

COSHOCTON COUNTY AGRICULTURE & NATURAL RESOURCES**June 16 Issue (Edition #99)**

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Hello Coshocton County! Can you believe that we are already half way through June? Agriculturally, the growing season has treated us fairly well. We were able to get our crops planted in a timely manner and have received timely rains. And it appears that another good window is upon us to make some more hay before showers dance back into the forecast.

Peggy Hall has written a great article on youth labor – check out the lead article in today's issue. Weeds are abound and we are getting a lot of calls on poison hemlock and wild parsnip. Today's issue features more articles on pasture weed control to help you as you control some of these invasive weeds.

And a reminder that our BQA recertification sessions start next Monday evening. Plenty of room to sign up!

Enjoy the cooler temperatures and beautiful sunshine today!

Sincerely,

David L. Marrison

Coshocton County OSU Extension ANR Educator



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Summer is Good Time for a Youth Labor Legal Check-up

By: Peggy Kirk Hall and Jeffrey K. Lewis

Source: <https://farmoffice.osu.edu/blog/mon-06142021-118pm/summer-good-time-youth-labor-checkup>

School is out and youth employment is in. As more and more youth turn to the job market during summer break, now is a good time to review the laws that apply to youth working in agricultural situations. Here's a quick refresher that can help you comply with youth employment laws. For additional details and explanation, refer to our law bulletin on "[Youth Labor on the Farm: Laws Farmers Need to Know](#)."

The agricultural "exemption" applies only to your children and grandchildren. Many farmers know that there are unique exemptions for agricultural employers when it comes to employment law. Youth employment is no different. In Ohio, youth employment laws do not apply to children working on a farm owned or operated by their parent, grandparent, or legal guardian. This means that your children, grandchildren, and legal guardianship children working on farms you own or operate may perform tasks that are considered "hazardous," receive a wage less than federal and state minimum wage and work longer hours. Keep in mind that this exemption does not apply to youth who are your cousins, nieces, nephews, and other extended family members—those family members are subject to youth employment laws.

Lawn mowing and similar tasks are special. [Ohio Revised Code § 4109.06\(9\)](#) explicitly states that youth engaged in "lawn mowing, snow shoveling, and other related employment" are not subject to Ohio's youth employment laws. This means that farms may hire youth to mow the grass and do similar tasks around the farm without having to comply with labor laws regarding working hours and wage requirements.

Treat youth like adults for verification, workers compensation and taxes. The law doesn't deal with youth uniquely when it comes to Form I-9 employment verification, workers compensation coverage, and withholding taxes. A farm employer must complete these same requirements for youth employees.

Don't start them too young. Minimum working age is a tricky area of law. Federal law allows youth under the age of 14 to be employed as long as certain requirements are met, such as having written parental consent and limiting work hours and tasks. States may preempt federal law by being more restrictive. Ohio law, however, doesn't address youth under 14 and doesn't explicitly permit or prohibit them from being employed. Be aware that the Ohio Department of Commerce has stated that it interprets this silence in Ohio law as a prohibition against employing youth under 14. This creates a compliance risk for employers who want to employ a youth under 14, as Ohio may deem that a violation of state law. Before hiring youth under 14 for jobs other than the specifically exempted tasks of lawn mowing, snow shoveling or similar work, consult with your attorney.

Keep younger youth away from "hazardous" jobs. State and federal laws are clear on this point: youth under the age of 16 cannot perform "hazardous" tasks. This restriction includes operating heavy machinery with moving parts, working inside silos and manure pits, handling toxic chemicals, working with breeding livestock, sows and newborn calves, and other dangerous tasks. An exception is that 14- and 15-year-olds may operate tractors and other machinery if they have a valid 4-H or vocational agricultural certificate of completion for safe tractor and machine operation. See the complete list of prohibited hazardous tasks in our law bulletin on "[Youth Labor on the Farm: Laws Farmers Need to Know](#)."

Don't make them work too early or too late. During the summer months, youth between 16 and 18 years of age may work as early or as late as needed. Youth under the age of 16, however, may not start work before 7 am or work past 9 pm.

Give the kids a break. If youth are working longer hours, you must give them a break from working. All youth under the age of 18 must receive a 30-minute break for every 5 hours worked.

