

## Darke County Extension News Release

### **For Further Information Contact:**

Sam Custer  
Agriculture and Natural Resources Extension Educator  
Phone - 937-548-5215  
E-Mail – [custer.2@osu.edu](mailto:custer.2@osu.edu)

For Release –*June 17, 2013*

## **Youth on the Farm: What Type of Farm Work Can They Perform?**

Are you looking for someone to help bale hay, hoe out marestail, apply nitrogen, move livestock or some other task on your farm. These summer tasks create both a high need to employ youth on the farm and the challenging task of understanding farm youth labor laws.

Peggy Hall and Catharine Daniels, OSUE Agricultural & Resource Law Program, have compiled the information below to help us understand our responsibilities in hiring children on the farm.

Imagine Farmer X is getting ready to cut hay and has hired Youth Y to help, who is 14 years old. What exactly can Youth Y help with? Can he drive the tractor? Can he ride on the tractor? Does it make a difference whether Youth Y is the son, daughter or grandchild of Farmer X? Are there implications for allowing Youth X to perform farm work that he or she shouldn't perform?

These questions are important to consider before hiring minors to work on your farm this summer. In a series of blog posts, we will discuss various aspects of federal and state regulations applying to minors working on farms. You can follow the blog at <http://ohioaglaw.wordpress.com>. First is the issue of what type of work the law allows you to assign to youth workers on the farm.

### **Whose child?**

The relationship of the minor you are hiring is important because the law treats your own children and grandchildren differently than non-related children working on your farm. If the minor you hire is your own child or grandchild, the law allows you to have the child do any type of job, including agricultural jobs considered “hazardous” under state and federal labor laws. Step children, adopted children, foster children and other children for whom you are the guardian are also exempt from the hazardous jobs regulation.

### **For other children, age matters**

For other youth who are *not* your own child or grandchild, the type of work you may assign the child depends upon his or her age. “Other children” includes strangers, students, neighborhood children, friends, nieces, nephews and any other relatives. Only the older youth may perform “hazardous” farm work, as follows:

- *16 and 17 year olds* – May perform any type of farm job *including* agricultural jobs considered hazardous.
- *14 and 15 year olds* – May not perform any job listed as hazardous *unless* the child holds a 4-H or vocational agriculture certificate of completion for tractor operation or machine operation and the employer keeps a copy of the certificate on file with the minor employee's record.

- *12 and 13 year olds* – May not perform any job listed as hazardous; may only perform non-hazardous jobs *if* with written consent for employment from a parent or guardian *or if* the child is working on a farm that also employs the child’s parent or guardian.
- *11 year olds and younger* – May not perform hazardous jobs. May only perform *non-hazardous* farm work *if* a parent or guardian gives written consent *and if* the child will be working on a farm where employees are exempt from minimum wage requirements. A farm is exempt from minimum wage if the farm had 500 or fewer man-days of agricultural labor in the preceding calendar year; a man-day is any day where a worker performs at least one hour of agricultural labor.

### What jobs are “hazardous”?

Ohio has adopted the federal government’s determination of “hazardous” activities for youth, which is based upon the risk of harm posed by an activity. Your own child or grandchild may perform hazardous tasks at any age, but other youth working on the farm must be at least 16 years of age to participate in these “hazardous” tasks:

- Operating a tractor with over 20 PTO horsepower, or connecting or disconnecting an implement or any of its parts to or from such tractor.
- Operating or assisting to operate (including starting, stopping, adjusting, feeding, or any other activity involving physical contact associated with the operation) any of the following machines: 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 nongravity-type self-unloading wagon or trailer, power post-hole digger, power post driver or nonwalking type rotary tiller, trencher or earthmoving equipment, fork lift, potato combine or power-driven circular, band, or chain saw.
- Working on a farm 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 umbilical cord present.
- Felling, bucking, skidding, loading, or unloading timber with a butt diameter of more than 6 inches.
- Working from a ladder or scaffold (painting, repairing, or building structures, pruning trees, picking fruit, etc.) at a height of over 20 feet.
- Driving a bus, truck or automobile when transporting passengers or 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 2 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 (including cleaning or decontaminating equipment, disposal or return of empty containers, or serving as a flagman for aircraft applying) agricultural chemicals classified under the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 135 *et seq.*) as Category I of toxicity, identified by the word “poison” and the “skull and crossbones” on the label or Category II of toxicity, identified by the word “warning” on the label.
- Handling or using a blasting agent, including but not limited to dynamite, black powder, sensitized ammonium nitrate, blasting caps, and primer cord.
- Transporting, transferring or applying anhydrous ammonia.

Going back to our example of Farmer X and Youth Y, if Youth Y is Farmer X’s child or grandchild, then the child would be permitted to drive the tractor to cut the hay because the hazardous restrictions do not apply. However, if Youth Y is not Farmer’s X’s child or grandchild, then he would not be permitted to drive the tractor because it is considered a hazardous job that 14 year olds may not perform, unless Youth Y holds a 4-H or vocational agriculture certificate of completion for tractor operation.

### **What if I violate the “hazardous” jobs regulations?**

Under Ohio law, you can be found guilty of a third degree misdemeanor for allowing a minor under the age of 16 to perform a hazardous job on your farm; penalties are up to a \$500 fine and 60 days in jail for each violation. Additionally, if the child is injured while engaged in an illegal hazardous activity, you could be assessed with an increased workers’ compensation premium.

### **How can I comply with the law?**

To ensure that you don’t violate the labor regulations on hazardous jobs for youth, take a few precautions to protect both you and your child employee:

- Verify the child’s age and keep records of your verification.
- Know the list of agricultural work that is considered hazardous.
- Remember that only your children or grandchildren are exempt from the hazardous jobs regulation; consider nieces, nephews, cousins and other relatives as “other children” who are subject to the hazardous jobs rules.
- Ensure that your child employees know which jobs they may do and which jobs they may not perform.
- Review safety practices with your youth employees.
- For 14 and 15 year olds who have completed a 4-H or vocational agriculture tractor or machinery operation certificate, maintain a copy of the certificate with the employee’s records.

For more detailed information, visit the Darke County OSU Extension web site at [www.darke.osu.edu](http://www.darke.osu.edu), the OSU Extension Darke County Facebook page or contact Sam Custer, at 937.548.5215.