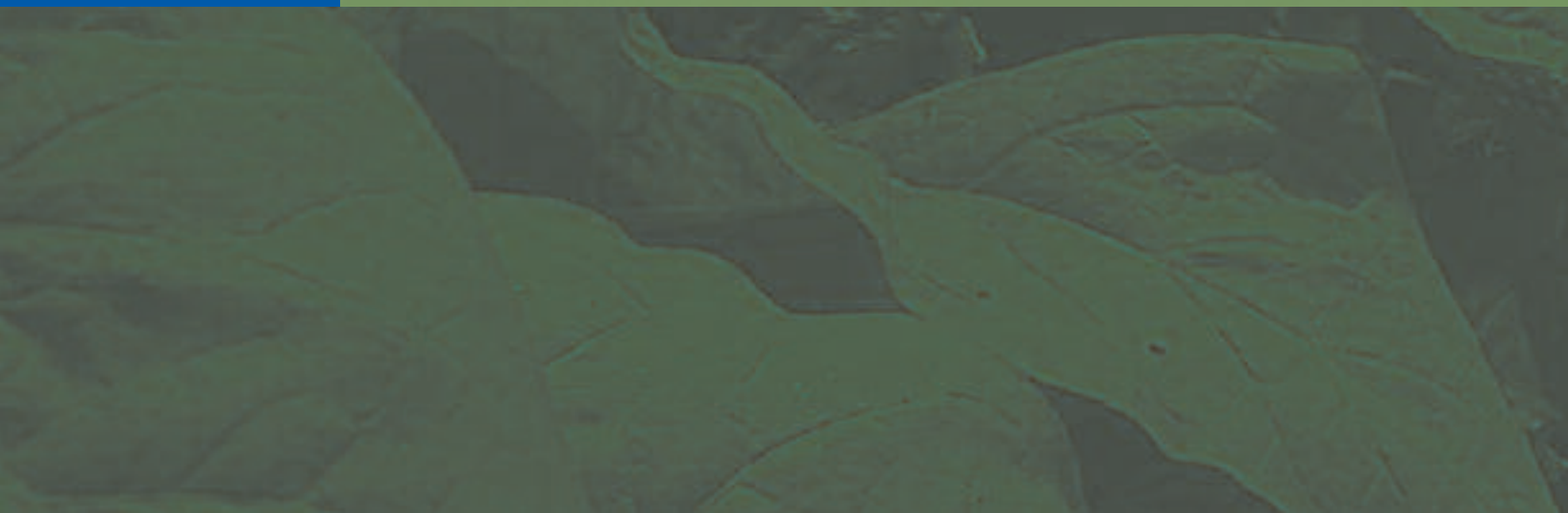




HUMAN  
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WATCH

# TOBACCO'S HIDDEN CHILDREN

Hazardous Child Labor in United States Tobacco Farming



# SUMMARY



A 16-year-old worker in Kentucky holds an axe for cutting down tobacco plants during the harvest and a pointed “spike” used for impaling the plants on wooden sticks for curing. Children may cut themselves when using sharp tools that are part of tobacco harvesting.  
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*The hardest of all the crops we’ve worked in is tobacco. You get tired. It takes the energy out of you. You get sick, but then you have to go right back to the tobacco the next day.*

*—Dario A., 16-year-old tobacco worker in Kentucky, September 2013*

*I would barely eat anything because I wouldn’t get hungry. ...Sometimes I felt like I needed to throw up. ...I felt like I was going to faint. I would stop and just hold myself up with the tobacco plant.— Elena G., 13-year-old tobacco worker in North Carolina, May 2013*

Children working on tobacco farms in the United States are exposed to nicotine, toxic pesticides, and other dangers. Child tobacco workers often labor 50 or 60 hours a week 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. The tobacco grown on US farms is purchased by the largest tobacco companies in the world.

Ninety percent of tobacco grown in the US is cultivated in four states: North Carolina, Kentucky, Tennessee, and Virginia. Between May and October 2013, Human Rights Watch interviewed 141 child tobacco workers, ages 7 to 17, who worked in these states in 2012 or 2013. Nearly three-quarters of the children interviewed by Human Rights Watch 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—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.

