

# United States Senate

WASHINGTON, DC 20510-2602

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December 13, 2011

The Honorable Hilda L. Solis  
Secretary  
U.S. Department of Labor  
200 Constitution Ave. NW  
Washington, DC 20210

Dear Secretary Solis:

I am writing to address concerns about the Department of Labor's proposed rulemaking regarding labor regulations for children working on family farms owned or operated by their parents. I support efforts to protect the health and safety of workers and children, but this proposed rulemaking would result in uncertainty and overregulation, and would unjustifiably intervene in family decisions. I cannot support unnecessary regulations on family farmers.

For some in Montana, working on a farm or ranch from a younger age is a way of life. Sons and daughters are asked to join their parents on farms and ranches in order to teach them the benefits of discipline, persistence, and an honest day's work. Labor regulations are most effective as a counterbalance to illegal actions by employers that are a result of excessive greed and a lack of concern for the health and safety of their employees. Montana parents on family farms protect their children from inappropriately dangerous activities out of intrinsic concern for their loved ones. We do not need bureaucracy to help us protect our children.

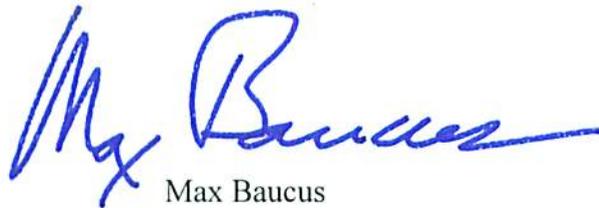
Specifically, I am greatly concerned that the Department's proposed rule would not provide sufficient clarity and predictability for the parental exemption involving children working on farms owned or operated by their parents. Some family farms might lose their exempt status under the proposed rule, and an ambiguous regulation might cause family farmers to cautiously assume that they are no longer exempt. The statutory "parental exemption" should not be restricted without an Act of Congress.

I would also like to address the proposals that would prohibit youth from working with certain livestock. The existing rule already classifies working with mature male species and female species with newborns as hazardous activities. The Department of Labor proposes a number of expansions to this rule, but does not justify each of them with adequate statistical support.

For instance, in the West, branding and herding cattle on horseback is more than just an essential part of ranching in states like Montana – it is way of life with deep roots in our culture. I urge the Department to reconsider the proposed expansion of this rule.

The Department's proposed rulemaking was taken up without a mandate from Congress to change the regulations. Congress has long held a distinction for child labor in agricultural and nonagricultural employment under the Fair Labor Standards Act and this distinction, unless directed by Congress, should be maintained. As your agency reviews the comments submitted by thousands of concerned farmers and ranchers across the country, it is essential that owners and operators of farms be given full consideration. I urge the Department of Labor to exercise restraint and avoid sweeping regulations that would disrupt the operation of family farms across the nation. Thank you for your consideration.

Sincerely,

A handwritten signature in blue ink, appearing to read "Max Baucus". The signature is fluid and cursive, with a large initial "M" and "B".

Max Baucus

U.S. Senator