vehicles, otherwise \$0 to \$300. See [Ala. Code § 25-8-59](#).
- 6) What are the criminal penalties for violating child labor laws?** First conviction is a Class C misdemeanor (up to 3 months) or Class A misdemeanor with serious physical injury or death (up to 1 year). Second conviction is a Class B misdemeanor (up to 6 months) or Class C felony with serious physical injury or death (1 to 10 years). See [Ala. Code § 25-8-59](#).

Alaska

In 2009, [Matthias Martin](#), a 9-year-old boy in Kenai, Alaska, died after being dragged by a cow while attending to livestock.

- 1) What is the minimum age to perform agricultural work?** 14. See [Alaska Stat. § 23.10.332](#).
- 2) What is the maximum number of hours a child can work daily?** Nine hours of combined school attendance and employment time if under 16 years old. See [Alaska Stat. § 23.10.340](#).
- 3) What is the maximum number of days per week that a child may work?** A child under the age of 18 may not work more than 6 days per week. See [Alaska Stat. § 23.10.350\(a\)\(1\)](#).
- 4) Is night work prohibited for certain hours and certain ages?** Yes. A minor under 16 years of age may not work between 9 p.m. and 5 a.m. See [Alaska Stat. § 23.10.340](#).
- 5) What are the fines for violating child labor laws?** Up to \$500. See [Alaska Stat. § 23-10-370](#).
- 6) What are the criminal penalties for violating child labor laws?** Misdemeanor, up to 90 days. See [Alaska Stat. § 23.10.370](#).

Arizona

In 2011, a 5-year-old boy was run over by a tractor and killed.

- 1) **What is the minimum age to perform agricultural work?** 14. See [Ariz. Rev. Stat. § 23-232](#).
- 2) **What is the maximum number of hours a child can work daily?** Eight hours on a non-school day and three hours on a school day if under 16 years old. See [Ariz. Rev. Stat. § 23-233\(A\)](#).
- 3) **What is the maximum number of days per week that a child may work?** No maximum. See [Ariz. Rev. Stat. § 23-233](#).
- 4) **Is night work prohibited for certain hours and certain ages?** Yes, cannot employ persons under 16 at night, where night is defined as 9:30 p.m. when school is in session, 11 p.m. when it is not, until 6 a.m. See [Ariz. Rev. Stat. § 23-233](#).
- 5) **What are the fines for violating child labor laws?** A cease and desist order that shall include a civil penalty of not more than \$1000. See [Ariz. Rev. Stat. § 23-236](#).
- 6) **What are the criminal penalties for violating child labor laws?** Class 2 misdemeanor (up to 4 months). See [Ariz. Rev. Stat. § 23-239](#).

Arkansas

In 2016, a 9-year-old boy died in Fouke, Arkansas, after getting tangled in rope and trampled by a horse. In 2019, a 3-year-old boy in Melbourne, Arkansas, was run over by a tractor and killed.

- 1) **What is the minimum age to perform agricultural work?** 14. See [Ark. Code § 11-6-104](#).
- 2) **What is the maximum number of hours a child can work daily?** Eight hours if under 16 years old, or ten hours if 16 years old. See [Ark. Code § 11-6-108](#).
- 3) **What is the maximum number of days per week that a child may work?** A child under the age of 17 may not work more than 6 days per week. See [Ark. Code § 11-6-108](#), [§ 11-6-110](#).
- 4) **Is night work prohibited for certain hours and certain ages?** Under the age of 16 years of age: not before 6:00 a.m. or after 7:00 p.m., except that on nights preceding non-school days, children under the age of sixteen (16) years may be employed until 9:00 p.m.; Under 17 years of age: not before 6:00 a.m. or after 11:00 p.m. Exemptions determined by rule of the Division of Labor. See [Ark. Code §§ 11-6-108, 11-6-110](#).
- 5) **What are the fines for violating child labor laws?** \$50 to \$1000 per violation. See [Ark. Code § 11-6-103](#).
- 6) **What are the criminal penalties for violating child labor laws?** None specific to child labor. See [Ark. Code § 5-27-209](#).

California

David Yenni, a 13-year-old was killed in a grain loading accident at a Petaluma, California mill in August 2009. The boy, who was working with his father, climbed on top of an open trailer for unknown reasons just as the father was emptying it into an underground storage tank. Somehow, he became trapped in the funneling material. Would-be rescuers were able to grab his arm but could not free him from the grain until it was too late. In May 2008, Maria Isabel Vasquez Jimenez, a 17-year-old farmworker, died of heat stroke after working nine and a half hours in a California vineyard as temperatures hovered in the mid-90s. Jimenez was pregnant at the time. According to the United Farm Workers and the girl's family, the labor contractor in the vineyard ignored California laws that require workers to be given breaks and provided with shade. Workers also said they were not given adequate amounts of water.

1) What is the minimum age to perform agricultural work? 12. See [Cal. Lab. Code §§ 1293.1, 1294.1](#).

2) What is the maximum number of hours a child can work daily? Eight hours on a non-school day and three hours on a school day if under 16 years old. Eight hours on a non-school day (or ten hours during peak harvest season if employed by an exempted agricultural packing plant) and four hours on a school day if 16 years old or older. See [Cal. Lab. Code §§ 1391](#).

3) What is the maximum number of days per week that a child may work? 6. See [Cal. Lab. Code § 551](#).

4) Is night work prohibited for certain hours and certain ages? (1) a minor 15 years of age or younger: not before 7 a.m. or after 7 p.m., except that from June 1 through Labor Day, a minor 15 years of age or younger may be employed until 9 p.m. in the evening. (3) a minor 16 or 17 years of age: not before 5 a.m., or after 10 p.m. on any day preceding a school day. However, a minor 16 or 17 years of age may be employed for the hours authorized by this section during any evening

preceding a non-school day until 12:30 a.m. of the non-school day. See [Cal. Lab. Code § 1391](#).

5) What are the fines for violating child labor laws? \$5000-\$10000 or \$500-\$1000 for failure to keep employment eligibility paperwork on file and available for inspection or violations related to employment in the entertainment industry. See [Cal. Lab. Code § 1288](#).

6) What are the criminal penalties for violating child labor laws? Misdemeanor, up to 6 months. See [Cal. Lab. Code § 1303](#).



Colorado

In May 2009, [Cody Rigsby](#), a Colorado 17-year-old was working in a grain bin when he vanished. It took rescuers six hours to find his body. [Kelsey Helen Graves](#), age 13, died in Fort Collins, Colorado in July 2012, when she was cleaning a filter on an irrigation system and was electrocuted. She was working on her family farm.

- 1) **What is the minimum age to perform agricultural work?** 12. See [Colo. Rev. Stat. §8-12-107](#).
- 2) **What is the maximum number of hours a child can work daily?** Six hours on days before a school day and eight hours on all other days if under 16 years old. Twelve hours if employed in farm work and paid by the piece (i.e., not paid by the hour). See [Colo. Rev. Stat. § 8-12-105](#).
- 3) **What is the maximum number of days per week that a child may work?** No maximum. See [Colo. Rev. Stat. § 8-12-105](#).
- 4) **Is night work prohibited for certain hours and certain ages?** No minor under the age of 16 shall be permitted to work between 9:30pm and 5am. See [Colo. Rev. Stat. § 8-12-105\(3\)](#).
- 5) **What are the fines for violating child labor laws?** \$200 to \$500 for the first offense or only offense within 6 months, \$500 to \$1000 for a second offense within 6 months, \$1000 to \$10000 for a third offense within 6 months. See [Colo. Rev. Stat. § 8-12-115\(b\)](#).
- 6) **What are the criminal penalties for violating child labor laws?** None specific to child labor. See [Colo. Rev. Stat. § 18-6-701](#).

Connecticut

In 2004, 12-year-old [Vincent Graves](#) was killed after falling off and being accidentally run over by a farm tractor.

- 1) **What is the minimum age to perform agricultural work?** 14. See [Conn. Gen. Stat. § 22-13](#).
- 2) **What is the maximum number of hours a child can work daily?** Eight hours if under 18 years old. See [Conn. Gen. Stat. § 22-13](#).
- 3) **What is the maximum number of days per week that a child may work?** A child that is 14 or 15 years of age may not work more than 6 days per week, unless employed in agriculture by members of his immediate family. See [Conn. Gen. Stat. § 22-13, § 22-16](#).
- 4) **Is night work prohibited for certain hours and certain ages?** No person under 18 years of age shall be employed in any manufacturing, mechanical or mercantile establishment between 10 p.m. and 6 a.m., except can be employed until 11 p.m. or any supermarket until midnight on any night other than a night preceding a regularly scheduled school day. The provisions of this section shall not apply to persons under eighteen years of age who have graduated from a secondary educational institution. This provision does not apply to agricultural workers. See [Conn. Gen. Stat. § 31-14](#).
- 5) **What are the fines for violating child labor laws?** \$2,000 to \$5,000. See [Conn. Gen. Stat. § 31-15a](#).
- 6) **What are the criminal penalties for violating child labor laws?** Yes, a class D felony which carries a penalty of 1-5 years in prison. See [Conn. Gen. Stat. § 31-15a](#).

Delaware

In April 2021, 16-year-old [Margaret Browne](#) was killed when the ATV she was riding in overturned and crashed into a tree.

- 1) What is the minimum age to perform agricultural work?** No minimum age for farm work unless the work is performed in hazardous occupations. See [Del. Code tit. 19, § 502](#).
- 2) What is the maximum number of hours a child can work daily?** Eight hours on a non-school day and four hours on a school day if under 16 years old. This provision does not apply to agricultural workers. See [Del. Code tit. 19, § 506](#).
- 3) What is the maximum number of days per week that a child may work?** No limit on the number of days as the state has an exemption for farm work. See [Del. Code tit. 19, § 506\(d\)\(5\)](#).
- 4) Is night work prohibited for certain hours and certain ages?** A minor under 16 years of age shall not be employed or permitted to work before 7 a.m. or after 7 p.m.; except that a minor under 16 years of age may be employed or permitted to work until 9 p.m. from June 1 through Labor Day. This provision does not apply to agricultural workers. See [Del. Code tit. 19, § 506](#).
- 5) What are the fines for violating child labor laws?** Up to \$10,000.00 for each violation. See [Del. Code tit. 19, § 509\(b\)](#).
- 6) What are the criminal penalties for violating child labor laws?** None specific to child labor.

