



Agriculture and Child Safety Training Program



Goal

The goal of this safety training program is to provide information on U.S. and Texas child labor laws in the agricultural industry.

Objectives

The objective of this program is to familiarize farmers and ranchers with the safety laws and regulations that affect the employment of children in agricultural operations in Texas.

Background

Agricultural employment includes farming, ranching, nurseries, timber tracts, greenhouses, and all related branches of agricultural establishments.¹ Young people in agriculture are exposed to unique safety hazards not experienced by other children. On average, 113 children die annually from farm-related injuries² and an additional 12,000 are seriously injured.³ Accidents on farm machinery, such as tractors, and

motor vehicles, including all-terrain vehicles (ATVs), make up nearly half of child deaths in agriculture.⁴

State and federal child labor laws apply to farm and ranch owners and operators who employ workers under the age of 16. Compliance with the law is the employer's responsibility. Failure to comply can result in fines, legal liability, and a possible jail term.

Minimum age standards for agricultural employment

The following information on age restrictions for youth working in agriculture was adapted from material written by the [Occupational Safety and Health Administration](#) and the [Texas Workforce Commission](#):

- **Ages 16 and above** may work in any farm job at any time.

(continued)

- **Ages 14 and 15** may work outside school hours in jobs not declared hazardous by the U.S. Department of Labor.
- **Ages 12 and 13** may work outside of school hours in non-hazardous jobs on farms that also employ their parent(s) or with written parental consent.
- **Ages under 12 years of age** may work outside of school hours in non-hazardous jobs with parental consent, but only on farms where none of the employees are subject to the [Fair Labor Standards Act \(FLSA\) minimum wage](#) requirements.
- **Local youths aged 10 and 11** may harvest by hand short-season crops outside school hours for no more than eight weeks between June 1 and October 15 if their employers have obtained [special waivers from the Secretary of Labor](#).
- **Youths of any age** may work at any time in any job on a farm owned or operated by their parents.



[Department of Labor](#) and may not be performed by minors under 16:

- Operating a tractor with over 20 [power take-off \(PTO\) horsepower](#), or connecting or disconnecting an implement or any of its parts to or from such a tractor.
- Operating or working with a corn picker, cotton picker, grain combine, hay mower, forage harvester, hay baler, potato digger, mobile pea viner, feed grinder, crop dryer, forage blower, auger conveyor, unloading mechanism of a non-gravity-type self-unloading wagon or trailer, power posthole digger, power post driver, or non-walking-type rotary tiller.
- Operating or working with a trencher, earthmoving equipment, forklift, potato combine, or power-driven circular, band, or chainsaw.
- Working in a yard, pen, or stall occupied by a bull, boar, or stud horse maintained for breeding purposes, a sow with suckling pigs, or a cow with a newborn calf with the umbilical cord present.
- Loading, unloading, felling, bucking, or skidding timber with a butt (large end) diameter of more than 6 inches.
- Working from a ladder or scaffold at a height of over 20 feet.

Hazardous jobs in agriculture

- The following agriculture-related tasks are declared hazardous by the [U.S.](#)

- Driving a bus, truck, or automobile to transport passengers.
- Riding on a tractor as a passenger or helper.
- Working inside a fruit, forage, or grain storage designed to retain an oxygen-deficient or toxic atmosphere; an upright silo within two weeks after silage has been added or when a top unloading device is in operating position; a manure pit; or a horizontal silo while operating a tractor for packing purposes.
- Handling or applying toxic agricultural chemicals identified by the words “danger,” “poison,” “warning,” or a skull and crossbones on the label.
- Handling or using explosives.
- Transporting, transferring, or applying anhydrous ammonia.



training program who work outside school hours on certain equipment for which they have been trained.

Work hours

According to the [Texas Labor Code](#), children under the age of 16:

- May not work during school hours.
- May not work more than three hours on a school day or 18 hours during a school week.
- May not work more than eight hours on a non-school day or 40 hours during a non-school week.
- May work only between 7 a.m. and 7 p.m. during the school year.
- May work between 7 a.m. and 9 p.m. between June 1 and Labor Day.

Penalties

At the time of this publication, the [U.S. Department of Labor](#) may apply civil monetary penalties for child labor violations up to

Exemptions

The above restrictions do not apply to youths employed on farms owned or operated by their parents. These restrictions also do not apply to:

- 14- and 15-year-old student learners enrolled in vocational agricultural programs who may take part in certain hazardous occupations for short periods under close supervision by a qualified and experienced instructor or teacher.
- Minors aged 14 and 15 with certificates from a 4-H or vocational agriculture

\$15,138 per violation for nonserious injury and noninjury violations. The penalties can double for repeat violations or if they are willful. For violations that cause death or serious injury, the penalty can be up to \$50,000, and this amount may be doubled for repeat or willful violations.

Also, in the case of a willful violation of child labor rules, [FLSA](#) provides for an added fine of up to \$11,000. A second offense committed after a conviction can result in imprisonment for up to six months.

Employers have the right to file an exception within 15 days after receiving the notice of violation.

Recordkeeping

Farm and ranch operators can reduce the number of children who are injured and killed in farm-related accidents in Texas. They can protect themselves from unintentional violation of child labor laws by keeping proof of age on file for every child under the age of 16 in their employment. Each file should include the child's full name, home address, date of birth, and any documents that exempt the child from provisions in the Child Safety in Agriculture Regulations under FLSA.

For more information on child labor laws, contact the U.S. Department of Labor at www.dol.gov or the Texas Workforce Commission at www.twc.texas.gov.

Review questions

1. A child younger than 16 can work in any agriculture job if he or she is not a paid employee.

True or False

2. Failure to comply with child labor laws can result in:

- a. A fine.
- b. Liability.
- c. Jail term.
- d. All of the above.

3. A child younger than 16 may operate a chainsaw if he or she is working on their parent's farm.

True or False

4. According to the Texas Labor Code, a child younger than 16 can work part-time during the school year, not to exceed:

- a. 30 hours per week.
- b. 28 hours per week.
- c. 20 hours per week.
- d. 18 hours per week.

References

- ¹ Bureau of Labor Statistics, "Occupational Outlook Handbook: What Agricultural Workers Do." <https://www.bls.gov/ooh/farming-fishing-and-forestry/agricultural-workers.htm#tab-2>. Accessed Feb. 16, 2024.
- ² National Institutes of Occupational Safety and Health, "Guidelines for Children's Agriculture Tasks Demonstrate Effectiveness." <https://www.cdc.gov/niosh/docs/2011-129/default.html>. Accessed Feb. 16, 2024.
- ³ Centers for Disease Control and Prevention, "Agricultural Safety." <https://www.cdc.gov/niosh/topics/aginjury/>. Accessed Feb. 16, 2024.
- ⁴ National Institutes of Occupational Safety and Health, "Guidelines for Children's Agriculture Tasks Demonstrate Effectiveness." <https://www.cdc.gov/niosh/docs/2011-129/default.html>. Accessed Feb. 16, 2024.



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