



January 27, 2015
Zama Coursen-Neff
VA House Bill No. 1906 Testimony

I. Introduction

My name is Zama Coursen-Neff and I direct the children's rights division of Human Rights Watch. I am here to speak in support of the House bill No. 1906.

For more than 15 years, Human Rights Watch has investigated hazardous child labor on farms in the United States and around the world. In the last two years we have conducted in-depth research on children working in tobacco in the four major tobacco-producing states, including Virginia, and published a report on the topic.

Based on our field research, interviews with health professionals, and analysis of public health literature, Human Rights Watch believes that no child under age 18 should be permitted to perform any tasks in which they will come into direct contact with tobacco plants of any size or dried tobacco leaves. This conclusion is based on the inherent health risks posed by nicotine, the pesticides applied to the crop, and the particular vulnerability of children whose bodies and brains are still developing.

Though protective equipment may help mitigate exposure to nicotine and pesticide residues, it would not completely eliminate absorption of toxins through the skin and would greatly increase children's risk of suffering heat-related illnesses. As a result, we conclude that there is no practical way for children to work safely when handling or coming into contact with tobacco in any form.

This bill would protect children from specific forms of work that is dangerous to their health and safety.

II. Human Rights Watch (www.hrw.org)

Human Rights Watch is a non-profit, nongovernmental organization. We monitor human rights developments in some 90 countries around the world, including the United States.

III. Our Research Methodology

In the course of our research, we interviewed 141 children ages 7 to 17 who worked on tobacco farms in 40 counties primarily in North Carolina and Kentucky, but also in Tennessee and Virginia, in 2012 and 2013. We also went to the fields to see the work that they did.

We also sought to engage 10 of the world's largest tobacco companies that source tobacco from the states we visited, sharing our findings in advance. Nine of those companies responded.

We published our findings in a 138-page report "Tobacco's Hidden Children."

IV. Findings about child labor in tobacco

a. Age

The children we interviewed typically described beginning to work for hire on tobacco farms at age 13, but many began at even younger ages. Most were children of Hispanic immigrants, though they themselves were frequently US citizens.

b. Work

The children described participating in almost every aspect of tobacco farming, including: planting seedlings, weeding, “topping” tobacco to remove flowers, removing the “suckers” (nuisance leaves), applying pesticides, harvesting tobacco leaves by hand or with machines, cutting tobacco plants with “tobacco knives” and loading them onto wooden sticks with sharp metal points, lifting sticks with several tobacco plants, hanging up and taking down sticks with tobacco plants in curing barns, and stripping and sorting dried tobacco leaves.

Children typically said they worked between 10 and 12 hours per day, and sometimes up to 16 hours. And they described utter exhaustion at the end of the day.

c. Hazards

Tobacco work exposes children to a range of hazards, including nicotine and toxic pesticides. Children work in extreme heat, use dangerous tools and machinery, lift heavy loads, and climb into the rafters of barns several stories tall, risking serious injuries and falls.

i. Green Tobacco Sickness

Nearly three-quarters of the children we interviewed reported the sudden onset of serious symptoms—including nausea, vomiting, loss of appetite, headaches, dizziness, skin rashes, difficulty breathing, and irritation to their eyes and mouths. They said this happened while working in fields of tobacco plants and in barns with dried tobacco leaves and tobacco dust. Many of these symptoms are consistent with acute nicotine poisoning, known as Green Tobacco Sickness (GTS).

“Jacob,” a 14-year-old tobacco worker in Virginia, told us: “I get a little bit queasy, and I get lightheaded and dizzy. Sometimes I feel like I might pass out. It just feels like I want to fall over.”

“Danielle,” 16, [KY] said: “You throw up right there when you’re cutting, but you just keep cutting.”

GTS is an occupational health risk specific to tobacco farming. It occurs when workers absorb nicotine through their skin while having prolonged contact with tobacco plants, especially when plants are wet. And it can be exacerbated by pesticide exposure or working in high heat and high humidity.