Know how much to pay. If a farm grossed less than \$323,000 in 2020, the employer must pay employees the federal minimum wage of \$7.25 per hour. If the farm grossed more than \$323,000 then the employer must pay

employees the Ohio minimum wage of \$80. Two exemptions allow a farmer to pay less than both the federal and state minimum wage to youth. If the farm is owned or operated by a youth's parent, grandparent, or legal guardian the minimum wage requirements do not apply. Second, if the farm is a "small farm," which means that the farm did not use more than 500 man-days of agricultural labor during any calendar quarter of the preceding year, then the farm is not required to pay the federal or state minimum wage to any youth employed on the farm.

Sign a wage agreement. This requirement catches many employers off guard. Ohio law requires that before any youth can begin work, the youth and the employer must sign a wage agreement. Be sure to keep this signed agreement with the youth's employment records. A sample wage agreement from the Ohio Department of Commerce is available at https://www.com.ohio.gov/documents/laws_Minor%20Wage%20Agreement.pdf

Do your recordkeeping. Just as you would with other employees, maintain a file on each of your youth employees. The file should include the youth's full name, permanent address, and date of birth, the youth's wage agreement, and any 4-H or vocational agricultural certificates. Also keep time slips, payroll records, parental consent forms, and name and contact information of youth's parent or legal guardian.

Summer is a hot time to employ our youth and school them about farming and farm-related businesses. But don't let legal compliance ruin your summer fun. If you have youth working on the farm and have concerns about any of the items in this quick overview, be sure to talk with your attorney. Doing so will ensure that the summer job is a good experience for both you and your young employees.

Cooler Weather Returns

By: Aaron Wilson

Source: <https://agcrops.osu.edu/newsletter/corn-newsletter/18-2021/cooler-weather-returns>

After a cool start to June, temperatures have been running 4-10°F above average over the last 10 days. The airmass was quite a bit more humid as well, with numerous "gully washers" across the state. Figure 1 shows 2-4 inches of rain fell across many southern counties, with a Community Collaborative Rain, Hail and Snow Network ([CoCoRaHS](https://www.cocoraHS.org/)) observer in northern Scioto County reporting 5.23 inches for the week.

After a couple of cold fronts on Sunday and Monday, another weak cold front will drop south across the state on Tuesday. A widely scattered shower cannot be ruled out. Behind this front, even cooler air will settle in, with

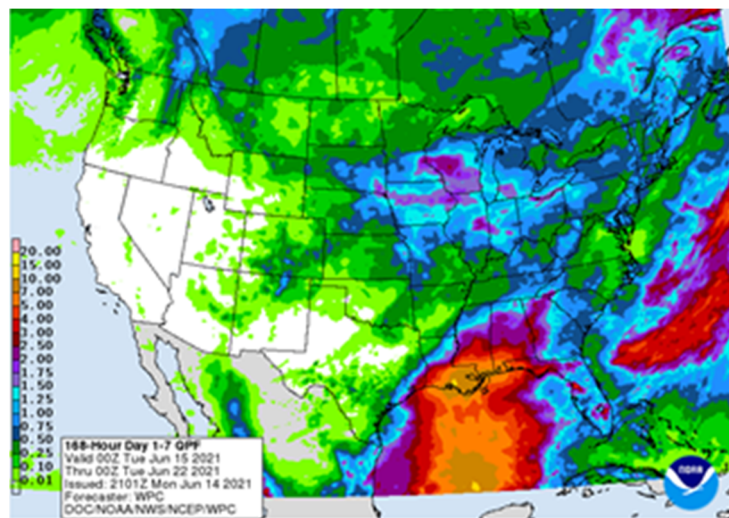
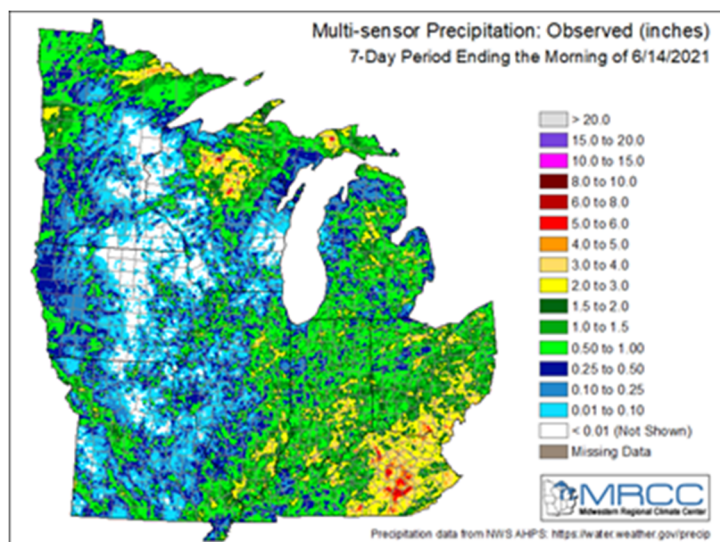


Figure 1: Multi-sensor observed precipitation for the last seven days ending on June 14, 2021. Figure from the Midwestern Regional Climate Center (<https://mrcc.illinois.edu>).

