

# Working Condition Reform for Migrant Child Farmworkers

By: Crystal Bryan

## **Introduction:**

According to the USDA, there are currently 2.1 million farms in the United States<sup>1</sup>, accounting for 40% of the land area.<sup>2</sup> Farm work is one of the most perilous industries and working conditions for farmers vary significantly from farm to farm.<sup>3</sup> In 2012, it was estimated that approximately 727,000 children were working on these farms, including both farm owner children and migrant farm worker children.<sup>4</sup> Despite only accounting for 8% of the child labor force in the U.S., child farmworkers account for 40% of the injuries to child workers.<sup>5</sup> Additionally, the injuries of these child farmworkers are estimated to cost society approximately 1 billion dollars annually.<sup>6</sup>

In addition to being at risk for injury, child farmworkers are also exposed to many health risks. Specifically, working on farms puts children at risk for exposure to pesticides and animal bacteria and viruses. This exposure is particularly dangerous for children because they are still in their developmental phase.<sup>7</sup> The long work hours that these children put in increases their risk for unhealthy levels of pesticide exposure as well as introduces the risk of heat illness exposure<sup>8</sup>.

A large proportion of farmworkers in the U.S. are Mexican migrant workers. Many farm owners take advantage of these migrant families because of their limited education, English language proficiency, and legal status. These barriers allow farm owners to overwork the farmworkers, especially the child farmworkers<sup>9</sup>.

Current labor laws do nothing to protect migrant child farm laborers, as agriculture is the exception to the Fair Labor Standards Act. Although the law prevents most children under the age of 14 from

working, child farmworkers are seen as an exception and start working at significantly younger ages.<sup>10</sup> To address the serious health issues facing these children it is necessary to implement stricter work and environmental laws that protect children and keep them in school to ideally break the poverty cycle.

In this brief I will first describe the dangerous working conditions of these child farmworkers. Next I will focus the barriers that put migrant workers most at risk in these conditions. Third I will discuss the health risks and perception of risk in these working conditions. Finally I will make policy recommendations for further action to improve conditions for these child farmworkers.

## **Working Conditions:**

Exposure to pesticides is a problem faced by anyone working in agriculture, specifically on farms. By definition, a pesticide is “a chemical that is used to kill animals or insects that damage plants or crops.”<sup>11</sup> Thus pesticides are used by farmworkers to protect their crops. Within a year, 950 million tons of pesticides are utilized in the U.S. While the EPA has attempted to issue worker hygiene guidelines specifically for pesticide exposure the guidelines have been deemed ineffective. Many of these farm workers reside in rundown homes located on the farms and thus are exposed to pesticides while in the fields and also in their homes. A study of urine samples of a variety of migrant farmworker families in North Carolina proved that these farm families tend to have higher levels of pesticide metabolites in their systems, than comparison groups living in urban areas. This is particularly dangerous because due

to residential pesticide exposure, even young children not working are at risk for exposure.<sup>12</sup>

While pesticide exposure is one of the main risk factors facing these farmworkers, especially child farm workers, they are also at risk for other injuries due to their working conditions. Children on the farm tend to work with heavy machinery and dangerous tools that also increase their risk of serious injury or death. For youth living on farms, 25% of fatalities occur from machinery, 17% from vehicles such as tractors, and 16% from drowning.<sup>13</sup> The long work hours also put these children at risk for dangerous levels of heat exposure. Overall, there are many risks for migrant children working on farms, especially those who work extended hours.<sup>14</sup>

### **Population:**

In the U.S., 72% of farmworkers are foreigners, 68% of which are Mexican.<sup>15</sup> Thus a large proportion of farmworkers are Hispanic immigrants. More specifically, 42% of farmworkers are migrant workers, 35% of which travel back and forth between Mexico and the U.S. while 26% only travel within the U.S. A third of these migrants are recent migrants and so face the struggle of adjusting to a new country, which is particularly relevant to the safety behaviors they practice and their understanding of the danger and health risks on American farms. 70% of these migrant farmworkers defined their English speaking abilities as “somewhat” to “not at all.”<sup>16</sup> This is especially important because language barriers are a major obstacle to adjustment for migrant families. Thus a lack of proficiency in English would make it even more difficult for migrant farmworkers to understand the dangers of pesticides and necessary safety procedures. In regard to education, 57% of workers had completed 9<sup>th</sup> grade or less, with the average having

completed up to 8<sup>th</sup> grade. 32% of farmworkers surveyed had less than 4 years of farm experience.<sup>17</sup> All of these factors, minimal education, limited English proficiency, minimal farmworker experience, all contribute to putting these farmworkers at risk for pesticide related health problems and severe injuries.