Florida

[Edilberto Cardenas](#), 17, died in a Groveland, Florida citrus grove in January 2008—his first day on the job. Cardenas was emptying bags of oranges into a truck when the truck backed up and ran him over.

- 1) What is the minimum age to perform agricultural work?** 14. See [Fla. Stat. § 450.061](#).
- 2) What is the maximum number of hours a child can work daily?** Three hours on a school day, unless there is no school the following day, and eight hours on all other days if under 16 years old. Eight hours on days before a school day if 16 or 17 years old. See [Fla. Stat. § 450.081](#).
- 3) What is the maximum number of days per week that a child may work?** A child under the age of 17 shall not work more than 6 consecutive days. See [Fla. Stat. § 450.081\(3\)](#).
- 4) Is night work prohibited for certain hours and certain ages?** (1)(a) Minors 15 years of age or younger shall not be employed, permitted, or suffered to work before 7 a.m. or after 7 p.m. when school is scheduled the following day (b) During holidays and summer vacations, minors 15 years of age or younger shall not be employed, permitted, or suffered to work before 7 a.m. or after 9 p.m. (2) Minors 16 and 17 years of age shall not be employed, permitted, or suffered to work before 6:30 a.m. or after 11:00 p.m. when school is scheduled the following day. See [Fla. Stat. § 450.081](#).
- 5) What are the fines for violating child labor laws?** Up to \$2500 per offense. See [Fla. Stat. § 450.141\(2\)](#).
- 6) What are the criminal penalties for violating child labor laws?** standard offenses are a 2nd degree misdemeanor up to 60 days, each day and each employee is a separate offense; offenses where the health or life of the child is endangered, 2nd degree felony up to 15 years or up to 30 years as a habitual offender. See [Fla. Stat. § 450.141, 450.151](#).

Georgia

In July 2020, a [15-year-old](#) boy was killed in Brooks County, Georgia, after the forklift he was driving rolled over onto him.

- 1) **What is the minimum age to perform agricultural work?** None. See [Ga. Code § 39-2-9](#).
- 2) **What is the maximum number of hours a child can work daily?** Eight hours on a non-school day and four hours on a school day if under 16 years old. This provision does not apply to agricultural workers. See [Ga. Code § 39-2-7](#).
- 3) **What is the maximum number of days per week that a child may work?** No maximum. See [Ga. Code § 39-2-7](#).
- 4) **Is night work prohibited for certain hours and certain ages?** No minor under 16 years of age shall be permitted to work for any person, firm, or corporation between the hours of 9 p.m. and 6:00 a.m. This provision does not apply to agricultural workers. See [Ga. Code § 39-2-3](#).
- 5) **What are the fines for violating child labor laws?** Up to \$1000 per violation. See [Ga. Code §§ 17-10-3; 39-2-20](#).
- 6) **What are the criminal penalties for violating child labor laws?** Misdemeanor, up to 1 year. See [Ga. Code § 39-2-20](#).

Hawaii

In January 2011, 16-year-old [Malia Vea](#) of Kailua-Kona died after losing control of an ATV, which overturned and hit a pole. An 11-year-old girl and a 4-year-old girl were also injured in the crash.

- 1) **What is the minimum age to perform agricultural work?** 14 (or 10 if harvesting coffee). See [Haw. Rev. Stat. § 390-2](#); [Haw. Admin. R. § 12-25-32](#).
- 2) **What is the maximum number of hours a child can work daily?** Eight hours on a non-school day and three hours on a school day if under 16 years old. See [Haw. Rev. Stat. § 390-2](#).
- 3) **What is the maximum number of days per week that a child may work?** A child between the ages of 14 and 16 may not work more than 6 consecutive days. See [Haw. Rev. Stat. § 390-2\(c\) \(5\)](#).
- 4) **Is night work prohibited for certain hours and certain ages?** Minors are not permitted to work after 7 p.m. of any day; provided that during any authorized school break, the minor may be employed until 9 p.m. Minors under 14 may work between 6am and 6pm during the coffee harvest. Minors 15 years old may work 12:30am to 6am during the pineapple harvest. See [Haw. Rev. Stat. § 390-2](#).
- 5) **What are the fines for violating child labor laws?** Up to \$2,000. See [Haw. Rev. Stat. §§ 380-7, 706-640](#).
- 6) **What are the criminal penalties for violating child labor laws?** Misdemeanor, up to 1 year. See [Haw. Rev. Stat. §§ 380-7, 706-640](#).

Idaho

In 2015 near Rose, Idaho, a 3-year-old boy, [Jonathan Wareing](#), fell off a tractor, and was subsequently run over and killed.

- 1) **What is the minimum age to perform agricultural work?** No minimum age. See [Idaho Code § 44-1301](#).
- 2) **What is the maximum number of hours a child can work daily?** Nine hours if under 16 years old. See [Idaho Code § 44-1304](#).
- 3) **What is the maximum number of days per week that a child may work?** No maximum. See [Idaho Code §§ 44-1301, 44-1302, 44-1304](#).
- 4) **Is night work prohibited for certain hours and certain ages?** No person under the age of 16 years shall be employed or suffered or permitted to work at any gainful occupation before 6 a.m. nor after 9 p.m. See [Idaho Code § 44-1304](#).
- 5) **What are the fines for violating child labor laws?** \$50 for a first offense, then \$5 to \$20 per day after notice of the violation. See [Idaho Code § 44-1305](#).
- 6) **What are the criminal penalties for violating child labor laws?** None specific to child labor.



Illinois

In November 2020, a [13-year-old](#) boy was killed in a farm accident, near Bradford, Illinois. The boy became pinned between farm equipment and the wall of a barn. He was pronounced dead at the scene. In July 2012, [Curvin Kropf](#), a 15-year-old in Illinois, was killed when working on a machine that cut corn stalks. The youth fell off of the machine and was run over. In March 2011, two teens, [Nicholas Bledsoe](#), 19, and [Justin Eldridge](#), 18, were working at their after-school job at a farm in Okawville, Illinois when they were electrocuted as a pole they were carrying touched a power line, killing them both. In July 2010, 14-year-old [Wyatt Whitebread](#) suffocated in a grain bin beside 19-year-old co-worker Alex Pacas, who had jumped in to try to save him. The accident occurred in Mount Carroll, Illinois. In September 2005, a [13-year-old](#) Illinois youth died after he became entangled in the beaters of a forage wagon. The youth was helping his cousin feed cattle in a farm pasture. The death occurred when the youth climbed on the front of the wagon to dislodge clumps of hay. The legs of his pants became entangled in the rotating beaters. The youth was spending the summer at a relative's farm in Minnesota where the accident occurred.

1) What is the minimum age to perform agricultural work? 10. See [820 Ill. Comp. Stat. § 205](#).

2) What is the maximum number of hours a child can work daily? Eight hours on a non-school day and three hours on a school day if under 16 years old. This provision does not apply to agricultural workers. See [820 Ill. Comp. Stat. 205/3](#).

3) What is the maximum number of days per week that a child may work? No limit on the number of days as the state has an exemption for “agricultural pursuits.”. See [820 Ill. Comp. Stat. 205/2](#).

4) Is night work prohibited for certain hours and certain ages? Except as hereinafter provided, no minor under 16 years of age shall be employed,

permitted, or allowed to work in any gainful occupation between 7 p.m. and 7 a.m. from Labor Day until June 1 or between 9 p.m. and 7 a.m. from June 1 until Labor Day. This provision does not apply to agricultural workers. See [820 Ill. Comp. Stat. 205/3](#).

5) What are the fines for violating child labor laws? \$75 to \$2500. See [820 Ill. Comp. Stat. 205/19, 5/5-4.5-55](#).

6) What are the criminal penalties for violating child labor laws? Class A Misdemeanor, up to 1 year. See [820 Ill. Comp. Stat. 205/19](#).

Indiana

A 17-year-old Greencastle, Indiana teen, [Riley Sutherland](#), died after he was crushed by a backhoe that he lost control of on a farm in July of 2014. In late August 2010 in Etna Green, Indiana, 13-year-old [Wyman Miller](#), a member of an Amish community, was tending to a horse when he was apparently struck or crushed by the horses. He died of blunt force trauma.

1) What is the minimum age to perform agricultural work? 12. See [Ind. Code § 22-2-18.1-12](#).

2) What is the maximum number of hours a child can work daily? Eight hours on a non-school day and three hours on a school day if under 16 years old. Nine hours if 16 or 17 years old. This provision does not apply to agricultural workers. See [Ind. Code §§ 22-2-18-30, 22-2-18-31](#).

3) What is the maximum number of days per week that a child may work? A child between the ages of 16 and 18 may not work more than 6 days. This provision does not apply to agricultural workers. See [Ind. Code § 22-2-18-31](#).

4) Is night work prohibited for certain hours and certain ages? Minors who are at least 14 years of age and less than 16 years of age may not work before 7 a.m. or after 7 p.m. However, the minor may work until 9 p.m. from June 1 through Labor Day, except on a day preceding a school day, in which case they may work until 7 p.m. Minors who are at least 16 years of age and less than 18 years of age may not start work before 6 a.m., and may only work until 10 p.m. on nights that are followed by a school day in any occupation except those that the commissioner of labor determines to be dangerous to life or limb; or injurious to health or morals. A minor who is at least 16 years of age and less than 18 years of age may work until 11 p.m. on a night followed by a school day if the employer has obtained written permission from the minor's parent and placed the written permission on file in the employer's office. Exemptions for high school graduates or those not

enrolled in school. This provision does not apply to agricultural workers. See [Ind. Code §§ 22-2-18.1-17 to 22-2-18.1-20](#).

5) What are the fines for violating child labor laws? A warning letter the first violation regardless of the child's age, for the second violation within one year a \$50 fine if the child is 16-18 or a \$100 fine if the child is younger, for the third violation within one year a \$75 fine if the child is 16-18 or a \$200 fine if the child is younger, for the fourth violation within one year and subsequent violations a \$100 fine if the child is 16-18 or a \$400 fine if the child is younger. See [Ind. Code §§ 22-2-18-44, 22-2-18-45](#).