Based on our findings set out in this report, Human Rights Watch believes that no child under age 18 should be permitted to perform work in which they come into direct contact with tobacco in any form, including plants of any size or dried tobacco leaves, due to the inherent health risks posed by nicotine and the pesticides applied to the crop. The US government, US Congress, and tobacco manufacturing and tobacco leaf supply companies should all take urgent steps to progressively remove children from such tasks in tobacco farming.

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. It also does not provide the same protections to children working in agriculture as it does to children working in all other sectors. In agriculture, children as young as 12 can legally work for hire for unlimited hours outside of school on a tobacco farm of any size with parental permission, and children younger than 12 can work on small farms owned and operated by family members. 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.







A 15-year-old worker removes flowers from the tops of tobacco plants on a farm in North Carolina. Many children work in fields of tall tobacco plants, pulling the flowers off the tops of plants, among other tasks. Most work without gloves or other protective gear, exposing them to nicotine and pesticides.  
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Tobacco farmed in the US enters the supply chains of at least eight major manufacturers of tobacco products who either purchase tobacco through direct contracts with tobacco growers or through tobacco leaf supply companies. These include Altria Group, British American Tobacco, China National Tobacco, Imperial Tobacco Group, Japan Tobacco Group, Lorillard, Philip Morris International, and Reynolds American. Some of these companies manufacture the most popular brands of cigarettes sold in the US, including Marlboro, Newport, Camel, and Pall Mall. All companies that purchase tobacco in the US directly or indirectly have responsibilities to ensure protection of children from hazardous

labor, including on tobacco farms, in their supply chains in the US and globally.

Child tobacco workers interviewed by Human Rights Watch for this report typically described beginning to work on tobacco farms at age 13, often together with their parents and older siblings. Only very few worked on family farms. The children we interviewed were mostly the sons and daughters of Hispanic immigrants, though they themselves were frequently US citizens. Regardless of employment or immigration status, the children described working in tobacco to help support their families' basic needs or to buy essential items such as clothing, shoes, and school supplies. For example,

15-year-old Grace S. told Human Rights Watch why she decided to start working in tobacco farming in North Carolina: "I just wanted to help out my mom, help her with the money."

Most children interviewed by Human Rights Watch were seasonal workers who resided in states where tobacco was grown and worked on farms near their homes or in neighboring areas, primarily or exclusively during the summer months when tobacco is cultivated. We also spoke to several children who migrated to and within the United States by themselves or with their families to work in tobacco and other crops. There is no comprehensive estimate of the number of child farmworkers in the US.

Tobacco is a labor-intensive crop, and the children interviewed described participating in a range of tasks, including: planting seedlings, weeding, "topping" tobacco to remove flowers, removing nuisance leaves (called "suckers"), 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.

### Health and Safety Risks in Tobacco Farming

Children interviewed by Human Rights Watch in North Carolina, Kentucky, Tennessee, and Virginia frequently described feeling seriously, acutely sick, while working in tobacco farming. For example, Carla P., 16, works for hire on tobacco farms in Kentucky with her parents and her younger sister. She told Human Rights Watch she got sick while pulling the tops off tobacco plants: "I didn't feel well, but I still kept working. I started throwing up. I was throwing up for like 10 minutes,

just what I ate. I took a break for a few hours, and then I went back to work." Emilio R., a 16-year-old seasonal worker in eastern North Carolina, who plans to study to be an engineer, said he had headaches that sometimes lasted up to two days while working in tobacco: "With the headaches, it was hard to do anything at all. I didn't want to move my head."

Many of the symptoms reported by child tobacco workers are consistent with acute nicotine poisoning, known as Green Tobacco Sickness, an occupational health risk specific to tobacco farming that occurs when workers absorb nicotine through their skin while having prolonged contact with tobacco plants. Public health research has found dizziness, headaches, nausea, and vomiting are the most common symptoms of acute nicotine poisoning. Though the long-term effects of nicotine absorption through the skin are unknown, public health research on smoking indicates that nicotine exposure during adolescence may have long-term adverse consequences for brain development. Public health research indicates that non-smoking adult tobacco workers have similar levels of nicotine in their bodies as smokers in the general population.

