

United States Senate

December 8, 2011

Dear Colleague:

On September 2, 2011, the U.S. Department of Labor (DOL) proposed new regulations under the Fair Labor Standards Act that would affect the ability of farmers and ranchers to hire youth to work in agriculture. Not only does the rule propose new restrictions on the type of activities that younger farm workers would be allowed to perform, it would restrict the agricultural parental exemption, endangering the ability of some family farms to employ their children. The proposed rule would also eliminate an effective training and certification program conducted by the U.S. Department of Agriculture (USDA) Federal Extension Service, 4-H, the National FFA Organization, and other vocational agriculture education institutions and it would limit the activities that could be taught under the student learner program conducted by schools across rural America.

The proposed DOL regulations were not issued pursuant to any recent Congressional mandate. Congress has not substantively changed the agriculture provisions of the Fair Labor Standards Act since the 1970's and research shows that childhood injury rates have declined nearly 60 percent between 1998 and 2008. More concerning is that the DOL admits in the proposed rule that it lacks reliable data to justify making the proposed changes to existing Agricultural Hazardous Occupation Orders (Ag HO), and in the case of the livestock Ag HO, the DOL actually took action contrary to the recommendation of a Center for Disease Control report it relies on throughout the proposed rule.

If allowed to go forward, this rule would further dilute an already short agricultural workforce, abolish a useful training program, and adversely change the structure of the family farm. Please join us in asking the DOL to withdraw the proposed rule. This letter is supported by the American Farm Bureau Federation, the National Cattlemen's Beef Association, the National Pork Producers Council, the National Grain and Feed Association, and the National FFA Organization. If you are interested in signing the letter, please contact Aaron Popelka in Senator Jerry Moran's office at Aaron_Popelka@moran.senate.gov or Erick Lutt in Senator Ben Nelson's office at Erick_Lutt@bennelson.senate.gov by close of business on Friday, December 16, 2011.

Sincerely,


U.S. Senator Jerry Moran


U.S. Senator Ben Nelson