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December 1, 2011

Nancy Leppink
Deputy Administrator
Wage and Hour Division
U.S. Department of Labor
Room S-3502
200 Constitution Avenue, NW
Washington, DC 20210

RE: RIN 1235-AA06

Dear Deputy Administrator Leppink:

Thank you for the opportunity to provide comment on the proposed rule changes that would affect Child Labor Regulations. I am writing to express my concern with how some of the proposed rule changes would adversely impact many family farmers throughout western Wisconsin.

Agriculture has long been a cornerstone of Wisconsin's economy and way of life. Farms are a source of major cultural and historical significance for families throughout western Wisconsin and many farmers are deeply concerned that these proposed rules might make it even more difficult to give their children the experience they need to effectively take over the family farm. This is an experience that is not taught in any classroom, but earned through hands-on training and work.

One of the Department's proposed rules would limit the ability of youth to operate or assist in operating a tractor—which would involve adjusting, moving, cleaning, or even repairing a tractor; riding on it as a passenger or helper; or even connecting or disconnecting any of its parts. This overly broad interpretation of "operating" would make it virtually impossible for youth under the age of 16 to gain any meaningful experience in how to safely operate a vehicle. Today, many 14 and 15 year olds are allowed to learn how to safely operate a tractor with supervised training. I have heard that the current rule works well for our family farmers and I strongly urge the Department to maintain it.

Another proposed rule would broadly define "power-driven equipment," potentially limiting our youth from learning how to use power-driven milking equipment on our dairy farms. The Department should first evaluate the actual risk to youth who are involved in these specific activities, taking into account the number of incidents that

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occur when performing a particular activity and how often the activity is performed. I believe that any reasonable analysis would show that the number of significant incidents that occur when using power-driven milking equipment is very small.

Rules that would prohibit youth from operating hoisting apparatuses and conveyers and working with or around animals require much greater specificity and justification. As it stands, the Department's proposed rules are so expansive that they would greatly limit youth participation in vital activities without citing any evidence or even making a claim that a particular activity is unsafe.

Furthermore, the Department should consider the changing nature of how farming operations are structured and maintained. The parental exemption should be expanded to include farms that are owned in part by parents. Insisting that the parental exemption should only apply to farms solely owned by parents would dramatically diminish the effect of this exemption and would be so narrow that relatively few youth who currently help their families on farms would be eligible. A parent should also be able to permit their children to work on farms that are owned by non-parental family members.

Finally, I am concerned that throughout these proposed rules, the Department of Labor intends to take a prohibitive approach to these issues in the absence of any legislative mandate to do so. Farmers throughout Wisconsin want to make sure that they are taking reasonable steps to mitigate legitimate risks that threaten the health and well-being of their families and their employees. I encourage you to consider more cooperative efforts that focus on education and training.

Thank you for your consideration of these comments.

Sincerely,

A handwritten signature in black ink that reads "Ron Kind". The signature is written in a cursive, flowing style.

Ron Kind
Member of Congress

RK:kw