Figure 2: Forecast precipitation for the next 7 days. Valid from 8 pm Monday June 14, 2021, through 8 pm

overnight lows Wednesday and Thursday expected to reach the mid-40s to low-50s and daytime highs mainly in the 70s with low humidity. Temperatures will warm a bit into the weekend, as the southerly flow will bring a return to more humid conditions and an increased chance of showers and storms. Overall, we are expecting light rain totals this week across the south, with 1-2" across northern Ohio (Fig. 2).

The latest [NOAA/NWS/Climate Prediction Center](#) outlook for the 6-10-day period (June 20 – 24) shows elevated probabilities of below-average temperatures and above-average precipitation (Fig. 3). Normal highs during the period should be 80-85°F, normal lows 60-65°F, with 1.00-1.15 inches of rain per week. The [16-Day Rainfall Outlook from NOAA/NWS/Ohio River Forecast Center](#) also supports above-average precipitation over the next couple of weeks.

Figure 3: Climate Prediction Center 6-10 Day Outlook valid for June 20 – 24, 2021 for top) temperatures and bottom) precipitation. Colors represent the probability of below, normal, or above normal conditions.

Local Beef Quality Assurance Recertification Trainings Planned

OSU Extension will be hosting a series of Beef Quality Assurance re-certification trainings to allow beef and dairy producers to re-new their beef quality assurance certification. In total, 165 producers will need to obtain re-certification before the end of 2021.

To help producers obtain their certification, both in-person and Zoom virtual sessions will be held throughout the remainder of the year in Coshocton County. Pre-registration is required for each session as space is limited. There is no fee to attend. A program flyer is attached to this newsletter. Upcoming events in Coshocton County include:

Wednesday, June 30 or Monday, July 12

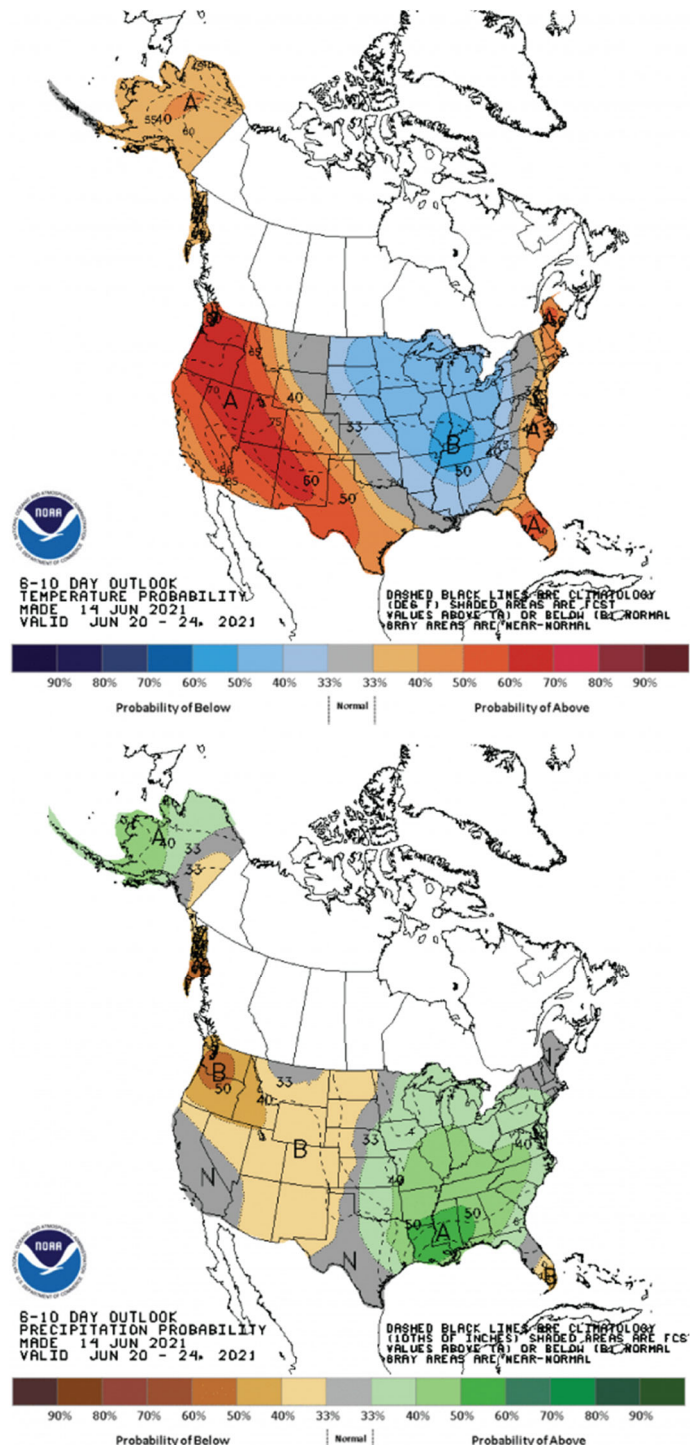
7:00 to 8:30 p.m. in the Coshocton County Services Building
Room 145, 724 South 7th Street.
Call 740-622-2265 to pre-register

