NICO-TEENS: The Case For Ending Child Labor on Tobacco Farms

By “Coach Vance” Trefethen

***Resolved: The United States federal government should substantially reform its agriculture and/or food safety policy in the United States.***

Children as young as 12 years old can legally work on tobacco farms in the United States. Normally hard work is a good lifetime experience for young people, but handling tobacco leaves is no job that any child should be exposed to. An extremely manual-intensive process, cultivation of tobacco requires spending all day in hot summer conditions handling leaves that ooze nicotine. Coming into constant contact with the skin, nicotine, a toxic poison, sickens children exposed to it. On top of heat stroke and nicotine poisoning, children are also vulnerable to pesticide sprays that they breathe and contact regularly.

Big tobacco companies have admitted that children should not be working under these conditions, but they also admit their own efforts are insufficient to prevent it. They don't own the farms, so the individual farm owners are responsible.  But the farm owners themselves don't always directly control the labor, since they may contract out the hiring and management of workers to a labor recruiter.

Sen. Richard Durbin introduced a bill in Congress (it was never enacted) to prohibit children under 18 from farm work involving direct contact with tobacco leaves. Many experts recommend passage of this bill to protect children from these dangerous and abusive conditions. This plan passes that bill into law.

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Elena is a 16-year-old girl who has been working in tobacco fields in eastern North Carolina since she was 12. Human Rights Watch interviewed her in 2015 and learned her story. QUOTE: “I don’t feel any different in the fields than when I was 12,” she told Human Rights Watch. “I [still] get headaches and … my stomach hurts. And like I feel nauseous…. I just feel like my stomach is like rumbling around. I feel like I’m gonna throw up.”[[1]](#footnote-1)

END QUOTE. The chance to save kids like Elena are why my partner and I are urgently affirming that The United States federal government should substantially reform its agriculture and/or food safety policy in the United States.

OBSERVATION 1. Our DEFINITIONS, all coming from Merriam Webster in 2016

**Policy**: “a high-level overall plan embracing the general goals and acceptable procedures especially of a governmental body” (*Merriam Webster Online Dictionary, copyright 2016* [*http://www.merriam-webster.com/dictionary/policy*](http://www.merriam-webster.com/dictionary/policy))

**Substantial**: “large in amount, size or number” (*Merriam Webster Online Dictionary, copyright 2016* [*http://www.merriam-webster.com/dictionary/substantially*](http://www.merriam-webster.com/dictionary/substantially)*)*

**Agriculture:** “the science, art, or practice of cultivating the soil, producing crops, and raising livestock and in varying degrees the preparation and marketing of the resulting products” (*Merriam Webster Online Dictionary, copyright 2016* [*http://www.merriam-webster.com/dictionary/agriculture*](http://www.merriam-webster.com/dictionary/agriculture))

OBSERVATION 2. INHERENCY, two key FACTS about the conditions of the Status Quo.

FACT 1. Child labor.

Thousands of children work in American tobacco fields

Whitney Mallett 2014 (journalist) 11 Nov 2014 “Kids in the US Are Getting Sick from Harvesting Tobacco” <http://www.vice.com/read/the-mean-green-0000495-v21n11>

Eddie Ramirez doesn't smoke, but nicotine still makes him feel "lightheaded sometimes," like he's "going to vomit." That's because he's one of the estimated thousands of kids who work in American tobacco fields, enduring long, hot days pruning plants whose leaves will be sold to big tobacco companies like Reynolds American and Japan Tobacco International, which turn the crop into Camels and Pall Malls.

FACT 2. Perfectly legal

Labor law exemptions allow kids as young as 12 to work in tobacco fields

Richard A. Webster 2016 (journalist) NEW ORLEANS TIMES-PICAYUNE, June 2016 <http://www.nola.com/politics/index.ssf/2016/06/5_most_dangerous_summer_jobs_f.html#2>



OBSERVATION 3. The HARMS.

HARM 1. Nicotine poisoning. We see this in 2 sub-points

1. Short term impacts. Before Obama canceled it, the Dept. of Labor wanted to block child tobacco labor due to nicotine poisoning

US Dept of Labor 2011. Federal Register /Vol. 76, No. 171 / Friday, September 2, 2011 / Proposed Rules 54865 <http://www.gpo.gov/fdsys/pkg/FR-2011-09-02/pdf/2011-21924.pdf>

The Department is proposing to create a new Ag H.O. that would prohibit the employment of young hired farm workers in tobacco production and curing in order to prevent occupational illness due to green tobacco sickness (GTS). GTS is acute nicotine poisoning, unique to tobacco production and the handling of wet tobacco. It is caused by the absorption of nicotine through the skin and into the bloodstream. This illness, which afflicts farm workers of all ages, is characterized by weakness, headache, dizziness, nausea, vomiting, itching, and rashes. Symptoms may also include abdominal cramps, prostration, difficulty breathing, and occasionally fluctuations in blood pressure or heart rate (see Arcury TA, Quandt SA. 2006. Health and social impacts of tobacco production. J Agromedicine. 11:71–81). Because nicotine poisoning through the skin is slow acting, workers may not begin to notice symptoms for hours after the initial exposure to wet tobacco. ‘‘GTS is normally a self-limiting condition from which workers recover in 2 or 3 days. However, symptoms are sometimes severe enough to result in dehydration and the need for emergency medical care.’’