6) What are the criminal penalties for violating child labor laws? None specific to child labor.

Iowa

In 2017, in Wall Lake, Iowa, a 17-year-old, [Ethan Nissen](#), was found dead in the cab of a farm machine that had rolled over. The teen was scooping manure when it rolled over. In 2013 in Fairfield, Iowa, 16-year-old [Jordan Baker](#) died when he was pinned under a tractor that rolled over.

- 1) **What is the minimum age to perform agricultural work?** 14. See [Iowa Code § 92.3](#).
- 2) **What is the maximum number of hours a child can work daily?** Eight hours if under 16 years old when school is not in session, and four hours when school is in session. See [Iowa Code § 92.7](#).
- 3) **What is the maximum number of days per week that a child may work?** No maximum. See [Iowa Code § 92.7](#).
- 4) **Is night work prohibited for certain hours and certain ages?** A person under 16 years of age shall not be employed with or without compensation before the hour of 7:00 a.m. or after 7:00 p.m., except during the period from June 1 through Labor Day when the hours may be extended to 9:00 p.m. A person under age 16 may start work at 5am with a migratory labor permit. See [Iowa Code § 92.7](#).
- 5) **What are the fines for violating child labor laws?** \$315 to \$1,875. See [Iowa Code §§ 92.20, 903.1\(1\)\(b\)](#).
- 6) **What are the criminal penalties for violating child labor laws?** Serious misdemeanor, up to 1 year. See [Iowa Code § 92.20](#).

Kansas

In 2019, 5-year-old [Adam Schrock](#) died in Reno County, Kansas, after getting a pant leg caught in the power takeoff of a tractor.

- 1) **What is the minimum age to perform agricultural work?** No minimum age. See [Kan. Stat. §§ 38-601, 614](#).
- 2) **What is the maximum number of hours a child can work daily?** Eight hours if under 16 years old. This provision does not apply to agricultural workers. See [Kan. Stat. § 38-603](#).
- 3) **What is the maximum number of days per week that a child may work?** No limit on the number of days as the state has an exemption for agricultural pursuits. See [Kan. Stat. § 38-614\(6\)](#).
- 4) **Is night work prohibited for certain hours and certain ages?** Children under 16 cannot work after 10 pm on days preceding a school day, otherwise there is no night work limit. This provision does not apply to agricultural workers. See [Kan. Stat. §§ 38-603; 38-614](#).
- 5) **What are the fines for violating child labor laws?** \$25 to \$100. See [Kan. Stat. § 38-612](#).
- 6) **What are the criminal penalties for violating child labor laws?** Misdemeanor, 30 to 90 days. See [Kan. Stat. § 38-612](#).

Kentucky

A 15-year-old boy, [Michael Paul Young](#), died in June 2008 on a Western Kentucky farm as he worked beside his father and brothers. Young fell into a truck load of grain that acted like quicksand. He sank into the grain and died of asphyxiation before his family and fellow workers could rescue him.

- 1) **What is the minimum age to perform agricultural work?** No minimum age. See [Ky. Rev. Stat. § 339.210](#).
- 2) **What is the maximum number of hours a child can work daily?** Eight hours on a non-school day and three hours on a school day if under 16 years old. Six hours or 6.5 hours with parental permission on a school day or eight hours on a non-school day if 16 or 17 years old. This provision does not apply to agricultural workers. See [803 Ky. Admin. Regs. 1:100](#).
- 3) **What is the maximum number of days per week that a child may work?** No limit on the number of days as the state has an exemption for agricultural pursuits. See [Ky. Rev. Stat. § 339.210\(1\)](#).
- 4) **Is night work prohibited for certain hours and certain ages?** No night hour restrictions on minors. See [Ky. Rev. Stat. § 339.230](#).
- 5) **What are the fines for violating child labor laws?** \$100 to \$1000. See [Ky. Rev. Stat. § 339.990](#).
- 6) **What are the criminal penalties for violating child labor laws?** None specific to child labor.

Louisiana

In 2011, 4-year-old [Logan Howes](#) was killed after falling from a family tractor into the motor blades.

- 1) **What is the minimum age to perform agricultural work?** No minimum age. See [La. Stat. § 23:151](#).
- 2) **What is the maximum number of hours a child can work daily?** Eight hours on a non-school day and three hours on a school day if under 16 years old. This provision does not apply to agricultural workers. See [La. Stat. § 23:211](#).
- 3) **What is the maximum number of days per week that a child may work?** 6. See [La. Stat. § 23:211](#).
- 4) **Is night work prohibited for certain hours and certain ages?** No minor 16 years of age who has not graduated from high school shall be employed, or permitted, or suffered to work between the hours of 11:00 p.m. and 5:00 a.m. prior to the start of any school day. No minor 17 years of age who has not graduated from high school shall be employed, or permitted, or suffered to work between the hours of 12:00 a.m. and 5:00 a.m. prior to the start of any school day. No minor under 16 years of age who has not graduated from high school shall be employed, or permitted, or suffered to work between the hours of 7:00 p.m. and 7:00 a.m.; except from June first through Labor Day at which time the permissible hours are extended to 9:00 p.m. Minors who are employed in the dairy industry shall be exempt from the provisions of this Section. This provision does not apply to other agricultural workers. See [La. Stat. § 23:215](#).
- 5) **What are the fines for violating child labor laws?** \$100 to \$500. See [La. Stat. § 23:231\(B\)](#).
- 6) **What are the criminal penalties for violating child labor laws?** 30 days to 6 months. See [La. Stat. § 23:231\(B\)](#).

Maine

In Mechanic Falls, Maine, 17-year-old [Cassidy Charette](#) was killed when the haywagon she was riding in careened down a hill, crashed into a tree, and flipped over, injuring 22 others as well.

1) What is the minimum age to perform agricultural work? 14 for all agricultural work, under 14 for certain types of non-hazardous agricultural work, including planting, cultivating, and harvesting. See [Me. Stat. tit. 26, § 771](#).

2) What is the maximum number of hours a child can work daily? Eight hours on a non-school day and three hours on a school day if under 16 years old. Ten hours on a non-school day and six hours on a school day (or 8 hours on the last scheduled day of the school week) if 16 or 17 years old. Work performed in the planting, cultivating or harvesting of field crops or other agricultural employment is exempt from these requirements. See [Me. Stat. tit. 26, § 774](#).

3) What is the maximum number of days per week that a child may work? No limit on the number of days as the state has an exemption for agricultural employment. See [Me. Stat. tit. 26, § 774\(4\)](#).

4) Is night work prohibited for certain hours and certain ages? Minors between the ages of 16 and 17 may not work between the hours of 10:15 p.m. and 7 a.m. while school is in session, or midnight and 5 a.m. when school is not in session. This provision does not apply to minors between the ages of 16 and 17 working in agriculture. Minors under the age of 16 may not work between the hours of 7 p.m. and 7 a.m., except during summer vacation, when that minor may not work between the hours of 9 p.m. and 7 a.m. This provision does not apply to minors under 16 working in agriculture if the minor is excused by the local superintendent of schools. See [Me. Stat. tit. 26, § 774\(4\)](#).

5) What are the fines for violating child labor laws? \$250 to \$5,000 (1st violation), \$500 to \$5,000 (2nd violation within 3 years), \$2,000 to \$10,000 (3rd and subsequent violations within

3 years); if the violations are knowing then “at least \$500” (1st violation within 3 years), \$5000 to \$20000 (2nd violation within 3 years), \$10000 to \$50000 (3rd violation within 3 years). See [Me. Stat. tit. 26, § 781](#).

6) What are the criminal penalties for violating child labor laws? None specific to child labor.



Maryland

In 2021, a [4-year-old girl](#) in Cecil County, Maryland, died after being trapped under the fork of a hay bale tractor.

- 1) **What is the minimum age to perform agricultural work?** No minimum age. See [Md. Lab. & Emp. Code § 3-203](#).
- 2) **What is the maximum number of hours a child can work daily?** Eight hours on a non-school day and three hours on a school day if under 16 years old. This provision does not apply to agricultural workers. See [Md. Lab. & Emp. Code § 3-211](#).
- 3) **What is the maximum number of days per week that a child may work?** No maximum. See [Md. Lab. & Emp. Code § 3-203](#).
- 4) **Is night work prohibited for certain hours and certain ages?** Minors under the age of 16 years may not be employed or allowed to be employed before 7:00 a.m.; from the day after Labor Day through the day before Memorial Day, after 8:00 p.m.; from Memorial Day through Labor Day, after 9:00 p.m. This provision does not apply to agricultural workers. See [Md. Lab. & Emp. Code § 3-211](#).
- 5) **What are the fines for violating child labor laws?** Up to \$10000. See [Md. Lab. & Emp. Code § 3-216](#).
- 6) **What are the criminal penalties for violating child labor laws?** Misdemeanor, up to 1 year. See [Md. Lab. & Emp. Code § 3-216](#).

Massachusetts

In 2016, 8-year-old [George Carter](#) was dragged to death after being entangled in ropes while tending to a cow.

- 1) **What is the minimum age to perform agricultural work?** 14. See [Mass. Gen. Laws ch. 149, § 56](#).
- 2) **What is the maximum number of hours a child can work daily?** Eight hours if under 16 years old. See [Mass. Gen. Laws ch. 149, § 65](#).
- 3) **What is the maximum number of days per week that a child may work?** Minors under the age of 18 may not work more than 6 days per week, unless they are related by blood marriage to the owner of the farm. See [Mass. Gen. Laws ch. 149, §§ 56, 67](#).
- 4) **Is night work prohibited for certain hours and certain ages?** No person shall employ a minor under 16, or permit him to work, in any occupation for which a permit for employment is required, except as [newspaper vendors], before 6:30 a.m. or after 7 p.m., except from July first through Labor Day, when evening hours shall be extended to 9 p.m. · Some slight variations in the night hours permitted in certain occupations. See [Mass. Gen. Laws ch. 149, §§ 65, 66](#).
- 5) **What are the fines for violating child labor laws?** \$500 to \$5000. See [Mass. Gen. Laws ch. 149, § 78](#).
- 6) **What are the criminal penalties for violating child labor laws?** Up to 1 month. See [Mass. Gen. Laws ch. 149, § 78](#).