In addition, many children told Human Rights Watch that they saw tractors spraying pesticides in the fields in which 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. Yanamaria W., 14, who worked on tobacco farms in central Kentucky in 2013 with her parents and 13-year-old brother, told Human Rights Watch, "I was in the field when they started spraying.... I can stand the heat for a long time, but





Workers, including a 17-year-old boy, stand on narrow rungs while hanging tobacco to dry in a barn in Kentucky. Many workers reported having difficulty breathing while hanging tobacco in curing barns or handling dried tobacco.  
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when they spray, then I start to feel woozy and tired. Sometimes it looks like everything is spinning.” While pesticide exposure is harmful for farmworkers of all ages, children are uniquely vulnerable to the adverse effects of toxic exposures 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. According to public health experts and research, long-term and chronic health effects of pesticide exposure include respiratory problems, cancer, neurologic deficits, and reproductive health problems.

Children also said that they used sharp tools, operated heavy machinery, and climbed to significant heights in barns while working on tobacco farms. Several children reported sustaining injuries, including cuts and puncture wounds, from working with tools. For example, Andrew N., 16, described an accident he had while harvesting tobacco in Tennessee two years earlier: “My first day, I cut myself [on the leg] with the hatchet. ... I probably hit a vein or something because it wouldn’t stop bleeding and I had to go to the hospital. They stitched it. ... My foot was all covered in blood.”

Many children described straining their backs and taxing their muscles while lifting heavy loads and performing repetitive motions, including working bent over at the waist, twisting their wrists to top tobacco plants, crawling on hands and knees, or reaching above their heads for extended periods of time. Bridget F., 15, injured her back in 2013 while lifting sticks of harvested tobacco up to other workers







A female worker harvests tobacco in a field of wet plants. Because many employers do not provide workers with protective equipment, workers often cover themselves with black plastic garbage bags to keep their clothes dry while working in tobacco fields wet from dew or rain.  
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in a barn in northeastern Kentucky: “I’m short, so I had to reach up, and I was reaching up and the tobacco plant bent over, and I went to catch it, and I twisted my back the wrong way.” According to public health research, the impacts of repetitive strain injuries may be long-lasting and result in chronic pain and arthritis.

Federal data on fatal occupational injuries indicate that agriculture is the most dangerous industry open to young workers. In 2012, two-thirds of children under the age of 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.

Nearly all children interviewed by Human Rights Watch said that their employers did not provide health education, safety training, or personal

protective equipment to help them minimize their exposure to nicotine from tobacco leaves or pesticides sprayed in the fields and on the plants. Children typically used gloves, which they or their parents bought, and large black plastic garbage bags, which they brought from home, to wear as protection from wet tobacco leaves and rain. The experience of Fabiana H., a 14-year-old tobacco worker in North Carolina, was typical among the children interviewed by Human Rights Watch:

I wore plastic bags because our clothes got wet in the morning. ... They put holes in the bags so our hands could go through them. It kept some of my clothes dry, but I still got wet. ...Then the sun comes out and you feel suffocated in the bags. You want to take them off.

Several children reported working in bare feet or socks when the mud in the fields was deep and they lacked appropriate footwear.

Some children reported that, despite long days working outside in the heat, employers did not provide them with drinking water, and most said that they had limited or no access to toilets, hand-washing facilities, and shade. Working long hours in high temperatures can place children at risk of heat stroke and dehydration, particularly if they do not drink enough water, do not have access to shade, and are wearing extra clothes to protect themselves from sunburn and exposure to nicotine and pesticides.

