

# HAZARDOUS OCCUPATIONS ORDER FOR AGRICULTURE

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- **May 5, 1995.** A 12-year-old boy working part-time for a farmer was killed when he lost control and overturned a tractor in a 12-foot deep roadside ditch. *Iowa FACE 95IA009.*
- **July 30, 1994.** A 10-year-old boy died from injuries sustained when the tractor he was driving overturned. The boy was driving the tractor on a public highway, pulling a baler and hayrack loaded with bales of hay. *Minnesota FACE 94MN04101.*
- **March 19, 1999.** An 11-year-old boy died when he lost control of the tractor he was operating on a gravel road and overturned into a drainage ditch. Attached to the trailer was a homemade round-hay-bale trailer. His father had taught him how to operate the tractor earlier that year and had just recently allowed him to operate it alone. *Missouri FACE 99MO02201.*
- **September 22, 1997.** A 13-year-old boy died of injuries sustained when he fell from and was run over by a grass seeder implement being pulled an adult coworker operating a tractor. *Minnesota FACE 97MN03801.*
- **June 22, 1998.** A 17-year-old boy died from injuries sustained when he attempted to clear jammed wheat straw with his feet and was pulled into a round hay baler. *Oklahoma FACE 98OK02501.*
- **August 23, 1995.** A 13-year-old boy died of injuries sustained after he was engulfed in corn inside a steel grain bin. He fell from the bin roof into the bin as his father was using an auger to remove the corn. His father did not notice his son missing until about 15 minutes after he started unloading the bin. *Minnesota FACE 95MN045.*

Anyone who has ever lost a friend or relative to a tragic accident can understand the grief and sense of loss that follows. These feelings are amplified when the victim is a child.

Each year, more than 104 children die and 32,800 injured as a result of farm-related injuries, leaving family members behind to contemplate how these tragic incidents could have been avoided. Unfortunately, the

guilt that follows comes from the fact that many of these accidents could have been avoided if only children were properly supervised, trained, or restricted from performing inherently dangerous farm tasks.

Farm operations are particularly hazardous to children exposed to machinery, confined spaces, animals and livestock, chemicals, respiratory irritants, toxic gases, and extreme environmental conditions.

As one would expect, most child farm fatalities occur on family farms. The National Institute for Occupational Safety and Health reported that 76 percent of all fatalities involving agricultural workers under the age of 16 between 1992 and 2000 occurred in a family business. However, a significant number of children die while employed by others off the family farm – a fact unique to the agricultural industry.

## FAIR LABOR STANDARDS ACT

In an attempt to curb child death in the agriculture industry, the U.S. Department of Labor (DOL) Fair Labor Standards Act (FLSA) in 1969 declared many agricultural jobs hazardous for children younger than 16 years. This ruling made it illegal to employ children less than 16 years of age to perform certain jobs. If caught, employers who violate this law face up to a \$10,000 fine and/or imprisonment for not more than six months. This regulation does not apply to children employed by a parent or legal guardian.

Under the FLSA, children younger than 16 may not perform the following jobs unless exempted by a special classification or training certificate. Tasks classified as hazardous include:

1. Operating tractors larger than 20 horsepower or connecting/disconnecting implements;
2. Operating or assisting with machines, including corn pickers, combines, hay mowers, forage harvesters, hay balers, feed grinders, crop dryers, forage blowers, auger conveyors, wagon or trailer unloading mechanisms (powered or self-unloading), powered post-hole diggers, post drivers, non-walking rotary tillers, trenchers or earth-moving equipment, fork lifts, or power-driven circular, band, or chain saws;

3. Working in a livestock yard, pen, or stall occupied by a bull, boar, sow, or cow with newborn offspring, or stud horse maintained for breeding purposes;
4. Working with timber;
5. Working from ladders or scaffolds above 20 feet, including performing tasks that require painting, tree-pruning, or fruit harvesting;
6. Riding on tractors or transporting passengers in buses, trucks, or automobiles;
7. Working inside potentially oxygen-deficient or toxic storage structures containing fruit, forage, grain, or manure; performing work in an upright silo two weeks after silage has been added, or when the top unloading device is operating; or packing a horizontal silo with a tractor;
8. Handling or application of farm chemicals that have a I or II classification by the Federal Insecticide, Fungicide and Rodenticide Act;
9. Handling or use of blasting agents; and
10. Transportation, transference, or application of anhydrous ammonia.

HOOA also prohibits all 14 and 15-year-olds from performing the following tasks (without exemption):

- Handling animal sires or sows and cows with newborns within a pen or corral
- Working more than 20 feet above the ground
- Working with Category I and II agricultural chemicals
- Handling and using explosives and anhydrous ammonia

## HAZARDOUS OCCUPATIONS ORDER IN AGRICULTURE

A declaration known as the Hazardous Occupations Order in Agriculture (HOOA) was established as part of the DOL's Fair Labor Standards Act. The HOOA established a procedure whereby youth ages 14 and 15 year could be exempted from certain portions of the regulation.

1. *Tractor Operation* – With successful completion of a 10-hour training program, 14 and 15-year-old youth may be employed to operate a tractor over 20 PTO horsepower, or connect or disconnect an implement or any of its parts to or from such a tractor.
2. *Farm Machinery Operation* – With successful completion of a 20-hour training program, 14 and 15-year-old youth may also be employed to operate or assist to operate (including starting, stopping, adjusting, feeding, or any activity involving physical contact associated with the operation) any of the following machines:
  - a. Corn picker, cotton picker, grain combine, hay mower, forage harvester, hay baler, potato digger or mobile pea viner
  - b. Feed grinder, crop dryer, forage blower, auger conveyor, or the unloading mechanism of a non-gravity type self-unloading wagon or trailer
  - c. Power post-hole digger, power post driver, or non-walking rotary tiller

## TRAINING RESOURCES

Each state is responsible for providing the approved training that allows minors ages 14 or 15 to legally be employed to operate a tractor or other specified machinery. In Texas, training is available from vocational agriculture instructors and Texas Cooperative Extension (TCE).

In 2001, the United State Department of Agriculture funded a project with Penn State, Ohio State and the National Safety Council to develop a National Safe Tractor and Machinery Operation Program (NSTMOP). This certification program, now complete, bears the title "Hazardous Occupations Safety Training in Agriculture" (HOSTA).

Each state, including Texas, has a Master HOSTA Trainer that can assist local county agents and vocation agriculture instructors to coordinate and conduct the HOSTA certification training. The HOSTA certification program meets all training, curriculum, and certification requirements for youth ages 14 and 15 who wish to be employed in agriculture under the HOOA.

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For more information on the HOSTA program, contact David W. Smith, Extension Farm Safety, Texas Cooperative Extension, Biological and Agricultural Engineering Department, Texas A&M University, College Station, Texas at (979) 458-0017.

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## MORE INFORMATION

National Children's Center for Rural and Agricultural Health and Safety  
 Marshfield, Wisconsin  
 Phone: 888-924-SAFE (7233)  
 Web site: <http://research.marshfieldclinic.org/children>

U.S. Department of Labor  
 Employment Standards Administration  
 Wage and Hour Division  
 Web site: <http://www.dol.gov>

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