1. Long-term impacts. Long-term nicotine poisoning causes brain damage specifically to adolescents

Human Rights Watch 2015 (international non-profit human rights advocacy group) “US: Tobacco Farms No Place for Teens” 9 Dec 2015 <https://www.hrw.org/news/2015/12/09/us-tobacco-farms-no-place-teens>

The prefrontal cortex, the part of the brain responsible for executive function and attention, is one of the last parts of the brain to mature and continues developing throughout adolescence and into the early 20s. The prefrontal cortex is particularly susceptible to the impacts of stimulants, such as nicotine. Nicotine exposure in adolescence has been associated with mood disorders, and problems with memory, attention, impulse control, and cognition later in life.

HARM 2. Pesticide poisoning

Children in tobacco fields suffer numerous and severe health impacts from pesticide exposure

Katherine Colburn 2014 (J.D. Candidate at Loyola University Chicago School of Law ) PUBLIC INTEREST LAW REPORTER “Tobacco’s Other Downside: Child Labor in American Tobacco Fields” Fall 2014 <https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&cad=rja&uact=8&ved=0ahUKEwiWu6Hv3cTQAhVIRSYKHSQWDswQFggbMAA&url=http%3A%2F%2Flawecommons.luc.edu%2Fcgi%2Fviewcontent.cgi%3Farticle%3D1216%26context%3Dpilr&usg=AFQjCNGJLHmALv2WrLXyTlPWlNvAD_URiw&sig2=yYpn4v4djCKfMndoTECaHg&bvm=bv.139782543,d.eWE>

Pesticides are commonly used in tobacco farming, and the children who work on the farms are often exposed to them. Pesticide exposure is associated with nausea, dizziness, vomiting, abdominal pain and other skin and eye problems. It can cause long-term health effects including problems with childbirth, loss of consciousness, coma, and death. Respiratory problems, cancer, depression and neurological issues are also problems associated with prolonged exposure to pesticides. Sixteen-year-old Theo D. was given a wearable device that sprayed pesticides. This heavy exposure caused him to become dizzy and vomit. Several employers also do not provide any health training so children are not aware of the dangers they are exposed to, and just work through their illnesses unaware of what it is doing to their bodies in the long-term.

HARM 3. Heat stroke.

Tobacco farm work puts children at risk of heat stroke and dehydration

Human Rights Watch 2015 (international non-profit human rights advocacy group) “US: Tobacco Farms No Place for Teens” 9 Dec 2015 <https://www.hrw.org/news/2015/12/09/us-tobacco-farms-no-place-teens>

In the United States, tobacco is cultivated in extremely hot and humid climates. Working long hours in extreme heat can place children at risk of heat stroke and dehydration, particularly if they do not drink enough water and they are wearing extra clothes to protect from sunburn and exposure to nicotine and pesticides. Children are more susceptible than adults to heat illness. A public health survey of 300 tobacco workers in 2009 found 40 percent suffered symptoms of heat illness.

OBSERVATION 4. We offer the following PLAN implemented by Congress and the President

1. Congress passes S.974, a bill introduced by Sen. Richard Durbin in 2015, but never passed.
2. The bill amends the Federal Fair Labor Standards Act of 1938 to make it illegal for any employee under age 18 to have direct contact with tobacco plants or dried tobacco leaves
3. Enforcement is through the US Dept of Labor’s Wage & Hour Division (WHD).
4. Funding will be doubling the budget of WHD, dedicated to plan enforcement, with a 4% cut in Head Start.
5. Plan takes effect October 1, 2017.
6. Affirmative speeches may clarify

OBSERVATION 5. SOLVENCY

Sen. Durbin’s bill creates urgently needed protections against child tobacco farm labor

Human Rights Watch 2015 (international non-profit human rights advocacy group) “US: Tobacco Farms No Place for Teens” 9 Dec 2015 <https://www.hrw.org/news/2015/12/09/us-tobacco-farms-no-place-teens> (brackets added)

The US Department of Labor has acknowledged the risks to children who work in tobacco farming, but has failed to change US regulations to end hazardous child labor in the crop. A bill introduced by Senator Richard Durbin and Representative David Cicilline would ban hiring anyone under 18 to work in direct contact with tobacco, but the bill has not been brought for a vote in either house of Congress. “The US government needs to do much more to protect child workers from the dangers of tobacco farming,” [children’s rights researcher at Human Rights Watch, Margaret] Wurth said. “The US government and Congress should take urgent action to ban everyone under 18 from hazardous work on tobacco farms.”

