



HUMAN
RIGHTS
WATCH

TEENS OF THE TOBACCO FIELDS

Child Labor in United States Tobacco Farming

SUMMARY AND KEY RECOMMENDATIONS

A tobacco field in North Carolina.

Photographs by Benedict Evans for Human Rights Watch



“With the money that I earn, I help my mom. I give her gas money. I buy food from the tobacco [work] for us to eat. Then I try to save up the money so I can have my school supplies and school stuff like clothes and shoes.”

—“Elena,” age 16

Elena G., a tall 16-year-old girl, lives in a mobile home in eastern North Carolina with her mother, three sisters, two brothers, and nephew. Since she turned 12, she has spent her school summer vacations working long hours as a hired laborer on tobacco farms in several nearby counties.

Human Rights Watch first interviewed Elena in May 2013 for a report on hazardous child labor in United States tobacco farming. At the time she was just shy of 14, and about to begin her second summer working in tobacco farming. In July 2015, Human Rights Watch interviewed her again. Some things had changed: Elena had finished her first two years of high school. But in at least one fundamental way, things were very much the same; she was still spending her summers working in tobacco fields.

“I don’t feel any different in the fields than when I was 12,” she told Human Rights Watch. “I [still] get headaches and ... my stomach hurts. And like I feel nauseous.... I just feel like my stomach is like rumbling around. I feel like I’m gonna throw up.”



“Elena,” a 16-year-old tobacco worker in North Carolina outside her mobile home.



“Danielle,” 16-year-old tobacco worker in her backyard in North Carolina.

“When I got hired, nobody asked my age. They didn’t care. They just wanted people to work.”

—“Danielle,” age 16

While these symptoms could describe a range of illnesses, they are consistent with acute nicotine poisoning, an occupational illness specific to tobacco farming that occurs when workers absorb nicotine through their skin while having contact with tobacco plants.

Each summer, children like Elena work on tobacco farms in the United States, where they are exposed to nicotine, toxic pesticides, extreme heat, and other dangers. In 2014, several tobacco companies and growers groups adopted new policies banning children under 16 from employment in US tobacco farming.

These policy changes are an important step, but they leave some children unprotected. International human rights law prohibits all children under 18 from doing hazardous work. Certain tobacco companies’ policies draw a line at 16, restricting work by children younger than 16, but allowing 16 and 17-year-old children to work in tobacco farming. This distinction is inconsistent with international standards and unsupported by scientific evidence on adolescent growth and development.

The findings presented in this report build on previous research that Human Rights Watch conducted in 2013, documenting hazardous work by children on US tobacco farms.¹ Human Rights Watch did not seek to monitor implementation of new industry policies or conduct a comprehensive evaluation of how conditions may have changed for child tobacco workers since 2013. Rather, for this report, Human Rights Watch aimed to investigate the effects of tobacco farming on a specific population—16 and 17-year-old children—excluded from protection due to gaps in tobacco industry policies and the US legal and regulatory framework.

Teenage children, even 16 and 17 year olds who may have reached adult size, remain in an important developmental stage where they are particularly vulnerable to the harms posed by exposure to toxins like nicotine and pesticides, and may be less likely to take the health and safety precautions that adult workers would take in the same environment.

¹ Human Rights Watch, United States-Tobacco’s Hidden Children: Hazardous Child Labor in United States Tobacco Farming, May 2014, <https://www.hrw.org/report/2014/05/13/tobaccos-hidden-children/hazardous-child-labor-united-states-tobacco-farming>.



“Sofia,” a 17-year-old tobacco worker, in a tobacco field in North Carolina. She started working at 13, and she said her mother was the only one who taught her how to protect herself in the fields.



Gloves used by “Sofia.” She told Human Rights Watch that she has to purchase her own protective gear.

“None of my bosses or contractors or crew leaders have ever told us anything about pesticides and how we can protect ourselves from them....When I worked with my mom, she would ... like always make sure I was okay....Our bosses don’t give us anything except for our checks. That’s it.”

