

**TESTIMONY OF DAVID A. STRAUSS, EXECUTIVE DIRECTOR,
ASSOCIATION OF FARMWORKER OPPORTUNITY PROGRAMS**

**UNITED STATES HOUSE OF REPRESENTATIVES
COMMITTEE ON EDUCATION AND LABOR
SUBCOMMITTEE ON WORKFORCE PROTECTIONS**

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Representative Woolsey and members of the subcommittee, thank you for inviting me to testify this morning on the conditions endured by children who work for wages in the farms, fields and orchards of America. I also want to comment on the lack of enforcement of child labor laws in the agriculture industry and recommend changes to the law that will give the same protections to children working in agricultures as other children enjoy.

The Association of Farmworker Opportunity Programs is the national federation of nonprofit and public agencies that conduct job training programs for eligible migrant and seasonal farmworkers throughout the United States. In the mid-1990s, our members noticed that in many places young children were preparing and harvesting crops, often but not always alongside their parents or other family members. As they began looking into this, they realized that the Fair Labor Standards Act (FLSA) actually permits children as young as 12 and in rare instances as young as 10 to work in agriculture. I'm not talking about family farms, where sons and daughters of farmers learn the business firsthand at a young age. I'm talking about working farms that employ large numbers of workers who aren't related to the owners.

There are about 2.5 million people who earn their living, at least in part, by performing farmwork in this country. Among them, tens of thousands migrate among various states each year, following the crops and seeking work wherever they can find it. Often,

families are traveling from Texas or Florida to the upper Midwest, Southeast and Northeast. In California, there are many workers that migrate long distances often within that state. They are typically paid miserably low wages, receive no job-related benefits, and have no job security. The average farmworker family earns less than \$15,000 per year from all sources, well below the federal poverty level. In this situation, they sometimes require their children to work to help bring in more income. While there are no reliable statistics on children that work in the fields, our research indicates that there are about 400,000 such young people below the age of 18.

The FLSA requires that they not work during school hours when school is in session. That is virtually the only restriction in federal law, along with a prohibition against hazardous employment for children 15 and younger. That means that a 12 year old kid can work 12 or more hours a day during the summer, on weekends, or during the school year as long as those hours are outside of school time. I have spoken with teenage children of migrant families who worked after school until midnight during a heavy harvest.

That same child, if he worked in my office, could only work at most three hours during a school day after school is out, and no more than 40 hours a week in the summer. And my offices are air conditioned and comfortable. The fields are not. One of my staff completed a two week visit to North Carolina's blueberry fields this past June and found dozens of kids, some as young as 6, working in 105 degree heat all day long for several weeks at a time. California, for example, has heat illness prevention standards to protect child workers, but the Federal Secretary of Labor has not issued a Hazardous Occupation Order for excessive heat.

The toll on the children is real. Sometimes their families take them out of school before the end of the semester, and return after the new school year begins. While in many places there are federally funded migrant education programs available, those programs aren't always congruent with those in the home state school, so children lose the credits they thought they were earning. They start the year behind, and have to work doubly hard to catch up, even while they may be working in fields again after school. Their parents typically do not have much formal education and may speak English very poorly, so they aren't in the same environment of learning as most of their peers, nor can their parents afford tutors or other special aids.

The results are predictable: most migrant children, perhaps more than 67%, drop out of school well before high school graduation. Without a diploma, without good job skills, they often end up continuing the cycle of poverty their parents hoped they could break. It is a tragic waste that we cannot allow to continue. Most of these children want to succeed, know the meaning and value of hard work, but are cut off from accessing the American Dream as soon as they drop out.

While in my opinion, the law is not sufficiently protective of child agricultural workers, my staff has observed violation after violation of FLSA provisions. For example, one staff member saw children below the age of twelve working for pay with no sign of any inspector. The law was broken in 11 of the 12 farms she visited; where were the wage and hour people? This needs to stop. The federal government and the states need to make a renewed commitment to protecting our youngest workers.

In addition, Congress should equalize the protections of these children with the rest of America's workforce. Amend the FLSA to protect children working in agriculture just the same as we protect children working in nearly every other industry. Representative Lucille Roybal-Allard introduced a bill (HR 2674) in June 2007 that would do just that. Finally, we must dramatically increase the federal commitment to the development of farmworker children. Legal protections alone won't assure their progress, so we have to invest in those actions we know will keep them in school and allow them to become as successful as Norma has.

The reality is that under our very noses, this country has a farm labor sector that resembles similar sectors in third world countries. It is a disgrace that the people who prepare and harvest our food often barely earn enough to purchase the food that their families need to survive. The least we can do is protect their children and give them a chance at the American Dream.

Thank you for your time and attention and I'll be glad to answer any questions you might have.