2A Evidence: The Case For Ending Child Labor on Tobacco Farms

DEFINITIONS & BACKGROUND

Entire text of S.974

Official website of US Congress 2015 “S.974 - A bill to amend the Fair Labor Standards Act of 1938 to prohibit employment of children in tobacco-related agriculture by deeming such employment as oppressive child labor” introduced on 16 Apr 2015 <https://www.congress.gov/bill/114th-congress/senate-bill/974/text>

S. 974
To amend the Fair Labor Standards Act of 1938 to prohibit employment of children in tobacco-related agriculture by deeming such employment as oppressive child labor.
IN THE SENATE OF THE UNITED STATES
April 16, 2015
Mr. Durbin (for himself, Mr. Reed, Mrs. Feinstein, and Mr. Brown) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions
A BILL
To amend the Fair Labor Standards Act of 1938 to prohibit employment of children in tobacco-related agriculture by deeming such employment as oppressive child labor. Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,
SECTION 1. TOBACCO-RELATED AGRICULTURE EMPLOYMENT OF CHILDREN.
Section 3(l) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(l)) is amended— (1) in the first sentence—(A) by striking “in any occupation, or (2)” and inserting “in any occupation, (2)”; and (B) by inserting before the semicolon the following: “, or (3) any employee under the age of eighteen years that has direct contact with tobacco plants or dried tobacco leaves”; and (2) in the second sentence, by striking “other than manufacturing and mining” and inserting “, other than manufacturing, mining, and tobacco-related agriculture as described in paragraph (3) of the first sentence of this subsection,”.

OPENING QUOTES / AFFIRMATIVE PHILOSOPHY

Protection of children must be the top priority

Katherine Colburn 2014 (J.D. Candidate at Loyola University Chicago School of Law ) PUBLIC INTEREST LAW REPORTER “Tobacco’s Other Downside: Child Labor in American Tobacco Fields” Fall 2014 <https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&cad=rja&uact=8&ved=0ahUKEwiWu6Hv3cTQAhVIRSYKHSQWDswQFggbMAA&url=http%3A%2F%2Flawecommons.luc.edu%2Fcgi%2Fviewcontent.cgi%3Farticle%3D1216%26context%3Dpilr&usg=AFQjCNGJLHmALv2WrLXyTlPWlNvAD_URiw&sig2=yYpn4v4djCKfMndoTECaHg&bvm=bv.139782543,d.eWE>

Children are often a marginalized population. Even though they are often afforded special protections because of their age and inability to meet their own needs, they cannot always represent themselves and rely greatly on adults to provide for them and ensure that their needs, including legal protections, are met. Regulations must be changed to afford children working in tobacco greater protections, and to lessen the need for children to be exposed to hazardous chemicals and situations. Tobacco companies and farms are opposed to these regulations because of the economic impact it could have on their companies, but certain things, like ensuring that children remain safe, healthy, and protected should take precedence. In this regard, the role of children in the tobacco industry must be revised and their wellbeing must be a top priority.

INHERENCY

Specific details about SQ laws on child labor in tobacco fields

NEW YORK TIMES 2014 (journalist Steven Greenhouse) 6 Sept 2014 “Just 13, and Working Risky 12-Hour Shifts in the Tobacco Fields” <http://www.nytimes.com/2014/09/07/business/just-13-and-working-risky-12-hour-shifts-in-the-tobacco-fields.html#story-header>

Dr. Thomas A. Arcury, an expert on tobacco and migrant workers and a professor at the Wake Forest Baptist Medical Center, said tobacco work was particularly harmful to children, pointing to nicotine poisoning, pesticides and dehydration. “They’re not small adults, they’re children,” he said. “They have more surface area to body mass. They’re still developing neurologically. Their reproductive systems are developing.” Federal law allows those 12 and older to work on farms for unlimited hours, as long as there is no conflict with school. For nonfarm work, federal law sets 14 as the minimum age and restricts work for children under 16 to eight hours a day.

Protections for child tobacco workers were proposed but then canceled by the Obama Administration

Tobacco Reporter 2016 (tobacco industry newsletter, supports the interests of tobacco companies) “Obama urged to ban child labor” 4 Aug 2016 [www.tobaccoreporter.com/2016/08/obama-urged-to-ban-child-labor/](http://www.tobaccoreporter.com/2016/08/obama-urged-to-ban-child-labor/)

“Children should not be harvesting a crop that routinely makes them sick from nicotine poisoning,” said Sally Greenberg, co-chair of the Child Labor Coalition (CLC) and the executive director of the National Consumers League (NCL). “In 2012, under strong pressure from the agriculture lobby, the Obama administration withdrew long-overdue occupational protections for child farmworkers that would have banned child labor in tobacco while providing a host of life-saving protections. We call on President Obama to rectify this decision and at last protect child tobacco workers from the dangers of nicotine poisoning.”