—“Sofia,” age 17

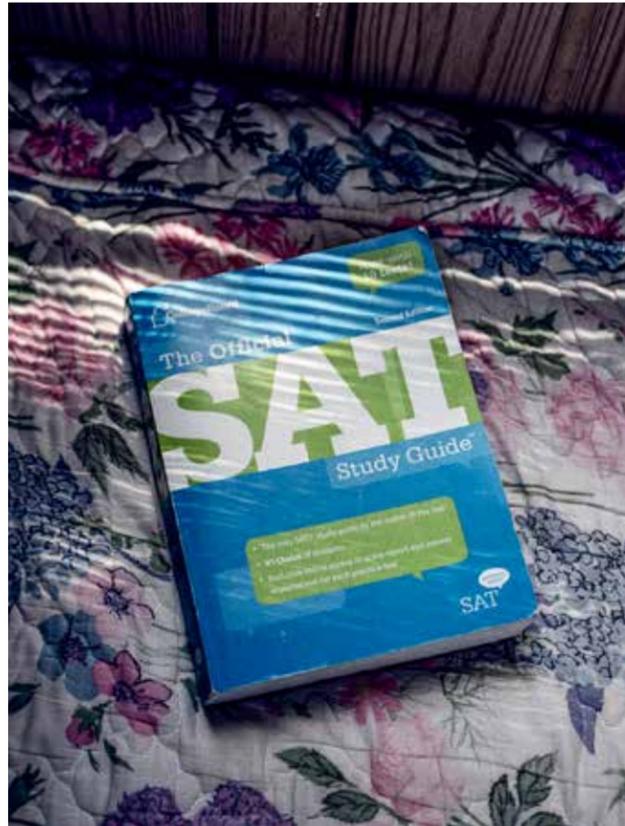
In July 2015, Human Rights Watch interviewed 26 children, ages 16 and 17, who worked on tobacco farms in North Carolina that summer. Almost all of the children interviewed—25 out of 26—said they experienced sickness, pain, and discomfort while working. Most children interviewed experienced the sudden onset of at least one specific symptom consistent with acute nicotine poisoning while working in tobacco farming in 2015, or after returning home from working in tobacco fields, including nausea, vomiting, headaches, dizziness, and lightheadedness.

Many children also reported either working in or near fields that were being sprayed with pesticides, or re-entering fields that had been sprayed very recently. A number of children reported immediate illness after coming into contact with pesticides.

Under international law, a child is anyone under the age of 18. International labor standards state that children under 18 should be prohibited from hazardous work, defined as “work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children.”²

“I’ll be graduating [high school] next year. Then I’ll be off to college—the first one in my family to graduate high school and go to college. Hopefully.”

Based on our field research, interviews with health professionals, and analysis of the public health literature, Human Rights Watch has concluded that working in direct contact with tobacco is hazardous to children, including 16 and