### Excessively Long Hours, Wage Problems

Most children interviewed by Human Rights Watch described working long hours, typically between 10 and 12 hours per day, and sometimes up to 16 hours. Most employers allowed children two or three breaks per day, while some children told Human Rights Watch that employers did not allow workers to take regular breaks, even when children felt sick or were working in high heat. Martin S., 18, told Human Rights Watch that his employer on a Kentucky farm where he worked in 2012 did not give them regular breaks during the work day: “We start at 6 a.m. and we leave at 6 p.m. ...We only get one five-minute break each day. And a half hour for lunch. Sometimes less.” Many children told Human Rights Watch that some employers pressured them to work as quickly as possible. Some said that they chose to work long hours or up to six or seven days a week in order to maximize their earnings. In other cases employers demanded excessive working hours, particularly during the peak growing and harvest periods of the season.

Children described utter exhaustion after working long hours on tobacco farms. Elan T., 15, and Madeline T., 16, worked together on a tobacco farm after migrating to North Carolina from Mexico with their mother and younger brother. They

explained the fatigue they felt after working for 12 or 13 hours in tobacco fields: “Just exhaustion. You feel like you have no strength, like you can’t eat. I felt that way when we worked so much. Sometimes our arms and legs would ache.” Patrick W., 9, described similar feelings after working long hours with his father, a hired tobacco worker, in Tennessee in 2013. “I feel really exhausted,” he said. “I come in [to the house], I get my [clean] clothes, I take a shower, and then it’s usually dark, so I go to sleep.”

Most children reported earning the federal minimum wage of \$7.25 per hour for their work on tobacco farms, though some children were paid a fixed rate during certain parts of the season based on the quantity of tobacco they harvested or hung in barns. Some children reported problems with wages including earning less than minimum wage for hourly work, deductions by the contractor or grower for drinking water or for reasons that were not explained to them, or because of what they believed was inaccurate recording of hours by labor contractors.

### Impacts on Education

Most children interviewed by Human Rights Watch attended school full time and worked in tobacco farming only during the summer months, after school, and on weekends. However, a few children who had migrated to the United States for work and had not settled in a specific community told Human Rights Watch that they did not enroll in school at all or enrolled in school but missed several months in order to perform agricultural work, including in tobacco farming. Some children stated that they occasionally missed school to work in times of financial hardship for their families.



## International Standards on Child Labor

In recognition of the potential benefits of some forms of work, international law does not prohibit children from working. The International Labour Organization's (ILO) Worst Forms of Child Labor Convention, which the US has ratified, obligates countries to prohibit certain types of work for children under age 18 as a matter of urgency, including work that is likely to jeopardize children's physical or mental health, safety or morals (also known as hazardous labor). The ILO leaves it up to governments to determine which occupations are hazardous to children's health. Several countries, including major tobacco producing countries such as Brazil and India, prohibit children under 18 from performing work in tobacco farming. Based on our field research, interviews with health professionals, and analysis of the public health literature, Human Rights Watch has concluded 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, due to the health risks posed by nicotine, the pesticides applied to the crop, and the particular health risks to children whose bodies and brains are still developing.

## The ILO Worst Forms of Child Labor

Recommendation states that certain types of work in an unhealthy environment may be appropriate for children ages 16 and older "on the condition that the health, safety and morals of the children concerned are fully protected, and that the children have received adequate specific instruction or vocational training in the relevant branch of activity." Because exposure to tobacco in any form is unsafe, Human Rights Watch has determined, based on our field investigations and other research, that as a practical matter there is no way for children under 18 to work safely on US

tobacco farms when they have direct contact with tobacco plants of any size or dried tobacco leaves, even if wearing protective equipment. Though protective equipment may help mitigate exposure to nicotine and pesticide residues, rain suits and watertight gloves would not completely eliminate absorption of toxins through the skin and would greatly increase children's risk of suffering heat-related illnesses. Such problems documented by Human Rights Watch in the US seem likely to extend to tobacco farms outside the United States.

## Child Labor and US Law

US laws and policies fail to account for the unique hazards to children's health and safety posed by coming into direct contact with tobacco plants of any size and dried tobacco leaves. The Fair Labor Standards Act (FLSA) prohibits children under the age of 16 from engaging in agricultural work that the US Secretary of Labor has identified as hazardous. However, the US Department of Labor's (DOL) regulations on hazardous occupations do not include any restrictions for any children over age 12 to perform work that exposes them to contact with tobacco plants and tobacco leaves.