A/T “Tobacco companies have new rules” – Good start, but thousands are left unprotected. We still need federal legislation

The Association of Farmworker Opportunity Programs 2014. (farm worker advocacy group) “Leading US Tobacco Company Could Reduce Domestic Child Labor” 5 Nov 2014 <http://afop.org/wp-content/uploads/2010/07/Philip-Morris-and-Child-Labor-2014.docx>

“AFOP welcomes Philip Morris International’s actions today to address the inadequacies in US child labor laws,” said AFOP Executive Director Daniel Sheehan. “In changing how it purchases it U.S.-grown leaf, the company will help prevent many children from working in the nation’s tobacco fields, but continue to leave thousands of child workers unprotected. The Obama Administration and Congress must enact stronger safeguards to ensure these all child workers are protected from the dangers of tobacco work.”

A/T “Tobacco companies have new rules” – Even Philip Morris tobacco company agrees: Industry alone can’t solve

Tobacco Reporter 2016 (tobacco industry newsletter, supports the interests of tobacco companies) “[Obama urged to ban child labor](http://www.tobaccoreporter.com/2016/08/obama-urged-to-ban-child-labor/)” 4 Aug 2016 [www.tobaccoreporter.com/2016/08/obama-urged-to-ban-child-labor/](http://www.tobaccoreporter.com/2016/08/obama-urged-to-ban-child-labor/)

The note said that during the past two years, the tobacco industry had adopted stronger policies to address child labor concerns. ‘The two largest tobacco-growing associations, as well as the two largest US-based tobacco companies, including Philip Morris International, have stated that they would welcome stronger regulations to back up their voluntary policies,’ it said. ‘Many in the non-profit community doubt the capacity of the industry to monitor its fields.

A/T “Some tobacco companies set minimum age 16” – Not enough. Even 16 and 17-year-olds are being harmed

Human Rights Watch 2015 (international non-profit human rights advocacy group) 9 Dec 2015 “US: Tobacco Farms No Place for Teens” <https://www.hrw.org/report/2015/12/09/teens-tobacco-fields/child-labor-united-states-tobacco-farming>

In 2014, several tobacco companies and growers groups adopted new policies banning children under 16 from employment in US tobacco farming. These policy changes are an important step, but they leave some children unprotected. International human rights law prohibits all children under 18 from doing hazardous work. Certain tobacco companies’ policies draw a line at 16, restricting work by children younger than 16, but allowing 16 and 17-year-old children to work in tobacco farming. This distinction is inconsistent with international standards and unsupported by scientific evidence on adolescent growth and development.

Details on why the Obama Administration abandoned efforts to stop child labor on tobacco farms

Jessica McLaughlin 2015 (journalist) 10 Sept 2015 “Do Child Farm Workers Have Enough Protections?” <http://lawstreetmedia.com/issues/law-and-politics/child-labor-are-us-farm-workers-protected/>

In 2011, during President Obama’s first term, former Secretary of Labor Hilda Solis proposed banning workers under the age of 16 in the tobacco fields–ridding the FLAS of many of its exemptions. Her plan included stricter regulations for “agricultural work with animals, pesticides, timber, manure pits, and storage bins.” It also proposed safety measures for young farmworkers. However, powerful opposition from farm conglomerates emerged. Montana Representative Denny Rehberg lamented the consequences when “big-city bureaucrats try to craft policies for rural America.” Farmers also complained that it would prevent their children from contributing to chores, even though Solis suggested an exception regarding farmers’ children. State legislators responded by drafting bills asking respective Congressional delegates to oppose the proposed changes to child labor exemptions. The successful lobbying campaign resulted in all the proposals being dropped and the Obama administration promising to abandon the issue indefinitely.

Legal obligation to eliminate abusive child labor: The US signed & ratified the convention on child labor in 1999

International Labor Rights Forum 2010. (international labor rights advocacy group) A Matter of Urgency: US Compliance with ILO Convention No. 182 Concerning the Prohibition and Immediate Elimination of the Worst Forms of Child Labor, June 2010 (brackets added) <http://digitalcommons.ilr.cornell.edu/cgi/viewcontent.cgi?article=1531&context=globaldocs>

President Clinton signed the ILO [International Labor Organization] Convention No 182 in December 1999, following its ratification by the US Senate on November 5, 1999. The Convention, which has been ratified by 169 countries and is the most widely-ratified international labor convention, requires each country to "take immediate and effective measures to secure the prohibition and elimination of the worst forms of child labour as a matter of urgency."