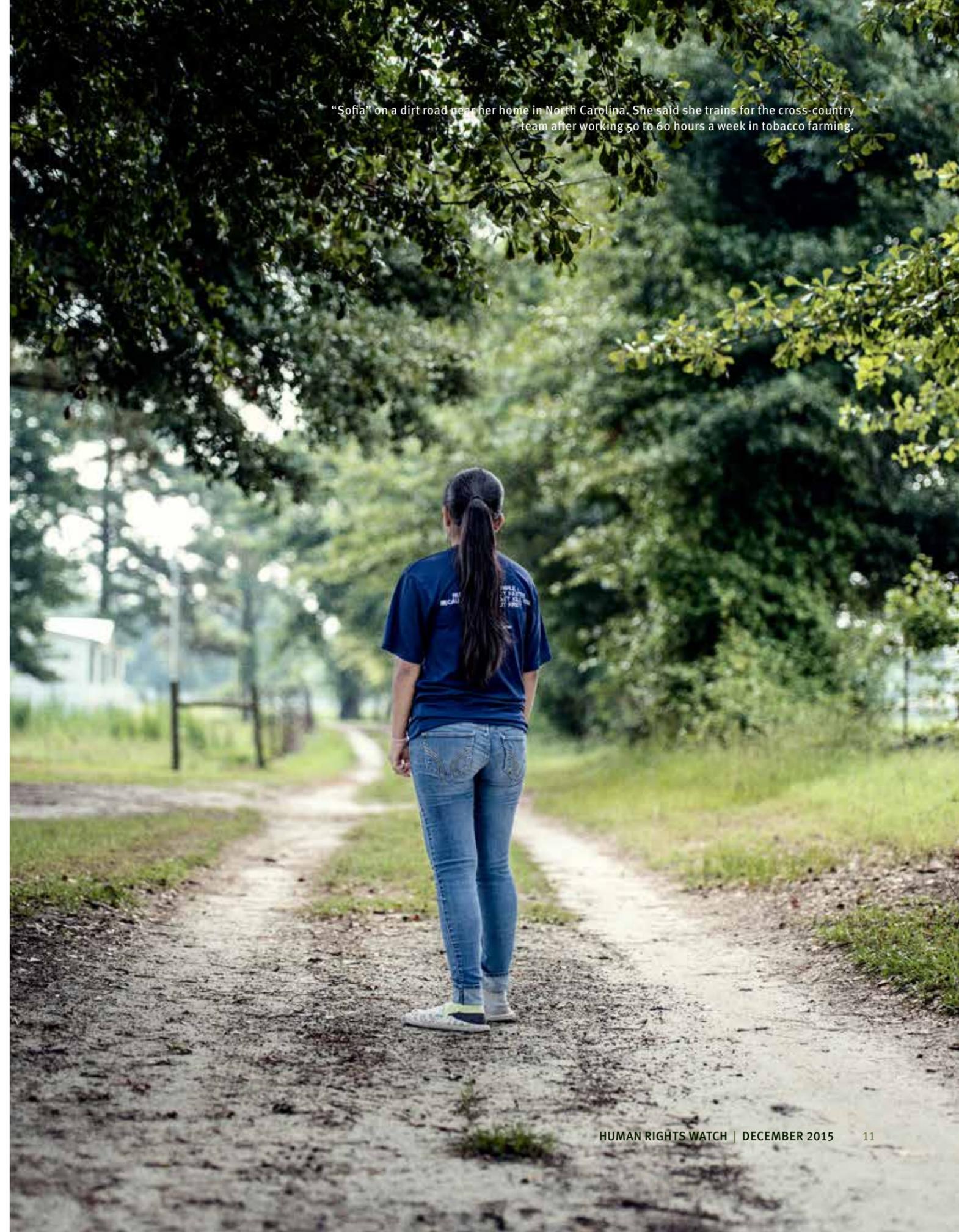


A study guide belonging to “Sofia.” She told Human Rights Watch she has been taking practice tests for the SAT, a standardized test used for college admissions in the US.

17-year-old children, and that no child under age 18 should be permitted to do such work because of the health risks.

Tobacco companies do not bear the sole responsibility to protect child tobacco workers. The US government has utterly failed to protect children from the dangers of tobacco farming. As a result, it remains legally permissible for children at age 12 to be hired to work unlimited hours outside of school on a tobacco farm of any size with parental permission, and there is no minimum age for children to work on small tobacco farms or tobacco farms owned and operated by family members.

² International Labor Organization Convention Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labor (Worst Forms of Child Labor Convention), adopted June 17, 1999, 38 I.L.M 1207 (entered into force November 19, 2000), ratified by the United States on December 2, 1999, art. 3.



“Sofia” on a dirt road near her home in North Carolina. She said she trains for the cross-country team after working 50 to 60 hours a week in tobacco farming.



“Alejandro,” a 17-year-old almost six-foot-tall, has been working in tobacco farming since he was 14. He told Human Rights Watch he often loses his appetite while working in the fields, a symptom associated with nicotine exposure.



“Alejandro” in the living room of his family’s mobile home in eastern North Carolina. “I work in tobacco to help my mom pay some bills,” he said.

“You don’t feel like eating ... Sometimes when I eat, I don’t know, my stomach don’t take it.... And then the food that I eat makes me feel sick.”

—“Alejandro,” age 17

The US government has acknowledged the risks to children of work in tobacco farming,³ but has failed to change the US regulatory framework to end hazardous child labor in the crop. The US government and Congress should take urgent action to change US laws and regulations to protect all children under 18 from hazardous work in tobacco farming.