The average family income level ranged from between \$17,500 - \$19,999. This fact is very important because it explains why many migrant farmworker families need to rely on their children’s contribution to their family income. One of the major problems facing child migrant farmworkers is the fact that many of these children are forced to miss significant portions of school because their families need them to work on the farms<sup>18</sup>. Additionally, many of these children work during the school year for longer hours than their peers not working on the farm. These long hours also increase their exposure to pesticide chemicals in the field. Child work laws are quite strict for children working in most industries, with the exception of farming. Not only are the regulations significantly more relaxed for farmworker children, the government does not have the manpower to enforce the laws they have. The employers often pay the children by increasing the amount on their parent’s checks, also increasing the difficulty of tracking hours. Many families are too afraid to report any labor abuse because of their fear of governmental agencies. Even though many of the child workers are citizens, some of the parents are not and even those that are fear the risk of deportation.<sup>19</sup>

### **Health Risks**

Pesticide exposure is particularly dangerous because the health effects are not fully known. According to one source, “Adults can experience neurological deficits, increased risk of cancer,

reproductive problems, and Parkinson's disease. Additional effects for children include birth defects and developmental delay.<sup>20</sup> These health risks are very serious and thus migrant farm families should take special precaution to protect themselves. This seldom happens however because many families are unaware of the dangers of pesticides.<sup>21</sup> Currently, between 10,000 – 20,000 cases of pesticide related illnesses are diagnosed annually, however the EPA believes this is strongly underreported.<sup>22</sup> Many legal and illegal migrant workers don't trust health care systems and so won't get checked out by a doctor. Others don't have health insurance. The clinics that are available for migrant farmworkers tend to be underfunded and under resourced.<sup>23</sup> Thus the EPA estimates that closer to 300,000 farmworkers suffer from pesticide related illnesses annually, with a large percentage of these patients being children.<sup>24</sup>

### **Perception of Working Conditions**

Studies of the mindset of children migrant farmworkers have shown that many of these youth are aware that pesticide exposure is dangerous but don't worry about exposure. Specifically, one study found that many children workers either consider pesticide exposure to be an unavoidable risk of the job or believe that being healthy will protect them from pesticide related illnesses.<sup>25</sup> Despite their knowledge, many youth expressed fear of their employers and thus felt that their work environment wasn't particularly welcoming to taking all necessary safety measures to minimize exposure risk. Some farms didn't provide adequate hygiene outlets for their workers.<sup>26</sup> On the farms that did, many employees didn't feel free to utilize the facilities.<sup>27</sup> Thus in addition to the inevitable occupational hazards associated with farming, these workers are also faced with poor work

environments in which they don't feel comfortable exerting their rights.

### **Current Policy and Recommendations**

Current child labor laws are quite strict but exclude farmworker children. The Fair Labor Standards Act forbids employment of children under the age of 14. In agriculture, many children start working from age 6 and above. During the school year, the FLSA mandates that children work a maximum of 3 hours a day. On these farms however, many children work significantly more hours. As long as they don't work during school hours there is no law prohibiting this.<sup>28</sup>

One major problem facing migrant farmworker families is their constant exposure to these pesticides both in their home and work lives. Thus one potential solution is to keep houses off of the farming fields. Additionally, there needs to be increased education about pesticides and increased training on how to bath oneself and launder clothing to avoid home exposure. Environmental procedures should also be taken to monitor how pesticides are applied to the fields.<sup>29</sup>

In terms of policy, there is currently a bill in the House of Representatives that is fighting for stricter labor laws regarding children in agriculture. Known as the Children's Act for Responsible Employment (CARE Act), this bill specifically is trying to make age and hour requirements standard for all child laborers. The original exception in the FLSA was for children working on their parent's farms. The CARE Act would keep the exception for children working on their parent's farms but require uniformity for all the migrant children.

As stated earlier, much of the abuse on these farms go undetected because the government doesn't have the manpower to have frequent inspections. The workers

themselves are also too afraid to speak up. Thus it is also important to include a clause in any legislation that protects workers if they come forward with complaints.

One major argument for maintaining the current policy system is the fact that many of these migrant families are dependent on their children for adequate income. To circumvent this argument, many propose increasing minimum wage for farmworkers, ideally eliminating their reliance on their children. The ultimately goal is to keep these children in school and reduce their working hours to reduce exposure to these health risks and injuries.