MINOR REPAIR RESPONSES

A/T “Use safety equipment” – Doesn’t work

Katherine Colburn 2014 (J.D. Candidate at Loyola University Chicago School of Law ) PUBLIC INTEREST LAW REPORTER “Tobacco’s Other Downside: Child Labor in American Tobacco Fields” Fall 2014 <https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&cad=rja&uact=8&ved=0ahUKEwiWu6Hv3cTQAhVIRSYKHSQWDswQFggbMAA&url=http%3A%2F%2Flawecommons.luc.edu%2Fcgi%2Fviewcontent.cgi%3Farticle%3D1216%26context%3Dpilr&usg=AFQjCNGJLHmALv2WrLXyTlPWlNvAD_URiw&sig2=yYpn4v4djCKfMndoTECaHg&bvm=bv.139782543,d.eWE>

In addition to a lack of health training and heavy exposure to the elements, employers give very few children protective equipment and most have to make their own. This is no usual art project for these children, as some found their homemade raincoats didn’t protect them completely and they overheated in the sun, so many children have taken to wearing garbage bags. Some children don’t wear garbage bags and instead work in their wet clothes causing rashes and irritation. There is also a lack of gloves and protective footwear provided to the children.36 For many, their hands are too small for generic plastic gloves so they go without which leads to skin rashes, cuts, sores, and blisters. In addition to bare hands, many children are also working with bare feet as most do not have boots that are able to withstand the thick mud of the field.

HARMS / SIGNIFICANCE

Tobacco field work is more harmful to children than older workers

NEW YORK TIMES 2014 (journalist Steven Greenhouse) 6 Sept 2014 “Just 13, and Working Risky 12-Hour Shifts in the Tobacco Fields” <http://www.nytimes.com/2014/09/07/business/just-13-and-working-risky-12-hour-shifts-in-the-tobacco-fields.html#story-header>

Dr. Thomas A. Arcury, an expert on tobacco and migrant workers and a professor at the Wake Forest Baptist Medical Center, said tobacco work was particularly harmful to children, pointing to nicotine poisoning, pesticides and dehydration. “They’re not small adults, they’re children,” he said. “They have more surface area to body mass. They’re still developing neurologically. Their reproductive systems are developing.”

Details on how children are exposed to Green Tobacco Sickness (nicotine poisoning) on the farm

US Dept of Labor 2011. Federal Register /Vol. 76, No. 171 / Friday, September 2, 2011 / Proposed Rules 54865 <http://www.gpo.gov/fdsys/pkg/FR-2011-09-02/pdf/2011-21924.pdf>

Two of these tasks, topping and harvesting, particularly raise a farm worker’s risk for GTS—and in the United States, children often perform both tasks (see McKnight RH, Spiller HA. 2005. Public Health Reports 120:602–6). ‘‘‘Topping’ involves removing the flower from the growing plant to encourage greater root growth, leaf weight, and nicotine content at harvest. To ‘top,’ workers walk through rows of tobacco plants and snap off the flowers by hand. As one would expect, workers have nearly constant contact with tobacco leaves as they perform this task’’ (Id.). Harvesting not only requires continuous and complete contact with tobacco plants, but in the United States, generally occurs in late August or early September when the ambient temperature is high. ‘‘The combination of high ambient temperatures and hard physical labor shunts blood to the skin to help lower body temperature. The resultant increase in surface blood flow also significantly increases dermal absorption of nicotine’’

Nicotine poisoning: A serious health threat for tobacco farm workers. Hundreds of hospital visits

﻿ Gabriel Thompson 2013 (Steinbeck Fellow at San Jose State University) THE NATION 2 Dec 2016 “﻿Why Are Children Working in American Tobacco Fields?” <https://www.thenation.com/article/why-are-children-working-american-tobacco-fields/>

﻿Scientists first started to take nicotine poisoning seriously in 1992, when Kentucky began to monitor hospital visits by farmworkers. During a two-month period, emergency rooms in five counties admitted forty-seven people who complained of vomiting, abdominal pain, dizziness and difficulty breathing. Twelve required hospitalization, and two were placed in intensive care. The National Institute for Occupational Safety and Health issued an advisory, putting the likely number of ER visits statewide at 600. “If the numbers found in Kentucky are any indication of the magnitude of this problem, then we are dealing with an illness which is inflicting a tremendous burden on this nation,” said Dr. J. Donald Millar, then director of NIOSH.

Pesticide exposure sickens child tobacco farm workers

Human Rights Watch 2015 (international non-profit human rights advocacy group) 9 Dec 2015 “US: Tobacco Farms No Place For Teens” <https://www.hrw.org/report/2015/12/09/teens-tobacco-fields/child-labor-united-states-tobacco-farming>

A few children also reported entering tobacco fields that had very recently been sprayed with pesticides. A number of children reported immediate illness after coming into contact with pesticides, including headaches, nausea, dizziness, lightheadedness, difficulty breathing, itching and irritation of the nose and throat, sneezing, salivating, and burning and watering of the eyes. Most children said they had never received education or training about the dangers of pesticide exposure. Many reported that they were not even notified prior to pesticide applications on or near the fields where they were working.