Michigan

Farm hand Heather [Marie Barley](#), 17, of Buckley, Michigan died suddenly while working on a hog farm in December 2015. Heather was found unresponsive. Elevated levels of carbon monoxide and hydrogen cyanide were discovered through atmospheric testing. Michigan's Occupational Safety and Health Administration speculated that the toxic gases may have come from a steam generator connected to a pressure washer. In July 2010 in Middleville, Michigan, 18-year-old [Victor Perez](#) and 17-year-old [Francisco Martinez](#) died after falling into a silo they were power washing in July 2010.

- 1) **What is the minimum age to perform agricultural work?** 13. See [Mich. Comp. Laws § 409.103](#).
- 2) **What is the maximum number of hours a child can work daily?** Ten hours not to exceed a weekly average of eight hours per day. See [Mich. Comp. Laws § 409.110, 409.111](#).
- 3) **What is the maximum number of days per week that a child may work?** 6. See [Mich. Comp. Laws § 409.110](#).
- 4) **Is night work prohibited for certain hours and certain ages?** Minors under age 16 may not work between 9 p.m. and 7 a.m. 16 and 17 year olds may not work between 10:30 p.m. and 6 a.m., or between 11:30 p.m. and 6 a.m. on Fridays or Saturdays or when school is not in session. Agriculture is exempt from the provisions limiting night work of 16 and 17 year olds, and is permitted, except between 2 a.m. and 5:30 a.m. See [Mich. Comp. Laws § 409.110](#).
- 5) **What are the fines for violating child labor laws?** Up to \$500. See [Mich. Comp. Laws § 409.122](#).
- 6) **What are the criminal penalties for violating child labor laws?** Misdemeanor, up to 1 year. See [Mich. Comp. Laws § 409.122](#).

Minnesota

In March, 2021, 3-year-old [Elliot Jares](#) died after being run over by a skid steer loader. In May 2015, 9-year-old [Charlotte Anne "Charlie" VanKempen](#) of Herman, Minnesota died in a rock-picking incident. She was apparently run over by a vehicle in a field as she cleared it of rocks that had been unearthed over the winter.

- 1) **What is the minimum age to perform agricultural work?** 12. See [Minn. Stat. § 181A.07](#).
- 2) **What is the maximum number of hours a child can work daily?** Eight hours if under 16 years old. This provision does not apply to agricultural workers. See [Minn. Stat. § 181A.04](#).
- 3) **What is the maximum number of days per week that a child may work?** No maximum. See [Minn. Stat. § 181A.04\(4\)](#).
- 4) **Is night work prohibited for certain hours and certain ages?** No minor under the age of 16 shall be permitted to work any day before 7:00 a.m. or after 9:00 p.m. A high school student must not be permitted to work after 11:00 p.m. on an evening before a school day or before 5:00 a.m. on a school day If a high school student under the age of 18 has supplied the employer with a note signed by the parent or guardian of the student, the student may be permitted to work until 11:30 p.m. on the evening before a school day and beginning at 4:30 a.m. on a school day. Exemptions may be granted by the Commissioner of the Minnesota Department of Labor and Industry if in the best interest of the minor and for approved training programs. See [Minn. Stat. §§ 181A.04; 181A.07](#).
- 5) **What are the fines for violating child labor laws?** specific fines per type of infraction ranging from \$5000 for minors injured by hazardous equipment to \$250 for employing a minor without proof of age. See [Minn. Stat. § 181A.12](#).
- 6) **What are the criminal penalties for violating child labor laws?** Misdemeanor, up to 90 days, or in case of death or substantial bodily harm a gross misdemeanor, up to 1 year. See [Minn. Stat. § 181A.12](#).

Mississippi

In 2000, *several youth* were killed in farm accidents in Mississippi, including an [11-year-old boy](#) who was hit by a hay trailer, and a [13-year-old boy](#) who was electrocuted by a well pump.

- 1) **What is the minimum age to perform agricultural work?** No minimum age. See [Miss. Code § 71-1-17](#).
- 2) **What is the maximum number of hours a child can work daily?** Eight hours if between 14 and 16 years old in some non-agricultural employment. There are not provisions for agricultural employment. See [Miss. Code § 71-1-21](#).
- 3) **What is the maximum number of days per week that a child may work?** No maximum. See [Miss. Code § 71-1-21](#).
- 4) **Is night work prohibited for certain hours and certain ages?** No boy or girl over 14 years of age and under 16 years shall be permitted to work in any mill, cannery, workshop, factory, or manufacturing establishment between the hours of 7 p.m. and 6 a.m. There are not provisions for agricultural employment. See [Miss. Code § 17-1-21](#).
- 5) **What are the fines for violating child labor laws?** \$50 to \$100. See [Miss. Code § 71-1-29](#).
- 6) **What are the criminal penalties for violating child labor laws?** 10 to 60 days. See [Miss. Code § 71-1-29](#).

Missouri

In Frankford, Missouri, [Michael Steele](#), 15, was killed when he fell off a tractor and was run over by a trailer being pulled behind the tractor in July 2013.

- 1) **What is the minimum age to perform agricultural work?** 14. See [Mo. Rev. Stat. § 294.021](#).
- 2) **What is the maximum number of hours a child can work daily?** Eight hours on a non-school day and three hours on a school day if under 16 years old. See [Mo. Rev. Stat. § 294.030](#).
- 3) **What is the maximum number of days per week that a child may work?** Minors under the age of 16 may not work more 6 days per week. See [Mo. Rev. Stat. § 294.030](#).
- 4) **Is night work prohibited for certain hours and certain ages?** Normal work hours shall not begin before 7:00 a.m. nor extend to after 9:00 p.m., except that a child who has passed his or her 14th birthday but is under 16 years of age may be employed at a regional fair from June first to Labor Day, if such child does not work after 10:30 p.m., is supervised by an adult, parental consent is given and the provisions of this subsection are complied with. See [Mo. Rev. Stat. § 294.030](#).
- 5) **What are the fines for violating child labor laws?** \$50 to \$1000. See [Mo. Rev. Stat. §§ 294.110, § 294.121](#).
- 6) **What are the criminal penalties for violating child labor laws?** Class C Misdemeanor, up to 15 days. See [Mo. Rev. Stat. §§ 294.110, § 294.121](#).

Montana

In 2018, a 10-year-old boy was killed in Gallatin County, Montana after falling on a piece of farm equipment.

- 1) **What is the minimum age to perform agricultural work?** 14. See [Mont. Code § 41-2-105](#).
- 2) **What is the maximum number of hours a child can work daily?** Eight hours on a non-school day and three hours on a school day if under 16 years old. This provision does not apply to agricultural workers. See [Mont. Code § 41-2-115](#).
- 3) **What is the maximum number of days per week that a child may work?** No limit on the number of days as the state has an agricultural occupation exemption. See [Mont. Code § 41-2-115\(1\)](#).
- 4) **Is night work prohibited for certain hours and certain ages?** A minor who is 14 or 15 years of age may not be employed before 7 a.m. or after 7 p.m., except that the minor may be employed until 9 p.m. during periods outside the school year (June 1 through Labor Day, depending on local standards). See [Mont. Code § 41-2-115](#).
- 5) **What are the fines for violating child labor laws?** Up to \$500. See [Mont. Code § 41-2-118; 46-18-212](#).
- 6) **What are the criminal penalties for violating child labor laws?** Misdemeanor, up to 6 months. See [Mont. Code § 41-2-118; 46-18-212](#).



Nebraska

In August 2020, a 13-year-old boy, [Casey Fox](#), died after falling from a grain bin at a co-op in Chappell, Nebraska.

1) What is the minimum age to perform agricultural work? No minimum age for certain non-hazardous agricultural work. See [Neb. Rev. Stat. §§ 48-302](#).

2) What is the maximum number of hours a child can work daily? Eight hours if under 16 years old. This provision does not apply to agriculture. Nine hours if over 12 years old and under 16 years old and engaged in detasseling corn. See [Neb. Rev. Stat. §§ 48-302.03, 48-310](#).

3) What is the maximum number of days per week that a child may work? No maximum. See [Neb. Rev. Stat. § 48-310](#).

4) Is night work prohibited for certain hours and certain ages? No person under 16 years of age shall be employed or permitted to work in any employment before the hour of 6 a.m., nor after 8 p.m. if the child is under the age of 14, nor after the hour of 10 p.m. if such child is between the ages of 14 and 16. A child shall only be permitted to work after the hour of 10 p.m. if there is no school scheduled for the following day and, if he or she is between 14 and 16 years of age, he or she has consented to such extension by signing his or her name on the endorsement extension, and his or her employer has obtained a special permit from the Department of Labor. The Department of Labor may issue a special permit to allow employment of such child beyond 10 p.m. upon being satisfied, after inspection of the working conditions, of the safety, healthfulness, and general welfare to the child of the business premises. The special permit may be issued for periods not to exceed 90 days and may be renewed only after re-inspection. This provision does not apply to certain agricultural jobs, including de-tasseling and other hand labor. See [Neb. Rev. Stat. § 48-310](#).

5) What are the fines for violating child labor laws? Up to \$1000. See [Neb. Rev. Stat. §§ 48-311, 28-106](#).

[28-106](#).

6) What are the criminal penalties for violating child labor laws? Class II misdemeanor, up to 6 months. See [Neb. Rev. Stat. §§ 48-311, 28-106](#).



Nevada

In June 2018, 16-year-old [Alejandro Renteria](#) died after the ATV he was riding in hit a ditch and flipped over.