### Additional Resources

1. <http://www.hrw.org/support-care>
2. <http://ashca.org/about/what-is-ashca/>
3. <http://www3.marshfieldclinic.org/nccrahs/>

---

<sup>1</sup> "Historical Highlights: 2012 and Earlier Census Years." *USDA Census of Agriculture*. N.p., n.d. Web. 5 June 2014. <[http://www.agcensus.usda.gov/Publications/2012/Full\\_Report/Volume\\_1\\_Chapter\\_1\\_US/st99\\_1\\_001\\_01.pdf](http://www.agcensus.usda.gov/Publications/2012/Full_Report/Volume_1_Chapter_1_US/st99_1_001_01.pdf)>.

<sup>2</sup>"Geography of U.S. Agriculture." *USDA Census of Agriculture*. N.p., n.d. Web. 4 June 2014. <<http://www.agcensus.usda.gov/Partners/Infographics>>

<sup>3</sup>"Agriculture." *Centers for Disease Control and Prevention*. Centers for Disease Control and Prevention, 9 Dec. 2013. Web. 6 June 2014. <<http://www.cdc.gov/niosh/topics/agriculture/>>.

<sup>4</sup> "Childhood Agricultural Injuries in the U.S.." *National Children's Center*. N.p., n.d. Web. 5 June 2014. <[http://www3.marshfieldclinic.org/proxy/MCRF-Centers-NFMC-NCCRAHS-2014\\_Child\\_Ag\\_Injury\\_FactSheet.1.pdf](http://www3.marshfieldclinic.org/proxy/MCRF-Centers-NFMC-NCCRAHS-2014_Child_Ag_Injury_FactSheet.1.pdf)>.

<sup>5</sup> "III. ADOLESCENT FARMWORKERS IN THE UNITED STATES: ENDANGERMENT AND EXPLOITATION." *Fingers to the Bone*. N.p., n.d. Web. 6 June 2014.

---

<[http://www.hrw.org/reports/2000/frmwrkr/frmwrk006-02.htm#P268\\_31062](http://www.hrw.org/reports/2000/frmwrkr/frmwrk006-02.htm#P268_31062)>.

<sup>6</sup>Childhood Agricultural Injuries in the U.S.." *National Children's Center*. N.p., n.d. Web. 5 June 2014. <[http://www3.marshfieldclinic.org/proxy/MCRF-Centers-NFMC-NCCRAHS-2014\\_Child\\_Ag\\_Injury\\_FactSheet.1.pdf](http://www3.marshfieldclinic.org/proxy/MCRF-Centers-NFMC-NCCRAHS-2014_Child_Ag_Injury_FactSheet.1.pdf)>.

<sup>7</sup> Farmer, Frank L, and Doris P. Slesinger. "Health Status And Needs Of Migrant Farm Workers In The United States: A Literature Review." *The Journal of Rural Health* 8.3 (1992): 227-234. Wiley. Web. 5 June 2014.

<sup>8</sup> Wilk, Valerie A.. "Health hazards to children in agriculture." *American Journal of Industrial Medicine* 24.3 (1993): 283-290. Wiley. Web. 4 June 2014.

<sup>9</sup> Gwyther, Marni E, and Melinda Jenkins. "Migrant farmworker children: Health status, barriers to care, and nursing innovations in health care delivery." *Journal of Pediatric Health Care* 12.2 (1998): 60-66. *ScienceDirect*. Web. 5 June 2014.

<sup>10</sup> "TAKE ACTION: End Child Labor in US Agriculture | Human Rights Watch." *TAKE ACTION: End Child Labor in US Agriculture | Human Rights Watch*. N.p., n.d. Web. 6 June 2014. <<http://www.hrw.org/support-care>>.

<sup>11</sup> "pesticide." *Merriam-Webster*. Merriam-Webster, n.d. Web. 6 June 2014. <<http://www.merriam-webster.com/dictionary/pesticide>>.

<sup>12</sup>Arcury, Thomas A, and Sara A Quandt. "Pesticides at work and at home: exposure of migrant farmworkers." *The Lancet* 362.9400 (2003): 2021. *The Lancet*. Web. 4 June 2014.

<sup>13</sup> Safety and Health Topics | Agricultural Operations - Youth in Agriculture." *Safety and Health Topics | Agricultural Operations - Youth in Agriculture*. N.p., n.d. Web. 6 June 2014.

