



Written by [Brian Koenig](#) on July 11, 2012

DOL Axes Rules to Regulate Child Farm Labor

In opposing an attempt by the government to further regulate farm labor, farmers across the Midwest are celebrating the defeat of a federal initiative that would have barred children from operating for compensation power equipment on private land.

Specifically, to curb the number of youth fatalities in the industry, the U.S. Department of Labor proposed a measure to require paid farm workers to be at least 16 years old to operate power equipment, such as tractors. Further, they would have to be at least 18 years old to work at silos, feedlots, grain elevators, as well as other related activities the government deemed hazardous.



Dennis Mosbacher, a farmer who adamantly opposed the measure, asserted that the Labor Department was severely misguided in its effort to impose such regulations on the farming industry. "You can't make a rule to stop every accident," [said](#) Mosbacher, whose 10-year-old son helps out at their family farm in a small Illinois town. "There's always a risk in life, no matter what you do."

Mosbacher's wife, Debbie, said the Labor Department's proposed rules ignore the fact that children growing up on farms are raised to understand the dangers of farm work and are slowly eased into more risky chores. When it comes to children helping out, "a lot of times, yes, it's a necessity," she averred. "A 10-year-old may not be able to load a 70-pound bale. But everyone's got a job to do, and if you wait until they're 18 to teach them it won't be something that's instinctive in them."

John Myers, head of surveillance and field investigations for the National Institute for Occupational Safety and Health Administration, bemoaned the agency's decision to scrap the proposal. "I have not seen any youth working in other industries that are at higher risk," he asserted. "(Farming) may be an accepted risk for the parent, but the question is to put that risk on the child. That's the question that's not being adequately addressed."

"If society says you have to be 16 to operate a car, I don't see how you can say it's any less sound advice that you have to be 16 to operate farm equipment," Myers added. "I suspect this will not be addressed again, and I suspect we will continue to have youths dying on farms each year in situations that were perfectly preventable."

Of course, the Labor Department's regulatory undertaking arrives at a time when fewer children are being injured while working on farms, as CNS News reported:

For every 1,000 U.S. farms, agriculture-related injuries to workers younger than 20 dropped by nearly half from 2001 to 2009, from 13.5 injuries to 7.2 injuries, according U.S. government figures. Injuries were most common among children ages 10 to 15, but they also dropped by nearly



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half during that period.

Farming groups attribute such declines to farmers' and ranchers' greater awareness of risks, but they add that it's vital children begin farm work at an early age so safety requirements become engrained in them. Agriculture groups also note that rural children looking for summer jobs often have no option other than farm work and enhancing regulations could dampen kids' enthusiasm for becoming farmers.

The Labor Department's unprecedented reach in farm labor is so intensive that regulations [proposed](#) last September (which were retracted this spring) would have effectively abolished the existing system of agricultural education by barring young workers from milking cows, feeding cattle, and stacking hay bales above a specified height, among a myriad of other rules.

Previously reporting on the failure of the regulation, *The New American* [noted](#), "The DOL's initiative would have quashed the side-by-side work of family members from multiple generations, as well as hindering parents from instilling the values necessary to develop sound work ethics."

"Farmers understand the need for common sense regulation, but making it illegal for a 15-year-old to carry a flashlight or use an electric screwdriver on a farm was going too far," Ryan Findlay, legislative counsel for the Michigan Farm Bureau, said at the time. "Farm Bureau believes in agriculture and the work ethic that youth can learn on a farm. We believe this is the common sentiment across Michigan and across the United States and we're pleased the DOL finally realized it too."

The rules would have gone so far as to prevent children from operating pressurized garden hoses or battery-powered screwdrivers, Sen. Jerry Moran (R-Kan.) said at a news conference in Topeka, Kansas. "Those regulations were very specific, things that seem very lacking in common sense and in many ways just crazy," he charged.

Of course, beyond the moral and economic impact of such regulations is the fact that the federal government's intervention in the labor market is unconstitutional to begin with, as Sen. Mike Lee (R-Utah) [indicated](#) in a January 2011 lecture on constitutional law:

Congress decided it wanted to prohibit [child labor], so it passed a law — no more child labor. The Supreme Court heard a challenge to that and the Supreme Court decided a case in 1918 called *Hammer v. Dagenhardt*. In that case, the Supreme Court acknowledged something very interesting — that, as reprehensible as child labor is, and as much as it ought to be abandoned — that's something that has to be done by state legislators, not by Members of Congress....

This may sound harsh, but it was designed to be that way. It was designed to be a little bit harsh. Not because we like harshness for the sake of harshness, but because we like a clean division of power, so that everybody understands whose job it is to regulate what.



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