Monday, June 21 or Monday, July 19

7:00 to 8:30 p.m. Via Zoom
Pre-registration is required at go.osu.edu/bqa-cosh

Other Ways to Re-certify:

- Producers can also attend sessions hosted by the Tuscarawas County Extension office at the Sugarcreek Stockyards on July 21 (1 p.m.), July 29 (7 p.m.), August 10 (1 p.m.) or August 25 (7 p.m.). Pre-registration is requested by calling 330-339-2337



- Online certification and recertification is also available and can be completed anytime at <https://www.bqa.org/beef-quality-assurance-certification/online-certifications>.

Registration is Open for the OFGC 2021 Summer Forage Field Days

By: [Christine Gelley](#), OSU Extension Educator ANR, Noble County

Source: <https://u.osu.edu/sheep/2021/06/08/registration-is-open-for-the-ofgc-2021-summer-forage-field-days/>

The Ohio Forage and Grasslands Council cordially invites you to join forage and livestock enthusiasts from across the state for their 2021 Summer Forage Field Days. Anyone with an interest in pasture management, hay production, or livestock systems is welcome to attend one or all of the field days planned as drive-it-yourself day tours in Central Ohio.

The series will begin June 25, 2021 in Crawford County. Finishing sheep, goats, and cattle on forage will be the topic of this field day and will include a stop on storing wet forages. This program will feature a tour in the morning of a grazing goat operation at H&M Family Farm with Mike & Angie Hall. Guests- Bob Hendershot, John Berger, and Mark Sulc will discuss finishing sheep, goats, and steers on forage. After lunch we will travel to a second farm to view alternative forage storage methods. At this stop we discuss baleage and methods to prevent barn fires. The Crawford County field day will begin at 980 Brokensword Rd. Sycamore, OH 44882 at 11:00 a.m. and conclude at 3:00 p.m.



Scan Here to Register:



On July 9, 2021, the series will continue in Wayne County. Improving soil with multi-species grazing and accelerated lambing will be the themes of the day. We will begin at Lone Pine Pastures with Jeff & Michelle Ramseyer who raise Katahdin sheep, Shorthorn beef cattle, pastured hogs, meat goats, and custom graze stocker calves. Along with pasture management, scrapie eradication continues to be a topic of importance for American sheep and goat producers. Over lunch we will review the importance of scrapie tagging and tag options approved for use in Ohio with Brady Campbell, Ph.D., OSU Department of Animal Sciences. After lunch we will travel to the farm of Leroy Kuhns to learn more about the use of accelerated lambing with registered Dorset sheep and corn, oats, and hay production for horses. The Wayne County field day is offered with support from the Ohio Sheep and Wool Program, Ohio Sheep Improvement Association, and the American Sheep Industry Association. We especially encourage early-career shepherds to attend this event. The field day will begin at 1689 Varns Rd. Wooster, OH 44691 at 11:00 a.m. and conclude at 4:00 p.m.

