



Child Labor Coalition
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President Barack Obama
The White House
1600 Pennsylvania Avenue
Washington DC 20500

Dear Mr. President,

In August 2014, dozens of organizations counting millions of Americans among their members wrote to you, alarmed at reports of acute nicotine poisoning and other health and safety hazards faced by children working in US tobacco fields. We are writing again regarding measures you should take to protect these vulnerable children before you leave office in January 2017.

On May 5, the FDA announced new regulations prohibiting the sale of e-cigarettes to children under the age of 18. In announcing the new regulations, the Secretary of Health and Human Services stated, "We've agreed for many years that nicotine does not belong in the hands of children." We agree. Yet US law allows children as young as 12, and in some cases even younger, to work in direct contact with tobacco in US tobacco fields and curing barns. There are no regulations or special provisions in place to protect child tobacco workers from exposure to nicotine and awareness raising efforts have limited effect given that the extreme poverty many tobacco farming families experience is the principle reason these children work in the tobacco fields at all.

The health risks tobacco farm workers face are considerable, leaving workers vulnerable to heat stroke and green tobacco sickness. The majority of these workers are seasonal/migrant workers who have little access to mechanisms that would hold growers accountable for conditions in the fields, and often few options but to bring children to work. The health consequences of tobacco work are worse for children than they are for adults, because children's smaller bodies absorb proportionately more nicotine than adults. There are long-term developmental

repercussions as well. Children who work in direct contact with tobacco leaves risk acute nicotine poisoning, and may experience symptoms including vomiting, nausea, headaches and dizziness. A widely-reported 2014 study by Human Rights Watch found that the majority of the 141 child tobacco workers interviewed had experienced the sudden onset of symptoms consistent with nicotine poisoning while working in fields of tobacco plants and curing barns in North Carolina, Kentucky, Tennessee and Virginia.

Public health research has found that non-smoking adult tobacco workers have similar levels of nicotine in their bodies as smokers in the general population. Although the long-term effects of nicotine absorption through the skin have not been studied, research on smoking finds that nicotine exposure during adolescence has been associated with mood disorders and problems with memory, attention, impulse control, and cognition later in life.

In the last two years, both U.S. tobacco growers' associations and major companies in the tobacco industry have made some progress in acknowledging that children should not be working on tobacco farms. The Tobacco Growers Association of North Carolina and the Council for Burley Tobacco, which collectively represent approximately half of all US tobacco growers, have adopted policies stating that children under age 16 should not be hired to work on tobacco farms. The two largest US-based tobacco companies, Altria Group and Reynolds American, now prohibit their suppliers from employing children under the age of 16. Companies including Philip Morris International have publicly called for US regulatory action to back up these voluntary commitments.

The safety and health of child tobacco workers is just as important as teens who may be tempted by e-cigarettes. We urge you to take immediate action to protect these vulnerable children, through the following:

1) Immediate regulations to ban children from working in direct contact with tobacco: A critical first step the administration can take to protect child tobacco workers is for the Department of Labor (DOL) to issue a hazardous occupation order that specifically prohibits children from working in direct contact with tobacco. In 2011 the DOL issued proposed regulations to update the list of tasks too dangerous for children under age 16 employed in agriculture, including "all work in tobacco production and curing, including, but not limited to such activities as planting, cultivating, topping, harvesting, baling, barning, and curing." Intense opposition to the regulations mischaracterized them as applying to family farms and focused on specific elements, including the use of tractors and certain tools. In 2012, the administration withdrew the proposed regulations.

A narrow regulation focused on tobacco would be distinct from the broader proposed regulations that generated such strong opposition in 2011-2012, and is unlikely to encounter significant resistance from the industry, given their recent voluntary changes. As noted above, some companies would welcome regulatory action, which would make it easier for them to

implement their voluntary commitments to prohibit children under age 16 from working on tobacco farms.

2) Targeted enforcement: Despite the low age restrictions for agricultural workers under the Fair Labor Standards Act, children below the legal working age are still working in the fields. Other illegal working conditions that put children at risk also continue to persist in tobacco fields, including inadequate water and sanitary conditions, wage theft and discrimination against workers attempting to organize to improve working conditions. Given the dangers of tobacco work for children and the broader resistance workers encounter when they seek to exercise their right to organize, the DOL's Wage and Hour Division should conduct targeted enforcement in the tobacco sector to ensure that no one, including children, is working in violation of the law. In order to be effective, this enforcement should be done in a way that involves farmworker communities and trade union representatives working in these communities directly in the investigations and review of outcomes. Such an approach to targeted enforcement will both be more effective in identifying child labor cases and help to empower the farm worker community to address the root causes of child labor in tobacco. Targeted investigations will send growers a message that violations will not be tolerated. Similar efforts by the DOL in the past, for example, targeted investigations on blueberry farms, have been effective in addressing illegal child labor.