- 1) What is the minimum age to perform agricultural work?** No minimum age. See [Nev. Rev. Stat. § 609.190](#).
- 2) What is the maximum number of hours a child can work daily?** Eight hours if under 16 years old. This provision does not apply to agricultural workers. See [Nev. Rev. Stat. § 609.240](#).
- 3) What is the maximum number of days per week that a child may work?** No maximum. See [Nev. Rev. Stat. § 609.240](#).
- 4) Is night work prohibited for certain hours and certain ages?** In incorporated cities and towns, no person under the age of 18 years shall be employed or permitted to work as a messenger for a telegraph or messenger company in the distribution, transmission or delivery of goods or messages before 5 a.m. or after 10 p.m. of any day. This provision does not apply to agricultural workers. See [Nev. Rev. Stat. § 609.230](#).
- 5) What are the fines for violating child labor laws?** Up to \$2,500. See [Nev. Rev. Stat. §§ 609.650, 609.652](#).
- 6) What are the criminal penalties for violating child labor laws?** Misdemeanor, up to 6 months. See [Nev. Rev. Stat. §§ 609.650, 193.150](#).

New Hampshire

A 17-year-old, [Travis DeSimone](#), was killed while working on a farm in Marlborough, New Hampshire after a concrete wall collapsed on him.

- 1) What is the minimum age to perform agricultural work?** 12. See [N.H. Rev. Stat. § 264-A:4](#).
- 2) What is the maximum number of hours a child can work daily?** Eight hours on a non-school day and three hours on a school day if under 16 years old, unless an agricultural employer applies for and is granted a special exemption. See [N.H. Rev. Stat. § 276-A:4](#).
- 3) What is the maximum number of days per week that a child may work?** 16 or 17 years of age enrolled in school shall work more than 6 consecutive days. However, “upon application by an employer who employs a youth under 16 years of age in agricultural work, the commissioner of labor may order that the restriction upon hours of work imposed by this paragraph [III] be suspended.”. See [N.H. Rev. Stat. § 276-A:4](#).
- 4) Is night work prohibited for certain hours and certain ages?** No youth under 16 years of age shall be employed or permitted to work earlier than 7 a.m. or later than 9 p.m. Upon application by an employer who employs a youth under 16 years of age in agricultural work, the commissioner of labor may order that the restriction upon hours of work imposed by this paragraph be suspended. See [N.H. Rev. Stat. § 276-A:4](#).
- 5) What are the fines for violating child labor laws?** Up to \$2,500. See [N.H. Rev. Stat. § 276-A:7](#); [N.H. Rev. Stat. Ann. § 276-A:7-a](#).
- 6) What are the criminal penalties for violating child labor laws?** Misdemeanor, up to 1 year. See [N.H. Rev. Stat. § 276-A:7](#).

New Jersey

A [16-year-old Sussex County teen](#) died in March 2021 after a machinery accident on a farm in Wantage, New Jersey. The boy suffered the fatal injuries in an “accident involving a skid steer.”

- 1) **What is the minimum age to perform agricultural work?** 12. See [N.J. Rev. Stat. § 34:2-21.15](#).
- 2) **What is the maximum number of hours a child can work daily?** Eight hours on a non-school day and three hours on a school day if under 16 years old. Eight hours if 16 years old or older. 10 hours a day for agricultural workers. See [N.J. Rev. Stat. § 34:2-21.15](#).
- 3) **What is the maximum number of days per week that a child may work?** 6. See [N.J. Rev. Stat. § 34:2-21.3](#).
- 4) **Is night work prohibited for certain hours and certain ages?** No minor under 18 years of age shall be employed, permitted, or suffered to work in, about, or in connection with any gainful occupation before 7 a.m. or after 7 p.m. of any day, with exceptions. This provision does not apply to agricultural workers. See [N.J. Rev. Stat. § 34:2-21.3](#).
- 5) **What are the fines for violating child labor laws?** \$100 to \$2,000 for a first offense, and \$200 to \$4,000 for subsequent offenses. See [N.J. Rev. Stat. § 34:2-21.19](#).
- 6) **What are the criminal penalties for violating child labor laws?** Knowingly violating may lead to a crime of fourth degree with a penalty of up to 18 months. See [N.J. Rev. Stat. § 34:2-21.19](#).

New Mexico

In June 2014 in Bloomfield, New Mexico, a 13-year-old girl, [Lybertee Clark](#), suffered severe head trauma and later died after the ATV she was driving went down a steep embankment and rolled over, ejecting her.

- 1) **What is the minimum age to perform agricultural work?** 14. See [N.M. Stat. §§ 50-6-1](#).
- 2) **What is the maximum number of hours a child can work daily?** Eight hours on a non-school day and three hours on a school day if between 14 and 16 years old. See [N.M. Stat. § 50-6-3](#).
- 3) **What is the maximum number of days per week that a child may work?** No maximum. See [N.M. Stat. § 50-6-3](#).
- 4) **Is night work prohibited for certain hours and certain ages?** Children over the age of 14 or under the age of 16 shall not be employed unless otherwise provided for in the Child Labor Act: (1) before 7:00 a.m. or after 7:00 p.m. during the calendar school year; or (2) before 7:00 a.m. or after 9:00 p.m. outside of the calendar school year Exceptions for children employed by a parent in a non-hazardous occupation, as an actor or performer, or to sell or deliver newspapers. See [N.M. Stat. §§ 50-6-3, 50-6-17](#).
- 5) **What are the fines for violating child labor laws?** \$500 for a first offense, \$1,000 for a subsequent offense. See [N.M. Stat. § 50-6-12](#).
- 6) **What are the criminal penalties for violating child labor laws?** Petty misdemeanor, up to 6 months for a first offense, and misdemeanor, 6 months to 1 year for a subsequent offense. See [N.M. Stat. § 50-6-12](#).

New York

In 2019 in Homer, New York, 14-year-old [Alex Smith](#) was lifting a bale of hay with a skid steer he was too young to use and was crushed by it, killing him.

- 1) What is the minimum age to perform agricultural work?** 14, 12 (if the minor presents a farm work permit and the work consists of assisting in the hand work harvest of berries, fruits and vegetables). See [N.Y. Lab. Law § 130](#).
- 2) What is the maximum number of hours a child can work daily?** Eight hours on a non-school day and three hours on a school day if under 16 years old. Four hours on any day before a school day and eight hours on a non-school day if 16 or 17 years old. Four hours on a non-school day if 12 or 13, for certain agricultural tasks. See [N.Y. Lab. Law §§ 142, 143](#).
- 3) What is the maximum number of days per week that a child may work?** No limit on the number of days as the state exempts farm laborers. See [N.Y. Lab. Law § 142](#).
- 4) Is night work prohibited for certain hours and certain ages?** Night hour restrictions are not applicable to agriculture. No minor 14 or 15 years of age shall be employed after 7 p.m. or before 7 a.m. when school is in session; No minor 14 or 15 years of age shall be employed after 9 p.m. or before 7 a.m. between the 21st of June and Labor Day; This section shall not apply to newspaper carriers, farm laborers, child performers, child models, bridge caddies or baby sitters. See [N.Y. Lab. Law § 142](#).
- 5) What are the fines for violating child labor laws?** Civil fine of up to \$1,000 for a first offense, up to \$2,000 for a second offense, up to \$3,000 for a third offense; criminal fine of up to \$500 for a first offense, up to \$100 for a second and subsequent offense. See [N.Y. Lab. Law § 141](#), [N.Y. Lab. Law § 145](#).
- 6) What are the criminal penalties for violating child labor laws?** Misdemeanor, up to 60 days for a first offense, up to a 1 year for a second offense. See [N.Y. Lab. Law § 145](#).

North Carolina

In 2014, 5-year-old [Colby Gray Williamson](#) died after falling into a grain cart in Beaufort County, North Carolina.

- 1) What is the minimum age to perform agricultural work?** No minimum age. See [N.C. Gen. Stat. § 95-25.14](#).
- 2) What is the maximum number of hours a child can work daily?** Eight hours on a non-school day and three hours on a school day if under 16 years old. This provision does not apply to agricultural workers. See [N.C. Gen. Stat. § 95-25.5](#).
- 3) What is the maximum number of days per week that a child may work?** No maximum. See [N.C. Gen. Stat. § 95-25-5](#).
- 4) Is night work prohibited for certain hours and certain ages?** During the regular school term, no youth under 18 years of age who is enrolled in school in grade 12 or lower may be employed between 11 P.M. and 5 A.M. when there is school for the youth the next day. This restriction does not apply to youths 16 and 17 years of age if the employer receives written approval for the youth to work beyond the stated hours from the youth's parent or guardian and from the youth's principal or the principal's designee. No youth 14 or 15 years of age may be employed by an employer in any occupation between 7 p.m. and 7 a.m., except to 9 p.m. during the summer (when school is not in session); exemptions with parental consent. This provision does not apply to agricultural workers. See [N.C. Gen. Stat. § 95-25.5](#).
- 5) What are the fines for violating child labor laws?** \$500 for a first offense, up to \$1,000 for a second offense. See [N.C. Gen Stat § 95-25.23](#).
- 6) What are the criminal penalties for violating child labor laws?** None specific to child labor.

North Dakota

In 2017, 3-year-old [Burke Henry](#) died after falling off and tractor and being run over.

- 1) What is the minimum age to perform agricultural work?** No minimum age. See [N.D. Cent. Code § 34-07](#).
- 2) What is the maximum number of hours a child can work daily?** Eight hours on a non-school day and three hours on a school day if under 16 years old. This provision does not apply to agricultural workers. See [N.D. Cent. Code § 34-07-15](#).
- 3) What is the maximum number of days per week that a child may work?** No maximum. See [N.D. Cent. Code § 34-07-15](#).
- 4) Is night work prohibited for certain hours and certain ages?** A minor 14 or 15 years of age may not be employed or permitted to work at any occupation before 7 a.m. nor after 7p.m., except that these hours are 7 a.m. to 9 p.m. from June 1st through Labor Day. This provision does not apply to agricultural workers or domestic services. See [N.D. Cent. Code § 34-07-15](#).
- 5) What are the fines for violating child labor laws?** Up to \$1,000 for the first offense, up to \$1500 for the second offense. See [N.D. Cent. Code §§ 34-07-21; 12.1-32](#).
- 6) What are the criminal penalties for violating child labor laws?** Violating the child labor laws is an infraction which does not include jail time, but if two or more infractions are committed within one year of each other, for the second or subsequent infraction the perpetrator may be sentenced as though they committed a class B misdemeanor, which includes up to 30 days imprisonment. See [N.D. Cent. Code § 34-07-21](#).