N. Carolina farmworkers have the highest rate of heat-related fatalities in the nation

﻿ Gabriel Thompson 2013 (Steinbeck Fellow at San Jose State University) THE NATION 2 Dec 2016 “﻿Why Are Children Working in American Tobacco Fields?” <https://www.thenation.com/article/why-are-children-working-american-tobacco-fields/>

﻿ The air has taken on the heaviness and temperature of exhaust, and despite my sluggish pace, I can barely catch my breath. It feels like I’m sucking through a straw stuffed with moss. Finally, a new supervisor arrives and tells us to pack up. “It’s too hot,” he says. “Day’s over.” It’s 5:45 pm when I get back to my motel, having earned $65.25 for nine hours of work. My head has been pounding for hours, so I take Advil and drink two large cups of water. There’s a severe heat advisory in effect: it’s 95 degrees, with a heat index of 111. It’s no surprise that North Carolina farmworkers suffer the highest rate of heat-related fatalities in the nation.

SOLVENCY / ADVOCACY

Durbin bill is needed to protect children from tobacco farming hazards

Jo Becker 2015 (children’s rights advocacy director of Human Rights Watch) 16 Apr 2015 quoted on official web site of Sen. Richard Durbin (D-Illinois) “Durbin And Cicilline: Tobacco Farms Are No Place For Kids” <http://www.durbin.senate.gov/newsroom/press-releases/durbin-and-cicilline-tobacco-farms-are-no-place-for-kids->

“Children shouldn’t face nicotine exposure and toxic pesticides on the job. This bill is a significant step towards ending hazardous child labor in US tobacco farming,” said Jo Becker, children’s rights advocacy director of Human Rights Watch. “Our research found that three-quarters of child tobacco workers get sick from their work. To protect children’s health, Congress should amend US law to prohibit child labor in US tobacco farming.”

Voluntary standards aren’t enough; we need federal legislation banning child labor on tobacco

Rep. David Cicilline 2015 (D-Rhode Island) 16 Apr 2015 quoted on official web site of Sen. Richard Durbin (D-Illinois) “Durbin And Cicilline: Tobacco Farms Are No Place For Kids” <http://www.durbin.senate.gov/newsroom/press-releases/durbin-and-cicilline-tobacco-farms-are-no-place-for-kids->

“It’s unconscionable that American children as young as 12 years old are being exposed to deadly carcinogens and toxins when they go to work on a tobacco farm,” added Cicilline. “Voluntary industry standards do not go far enough – there is a clear need for legal prohibitions that will protect children from the dangers of tobacco and nicotine.”

Enforcement of the Fair Labor Standards Act’s child labor laws is done by US Dept of Labor’s “Wage and Hour Division”

US Dept of Labor 2016. “Wage and Hour Division (WHD) Handy reference guide to the Fair Labor Standards Act” <https://www.dol.gov/whd/regs/compliance/hrg.htm>

The Fair Labor Standards Act (FLSA) establishes minimum wage, overtime pay, recordkeeping, and child labor standards affecting full-time and part-time workers in the private sector and in Federal, State, and local governments. The Wage and Hour Division (WHD) of the U.S. Department of Labor (DOL) administers and enforces the FLSA with respect to private employment, State and local government employment, and Federal employees of the Library of Congress, U.S. Postal Service, Postal Rate Commission, and the Tennessee Valley Authority.

Wage & Hour Division budget is $276 million

US Dept of Labor 2016. “FY 2017 CONGRESSIONAL BUDGET JUSTIFICATION – WAGE AND HOUR DIVISION” <https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=2&cad=rja&uact=8&ved=0ahUKEwjRs53QiMfQAhVFKiYKHc9NCUAQFgggMAE&url=https%3A%2F%2Fwww.dol.gov%2Fsites%2Fdefault%2Ffiles%2Fdocuments%2Fgeneral%2Fbudget%2FCBJ-2017-V2-09.pdf&usg=AFQjCNF0V5cKJYhtJmtxAm3WnYjhrNyd8A&sig2=QWoV1KcGsIwHhD0wXAkE5g>



Head Start budget is $8 billion and the government agency that owns it did a study showing it doesn’t work

**[Do the math 4% cut in $8 billion = $320 million]**

Matt Mackowiak 2014 (journalist) 23 Mar 2014 “Even Government Agrees Head Start is a Failure” <http://townhall.com/columnists/mattmackowiak/2014/03/23/even-government-agrees-head-start-is-a-failure-n1812639>

Obama has proposed $8 billion for Head Start in his just-released annual budget. The program serves over 1 million children in all 50 states at a cost of about $8,000 per student. In 2011, the U.S. Department of Health and Human Services commissioned a study to evaluate Head Start's effectiveness. The study found that though the program had a "positive impact" on children's experiences through the preschool years, "advantages children gained during their Head Start and age 4 years yielded only a few statistically significant differences in outcomes at the end of 1st grade for the sample as a whole. Impacts at the end of kindergarten were scattered." Wait, only a "few statistically significant differences," for $8,000 per child per year? And this is what the government found!