3) Data collection: Current federal data on working children relies on self-reporting by farmers, which leads to undercounting, and does not include accurate numbers for children under the age of 18 who are working in tobacco, or the number of child farmworkers generally. Current data regarding working children excludes children under age 14, children hired by farmworker contractors, children working on their own families' farms, and children who are working informally. Data collection by USDOL on teen work in tobacco is badly needed. The lack of data makes it impossible to determine the effectiveness of industry efforts to prohibit children under 16 from toiling in tobacco. To address child labor in agriculture properly, we must have better information regarding the actual numbers of children involved, and DOL should collect that data.

We appreciate the action that Secretary Perez took in March 2015 to meet with representatives of the tobacco industry and the child labor community to discuss child labor in US tobacco farming, and the health advisory issued by OSHA in March 2015 regarding practices growers could take to avoid Green Tobacco Sickness, which highlighted the particular vulnerability of children to nicotine exposure. We also recognize the Department of Labor's engagement with the industry regarding child labor hired by farm labor contractors, and the development of alternative programs for child tobacco workers.

While helpful and appreciated, these actions do not address the fundamental weaknesses in our legislative and regulatory framework, or the systemic discrimination faced by children working in tobacco and their families. Before you leave office, we urge you to act to issue

regulations to prohibit children from hazardous work in U.S. tobacco fields and increase enforcement efforts to ensure that all other fundamental rights at work, including the right to freedom of association, are respected in U.S. tobacco fields.

Sincerely yours,

Reid Maki

Reid Maki
Coordinator, Child Labor Coalition

The Child Labor Coalition and the following 109 groups endorse this letter:

9to5, National Association of Working Women

A World at School

Action on Smoking and Health (ASH)

AFL-CIO

Alliance of Baptists

American Federation of Teachers

Association of Farmworker Opportunity Programs

Bank Information Center

Beyond Borders

California Institute for Rural Studies

California Rural Legal Assistance Foundation

Center for Employment Training

Center for Human Rights, Loyola University Chicago

Central Valley Opportunity Center (CVOC)

Child Labor Coalition

Coalition for Humane Immigrant Rights of LA

Coalition of Human Needs

Coalition of Immokalee Workers
Coalition of Labor Union Women
Coalition to Abolish Slavery & Trafficking (CAST)
Communications Workers of America
ConnectiCOSH
Disciples Women
Earthjustice
East Coast Migrant Head Start Project
ECPAT-USA
Equal Justice Center
Fair World Project
Farm Labor Organizing Committee (FLOC)
Farmworker Association of Florida
Farmworker Justice
First Focus Campaign for Children
Food Chain Workers Alliance
Franciscan Action Network
Free the Slaves
Friends of Farmworkers
Friends of the Earth US
Gainesville Interfaith Alliance for Immigrant Justice
Global Campaign for Education - US
Global Fairness Initiative
Global Kids
GoodWeave
Green America
HELP New Mexico, Inc.
Human Rights and Tobacco Control Network

Human Rights Watch

Interfaith Worker Justice

Intern. Union of food and Allied Workers Assoc.

International Brotherhood of Teamsters

International Indian Treaty Council (IITC)

International Initiative to End Child Labor

International Labor Rights Forum

Jobs with Justice

Kailash Satyarthi Children's Fund

La Isla Foundation

Labor Coalition for Latin American Advancement

League of United Latin American Citizens (LULAC)

MAFO-A Nat'l Partnership of Farmworker and Rural Organizations

Maine Labor Group on Health

Mass. Coalition for Occupational Safety & Health

Media Voices for Children

Migrant Clinicians Network

Minnesotans Standing Together to End Poverty

MLAP (formerly Migrant Legal Action Program)

NAACP

National Association of State Directors of Migrant Education

National Association of Hispanic Nurses

National Center for Farmworker Health

National Consumers League

National Council for Occupational Safety & Health

National Council of Churches

National Education Association

National Employment Law Project

National Farmworker Ministry
National Hispanic Medical Association
National Migrant & Seasonal Head Start Association
National Organization for Women
National Association of Hispanic Nurses
NC Field
New Jersey Work Environment Council
North Carolina Justice Center
Orange Co. Interfaith Committee to Aid Farm Workers
Oregon Human Development Corporation
p.h. balanced films
PCUN
Polaris Project
PPEP (Arizona)
Public Citizen
Public Justice Center
Ramsay Merriam Fund
Refugee & Immigration Ministries
Rukmini Foundation
Solidarity Center, AFL-CIO
Student Action with Farmworkers
Telamon Corporation (National)
UMOS
Unionjobs.com
United Church of Christ Justice & Witness Ministries
United Food & Commercial Workers International Union
United Methodist Church, Board of Church & Society
United Methodist Women

United Mine Workers of America

US Fund for UNICEF

Warehouse Worker Resource Center

Winrock International

Worker Justice Center of New York

Worksafe

World Vision

Cc:

Cecilia Nunez, Domestic Policy Advisor

Tom Perez, Secretary of Labor

Laura Fortman, Wage and Hour