Ohio

In December 2010, a 16-year-old named [John Warner](#) was killed when his clothing became entangled in the shaft of a manure spreader in Arcanum, Ohio. [Matthew Helmick](#), 16, died when the tractor he was driving overturned on the farm that his family owned in Doylestown, Ohio in August 2008. According to reports, Helmick was turning the tractor into a driveway and made the turn too fast, hitting an embankment and causing the tractor to flip. He was pinned underneath the vehicle.

- 1) What is the minimum age to perform agricultural work?** 14. See [Ohio Admin. Code § 4101:9-2-02](#).
- 2) What is the maximum number of hours a child can work daily?** Eight hours on a non-school day and three hours on a school day if under 16 years old. See [Ohio Rev. Code § 4109.07](#).
- 3) What is the maximum number of days per week that a child may work?** No maximum. See [Ohio Rev. Code § 4109.07](#).
- 4) Is night work prohibited for certain hours and certain ages?** No person under 16 years of age shall be employed before 7 a.m.; after 9 p.m. from the first day of June to the first day of September or during any school holiday of five school days or more duration, or after 7 p.m. at any other time. No person 16 or 17 years of age who is required to attend school under Chapter 3321. of the Revised Code shall be employed before 7 a.m. on any day that school is in session, except such person may be employed after 6 a.m. if the person was not employed after 8 p.m. the previous night; after 11 p.m. on any night preceding a day that school is in session. See [Ohio Rev. Code § 4109.07](#).
- 5) What are the fines for violating child labor laws?** Up to \$500. See [Ohio Rev. Code § 4109.99](#).
- 6) What are the criminal penalties for violating child labor laws?** Up to 60 days. See [Ohio Rev. Code § 4109.99](#).

Oklahoma

In September 2018, an [8-year-old](#) boy in Medford, Oklahoma died in a farm accident involving a grain truck

- 1) What is the minimum age to perform agricultural work?** No minimum age. See [Okla. Stat. tit. 40, § 72.1](#).
- 2) What is the maximum number of hours a child can work daily?** Eight hours on a non-school day and three hours on a school day if under 16 years old. This provision does not apply to agricultural workers. See [Okla. Stat. tit. 40, § 75](#).
- 3) What is the maximum number of days per week that a child may work?** No maximum. See [Okla. Stat. tit. 40, § 75](#).
- 4) Is night work prohibited for certain hours and certain ages?** No person under the age of 16 years shall be employed or permitted to work between the hours of 7 p.m. and 7 a.m.; except, during the summer (June 1 through Labor Day) and, if the employer is not covered by the Fair Labor Standards Act, during the remainder of the year on days followed by a non-school day when the prohibited hours will be between the hours of 9 p.m. and 7 a.m. This provision does not apply to agricultural workers. See [Okla. Stat. tit. 40, § 76](#).
- 5) What are the fines for violating child labor laws?** Up to \$500. See [Okla. Stat. tit. 40, § 88](#).
- 6) What are the criminal penalties for violating child labor laws?** Misdemeanor, 10 to 30 days. See [Okla. Stat. tit. 40, § 88](#).

Oregon

In 2018, a [two-year-old](#) died in a tractor accident near Estacada, Oregon

- 1) What is the minimum age to perform agricultural work?** 12. See [Or. Rev. Stat. § 653.320](#).
- 2) What is the maximum number of hours a child can work daily?** Ten hours on a non-school day and three hours on a school day if under 16 years old and employed in farm work. See [Or. Admin. R. 839-021-0290](#).
- 3) What is the maximum number of days per week that a child may work?** A child under 16 years of age may not be employed for more than 6 days. See [Or. Rev. Stat. § 653.315\(1\)](#).
- 4) Is night work prohibited for certain hours and certain ages?** Night hour restrictions are not applicable to agriculture. A child under 16 years of age may not be employed at any work before 7 a.m. or after 7 p.m., except that during the period between June 1 and Labor Day a child under 16 years of age may be employed until 9 p.m. See [Or. Rev. Stat. § 653.315](#).
- 5) What are the fines for violating child labor laws?** Up to \$1,000. See [Or. Rev. Stat. § 653.370](#).
- 6) What are the criminal penalties for violating child labor laws?** Misdemeanor, not more than one year. See [Or. Rev. Stat. § 653.991](#).

Pennsylvania

Two teen brothers died in a farm accident in July 2017 in Lower Mifflin Township, Pennsylvania as a tire exploded as they tried to replace it on a manure spreader. The boys, [aged 14 and 19](#), were thrown from the explosion causing fatal injuries. [Amos King](#), age 11, died in a farm accident in Lancaster County, Pennsylvania when a 1,200 pound bale of hay fell on him in January 2016. Amos was a member of the Amish community. He died one day after an 8-year-old boy suffered very serious leg injuries when his leg became stuck in some farm machinery on a nearby farm. In August 2014, in Lancaster County, Pennsylvania, [Jonas King](#), a 15-year-old lost control of a skid-loader that overturned into a manure pit, where he died of asphyxiation.

1) What is the minimum age to perform agricultural work? No minimum age. See [43 P.S. Labor § 40.13](#).

2) What is the maximum number of hours a child can work daily? Eight hours on a non-school day and three hours on a school day if under 16 years old. Ten hours on a non-school day and eight hours on a school day if 16 or 17 years old. This provision does not apply to agricultural workers. See [43 P.S. Labor § 40.3](#).

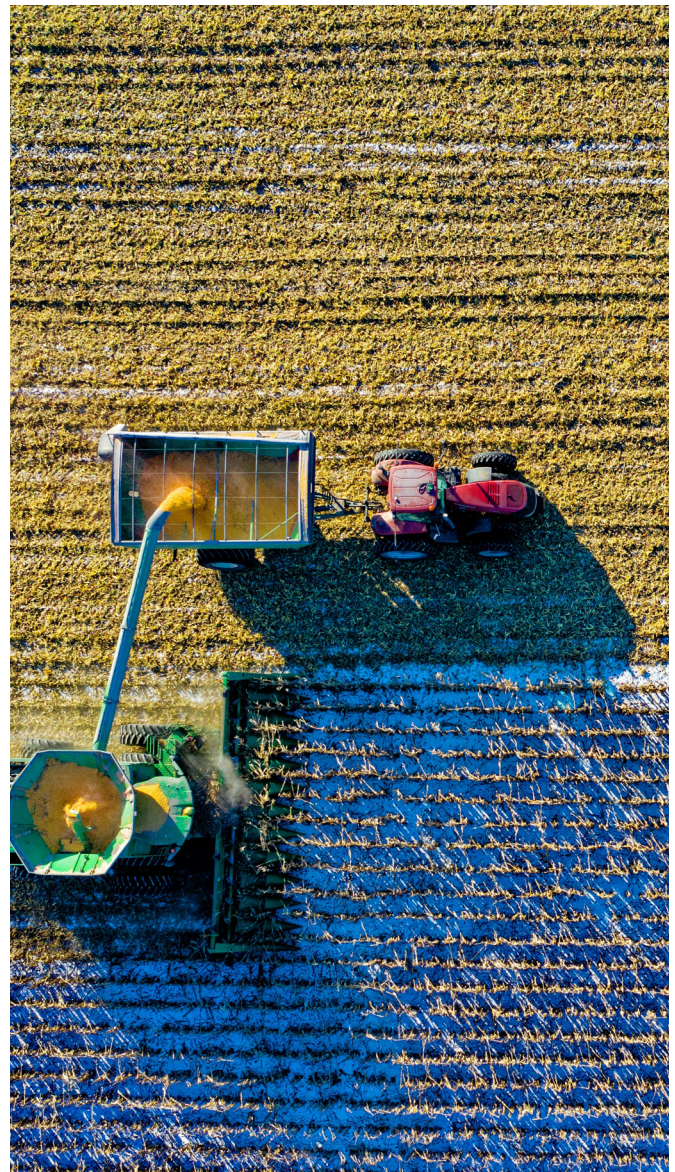
3) What is the maximum number of days per week that a child may work? No limit on the number of days as the state has an exemption for agricultural employment. See [43 P.S. Labor § 40.13](#).

4) Is night work prohibited for certain hours and certain ages? Individuals who are at least 14 years of age or older may be employed until 10 p.m. on a farm by a person other than the farmer in the hatching, raising or harvesting of poultry as long as the minor is not working in an agricultural occupation declared hazardous by the United States Secretary of Labor. For individuals 14 and 15 years of age, the minor may not be employed before 7 a.m. or after 7 p.m., except that during a school vacation period a minor shall be permitted to be employed until 9 p.m. For minors who are

16 years of age or older, the minor may not be employed before 6 a.m. or after 12 midnight, except that during a school vacation period a minor shall be permitted to be employed until 1 a.m. . See [43 P.S. Labor § 40.3](#).

5) What are the fines for violating child labor laws? \$500 criminal fine plus a potential administrative penalty of up to \$5,000 for a first offense, \$1,500 criminal fine plus a potential administrative penalty of up to \$5,000 for a second offense. See [43 P.S. Labor § 40.11](#).

6) What are the criminal penalties for violating child labor laws? Up to 10 days for a second violation. See [43 P.S. Labor § 40.11\(b\)\(2\)](#).



Rhode Island

- 1) What is the minimum age to perform agricultural work?** No minimum age. See [R.I. Gen. Laws § 28-3-8](#).
- 2) What is the maximum number of hours a child can work daily?** Eight hours if under 16 years old. Nine hours if 16 or 17 years old. These limitations do not apply to children employed in agricultural pursuits. See [R.I. Gen. Laws §§ 28-3-8, 28-3-11](#).
- 3) What is the maximum number of days per week that a child may work?** No maximum. See [R.I. Gen. Laws § 28-3-11](#).
- 4) Is night work prohibited for certain hours and certain ages?** No minor between the ages of 16 and 18 years of age regularly attending a public or approved private day school or institution of higher learning shall be employed or permitted or suffered to work in any factory, manufacturing, mechanical, business, or mercantile establishment within this state before 6:00 A.M. or after 11:30 P.M. of any one day preceding a regularly scheduled school day, except that the minor may be employed or permitted or suffered to work until 1:30 A.M. of any non-regularly scheduled school day. This provision does not apply to agricultural workers. See [R.I. Gen. Laws § 28-3-11](#).
- 5) What are the fines for violating child labor laws?** \$500 for each offense, or \$5,000 in the case of serious injury or death. See [R.I. Gen. Laws § 28-3-20](#).
- 6) What are the criminal penalties for violating child labor laws?** None specific to child labor.