DISAVANTAGE RESPONSES

A/T “Poor immigrants have no other work opportunities” – They can work in Mexico

Dr. Rakesh Kochhar 2005 (PhD in economics; associate director for research, Pew Hispanic Center) “Survey of Mexican Migrants, Part Three” 6 Dec 2005 <http://www.pewhispanic.org/2005/12/06/survey-of-mexican-migrants-part-three/>

The vast majority of undocumented migrants from Mexico were gainfully employed before they left for the United States. Thus, failure to find work at home does not seem to be the primary reason that the estimated 6.3 million undocumented migrants from Mexico have come to the U.S. Policies aimed at reducing migration pressures by improving economic conditions in Mexico may also need to address factors such as wages, job quality, long-term prospects and perceptions of opportunity.

A/T “Family poverty” – Putting kids to work in tobacco perpetuates poverty forever

**Reid Maki 2016 (**director of child labor advocacy for the National Consumers League and coordinator of the Child Labor Coalition) WASHINGTON POST 16 Oct 2016 <https://www.washingtonpost.com/opinions/tobacco-work-nonecessaryevil/2016/10/16/0beacc66917b11e6bc001a9756d4111b_story.html?utm_term=.5e2102445463>

As Hull House social activist Grace Abbott once said, “Child labor and poverty are inevitably bound together and if you continue to use the labor of children as the treatment for the social disease of poverty, you will have both poverty and child labor to the end of time.” The Post’s editorial “Sick in the fields” noted evidence that nicotine “stunts adolescent brain development” and concluded accurately that the children “are simply being exploited.”

A/T “Learn hard work” – Hard work that kids should not be doing

CBS News 2014. “Child workers as young as 7 getting sick on U.S. tobacco farms, report says” 14 May 2014 <http://www.cbsnews.com/news/child-workers-as-young-as-7-getting-sick-on-u-s-tobacco-farms-report-says/>

"The U.S. has failed America's families by not meaningfully protecting child farmworkers from dangers to their health and safety, including on tobacco farms," said Margaret Wurth, children's rights researcher and co-author of the report. "Farming is hard work anyway, but children working on tobacco farms get so sick that they throw up, get covered by pesticides and have no real protective gear." Children interviewed by the group in 2012 and 2013 reported vomiting, nausea and headaches while working on tobacco farms. The symptoms they reported are consistent with nicotine poisoning often called Green Tobacco Sickness, which occurs when workers absorb nicotine through their skin while handling tobacco plants. The children also said they worked long hours - often in extreme heat - without overtime pay or sufficient breaks and wore no, or inadequate, protective gear.