Acute nicotine poisoning generally lasts between a few hours and a few days. It is rarely life-threatening, but severe cases may result in dehydration. Children are particularly vulnerable to nicotine poisoning because of their size, and because they are less likely than adults to have developed a tolerance to nicotine. The long-term effects of nicotine absorption through the skin have not been studied, but a recent report from the US surgeon general suggests nicotine exposure during adolescence may have lasting consequences for brain development. And of

course the long-term effects of consuming tobacco products containing nicotine have been well documented.

ii. Pesticides

Child tobacco workers are exposed to toxic pesticides. Many told us that they saw tractors spraying pesticides or other toxic chemicals in the fields where they were working or in adjacent fields. They often described being able to smell or feel the chemical spray as it drifted over them, and reported burning eyes, burning noses, itchy skin, nausea, vomiting, dizziness, shortness of breath, redness and swelling of their mouths, and headache after coming into contact with pesticides.

While pesticide exposure is harmful for farmworkers of all ages, children are uniquely vulnerable as their bodies are still developing, and they consume more water and food, and breathe more air, pound for pound, than adults. Tobacco production involves application of a range of chemicals at different stages in the growth process, and several pesticides commonly used during tobacco farming are known neurotoxins.

“Theo,” 16, described a day using a backpack sprayer to apply an insecticide to tobacco fields on a Virginia farm where he worked: “I got home and felt dizzy and started puking, but I took a cold shower and got over it.”

iii. PROTECTIVE GEAR

Nearly all children we interviewed said that their employers did not provide safety training, or personal protective equipment to minimize their exposure to nicotine from tobacco leaves or pesticides. Most children protected themselves from wet tobacco leaves and rain by wearing large black plastic garbage bags, which they brought from home

iv. SHARP TOOLS

Child tobacco workers also said that they used sharp tools, operated heavy machinery, and climbed to heights of more than one story in barns, without any fall protection. Several children reported injuries, including cuts and puncture wounds, from working with tools.

“Theo,” who plays football for his VA high school team, said he cut his finger while harvesting tobacco: “I was holding the spear, and I missed, and it went into my finger.”

v. DATA

Agriculture is the most dangerous industry open to children. According to federal data, in 2012, 2/3rds of children under 18 who died from occupational injuries were agricultural workers, and there were more than 1,800 nonfatal injuries to children under 18 working on US farms.

V. Loophole in the law

In the US, it is illegal for children under 18 to buy cigarettes or other tobacco products. However, US law fails to recognize the risks to children of working in tobacco farming.

Under a decades-old loophole in federal law, children can work in agriculture at younger ages, for longer hours, and in more hazardous conditions, than in any other sector. There are no federal provisions to restrict children from working with tobacco.

It's completely legal for 12-year-old children to be hired to work unlimited hours outside of school on tobacco farms. Children younger than 12 can work for hire on small farms with parental permission. By comparison, outside of agriculture, the employment of children under 14 is prohibited, and even 14 and 15-year-olds can only work in certain jobs for a limited number of hours each day. On farms, children can do jobs deemed "hazardous to children" at age 16 – in all other jobs it's illegal to hire children for hazardous work until age 18. And there are no specific provisions to protect children working in tobacco farming.

This loophole denies children who work on farms the same protections already given *to all* other working children.

VI. What the grower associations and companies have done

In recent months, major players in the tobacco industry have adopted standards that offer child workers better protection than existing labor laws. Two associations of tobacco growers — which together represent about half of all US growers — adopted policies to ban hiring children under 16 to work in tobacco farming. The two largest tobacco companies in the US — including Virginia-based Altria Group, and Reynolds American — followed suit, and independently announced they will prohibit hiring children under 16 to work on farms that produce tobacco for them. Philip Morris International prohibits children under 18 from doing many of the most hazardous jobs on tobacco farms, including harvesting and topping tobacco.

Taken together, most of the major buyers of US-grown tobacco have adopted child labor standards more protective than federal law.

But without a stronger legal and regulatory framework, some children will be left out and at risk.

First, the new company policies apply only to farms in their own supply chains.

Second, most companies still permit 16- and 17-year-old children to do some of the most toxic jobs, like harvesting tobacco.

By banning hiring children under 18 from working in direct contact with tobacco plants or dried tobacco leaves, this bill would address those problems. The bill offers a clear, protective standard. It's easy for growers to follow, and does not apply to children working on their own families' farms.

VII. Conclusion

Virginia has the opportunity to lead the way among tobacco-growing states in protecting children working for hire.

We urge the Virginia legislature to enact House bill 1906 and protect the state's most vulnerable workers.