³ United States Department of Labor, Wage and Hour Division, “29 CFR Parts 570 and 579: Notice of Proposed Rulemaking and Request for Comments: Child Labor Regulations, Orders and Statements of Interpretation; Child Labor Violations—Civil Money Penalties: Employment in Tobacco Production and Curing” in Federal Register, vol. 76, no. 171 (September 2, 2011) pp. 54864-54865, <http://www.gpo.gov/fdsys/pkg/FR-2011-09-02/pdf/2011-21924.pdf> (accessed October 9, 2015); Occupational Safety and Health Administration (OSHA) and National Institute for Occupational Safety and Health (NIOSH), “Recommended Practices: Green Tobacco Sickness,” March 2015, <https://www.osha.gov/Publications/OSHA3765.pdf> (accessed September 30, 2015).



“Sara” (left) and “Susana,” 16-year-old twin sisters who worked together on tobacco farms in 2015, sit in their bedroom in the clothes they wear to try to protect themselves in tobacco fields. They described working near areas where pesticides were being applied.

“ I feel dizzy, very dizzy because the smell is unbearable. It’s very strong and my stomach begins to feel stirred. I feel as if I am going to faint right then and there from the smell.”

—“Sara,” age 16

“ We are just working ... and the worker is on the tractor spraying almost very close to us. But they don’t take us out of that area. They don’t even warn us that it is dangerous. Nothing. We are just working and we cover ourselves well because the smell is very strong, and we get sick with the smell of that spray.”

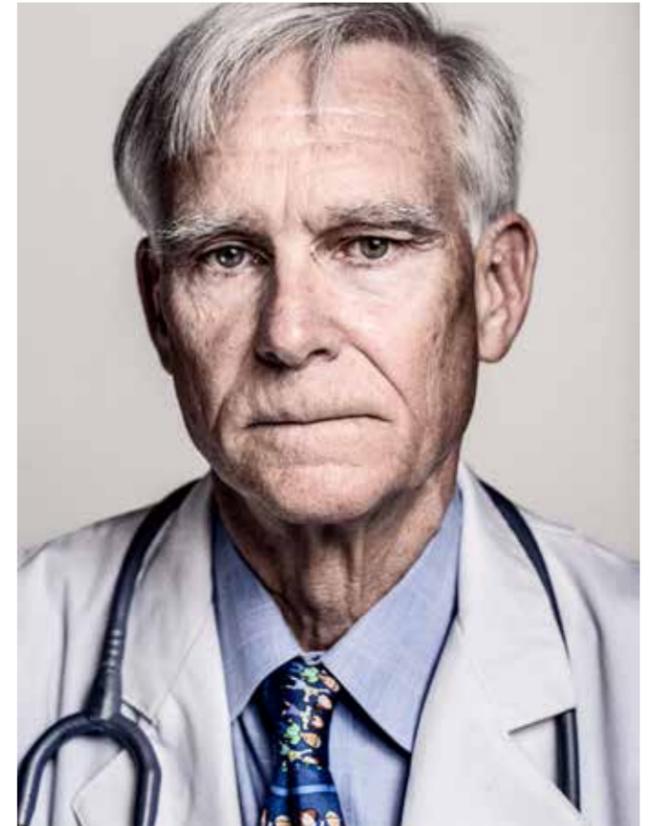
—“Susana,” age 16

“We leave here at 5 a.m. and get there at 6 a.m. We get back at 6 or 7 p.m. I usually don’t eat until 10 or 11 [a.m.], and the smell [of the tobacco] and an empty stomach, you can’t hold it in. You vomit. It happened to me a couple days ago.”

—“Victor,” age 18



“Victor,” an 18-year-old tobacco worker who started working in tobacco farming when he was 15.



Dr. David Tayloe, Jr., a pediatrician in North Carolina.

“Green Tobacco Sickness is all about exposure of the skin to green tobacco.... And so the nicotine that’s on the plant, in the plant, gets secreted out the pores of the plant, can be absorbed by the skin of a human being. And the nicotine can make you sick.”

—Dr. David Tayloe, Jr., pediatrician

“When you first eat and start working it hurts in your stomach. It’s hurting. You feel like you need to throw up.”

—“Matthew,” age 16



“Matthew,” a 16-year-old tobacco worker, outside the mobile home where he lives with his family.