Works Cited: The Case For Ending Child Labor on Tobacco Farms

1. Whitney Mallett 2014 (journalist) 11 Nov 2014 “Kids in the US Are Getting Sick from Harvesting Tobacco” http://www.vice.com/read/the-mean-green-0000495-v21n11
2. Richard A. Webster 2016 (journalist) NEW ORLEANS TIMES-PICAYUNE, June 2016 http://www.nola.com/politics/index.ssf/2016/06/5\_most\_dangerous\_summer\_jobs\_f.html#2
3. US Dept of Labor 2011. Federal Register /Vol. 76, No. 171 / Friday, September 2, 2011 / Proposed Rules 54865 http://www.gpo.gov/fdsys/pkg/FR-2011-09-02/pdf/2011-21924.pdf
4. Human Rights Watch 2015 (international non-profit human rights advocacy group) “US: Tobacco Farms No Place for Teens” 9 Dec 2015 https://www.hrw.org/news/2015/12/09/us-tobacco-farms-no-place-teens
5. Katherine Colburn 2014 (J.D. Candidate at Loyola University Chicago School of Law ) PUBLIC INTEREST LAW REPORTER “Tobacco’s Other Downside: Child Labor in American Tobacco Fields” Fall 2014 https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&cad=rja&uact=8&ved=0ahUKEwiWu6Hv3cTQAhVIRSYKHSQWDswQFggbMAA&url=http%3A%2F%2Flawecommons.luc.edu%2Fcgi%2Fviewcontent.cgi%3Farticle%3D1216%26context%3Dpilr&usg=AFQjCNGJLHmALv2WrLXyTlPWlNvAD\_URiw&sig2=yYpn4v4djCKfMndoTECaHg&bvm=bv.139782543,d.eWE
6. Official website of US Congress 2015 “S.974 - A bill to amend the Fair Labor Standards Act of 1938 to prohibit employment of children in tobacco-related agriculture by deeming such employment as oppressive child labor” introduced on 16 Apr 2015 https://www.congress.gov/bill/114th-congress/senate-bill/974/text
7. Tobacco Reporter 2016 (tobacco industry newsletter, supports the interests of tobacco companies) “Obama urged to ban child labor” 4 Aug 2016 www.tobaccoreporter.com/2016/08/obama-urged-to-ban-child-labor/
8. The Association of Farmworker Opportunity Programs 2014. (farm worker advocacy group) “Leading US Tobacco Company Could Reduce Domestic Child Labor” 5 Nov 2014 http://afop.org/wp-content/uploads/2010/07/Philip-Morris-and-Child-Labor-2014.docx
9. Jessica McLaughlin 2015 (journalist) 10 Sept 2015 “Do Child Farm Workers Have Enough Protections?” http://lawstreetmedia.com/issues/law-and-politics/child-labor-are-us-farm-workers-protected/
10. International Labor Rights Forum 2010. (international labor rights advocacy group) A Matter of Urgency: US Compliance with ILO Convention No. 182 Concerning the Prohibition and Immediate Elimination of the Worst Forms of Child Labor, June 2010 (brackets added) http://digitalcommons.ilr.cornell.edu/cgi/viewcontent.cgi?article=1531&context=globaldocs
11. NEW YORK TIMES 2014 (journalist Steven Greenhouse) 6 Sept 2014 “Just 13, and Working Risky 12-Hour Shifts in the Tobacco Fields” http://www.nytimes.com/2014/09/07/business/just-13-and-working-risky-12-hour-shifts-in-the-tobacco-fields.html#story-header
12. ﻿ Gabriel Thompson 2013 (Steinbeck Fellow at San Jose State University) THE NATION 2 Dec 2016 “﻿Why Are Children Working in American Tobacco Fields?” https://www.thenation.com/article/why-are-children-working-american-tobacco-fields/
13. Jo Becker 2015 (children’s rights advocacy director of Human Rights Watch) 16 Apr 2015 quoted on official web site of Sen. Richard Durbin (D-Illinois) “Durbin And Cicilline: Tobacco Farms Are No Place For Kids” http://www.durbin.senate.gov/newsroom/press-releases/durbin-and-cicilline-tobacco-farms-are-no-place-for-kids-
14. Rep. David Cicilline 2015 (D-Rhode Island) 16 Apr 2015 quoted on official web site of Sen. Richard Durbin (D-Illinois) “Durbin And Cicilline: Tobacco Farms Are No Place For Kids” http://www.durbin.senate.gov/newsroom/press-releases/durbin-and-cicilline-tobacco-farms-are-no-place-for-kids-
15. US Dept of Labor 2016. “Wage and Hour Division (WHD) Handy reference guide to the Fair Labor Standards Act” https://www.dol.gov/whd/regs/compliance/hrg.htm
16. US Dept of Labor 2016. “FY 2017 CONGRESSIONAL BUDGET JUSTIFICATION – WAGE AND HOUR DIVISION” https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=2&cad=rja&uact=8&ved=0ahUKEwjRs53QiMfQAhVFKiYKHc9NCUAQFgggMAE&url=https%3A%2F%2Fwww.dol.gov%2Fsites%2Fdefault%2Ffiles%2Fdocuments%2Fgeneral%2Fbudget%2FCBJ-2017-V2-09.pdf&usg=AFQjCNF0V5cKJYhtJmtxAm3WnYjhrNyd8A&sig2=QWoV1KcGsIwHhD0wXAkE5g
17. Matt Mackowiak 2014 (journalist) 23 Mar 2014 “Even Government Agrees Head Start is a Failure” http://townhall.com/columnists/mattmackowiak/2014/03/23/even-government-agrees-head-start-is-a-failure-n1812639
18. Dr. Rakesh Kochhar 2005 (PhD in economics; associate director for research, Pew Hispanic Center) “Survey of Mexican Migrants, Part Three” 6 Dec 2005 http://www.pewhispanic.org/2005/12/06/survey-of-mexican-migrants-part-three/
19. Reid Maki 2016 (director of child labor advocacy for the National Consumers League and coordinator of the Child Labor Coalition) WASHINGTON POST 16 Oct 2016 https://www.washingtonpost.com/opinions/tobacco-work-nonecessaryevil/2016/10/16/0beacc66917b11e6bc001a9756d4111b\_story.html?utm\_term=.5e2102445463
20. CBS News 2014. “Child workers as young as 7 getting sick on U.S. tobacco farms, report says” 14 May 2014 http://www.cbsnews.com/news/child-workers-as-young-as-7-getting-sick-on-u-s-tobacco-farms-report-says/
1. Human Rights Watch (international non-profit advocacy group for human rights) 9 Dec 2015 “Teens of the Tobacco Fields – Child Labor in United States Tobacco Farming” <https://www.hrw.org/report/2015/12/09/teens-tobacco-fields/child-labor-united-states-tobacco-farming> (brackets and ellipses in original) [↑](#footnote-ref-1)