

Testimony of the Child Labor Coalition and the National Consumers League in Support of the Child Labor Amendment of 1924

Submitted by Reid Maki, Director of Child Labor Advocacy, Child Labor Coalition and National Consumers League

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My name is Reid Maki. I am submitting testimony on behalf of the National Consumers League and the Child Labor Coalition, which consists of 38 groups, which work against child labor that threatens the health and safety of children working in America and abroad. Our members include Human Rights Watch, the National Education Association, UNICEF USA, and World Vision.

I am writing to express the coalition's support for Delegate Ruth's efforts to ratify the Child Labor Amendment of 1924 in Maryland. The Amendment would permanently grant the U.S. Congress the authority to protect America's children by legislating child labor law protections. We did not believe this authority was in question 10 years ago, but we believe a threat does exist today.

Maryland could become the 29th U.S. state to ratify the constitutional amendment.

We believe a majority of Americans supports the authority of the U.S. Congress to provide health and safety protections for American workers and opposes any attempts to limit that authority by over-reaching courts. Most Americans support child labor protections for teen workers. Polling Florida in 2024 revealed that even in that conservative state, more than 70 percent of the population believe current protections should not be weakened. Support for child labor protections was bipartisan: A majority of Republican voters believed protections should be maintained.

Congress has successfully protected the majority of teenage and child workers through the enactment of protections such as the Fair Labor Standards Act of 1938 which eliminated many dangerous and inhumane forms of child labor such as cold mining and factory work.

Gone are the days when children worked 12-hour days in mines and mills, ruining children's health and depriving them of education to realize their full potential.

In 2023, we witnessed that child labor is on the rise across the U.S. The Economic Policy Institute (EPI) reported that violations had risen 300 percent since 2015. USDOL found children working in meatpacking plants in 13 facilities in eight states. Children toiled in cleaning crews during the night shift, using hazardous chemicals that burned them when they contacted their skin. The children worked all night and then fell asleep in school. They cleaned grisly machinery, including mechanized saws that cut up animals into smaller pieces. Reporting by Pulitzer Prize winning reporter Hannah Dreier in the NY Times found over 100 children in 20 states doing a wide variety of hazardous work.

The Economic Policy Institute reports that efforts to weaken child labor law have taken place in 30-plus states in the last two years.

It is important to note that teen work can enhance children's lives and development and teach work skills that are valuable and provide experience that is helpful, but child labor is, by definition, work that is dangerous or harms the development of children. Child work is allowed in every state. No one is

questioning the ability of teens to work as long as hours are limited to ensure no negative academic impacts and the work is not hazardous.

In 1941, in *U.S. v. Darby*, the U.S. Supreme Court upheld the constitutionality of legislation that mandated a 40-hour-work week and barred many forms of child labor.

The ability of Congress to regulate child labor did not seem under threat until recently, when justices Gorsuch and Thomas indicated a possible shift in how the court views worker protections such as our child labor laws. In May of 2023, Thomas wrote a concurring opinion in *Sackett v. EPA* that could severely limit Congress's ability to legislate the workplace. Justice Gorsuch's views on the Commerce Clause have raised concerns as well.

In 2011, Utah Senator Mike Lee called federal child labor laws unconstitutional.

The last two years have made it clear that hazardous child labor will resume as soon as enforcement is relaxed or laws are weakened.

Let us not return to the dark days, when child workers had to fend for themselves in unsafe, Dickensian conditions.

The Child Labor Amendment of 1924, a still-pending Amendment to the U.S. Constitution successfully emerged from the U.S. Congress in 1924 after rulings by the Supreme Court in 1918 and 1922 argued regulating and taxing goods produced by employees under 14 was unconstitutional.

Twenty-eight state legislatures ratified the amendment in the 1930s, but the required three-fourths of states needed to enact the amendment has not yet been reached. Since 2018, several states have begun efforts to ratify the amendment. In recent years, at least eight states have introduced efforts to advance the amendment: Hawaii, Rhode Island, New York, Massachusetts, Minnesota, Nebraska, Connecticut and Maryland. Twenty-eight states have ratified the Amendment, and 10 additional states must ratify it, for it to become part of the Constitution.

We believe if Maryland leads, other states will follow. Maryland has an opportunity to become a powerful agent to protect children from exploitative child labor by ratifying this amendment.

Submitted by:

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