

Memo to John D. Brewer
Administrator, Foreign Agricultural Service
On the Guidelines for Eliminating the Use of Child and Forced Labor in
Imported Agricultural Products
From the Domestic Fair Trade Association
July 9, 2011

Thank you for allowing us to comment on the voluntary guidelines FAS is recommending. We have tried to answer the questions you pose.

- (a) How do the guidelines compare to current practices of companies, industry groups, and certification/accreditation organizations that are interested in making use of these guidelines? What challenges do you see for incorporating the guidelines into existing or new programs? Are there additional market-based incentives or government actions that would help in overcoming these challenges?

Simply eliminating the worse cases of child labor is not adequate to meet the expectations of food buyers and the consuming public in the United States. Foreign suppliers of agricultural products should have to meet the standards for child labor that are current, though not always practiced and enforced, in the United States. These are the standards for Child labor of the Agricultural Justice Project:

3.2 Child Labor

- a. Hiring minors (under 18) for full-time labor is prohibited. In countries where young people can legally leave school at the age of 16, these standards would allow the full-time employment of 16 to 18 year olds if it can be documented that the minors either completed high school or left school voluntarily.
- b. Under no circumstances will minors be given tasks that expose them to hazards or potential hazards such as chemicals or machinery. Minors should not work at night, and all loads carried or lifted or other physical demands placed on them should be age appropriate. Minors should be carefully supervised. Minors will be assigned tasks commensurate with their physical limitations.
- c. Minors will not be kept from schooling or school work in order to work on the farm.
- d. The employer must facilitate the attendance of schooling programs by children of employees.
- e. *Employer may facilitate attendance of other educational programs by minors that may be available and allow opportunities for parents of school age children to work part time whenever feasible.*
- f. The employer will provide for care of children of employees who are housed on the farm while their parents are working on the farm.

(b) Are there areas of the guidelines that need to be more fully developed in order to: (1) Make them useful for a particular industry;

(2) increase public confidence in the integrity of programs that utilize the guidelines or (3) adequately address victim protection concerns?

Voluntary claims of eliminating child and forced labor by foreign agricultural companies do not carry a lot of weight in the marketplace. Companies need to engage in third party certification of their practices and they need to make sure that all suppliers in their supply chain are in compliance all the way down to the last farm.

The section of these guidelines on making remediation to victims is very important. If a company is caught using forced or child labor and wishes to correct its behavior, the company should have to make a plan for eliminating future use and, at the same time, provide reparations and support for current victims.

(c) What additional steps by the U.S. Government would be helpful to aid entities in adopting and implementing the guidelines?

The US Government could provide a website where regular reports are posted on companies that are violators and companies that have made changes for the better.

Yours truly,

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