South Carolina

In 2017, a [13-month-old](#) girl in Lady's Island was killed when she was run over by a tractor being driven by her 5-year-old brother.

- 1) What is the minimum age to perform agricultural work?** 14. See [S.C. Code § 41-13-20](#).
- 2) What is the maximum number of hours a child can work daily?** Eight hours on a non-school day and three hours on a school day if under 16 years old. This provision does not apply to agricultural workers. See [S.C. Code Regs. 71-3106](#).
- 3) What is the maximum number of days per week that a child may work?** No maximum. Although South Carolina generally limits the number of hours that a child may work, it does not limit the number of days per week that a child may work. See [S.C. Code Regs. 71-3106](#).
- 4) Is night work prohibited for certain hours and certain ages?** No specific hours noted. No employer in this State shall engage in any oppressive child labor practices. The Director of the Department of Labor, Licensing and Regulation or his designee shall promulgate regulations pursuant to Sections 1-23-10 et seq. which will prohibit and prevent such oppressive child labor practices provided that such regulations shall not be more restrictive or burdensome than applicable federal laws or regulations. See [S.C. Code § 41-13-20](#).
- 5) What are the fines for violating child labor laws?** Up to \$1,000 for a first offense, and up to \$5,000 for a subsequent offense. See [S.C. Code § 41-13-25](#).
- 6) What are the criminal penalties for violating child labor laws?** None specific to child labor.

South Dakota

A 16-year-old, [Taylor Watzel](#) became trapped in a grain bin and died in Winner, South Dakota in October 2016.

- 1) **What is the minimum age to perform agricultural work?** No minimum age. See [S.D. Codified Laws § 60-12-3](#).
- 2) **What is the maximum number of hours a child can work daily?** Eight hours on a non-school day and four hours on a school day if under 16 years old. See [S.D. Codified Laws § 60-12-1](#).
- 3) **What is the maximum number of days per week that a child may work?** No maximum. See [S.D. Codified Laws § 60-12-1](#).
- 4) **Is night work prohibited for certain hours and certain ages?** Night hour restrictions do not apply to roguing or detasselling of hybrid seedcorn for any non-school day or non-school week. No unemancipated child under 16 years of age may be employed after 10 p.m. in any day that precedes a school day. See [S.D. Codified Laws § 60-12-1](#).
- 5) **What are the fines for violating child labor laws?** Up to \$500. See [S.D. Codified Laws § 60-12-1](#).
- 6) **What are the criminal penalties for violating child labor laws?** A Class 2 misdemeanor, punishable by 30 days imprisonment. See [S.D. Codified Laws § 60-12-1](#).

Tennessee

In 2018, 6-year-old [Shawn Hudson Corum](#) died in Ethridge, Tennessee, after getting entangled in an auger system inside a grain silo.

- 1) **What is the minimum age to perform agricultural work?** No minimum age. See [Tenn. Code § 50-5-107\(3\)](#).
- 2) **What is the maximum number of hours a child can work daily?** Eight hours on a non-school day and three hours on a school day if under 16 years old. This provision does not apply to agricultural workers. See [Tenn. Code § 50-5-104](#).
- 3) **What is the maximum number of days per week that a child may work?** No maximum. See [Tenn. Code § 50-5-104](#).
- 4) **Is night work prohibited for certain hours and certain ages?** A minor who is either 14 or 15 years of age may not be employed between the hours of 7:00 p.m. and 7:00 a.m., if the next day is a school day; otherwise between the hours of 9:00 p.m. and 6:00 a.m.; A minor who is 16 or 17 years of age and is enrolled in school may not be employed between the hours of 10:00 p.m. and 6:00 a.m. Sunday through Thursday evenings preceding a school day. If parents or guardians consent, the minor may be employed between the hours of 10:00 p.m. and midnight Sunday through Thursday evenings preceding a school day, but no more than three occasions during any week: This part shall not apply to any minor who is employed in agricultural work. See [Tenn. Code §§ 50-5-104, 50-5-105, 50-5-107](#).
- 5) **What are the fines for violating child labor laws?** Up to \$2,500 with a possible additional civil penalty of \$150 to \$1,000 for those 14-16, or \$1000 to \$10000, but child labor is expressly exempt from these fines. See [Tenn. Code §§ 50-5-112; 50-5-107](#).
- 6) **What are the criminal penalties for violating child labor laws?** Class A misdemeanor up to 1 year. See [Tenn. Code §§ 50-5-112; 40-35-111](#).

Texas

In April 2021, [two children, ages 7 and 11](#), died near Roanoke, Texas, after being run over by a backhoe. In 2017, 15-year-old [Nicholas Dyck](#) died after being buried in a cotton module in Parmer County, Texas. A 2-year-old boy [2-year-old](#) boy died in Winnsboro, Texas, in 2009, after falling out of the grip of the driver of a tractor.

- 1) **What is the minimum age to perform agricultural work?** No minimum age. See [Tex. Lab. Code § 51.003](#).
- 2) **What is the maximum number of hours a child can work daily?** Eight hours if under 16 years old. This provision does not apply to agricultural workers. See [Tex. Lab. Code § 51.013](#).
- 3) **What is the maximum number of days per week that a child may work?** No maximum. See [Tex. Lab. Code § 51.013](#).
- 4) **Is night work prohibited for certain hours and certain ages?** A person commits an offense if the person permits a child who is 14 or 15 years of age, is employed by the person, and is enrolled in a term of a public or private school to work between the hours of 10 p.m. and 5 a.m. on a day that is followed by a school day; or between the hours of midnight and 5 a.m. on a day that is not followed by a school day. A person commits an offense if the person permits a child who is 14 or 15 years of age, is employed by the person, and is not enrolled in summer school to work between the hours of midnight and 5 a.m. on any day during the time that school is recessed for the summer. Performer and sales solicitation exemptions This provision does not apply to agricultural workers. See [Tex. Lab. Code § 51.013](#).
- 5) **What are the fines for violating child labor laws?** Up to \$4,000 criminal fine with a possible additional civil penalty up to \$10,000. See [Tex. Lab. Code § 51.031](#); [Tex. Lab. Code § 51.033](#).
- 6) **What are the criminal penalties for violating child labor laws?** Class B misdemeanor (up to 180 days) or Class A misdemeanor (up to 1 year). See [Tex. Lab. Code § 51.031](#); [Tex. Lab. Code § 51.033](#).

Utah

In Spanish Fork, Utah, in March 2021, a [12-year-old](#) boy was run over by a piece of farm equipment being driven by his father.

- 1) **What is the minimum age to perform agricultural work?** 12, No minimum age with parental consent. See [Utah Code § 34-23-207](#).
- 2) **What is the maximum number of hours a child can work daily?** Eight hours on a non-school day if under 16 years old, and four hours on a school day if under 16 years old with parental waiver. See [Utah Code § 34-23-202](#).
- 3) **What is the maximum number of days per week that a child may work?** No maximum. See [Utah Code § 34-23-202](#).
- 4) **Is night work prohibited for certain hours and certain ages?** Night hour restrictions not applicable to agriculture with consent of the minor's parent, guardian or custodian. A minor under the age of 16 may not be permitted to work before 5:00 a.m. or after 9:30 p.m., unless the next day is not a school day. This provision does not apply to agricultural workers with parental consent. See [Utah Code §§ 34-23-202, 34-23-207](#).
- 5) **What are the fines for violating child labor laws?** Up to \$1,000 criminal fine plus a potential administrative penalty of up to \$500. See [Utah Code §§ 34-23-401; 34-23-402](#).
- 6) **What are the criminal penalties for violating child labor laws?** Class B misdemeanor, up to 6 months. See [Utah Code § 34-23-402](#).

Vermont

In 2017, 7-year-old [Grady Howrigen](#) was killed in a tractor accident in Fairfield, Vermont.

- 1) What is the minimum age to perform agricultural work?** 14, 12 with parental consent, under 12 on a parent-owned farm. See [Vt. Stat. tit. 21, § 436](#).
- 2) What is the maximum number of hours a child can work daily?** Eight hours on a non-school day and three hours on a school day if under 16 years old. See [Vt. Stat. tit. 21, § 434](#).
- 3) What is the maximum number of days per week that a child may work?** No limit on the number of days as the state has an exemption for employment in agriculture. See [Vt. Stat. tit. 21, § 434](#).
- 4) Is night work prohibited for certain hours and certain ages?** A child under 16 years of age shall not be employed earlier than 7:00 a.m., or after 7:00 p.m., except from June 1 through Labor Day when a child may be permitted to work until 9:00 p.m. The provisions of this section shall not apply to work connected with agriculture. See [Vt. Stat. tit. 21, § 434](#).
- 5) What are the fines for violating child labor laws?** Up to \$5,000 for a first offense and up to \$5,000 for a subsequent offense. See [Vt. Stat. tit. 21, § 449](#).
- 6) What are the criminal penalties for violating child labor laws?** Up to 6 months for a subsequent offense. See [Vt. Stat. tit. 21, § 449](#).

Virginia

In 2020, a [4-year-old](#) boy riding a bike in Rockingham County was killed after being accidentally struck by a tractor. In 2007, five people, including [9- and 11-year-old girls](#), died in a methane gas accident in a manure pit in Rockingham County.

- 1) What is the minimum age to perform agricultural work?** 14, 12 with parental consent. See [Va. Code §§ 40.1-78, 40.1-79.01](#).
- 2) What is the maximum number of hours a child can work daily?** Eight hours on a non-school day and three hours on a school day if under 16 years old. This provision does not apply to agricultural workers. See [16 Va. Admin. Code § 15-40-30](#).
- 3) What is the maximum number of days per week that a child may work?** No maximum. See [16 Va. Admin. Code § 15-40-30](#).
- 4) Is night work prohibited for certain hours and certain ages?** Minors under the age of 16 may not work between 7 p.m. and 7 a.m. except that from June 1 through Labor Day, such a minor may work until 9 p.m. This provision does not apply to agricultural workers. See [16 Va. Admin. Code § 15-40-30](#).
- 5) What are the fines for violating child labor laws?** Up to \$1,000 or up to \$10,000 in the case of serious injury or death. See [VA Code § 40.1-113](#).
- 6) What are the criminal penalties for violating child labor laws?** None specific to child labor.

