

Vacation

How a loophole in America's child labor laws lets teens work dangerous jobs harvesting tobacco

BY ALESSANDRA POTENZA

Every summer for the past four years, Saray Cambray Alvarez has woken up at dawn to work in tobacco fields. Before entering the long rows of tobacco plants in Wilson, North Carolina, Saray, now 14, pulls a black plastic garbage bag over her body to protect her skin from leaves dripping with nicotine dew. If they touch her skin, she gets dizzy and sometimes throws up. In the 90-plus degree heat and humidity, she has trouble breathing and may wait an hour for a sip of water.

"You get very thirsty," says Saray, who works 12-hour shifts. "It's too hard for me, and it's too hot."

Even though we think of child labor as a thing of the past, many teenagers like Saray—and children younger than her—spend their summers laboring in tobacco fields, mostly in North Carolina, Kentucky, Tennessee, and Virginia, which together produce 90 percent of U.S. tobacco. Many are American citizens whose Hispanic immigrant parents may or may not be in the U.S. legally. These teens usually have to work to help their struggling families get by.

In the fields, they face harsh working conditions: They inhale pesticides, deal with the effects of nicotine poisoning, and work in extreme heat. Studies have shown that workers on tobacco farms

have about the same level of nicotine in their bodies as regular smokers. Health experts believe that the long-term effects of nicotine poisoning and exposure to pesticides in children may include damage to their developing brains, respiratory problems, and cancer.

"It's almost as if these kids have a regular smoking habit," says Margaret Wurth, an expert on children's health at Human Rights Watch, a New York-based group that tracks human rights around the world. "They're absorbing so much nicotine in the fields."

Child Labor in the U.S.

Child labor still exists in many places (see "Child Labor Around the World," p. 10), and in the U.S. it was rampant until the early 1900s, when almost 2 million children under 15 worked in American coal mines, in garment factories, and on farms. Poor families, especially immigrants, often depended on their children's incomes to survive.

Several states passed laws regulating child labor in the 1800s. (Massachusetts was the first, in 1836.) But these laws were relatively weak and often weren't enforced. The situation changed in 1938, when passage of the federal Fair Labor Standards Act set rules for the age at which children could be employed, what kinds of jobs they could do, and

TRAVIS COVET/THE NEW YORK TIMES/REXUS



Download an infographic on child labor at upfrontmagazine.com

for how many hours. Because family farming was widespread back then—and parents needed their children to work alongside them—agricultural work was treated differently. And today, that disparity remains in effect.

For non-farm work, federal law sets 14 as the minimum age and restricts work for children under 16 to eight hours a day. For jobs the Labor Department considers “hazardous”—like mining, excavation, and explosives manufacturing—the minimum age is 18. But children as young as 12 are allowed to work on farms for unlimited hours, as long as they don’t miss school. (For kids working on their families’ farms, where presumably their parents are looking out for their well-being, there’s no minimum age.)

More than 500,000 minors work on farms in the U.S., according to the National Institute for Occupational Safety and Health. Those who don’t work in the tobacco fields may pick tomatoes in California, cucumbers in Michigan, and oranges in Florida; they follow seasonal work from state to state and are often paid less than the federal minimum wage, \$7.25 an hour. Though farmwork can provide income for their families, it’s one of the most dangerous

TREACHEROUS WORK

73%

PERCENTAGE of children working in the tobacco fields who say they suffer from nausea, headaches, respiratory illnesses, skin conditions, or other symptoms.

13

MEDIAN AGE children start working in the tobacco fields.

50 to 60

NUMBER of hours per week children typically work in the tobacco fields.

SOURCE: HUMAN RIGHTS WATCH
BASED ON INTERVIEWS WITH 133 CHILD TOBACCO WORKERS

kinds of work young people can do.

Federal data shows that in 2012, three fourths of the children under 18 who died from work-related injuries—22 in total—were agricultural workers. And about 2,000 minors working on U.S. farms suffered non-fatal injuries, often involving the use of sharp blades or

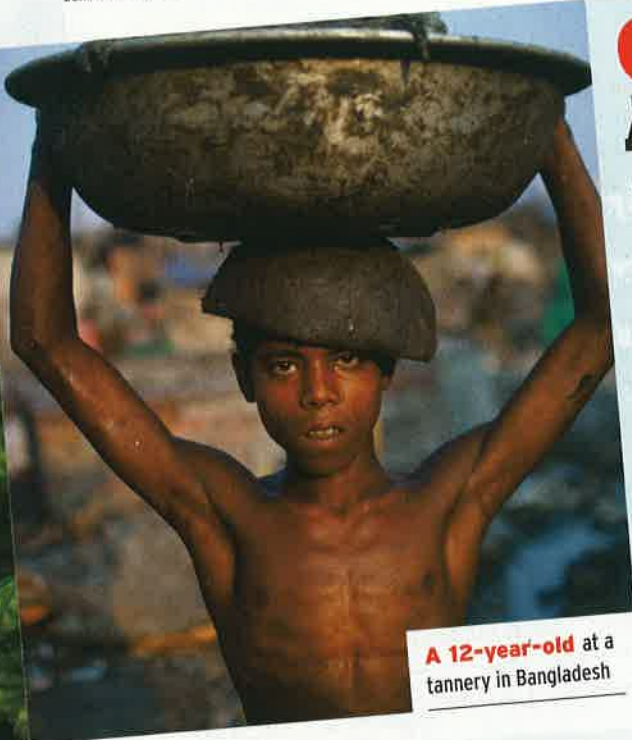
heavy machinery like tractors. Children working on tobacco farms, who usually earn at least \$7.25 an hour, face the added threat of nicotine poisoning.

