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June 11, 2014

The Honorable John Kline  
 Chairman  
 Committee on Education and the Workforce  
 U.S. House of Representatives  
 2181 Rayburn House Office Building  
 Washington, D.C. 20515-6100

Dear Chairman Kline:

We were deeply disturbed to read a recent report<sup>1</sup> issued by Human Rights Watch (HRW) that documents widespread hazards for children as young as 12 years old working on U.S. tobacco farms. These children are hired mostly by large tobacco farms to work the fields for exceedingly long hours and in deplorable working conditions. As the committee with oversight and legislative responsibilities over the working conditions for children, we respectfully request that you schedule a committee hearing post haste to examine the report's findings and determine whether there are steps the federal government must take to better protect children. June marks the beginning of the most labor intensive segment of the tobacco growing season; therefore, a hearing on the working conditions for children before the extended August Congressional recess is both timely and necessary.<sup>2</sup>

The 138-page HRW report documents conditions for children working on tobacco farms in the four states where 90 percent of U.S. tobacco is grown. These states are North Carolina, Kentucky, Tennessee, and Virginia. Three-quarters of children HRW interviewed, many of whom are U.S. citizens, reported vomiting, nausea, headaches, and dizziness while working on tobacco farms, symptoms consistent with acute nicotine poisoning. Acute nicotine poisoning, also known as "Green Tobacco Sickness", occurs when nicotine is absorbed through the skin from prolonged contact with tobacco plants.<sup>3</sup> Public health research has found that non-smoking adult tobacco workers have similar levels of nicotine in their bodies as smokers in the general population.

<sup>1</sup> Human Rights Watch, *Tobacco's Hidden Children*, May 2014

<sup>2</sup> These labor intensive processes include "topping" (breaking off large flowers that sprout at the tops of tobacco plants) removing "suckers" (nuisance leaves that reduce the yield and quality of tobacco) and harvesting. *Ibid*, Section I. <http://www.hrw.org/node/125315/section/5> on 23 May 2014

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Nicotine exposure damages children even more than it does adults, with many studies finding long-term adverse consequences for brain development.<sup>4</sup> As you know, in the United States, children under age 18 cannot legally buy cigarettes or other tobacco products, yet children working in the tobacco industry are routinely at risk of acute nicotine poisoning from working directly with tobacco. Furthermore, nicotine is a stimulant, causing anorexia and insomnia, both of which greatly exacerbate the risk of heat illness and injury.

The report also found that over half of the children interviewed also reported being exposed to toxic pesticides. Several pesticides commonly used during tobacco farming are known neurotoxins, which public health studies have shown can cause cancer, depression, neurologic deficits, and future reproductive health problems.<sup>5</sup> Children are again uniquely vulnerable to such pesticides as they consume more contaminated material and air pound-for-pound than do adults.

Finally, most of the children interviewed by HRW said they had no access to toilets or a place to wash their hands at their worksites, leaving them with tobacco and pesticide residue on their hands during mealtimes. Children as young as twelve reported working in the tobacco fields from 10 to 16 hours a day with only a single 5-minute break, in extreme heat without access to drinking water, using sharp tools and heavy machinery, and working at heights of more than one story in curing barns without fall protection. By contrast, in residential roofing employers must ensure fall protection for any work taking place over six feet.

The Occupational Safety and Health Administration (OSHA) has no safety standards for acute nicotine poisoning. State OSHA plans in the four primary growing states are the agencies charged with enforcement efforts of safety and sanitation standards, but OSHA data indicates that there is limited to non-existent oversight. Over the past four years, North Carolina conducted 143 enforcement inspections at tobacco farms, whereas Virginia conducted none.<sup>6</sup> Three years ago, as part of broad reforms to its Hazardous Occupation Orders for Agricultural Employment, the Department of Labor proposed to update the list of hazardous occupations to include all work in tobacco production and curing. But these regulations were never finalized. There is recognition by some buyers of U.S. grown tobacco that federal protections are insufficient, and

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<sup>5</sup> Linda A. McCauley, W. Kent Anger, Matthew Keifer, Rick Langley, Mark G. Robson, and Diane Rohlman, "Studying Health Outcomes in Farmworker Populations Exposed to Pesticides." *Environmental Health Perspectives*. June 2006; 114(6): 953-960

<sup>6</sup> Inspections by state: NC = 143, KY = 8, TN = 1, VA = 0 covering Jan. 1, 2010 to Dec. 31, 2013 for NAICS industry code 111910 (tobacco is primary crop). Data retrieved from OSHA Integrated Management Information System, <https://www.osha.gov/pls/imis/industry.html>, accessed May 23, 2014

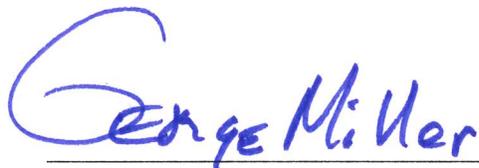
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one major tobacco company has already called for “a strengthening of the U.S. regulatory framework” and “would support a sector wide approach” to child labor in tobacco farming.<sup>7</sup>

In light of our committee’s legislative and oversight jurisdiction, we must carefully examine HRW’s findings, assess whether there are regulatory gaps which leave children vulnerable, and determine whether those tasked with enforcement are adequately using the tools they have.

We are prepared to work with you in scheduling a hearing and other committee action on this critically important issue.

Sincerely,



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**GEORGE MILLER**  
Senior Democratic Member



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**RAUL M. GRIJALVA**  
Member of Congress



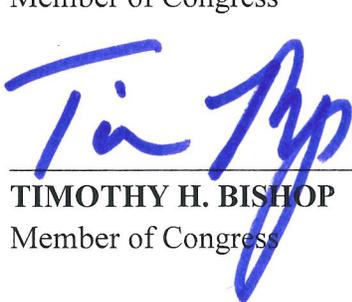
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**JOE COURTNEY**  
Member of Congress



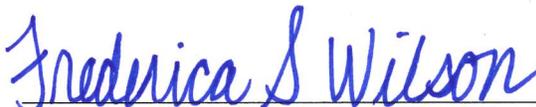
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**ROBERT C. “BOBBY” SCOTT**  
Member of Congress



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**TIMOTHY H. BISHOP**  
Member of Congress



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**FREDERICA S. WILSON**  
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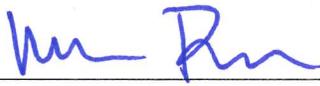
<sup>7</sup> Letter from Jennifer P. Goodale, Vice President Philip Morris International, to Human Rights Watch, April 24, 2014. [www.hrw.org/sites/default/files/reports/us0514AppendicesFullLR.pdf](http://www.hrw.org/sites/default/files/reports/us0514AppendicesFullLR.pdf).



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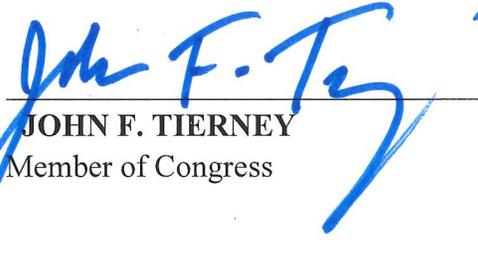
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