

Ohio AgriBusiness Association



November 29, 2011

Wage and Hour Division
U.S. Department of Labor
Room S-3502
200 Constitution Avenue, N.W.
Washington, D.C. 20210

RE: Department of Labor's Notice of Proposed Rulemaking (NPRM) regarding child labor regulations, orders and statements of interpretation: violations-civil money penalties (Docket ID WHD-2011-0001)

Dear Sir or Madam:

We appreciate this opportunity to comment on the U.S. Department of Labor's (DOL) proposed revisions to child labor regulations that would ban youth less than 18 years of age from engaging in specific types of work at off-farm agricultural businesses, as well as on farms not owned or operated by their parents. The Ohio AgriBusiness Association (OABA) believes these proposed revisions, if promulgated, would have a harmful impact on the agricultural industry, rural communities at large and farm and ranching families across the country.

OABA and our member companies have no interest or desire in placing youth at risk in agribusinesses or on the farm. We support existing provisions in the Fair Labor Standards Act (FLSA) that permit the department to establish appropriate standards for youth employment on the farm and restricting jobs in which youth may engage to those deemed not "particularly hazardous." There is a strong and increasing conviction among those in the rural and agricultural sectors that the department's effort to abridge the employment rights of youth in agriculture may well go beyond its statutory authority. It is our view that the department's characterization of the parental exemption and how it is enforced may go well beyond the authority granted it by Congress and may also contradict earlier interpretations of the exemption made by the department. Furthermore, it appears that the department's intent, rather than merely protecting youth from "particularly hazardous" occupations, is to limit the economic and educational opportunities youth are afforded in agricultural employment.

Agriculture is a growing, thriving industry and we need to encourage youth to enter this noble profession, not drive them away. Limiting their employment opportunities to sweeping the office floor or data entry tasks does not inspire them to search out a career in agriculture. Restricting youth who are capable and willing to work in agribusinesses will increase the odds that they will not choose an agricultural career later in life. Working alongside adults in agribusinesses builds confidence and strengthens their sense of achievement and self worth. It also creates a work ethic that many urban youth sorely lack today.

We respectfully request that existing provisions in the Fair Labor Standards Act be allowed to stand without revision.

Sincerely,


Christopher Henney
President & CEO