Tobacco companies say they’re following the law and have even instituted additional protections. Some, like Reynolds American, whose cigarette brands include Camel, and Altria Group, which sells Marlboro, recently adopted policies banning their tobacco growers from hiring children under 16. But these policies are hard to enforce, and labor experts say that federal law needs to be strengthened to better protect minors.

“Our labor laws date back to a different era in agriculture, which was dominated by family farms,” says Wurth of Human Rights Watch. But today, farming is different, she says. “These kids are hired workers. They’re working 60 hours a week on large commercial tobacco farms.”

‘We Need to Pay the Bills’

Esmeralda Juarez started working on tobacco farms at 12. Because of the nicotine and the heat, the 16-year-old often suffers from nausea and dizziness in the fields. She’s also experienced other problems. She was sometimes harassed by a labor contractor who pulled at her clothes



A 12-year-old at a tannery in Bangladesh

CHILD LABOR Around the World

An estimated 170 million children worldwide toil in dangerous jobs for long hours and little or no pay, according to the International Labour Organization. Many are forced to work to help their impoverished families; others are kidnapped and enslaved in mines or factories. Often, they don’t attend school. In Tanzania, children work shifts of up to 24 hours crawling through cramped tunnels hunting for gold. In Haiti, they serve as maids in private homes, where they’re often beaten and abused. And in Thailand, minors are enslaved on fishing boats for years on end. Since 2000, when major international efforts began to combat the problem, experts say the number of child laborers has declined by 30 percent. But more needs to be done, they add, including better enforcement of child labor laws and stronger measures to make sure that kids are enrolled in school. “Undoubtedly, progress has been made in the last couple of decades,” says Kailash Satyarthi, an activist who’s worked to end child labor in India. “[But] great challenges still remain.”

PROBAL RASHID/LIGHTROCKET/GETTY IMAGES



Nicotine in tobacco plants poses serious health risks for farmworkers, like this 17-year-old in Kentucky.

and called her “princess” and “baby.” Most tobacco farms, she says, have no bathrooms, and she can’t make herself go in the woods, as other women do.

“I wait until I get home. I just hold it in,” she says. “There’s nothing good about this job, except that you get paid.”

Eddie Ramirez, 16, recalls summers when he worked with many 12- and 13-year-olds, even a 10-year-old. Contractors often take advantage of young workers, he says, recounting times when he wasn’t paid what he earned. Yet, for four years, he kept going back to the tobacco fields to help his mother pay for rent and food.

“My mom, she worries I might get hurt at work,” he said last summer. “I tell her, ‘We need to pay the bills.’”

For years, public-health experts and child advocates have sought to bar minors from the tobacco fields—noting that even countries like Brazil and India prohibit it—but their efforts have been blocked. In 2011, the Labor Department proposed banning anyone under 16 from working in tobacco fields or operating a tractor on any kind of farm. But after encountering intense opposition

‘Sometimes, you really feel like you’re going to die in the middle of the field.’

—CELIA ORTIZ

from farm groups and Republican lawmakers, the Obama administration withdrew the proposal in 2012. Agricultural organizations said the regulations would hurt family farms and make it harder for young people to learn farming skills.

From Tobacco to Banking

In April, lawmakers introduced bills in Congress to bar minors from working in direct contact with tobacco. But the legislation has stalled in committees. That means that a lot of children will continue working in the tobacco fields.

That’s what Celia Ortiz of Pink Hill, North Carolina, did every summer for seven years. For her, working in the fields turned out to be a stepping-stone to a better life. She was brought

to the U.S. illegally by her parents from Mexico when she was 3. Without a Social Security number, she had few options other than to harvest tobacco. At times, she worked on farms so big that it took her up to three hours to finish one row of tobacco plants. That meant that she could get stuck in the field for hours without being able to drink water. She often felt dizzy during her 12-hour shifts, because of either the nicotine or the pesticides. She threw up regularly.

In 2012, at 19, Ortiz was granted a temporary permit to stay and work after President Obama eased restrictions for undocumented youth brought to the U.S. as children. She quit the tobacco fields right away, got a certificate as a pharmacy technician, and began working at a pharmacy. Ortiz is now 22 and works in customer service at the banking company Wells Fargo. But she’ll never forget her time harvesting tobacco.

“Sometimes,” she says, “you really feel like you’re going to die in the middle of the field, because it’s just that bad.” ●

Additional reporting by Steven Greenhouse of The New York Times.