<sup>14</sup>Neff, Zama. *Fields of peril: child labor in US agriculture*.. New York, NY: Human Rights Watch, 2010. Print.

<sup>15</sup> "Demographics." *National Center for Farmworker Health*. N.p., n.d. Web. 4 June 2014.

---

<<http://www.hrw.org/sites/default/files/ocs/fs-Migrant%20Demographics.pdf>>

<sup>16</sup> "Demographics." *National Center for Farmworker Health*. N.p., n.d. Web. 4 June 2014.

<<http://www.hrw.org/sites/default/files/ocs/fs-Migrant%20Demographics.pdf>>

<sup>17</sup> "Demographics." *National Center for Farmworker Health*. N.p., n.d. Web. 4 June 2014.

<<http://www.hrw.org/sites/default/files/ocs/fs-Migrant%20Demographics.pdf>>

<sup>18</sup> Gwyther, Marni E, and Melinda Jenkins. "Migrant farmworker children: Health status, barriers to care, and nursing innovations in health care delivery." *Journal of Pediatric Health Care* 12.2 (1998): 60-66. *ScienceDirect*. Web. 5 June 2014.

<sup>19</sup> "TAKE ACTION: End Child Labor in US Agriculture | Human Rights Watch." *TAKE ACTION: End Child Labor in US Agriculture | Human Rights Watch*. N.p., n.d. Web. 6 June 2014. <<http://www.hrw.org/support-care>>.

<sup>20</sup> Arcury, Thomas A, and Sara A Quandt. "Pesticides at work and at home: exposure of migrant farmworkers." *The Lancet* 362.9400 (2003): 2021. *The Lancet*. Web. 4 June 2014.

<sup>21</sup> Arcury, Thomas A, and Sara A Quandt. "Pesticides at work and at home: exposure of migrant farmworkers." *The Lancet* 362.9400 (2003): 2021. *The Lancet*. Web. 4 June 2014.

<sup>22</sup> Salazar, Mary , Marie Napolitano, Jennifer Scherer, and Linda McCauley. "Hispanic Adolescent Farmworkers' Perceptions Associated with Pesticide Exposure." *Sage Journals*. N.p., n.d. Web. 6 June 2014. <<http://wjn.sagepub.com.laneproxy.stanford.edu>>

<sup>23</sup> Arcury, Thomas A, and Sara A Quandt. "Pesticides at work and at home: exposure of migrant farmworkers." *The Lancet* 362.9400 (2003): 2021. *The Lancet*. Web. 4 June 2014.

<sup>24</sup> Salazar, Mary , Marie Napolitano, Jennifer Scherer, and Linda McCauley. "Hispanic Adolescent Farmworkers' Perceptions Associated with Pesticide Exposure." *Sage Journals*. N.p., n.d. Web. 6 June 2014. <<http://wjn.sagepub.com.laneproxy.stanford.edu>>

<sup>25</sup> Salazar, Mary , Marie Napolitano, Jennifer Scherer, and Linda McCauley. "Hispanic Adolescent Farmworkers' Perceptions Associated with Pesticide Exposure." *Sage Journals*. N.p., n.d. Web. 6 June 2014. <<http://wjn.sagepub.com.laneproxy.stanford.edu>>

<sup>26</sup> Wilk, Valerie A.. "Health hazards to children in agriculture." *American Journal of Industrial Medicine* 24.3 (1993): 283-290. *Wiley*. Web. 4 June 2014.

<sup>27</sup> Salazar, Mary , Marie Napolitano, Jennifer Scherer, and Linda McCauley. "Hispanic Adolescent Farmworkers' Perceptions Associated with Pesticide Exposure." *Sage Journals*. N.p., n.d. Web. 6 June 2014. <<http://wjn.sagepub.com.laneproxy.stanford.edu>>

<sup>28</sup> "US: Child Farmworkers' Dangerous Lives | Human Rights Watch." *US: Child Farmworkers' Dangerous Lives | Human Rights Watch*. N.p., n.d. Web. 6 June 2014. <<http://www.hrw.org/news/2010/05/05/us-child-farmworkers-dangerous-lives>>.

<sup>29</sup> Arcury, Thomas A, and Sara A Quandt. "Pesticides at work and at home: exposure of migrant farmworkers." *The Lancet* 362.9400 (2003): 2021. *The Lancet*. Web. 4 June 2014.