

**EDUCATION & LABOR COMMITTEE**

**Congressman George Miller, Chairman**

---

Tuesday, September 23, 2008  
Press Office, 202-226-0853

**Chairwoman Woolsey Statement at Subcommittee Hearing On  
“Child Labor Enforcement: Are We Adequately Protecting Our  
Children?”**

WASHINGTON, D.C. – *Below are the prepared remarks of U.S. Rep. Lynn Woolsey (D-CA), chairwoman of the Subcommittee on Workforce Protections, for a subcommittee hearing on “Child Labor Enforcement: Are We Adequately Protecting Our Children?”*

\*\*\*

I want to welcome you all today for a hearing on “Child Labor Enforcement: Are We Adequately Protecting Our Children?”

While we will primarily examine the current state of enforcement of our federal child labor laws by the Department of Labor, I hope that our witnesses will also address how the Fair Labor Standards Act (FLSA) treats children who work in agriculture differently than those who work in other industries.

The fact is that children who work on a farm are allowed to work at a younger age, for longer hours and in more hazardous conditions than kids who work at a grocery store.

This is unacceptable.

This difference is a throwback to another era when one-quarter of Americans still lived on family farms and a majority of the agricultural work performed by children was done on behalf of their family.

While times have changed and less than 2% of Americans live on farms today, our laws have not.

As a result of technical advances and the growth of large-scale agriculture, most children working in the fields are hired as laborers on large commercial farms. This is a far cry from the family farm.

Representative Roybal-Allard’s CARE Act, would correct this imbalance by raising protections for child farm workers to the same level of children working in other industries.

I am proud to be a cosponsor of this legislation, which we will give serious attention to next year.

Representative Bruce Braley has just introduced a bill to increase criminal sanctions on employers who exploit children.

Last year I introduced a bi-partisan bill, the Child Care Protection Act, which increases penalties and establishes a (\$50,000) civil penalty for a violation which causes the death or serious injury of a child laborer.

And my good friend, Ranking Member Wilson is an original co-sponsor of the bill.

The provisions of the bill were signed into law this year as part of the Genetic Information Non-Discrimination Act.

This is progress.

However, as I said when the child labor penalty bill was passed, this is a first good step, but additional enforcement measures are needed to adequately protect our children.

Unfortunately, all the legislation in the world won't help if we are not able to adequately enforce our child labor laws.

And it is clear that this Administration does not appear to be focused on enforcing the laws already on the books.

Let me give you a few examples:

The Wage and Hour Division has 730 inspectors for the entire country, down from 945 in 2001.

These inspectors are charged with enforcing all aspects of the FLSA, which in addition to child labor, include minimum wage and overtime protections.

And it appears from the numbers that the Wage and Hour Division spends little time investigating child labor complaints as opposed to other violations.

In 2005, for example, the Division devoted less than 5 percent of its total investigatory time on child labor matters.

And only a small fraction of this time is devoted to investigations in the agricultural sector.

In FY2007, the DOL uncovered 4,672 children who were working in violation of federal child safety laws.

Four years earlier, DOL found double that number.

I find it hard to believe that child labor violations have decreased by half over that time period.

There are serious violations of child labor laws that need DOL's attention.

For example, on September 9, the State of Iowa filed over 9,000 counts of state child labor law violations at Agriprocessors, a meatpacking plant in Postville, Iowa.

You are all undoubtedly familiar with Agriprocessors, which was the site of the one of the largest workplace immigration raids in U.S. history.

The State alleges that 32 children, seven of whom were under the age of 16, were employed at the plant in violation of the prohibition against children working in meatpacking facilities.

In addition, these children were exposed to dangerous chemicals, and children under 16 were found to be illegally operating power machinery, working during prohibited hours, and in excess of the hours allowed by law.

These allegations also appear to be violations of federal law, but while the Immigration and Customs Enforcement (ICE) was out in droves, DOL has been missing in action.

It is hard to claim adequate enforcement with that kind of a record, but I look forward to hearing from Mr. Passantino and our other witness on this issue.

With that, I defer to the ranking member, Joe Wilson, for his opening statement.

<http://edlabor.house.gov>