Our third Summer Forage Field Day will take place on August 28, 2021 with stops in Licking and Knox Counties. Our tour will begin at Lightning Ridge Farm in Granville where Bill O'Neill raises Longhorn cattle utilizing intensive grazing. With twelve divided lots and the capability to increase divisions into twenty-four paddocks, cattle are moved daily and have access to portable piped water. We will also discuss the value of hay quality preservation while touring a new hoop barn constructed for hay storage. The second stop in the tour will move six miles north to a field managed by Ned Campbell who has provided space to plant twelve varieties of forages following wheat harvest. Attendees will be able to observe and discuss the value of these forages for grazing or harvesting. For the final stop, we will move further north into Knox county to learn about the use of Conservation Reserve Program (CRP) approved warm-season grass production. This field day will begin at 6817 Cat Run Rd. Granville, OH 43023 at 11:00 a.m. and conclude at 3:00 p.m.

There is a \$10 registration fee per field day per person. Lunch is included with registration and will be provided at each field day. A \$5 discount will be applied if the person registering is an OFGC Member or a resident of the host county. Payment will be collected at the field day. Please register within one week of the event you plan to attend by completing a quick [registration form here](#).

Questions about the Summer Forage Field Days can be directed to Gary Wilson by calling 419-348-3500. The Summer Forage Field Day series is a collaborative event planned by members of the Ohio Forage and Grasslands Council, Ohio State University Extension Staff, the USDA-Natural Resources Conservation Service, the Ohio Federation of Soil and Water Conservation Districts, and the Ohio Department of Agriculture. We look forward to seeing you out in the field this summer!

Roughstalk Bluegrass in Cereal Grain and Forage Crops

By: Les Ober & Richard Purdin

Source: <https://agcrops.osu.edu/newsletter/corn-newsletter/18-2021/roughstalk-bluegrass-cereal-grain-and-forage-crops>

There is a new and emerging weed challenging cereal grain and forage producers across the state. Roughstalk Bluegrass has taken root in wheat fields and newly established forage stands. This weed has reached population levels high enough to inhibit the harvest of cereal grains, reduce the quality of forages, and crowd out newly established forages.



What is it?

Roughstalk Bluegrass (*Poa trivialis*) is a perennial cool-season grass that has traditionally been an issue in turfgrass production. This plant can be found growing throughout the Midwest. Rough Stock Bluegrass has a high level of tolerance to shade and wet conditions or poorly drained soils. This weed can reach heights of 1-3' tall. Often climbing above winter cereal grains and reducing growth. Most commonly Roughstalk Bluegrass is not noticed by producers until late May or early June when cereal grains are in the boot stage of growth.

How does it spread?

Roughstalk Bluegrass has two means of reproduction and spread, by stolon's or above grown creeping stems and seed heads. The majority of spread in Cereal grain crops is by seed but for forages and turf stolon's can be the main way this weed can spread.

Roughstalk Bluegrass is very similar to turf bluegrass species. However, Roughstalk Bluegrass leaves are folded in the bud and have a membranous ligule that can be absent or be very long. "Rough" stalk Bluegrass gets its name from small hairs on the leaf surface and margin. This bluegrass, like turf-type bluegrasses, has a broad collar and a boat-shaped leaf tip. Roughstalk Bluegrass has yellow-green leaves that are shiny. The leaves can turn red during drought and heat stress. The plant goes to seed from mid-May to June, with an open panicle, like Kentucky Bluegrass.



Control and Prevention

Controlling this weed species takes diligence and scouting early in the season. Early April is a good time to start scouting for Roughstalk Bluegrass seedlings. Preventing this weed species from going to seed is very important. Use of grass herbicides as part of your overall weed management program can be successful, including best management practices such as proper seeding rates, planting dates, and fertility programs will also help to keep this weed from getting established in your fields.

Resources

<https://www.canr.msu.edu/wheat/weeds/Roughstalk%20Bluegrass%20Handout.pdf>

<https://turf.purdue.edu/roughstalk-bluegrass/>

https://weedid.missouri.edu/weedinfo.cfm?weed_id=215

Milkweed and Hemp Dogbane- Who's Who?

By: [Christine Gelley](#), Agriculture and Natural Resources Educator, Noble County OSU Extension

Source: <https://u.osu.edu/beef/2021/06/16/milkweed-and-hemp-dogbane-whos-who/#more-11044>

Both milkweed and hemp dogbane have become more apparent over the past week. These two plants are related but have some distinct differences that can help landowners identify them and implement control measures when needed.