Washington

In 2021, a [3-year-old](#) girl died in Yakima County after being run over by a tractor. In August, 2003, [two 16-year-old](#) boys in Washington were asphyxiated in a silo when they were overcome by hazardous fumes.

- 1) What is the minimum age to perform agricultural work?** 14, 12 for certain types of agricultural labor, including hand-harvesting and cultivating berries, bulbs, cucumbers, and spinach. See [Wash. Admin. Code § 296-131-115](#).
- 2) What is the maximum number of hours a child can work daily?** Eight hours on a non-school day and three hours on a day before a school day if under 16 years old. Eight hours on a non-school day and four hours on a day before a school day if 16 or 17 years old. See [Wash. Admin. Code § 296-125-027](#).
- 3) What is the maximum number of days per week that a child may work?** No minor shall be employed more than 6 days, unless “employed in dairy or livestock production, in the harvest of hay, or whose employment in crop production requires daily attention to irrigation.”. See [Wash. Admin. Code §§ 296-125-027; 296-131-120\(4\)](#).
- 4) Is night work prohibited for certain hours and certain ages?** Minors under age 16 may not work between 8 p.m. and 7 a.m. when school is in session, or between 8 p.m. and 6 a.m. if employed in animal agriculture or certain crop production jobs. Minors under age 16 may not work between 9 a.m. and 5 a.m. when school is not in session. See [Wash. Admin. Code § 296-131-120](#).
- 5) What are the fines for violating child labor laws?** Up to \$1000 in civil penalties; Up to \$5,000 in criminal penalties if violated knowingly or recklessly; Up to \$10,000 in criminal penalties in the case of permanent disability or death. See [Wash. Rev. Code §§ 49.12.390; 49.12.410](#).
- 6) What are the criminal penalties for violating child labor laws?** Knowing or reckless violation is a gross misdemeanor, up to 1 year; Violation resulting in permanent injury or death is a Class C felony, up to 5 years. See [Wash. Rev. Code §§ 49.12.390; 49.12.410](#).

West Virginia

In 2020, an [8-year-old](#) girl was killed in a tractor accident in Parkersburg, West Virginia.

- 1) What is the minimum age to perform agricultural work?** No minimum age. See [W. Va. Code § 21-6-1](#).
- 2) What is the maximum number of hours a child can work daily?** Eight hours on a non-school day and three hours on a school day if under 16 years old. These limitations do not apply to children employed in non-hazardous agriculture activities. See [W. Va. Code §§ 21-6-1; 21-6-7](#).
- 3) What is the maximum number of days per week that a child may work?** No maximum. See [W. Va. Code § 21-6-7](#).
- 4) Is night work prohibited for certain hours and certain ages?** No child under the age of 16 who is employed or permitted to work in accordance with the provisions of this article shall work before 7:00 a.m. or after 7:00 p.m.: provided, that a child under the age of 16 may work until 9:00 p.m. from June 1 through Labor Day. This provision does not apply to agricultural workers. See [W. Va. Code §§ 21-6-1, 21-6-7](#).
- 5) What are the fines for violating child labor laws?** \$50 to \$100 for a first offense, \$200 to \$1,000 for a second offense. See [W. Va. Code § 21-6-10](#).
- 6) What are the criminal penalties for violating child labor laws?** Up to 6 months for a second offense. See [W. Va. Code § 21-6-10](#).

Wisconsin

A [16-year-old](#) boy was found dead in a manure tank in Hixon, Wisconsin in September 2016. Investigators say the boy apparently was spreading manure in a field when he stopped the tractor after emptying the manure tank he was pulling. The boy entered the empty manure tank, apparently because of a maintenance issue, and was found unconscious inside. In September 2014, [Troy Gorr](#) of Monroe, Wisconsin died while working on a farm when the tractor he was operating overturned. In July 2014, a [9-year-old](#) boy died in a Grant County grain bin accident as he tried to loosen a stuck auger (it is not clear if he was working for wages.)

1) What is the minimum age to perform agricultural work? 12. See [Wis. Stat. § 103.67\(2\)\(e\)](#).

2) What is the maximum number of hours a child can work daily? Eight hours on non-school days and the last school day of the week and four hours on school days except last school day of the week, if under 16 years old. Eight hours on non-school days and the last school day of the week and five hours on school days except last school day of the week, if 16 or 17 years old. See [Wis. Admin. Code DWD § 270.11](#).

3) What is the maximum number of days per week that a child may work? Minors between the ages of 12 and 17 may not work more than 6 days per week. Minors between the ages of 14 and 17 may be employed in farming in excess of the permitted hours of labor per week during peak periods, as determined on a case-by-case basis. See [Wis. Admin. Code DWD § 270.11](#).

4) Is night work prohibited for certain hours and certain ages? No minor under 16 years of age may be employed or permitted to work in any gainful occupation, other than in domestic service, farm labor, or public exhibitions, as provided in s. 103.78, as follows: Before 7:00 a.m. or after 7:00 p.m. from the day after Labor Day to May 31. Before 7:00 a.m. or after 9:00 p.m. from June 1 to Labor Day. Minors age 14 or 15 employed in

farm labor may not work between 8 p.m. to 7 a.m. before a school day (or 5 a.m. if farming), or 11 p.m. to 7 a.m. before a non-school day (or 5 a.m. if farming). Minors age 12 and 13 employed in farm labor may not work between 8 p.m. to 7 a.m. before a school day (or 5 a.m. if farming), or 9:30 p.m. to 7 a.m. before a non-school day (or 5 a.m. if farming). See [Wis. Stat. § 103.68](#).

5) What are the fines for violating child labor laws? \$25 to \$1,000 for a first offense, \$250 to \$5,000 for a second offense. See [Wis. Stat. § 103.82](#).

6) What are the criminal penalties for violating child labor laws? Up to 30 days for a second offense. See [Wis. Stat. § 103.82](#).

Wyoming

A 17-year-old ranch helper died after being struck by lightning while moving sheep between camps, in 1992.

- 1) What is the minimum age to perform agricultural work?** No minimum age. See [Wyo. Stat. § 27-6-107](#).
- 2) What is the maximum number of hours a child can work daily?** Eight hours in a twelve-hour period if under 16 years old. This provision does not apply to agricultural workers. See [Wyo. Stat. § 27-6-110](#).
- 3) What is the maximum number of days per week that a child may work?** No limit on the number of days as the state has an exemption for farm work. See [Wyo. Stat. § 27-6-110](#).
- 4) Is night work prohibited for certain hours and certain ages?** No child under sixteen (16) years of age shall be employed, permitted or suffered to work at any gainful occupation except farm or domestic service, before the hour of 5:00 a.m. or after the hour of 10:00 p.m. on nights followed by a school day, or after the hour of midnight on days which are not followed by a school day. Provided however that children between the ages of 14 and 16 years who are not enrolled in school may be employed at any gainful occupation for an eight (8) hour period between the hours of 5:00 a.m. and midnight of any one (1) day. See [Wyo. Stat. § 27-6-110](#).
- 5) What are the fines for violating child labor laws?** Up to \$750. See [Wyo. Stat. § 27-6-113](#).
- 6) What are the criminal penalties for violating child labor laws?** Misdemeanor, up to 100 days. See [Wyo. Stat. § 27-6-113](#).

District of Columbia

- 1) What is the minimum age to perform agricultural work?** 14. See [D.C. Code § 32-201](#).
- 2) What is the maximum number of hours a child can work daily?** Eight hours if under 18 years old. This provision does not apply to agricultural workers. See [D.C. Code § 32-202](#).
- 3) What is the maximum number of days per week that a child may work?** No limit on the number of days as the state has an exemption for agricultural work. See [D.C. Code § 32-202](#).
- 4) Is night work prohibited for certain hours and certain ages?** No minor 16 or 17 years of age may be employed, permitted, or suffered to work before 6 a.m. or after 10 p.m. of any day; nor shall any minor under 16 years of age be employed, permitted, or suffered to work before 7 a.m. or after 7 p.m. of any day, except during the summer (June 1 through Labor Day) when the evening hour shall be 9 p.m. (exemptions for actors, models or performers). See [D.C. Code § 32-202](#).
- 5) What are the fines for violating child labor laws?** 1st offense-\$1,000-\$3,000 fine 2nd. offense \$3,000-\$5,000 fine Each day during which a violation of child labor laws occurs constitutes a separate offense. See [D.C. Code § 32-213](#).
- 6) What are the criminal penalties for violating child labor laws?** 10-30 days for a first offense, 30-90 days for a subsequent offense. See [D.C. Code § 32-213](#).

Puerto Rico

- 1) What is the minimum age to perform agricultural work?** 14. *See* [P.R. Laws tit. 29, § 432](#).
- 2) What is the maximum number of hours a child can work daily?** Eight hours if under 18 years old. *See* [P.R. Laws tit. 29, § 433](#).
- 3) What is the maximum number of days per week that a child may work?** Minors between the ages of 14 and 18 shall not be employed for more than 6 consecutive days. *See* [P.R. Laws tit. 29, § 433](#).
- 4) Is night work prohibited for certain hours and certain ages?** Minors who are 14 years of age but less than 16 years of age can work between 8:00 a.m. and 6:00 p.m.; and minors who are 16 years of age but less than 18 years of age can work between 6:00 a.m. and 10:00 p.m. *See* [P.R. Laws tit. 29, § 433](#).
- 5) What are the fines for violating child labor laws?** \$25 to \$100 for a first offense, \$100 to \$1,000 for a subsequent offense. *See* [P.R. Laws tit. 29, § 449](#).
- 6) What are the criminal penalties for violating child labor laws?** Misdemeanor, up to 90 days. *See* [P.R. Laws tit. 29, § 449](#).

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