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U.S. Cracks Down on Farmers Who Hire Children

By **ERIK ECKHOLM**

WHITE LAKE, N.C. — The Obama administration has opened a broad campaign of enforcement against farmers who employ children and underpay workers, hiring hundreds of investigators and raising fines for labor and wage violators.

A flurry of fines and mounting public pressure on blueberry farmers is only the opening salvo, Labor Secretary **Hilda L. Solis** said in an interview. Ms. Solis, the daughter of an immigrant farm worker, said she was making enforcement of farm-labor rules a priority. At the same time, Congress is considering whether to rewrite the law that still allows 12-year-olds to work on farms during the summer with almost no limits.

The blueberry crop has been drawing workers to eastern North Carolina for decades, but as the harvest got under way in late May, growers stung by bad publicity and federal fines were scrambling to clean up their act, even going beyond the current law to keep all children off the fields. The growers were also ensuring that the workers, mainly Hispanic immigrants, would make at least the minimum wage of \$7.25 an hour.

“I picked blueberries last year, and my 4-year-old brother tried to, but he got stuck in the mud,” said Miguel, a 12-year-old child of migrants. “The inspectors fined the farmers, and this year no kids are allowed.”

Child and rights advocates said they were encouraged by these signs of federal resolve, but they were also waiting to see how wide and lasting the changes would be. Across the country, hundreds of thousands of children under 18 toil each year, harvesting crops from apples to

onions, according to a recent [report by Human Rights Watch](#) detailing hazards to their health and schooling and criticizing the Labor Department for past inaction.

“The news from North Carolina shows the value of strong enforcement,” said Zama Coursen-Neff, a lawyer with Human Rights Watch and the report’s author. “We also need to change the law to make sure this isn’t a flash in the pan.”

Unannounced visits to several fields here by a reporter and by migrant aid groups, and interviews with workers from more than a dozen blueberry farms, indicate that the changes — for this crop and this region — are real.

Soon after dawn, the vans stream through the roads here, ferrying migrant workers from trailer camps to blueberry farms, where they pluck the fragile fruits for 10 hours or more.

“Last year, the fields were filled with children, so this is encouraging,” said Emily Drakage, North Carolina regional coordinator of the [Association of Farmworker Opportunity Programs](#), a national network of state and private agencies.

Beyond barring children from the fields, growers here also spruced up migrants’ trailers and barracks and adopted scanners to record the buckets of berries collected by each worker.

A federal law adopted in 1938 exempts agriculture from child-labor rules that apply to other industries. It permits children 12 and up to work without limits outside of school hours, exposing them, critics say, to pesticides that may pose a special threat to growing bodies and robbing too many of childhood itself.

After years of what rights groups said was lax attention, the Labor Department this week announced a large increase in the fines that farmers can face for employing children, to as much as \$11,000 per child, from around \$1,000.

On May 24, the department fined a labor contractor and a farmer in Arizona more than \$30,000 for employing 10- and 11-year-old children, underpaying workers and other violations.

In an interview, Ms. Solis said she had added more than 250 workplace investigators, bringing the department’s total to near 1,000, and started a campaign to educate workers about their rights. Acknowledging that officials had sometimes ignored child farm violations in the past,

she added, "I am totally changing the direction of this department."

But to make deep inroads, Congress would first have to change the law. A proposal to ban the hiring of 12- and 13-year-olds, cap working hours by 14- and 15-year-olds and keep teenagers out of hazardous jobs is gaining support in Congress. Some 91 representatives have co-sponsored the [Care Act](#), put forth by [Lucille Roybal-Allard](#), Democrat of California.

Senator [Tom Harkin](#), Democrat of Iowa, said he planned to introduce a similar bill in the Senate. The [American Farm Bureau](#), the nation's largest farm lobbying organization, has opposed it, saying it could imperil the tradition of children working in farm communities.

This spring's restrictions on teenagers in North Carolina were unsettling for some parents who said they counted on their earnings, and for teenage migrants, some traveling on their own.

"I need to help pay our own way," said Edgar, 15, who has helped support two younger siblings since his mother rushed back to Mexico in 2009 for a family emergency. Last spring, he often skipped school to spend 10-hour days picking blueberries, he said. He was disappointed to be turned away by a farm on a recent Saturday and hoped that growers would let him work after the school year ended.

Migrant farm workers, many of them Mexicans who are in the country illegally, remain desperately poor, traveling across the country for sporadic stretches of backbreaking work, vulnerable to gouging by contractors and afraid to complain. Although a federal program tries to aid migrant children with their education, few finish high school.

The [Migrant Head Start](#) program aims to give parents an alternative to taking infants and toddlers into the fields. Here in Bladen County, a new Head Start center opened in 2008. It provides free day care to 138 children but still falls short of the need.

In nearby Wayne County, Celidania Diaz, who has worked there for nine years, planned to start picking when Head Start's free bus service began in her area the following week.

"With the kids, the farms are very strict now," she said. "It was better before, because if you didn't have someone to take care of the kids, you could take them along."

Her family's situation is typical: they and a second family share an aging trailer, paying \$50 a

week each. The workers also pay \$6 a day to a van owner to transport them to farms nearly two hours away. On good days, in fields where plump berries are still plentiful, they may earn \$80 to \$100, filling four buckets an hour at \$2.50 a bucket to surpass the minimum wage. But when it rains, the berries are too fragile to pick and they cannot work.

Blueberry farmers here, like George Mote Jr., insist that they have never wanted children in their fields but that parents would sneak them in; rights groups say the farmers often looked the other way.

Shaken by [fines imposed last August](#) on 9 blueberry farms and 17 labor contractors in North Carolina, owners this spring played it safe by going beyond the law to bar anyone under 16 from the fields. But some farmers said that when school ended this month, they would allow younger teenagers to work, as the law allows.

Rafaela, 35, who lives in a three-bedroom trailer with her two children and six men placed there temporarily by a labor contractor, said not all parents supported strong controls on work by teenagers. "In the summertime when there's no school, I think it's O.K.," said Rafaela, who did not provide her last name because she feared scrutiny by [immigration](#) officials. "But to take them out of school, that's not right."