



Department of Labor Withdraws Proposed Child Labor Rule

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Last week the U.S. Department of Labor announced the withdrawal of the proposed child labor rule relating to children under the age of 16 who work in agriculture and emphasized that the rule would not be revisited for the duration of the Obama administration.

The proposed rule garnered vast opposition from farm families and agricultural organizations because, if implemented, it would have prohibited children under 16 from engaging in many traditional farming activities. The proposed rule redefined and limited the parental exemption and also abolished the student-learner exemption in many areas.

With the withdrawal of the proposed new rule, child labor rules will remain unchanged. Minors under the age of 16 still may not engage in agricultural hazardous occupations as currently defined including operation of a tractor with more than 20 horsepower or work on a ladder or scaffold over 20 feet. The current definitions can be found in Department of Labor regulations and on the Department of Labor website. Agricultural employers must continue to be cautious if employing minors under 18 to engage in any work in coordination with other farmers, such as packing another farmer's produce or sharing workers with another farmer. These activities likely fall outside the definition of agriculture and subject to the stricter nonagricultural child labor laws.

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