Dr. Sara Quandt and Dr. Thomas Arcury are faculty at Wake Forest School of Medicine.

Although most companies purchasing tobacco in the United States have policies that offer more protection than US law and regulations, none have policies sufficient to protect all children under 18 from the hazards of work in tobacco farming. Tobacco companies should ensure that their child labor policies explicitly state that all work in which children come into direct contact with tobacco is hazardous and prohibited for children under 18.

“Children are not small adults.”

—Dr. Sara Quandt

“If we think about children as children, because that’s what they are, we’re putting them to work in the nation’s most hazardous industry: agriculture. We’re putting people who are not only biologically immature, but behaviorally immature and asking them to work with adults. We’re putting them into a situation in which they are exposed to pesticides, they’re exposed to machinery and sharp tools, they’re exposed to the heat.”

—Dr. Thomas Arcury

KEY RECOMMENDATIONS

TO THE UNITED STATES CONGRESS

- Enact legislation prohibiting children under age 18 from engaging in hazardous work on tobacco farms in the United States, including any work in which children have direct contact with tobacco in any form.

TO THE PRESIDENT OF THE UNITED STATES

- Issue an executive order or take other regulatory action to prohibit hazardous child labor on tobacco farms in the US, including any tasks where children have direct contact with tobacco in any form.

TO THE US DEPARTMENT OF LABOR

- Revise the list of agricultural jobs deemed to be “particularly hazardous” for children to include any tasks where children have direct contact with tobacco in any form.

TO TOBACCO PRODUCT MANUFACTURERS AND TOBACCO LEAF MERCHANT COMPANIES

- Adopt or revise global child labor policies to prohibit hazardous work by children under 18, including any work in which children have direct contact with tobacco in any form.
- Establish regular and rigorous internal and third-party monitoring in the supply chain, including through unannounced inspections at the time of year, time of day, and locations where children are most likely to be working.

TO THE INTERNATIONAL LABOUR ORGANIZATION

- Develop clear, implementable guidance regarding the hazards of tobacco farming for children without delay. Urge states and companies to prohibit all children under 18 from tasks involving direct contact with tobacco in any form.
- Allow a range of different types of experts to contribute meaningfully to the tripartite process on hazardous child labor and occupational safety and health in tobacco growing.



(left) A portable toilet in a tobacco field in North Carolina. Teenage children interviewed by Human Rights Watch reported inconsistent access to bathroom facilities while working on tobacco farms.

(front cover) A 16-year-old tobacco worker standing in a tobacco field in North Carolina wearing her work clothes. "I don't feel any different in the fields than when I was 12," she said. "I [still] get headaches and ... my stomach hurts. And like I feel nauseous.... I just feel like my stomach is like rumbling around. I feel like I'm gonna throw up."

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Child Labor in United States Tobacco Farming

Each year, children work on tobacco farms in the United States, where they are exposed to nicotine, toxic pesticides, and other dangers. The US government has failed to protect children from hazardous work in tobacco farming. Since 2014, some tobacco companies have prohibited the employment of children under 16 on farms from which they purchase tobacco. These policies are an important step forward, but they exclude 16 and 17-year-old children.

Teens of the Tobacco Fields: Child Labor in United States Tobacco Farming is based on interviews with 26 children ages 16 and 17, as well as parents, health experts, and tobacco growers. It builds on Human Rights Watch's 2014 report on hazardous child labor in tobacco farming, *Tobacco's Hidden Children*, and documents the dangers of tobacco farming for 16 and 17 year olds. Most teenage children interviewed suffered symptoms consistent with acute nicotine poisoning. Many also reported working in or near fields that were being sprayed with pesticides and becoming ill.

Several tobacco companies prohibit children under 18 from many hazardous tobacco farming tasks, but none have policies sufficient to protect all children from danger. Teenage children are particularly vulnerable to the harmful effects of the work because their brains are still developing. Nicotine exposure during adolescence has been associated with mood disorders, and problems with memory, attention, impulse control, and cognition later in life.

Human Rights Watch calls on tobacco companies and the US government and Congress to take urgent action to ban all children under 18 from hazardous work on tobacco farms.