In addition, US law regulating all child work in agriculture fails to adequately protect children in a sector determined by the ILO to be one of the most dangerous sectors open to children for work. US law permits children to work in agriculture at younger ages, for longer hours, and in more hazardous conditions than children working in all other sectors.

Under US law, there is no minimum age for a child to begin working on a small farm with parental permission. At age 12, a child can work for any number of hours outside of school on a farm of any size with parental permission, and at age 14, a child can work on any farm



A 12-year-old tobacco worker reads to his 4-year-old sister in Kentucky. In the US, children as young as 12 can legally work for hire for unlimited hours outside of school on farms of any size, including tobacco farms, with parental permission.  
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without parental permission. In other sectors, in contrast, employment of children under age 14 is prohibited, and children ages 14 and 15 may work only in certain jobs and for limited hours outside of school. For example, a child working in a fast food restaurant may only work 18 hours a week when school is in session, while children working in agriculture may work 50 or more hours per week with no restrictions on how early or late they work, as long as it is not during school hours.

At age 16, children working in agriculture can work in jobs deemed to be particularly hazardous, including operating certain heavy machinery or working at heights. However, all other working children must be 18 to perform hazardous work. For example, in agriculture, children under 16 can work at heights of up to 20 feet (over one story) without any fall protection, and 16 and 17-year-olds can work at any height without protection. By

contrast, in construction, employers must ensure fall protections for any work taking place over six feet (two meters).

## Tobacco Product Manufacturers and Tobacco Leaf Companies

Although the US government has the primary responsibility to respect, protect, and fulfill human rights under international law, private entities, including businesses, also have internationally recognized responsibilities regarding human rights, including workers' rights and children's rights. All businesses should have policies and procedures in place to ensure human rights are respected and not abused, to undertake adequate due diligence to identify and effectively mitigate human rights problems, and to adequately respond in cases where problems arise.



In preparation of this report, Human Rights Watch sought to engage 10 companies that source tobacco from the states we visited. Eight of those companies manufacture tobacco products (Altria Group, British American Tobacco, China National Tobacco, Imperial Tobacco Group, Japan Tobacco Group, Lorillard, Philip Morris International, and Reynolds American), and two are leaf merchant companies (Alliance One International and Universal Corporation). Human Rights Watch sought to understand these companies' policies concerning child labor and other labor rights in their supply chains, as well as mechanisms for implementing and monitoring these policies. Over the course of several months before the release of this report, Human Rights Watch sent letters to each of these companies detailing the preliminary findings of our research and recommendations and requesting meetings with company officials.

Nine companies responded to Human Rights Watch and stated that they took steps to prohibit child labor in their supply chains. Only China National Tobacco did not respond to Human Rights Watch's letter or repeated attempts to secure a meeting with company executives.

All of the tobacco manufacturing companies and leaf supply merchants that replied to Human Rights Watch expressed concerns about child labor in their supply chain. Only a few of the companies have explicit child labor policies in place. The approaches to child labor in the supply chain varied from company to company, as detailed below. Human Rights Watch correspondence with these companies is included in an appendix to this report, available on the Human Rights Watch website.





Of the companies approached by Human Rights Watch, Philip Morris International (PMI) has developed the most detailed and protective set of policies and procedures, including training and policy guidance on child labor and other labor issues which it is implementing in its global supply chain. PMI has also developed specific lists of hazardous tasks that children under 18 are prohibited from doing on tobacco farms, which include most tasks in which children come into prolonged contact with mature tobacco leaves, among other hazardous work.

Several companies stated that in their US operations they required tobacco growers with whom they contract to comply with US law, including laws on child labor, which, as noted above, do not afford sufficient protections for children. These companies stated that their policies for tobacco purchasing in countries outside of the US were consistent with international law, including with regard to a minimum age of 15 for entry into work under the ILO Minimum Age Convention, with the exception of certain light work, and a prohibition on hazardous work for children under 18, unless national laws afford greater protections. However, most companies did not specify the tasks that they consider to constitute hazardous work. Under these standards, children working in tobacco farming can remain vulnerable to serious health hazards and risks associated with contact with tobacco plants and tobacco leaves. A number of companies stated that they had undertaken internal and third party monitoring of their supply chains to examine labor conditions, including the use of child labor, as defined within the scope of their existing policies.

### **Recognition of Children’s Vulnerability and the Need for Decisive Action**

For the last decade, several members of the US Congress have repeatedly introduced draft legislation that would apply the same protections to children working in agriculture that already protect children working in all other industries. However, Congress has yet to enact legislation amending the Fair Labor Standards Act to better protect child farmworkers, and federal agencies have not made necessary regulatory changes to address the specific risks tobacco farming poses to children. In 2012, DOL withdrew proposed regulations that would have updated the decades-old list of hazardous occupations prohibited for children under age 16 working in agriculture. These regulations, had they been implemented, would have prohibited children under age 16 from working in tobacco. At this writing, the US Environmental Protection Agency (EPA) is accepting comments on long-awaited changes to the Worker Protection Standard, a set of safety regulations related to occupational pesticide exposure. It remains to be seen whether the revised regulations will include better protections for child workers.

US laws and policies governing child labor in tobacco are inconsistent with or in violation of international conventions on the rights of children. The US government should acknowledge the particular health and safety risks posed to children exposed to tobacco plants and tobacco leaves, and take immediate action to end all hazardous child labor among children under age 18 on tobacco farms. It should also ensure that laws regulating child labor guarantee that the protections afforded to children working in other



An 18-year-old worker, who started working on tobacco farms at age 15, harvests tobacco on a farm in Kentucky.  
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sectors, including those concerning working hours, work with sharp objects, machinery, heavy loads, and the like, apply to children working in agriculture as well.

Companies should create child labor policies or amend existing policies to state explicitly that all work in which children come into contact with all tobacco plants and tobacco leaves is hazardous and prohibited for children under 18. Each company should establish effective internal and third-party monitoring of this policy and other relevant labor policies. Given that the international tobacco leaf purchasing markets, including that of the US, often involve third-party suppliers or multiple company contracts with individual growers, members of the industry should seek to formulate industry-wide policies prohibiting hazardous child labor on tobacco

farms as well as effective monitoring mechanisms. Companies should also support efforts to provide viable alternatives to working in tobacco farming, including programs to provide children in tobacco communities with education and vocational training.





A field of harvested tobacco in Kentucky. The tobacco harvest in Kentucky and other burley-tobacco states, including Tennessee and Virginia, is done entirely by hand.  
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# TOBACCO'S HIDDEN CHILDREN

## Hazardous Child Labor in United States Tobacco Farming

Children working on tobacco farms in the United States are exposed to nicotine, toxic pesticides, and other dangers.

Based on interviews with 141 children, ages 7 to 17, working on farms in the states of North Carolina, Kentucky, Tennessee and, Virginia where 90 percent of US tobacco is grown, *Tobacco's Hidden Children* documents children getting sick while working with vomiting, nausea, headaches, and dizziness—symptoms consistent with acute nicotine poisoning. Children reported working excessively long hours without overtime pay, often in extreme heat, with no suitable protective gear. Many children said tractors sprayed pesticides in nearby fields. Many also described using dangerous tools and machinery, lifting heavy loads, and climbing several stories into barns to hang tobacco for drying, risking serious injuries and falls.

The world's largest tobacco companies buy tobacco grown on US farms. However, none of the companies have child labor policies that sufficiently protect children from hazardous work on tobacco farms.

Under US law, children working in agriculture can work longer hours, at younger ages, and in more hazardous conditions than children in any other industry. Children as young as 12 can be hired for unlimited hours outside of school hours on a farm of any size with parental permission, and there is no minimum age for children to work on small farms.

Human Rights Watch calls on tobacco companies to enact policies to prohibit children from engaging in any tasks that risk their health and safety. Human Rights Watch also calls on the Obama administration and Congress to take action to protect children from the dangers of tobacco farming.



*A 15-year-old girl works on a tobacco farm in North Carolina. July 2013.*

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