Similarities between the two include having creeping roots; leaves that appear on opposite sides of the stem; and they produce a milky sap. Differences include that young milkweed leaves have fine hairs and hemp dogbane are nearly hairless; milkweed stems are generally thick and green, but hemp dogbane stems are usually red to purple and thinner in comparison; hemp dogbane frequently branches in the top canopy, while milkweed will typically not branch unless mowed; and seed pod shape is distinctly different after flowering with milkweed producing an upright tear drop shaped pod and hemp dogbane producing a long bean-like pod that hangs from the plant.



Common milkweed (left) and hemp dogbane (right)

While the usefulness of milkweed in the landscape is often justified for monarch butterfly populations, hemp dogbane has fewer redeeming qualities. Historically hemp dogbane has been used by Native Americans to make rope, clothing, and baskets. Both have the capability of spreading rapidly by their creeping roots and seed production. Both are best controlled in agricultural settings by a combination of strategic mowing and systemic herbicide application.

Both milkweed and hemp dogbane are considered poisonous to livestock. Toxicities can occur from fresh or dried leaves, stems, and roots. While death from poisoning is rare, reduced production efficiency is common if consumed. Symptoms range from mild to severe and include vomiting, diarrhea, coordination loss, tremors, heart problems, respiratory distress, and death.

While eliminating milkweed and hemp dogbane from all ecosystems would be unwise, treatment of some kind is advised in situations where livestock are consuming forage from areas with high populations. Learn more about milkweed and hemp dogbane by comparing the photos provided above or by watching the video from last summer that follows comparing the two plants side by side. Access the video at:

<https://youtu.be/OLb1wM7z0AY>

Timing Pasture Mowing for Weed Control

By: Christine Gelley and Ted Wiseman

Source: <https://u.osu.edu/beef/2021/06/16/timing-pasture-mowing-for-weed-control-2/>

Pasture managers looking for answers on when the best time to mechanically clip pastures will find the answer in this episode of Forage Focus. This past winter, host- Christine Gelley- Extension Educator, Agriculture & Natural Resources in Noble County connected with her neighbor- Ted Wiseman- Extension Educator, Agriculture & Natural Resources in Perry County on the topic over the phone. Together with complementary visuals, in this episode they discuss on-farm research and concepts that surround the decisions of when and how to clip/mow/bush hog/brush hog pastures to promote the growth of desirable plants in diverse pasture ecosystems.

Click here to watch video at : <https://youtu.be/DagahRoW2lQ>

You're invited to direct your questions/comments to Ted or Christine at:

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Now is Great Time to Lime

By: [Chris Penrose](#), Extension Educator, Agriculture and Natural Resources

Source: <https://u.osu.edu/beef/2021/06/09/now-is-a-great-time-to-lime/>

Here in Southeast Ohio, we have had three good chances at making hay and once you have finished, it may be a great time to either fertilize or lime fields. Proper use of lime and fertilizer is important for improving crop yields. After 32 years of helping farmers with soil tests in this part of the state, the majority are low in phosphorus and pH. I recall working in Seneca county a field that had a pH of 8.2 but many of the unglaciated regions of the state have acid soils that can use lime. To optimize production, soil acidity should be corrected prior to fertilizer application. The key is to have a soil test and determine needs.

That makes the fall and right now great times to lime fields. If we lime in the fall, there is plenty of time for the lime to react with the soil so we can fertilize in the spring. If we lime now, we can fertilize this fall if needed. Adding lime supplies calcium and magnesium, will increase soil pH and the availability of nutrients, and increase microbial activity.



Soil acidity should be corrected prior to fertilizer application, making now a great time to apply lime before a fall fertilizer application.

Not all lime is created equal. Liming materials are labeled based on their effective neutralizing power (ENP), so the higher the number, the more effective the material will be (aglime is the reference lime and has an ENP of 2000 lbs/ton). Also, particle size plays a role as well. The finer the lime, the faster it will react. Larger particles dissolve slowly, affecting pH over a longer period. So consider these factors when pricing lime.

One common way lime is spread is via a large truck and the gentleman that spreads for me likes it more when the field has been recently mowed to better see obstacles. If I can get my fields limed now that I am done making hay, I hope to fertilize them in the early fall and maybe stockpile some fields for grazing late fall or early winter.

Quite often, I see soil tests recommending multiple tons of lime needed per acre. When it is more than two tons per acre, I often recommend applications over multiple years. Increasing pH works on a logarithmic scale so it takes ten times the lime to get from a pH of 6 to a 7 as it does to get from a 5 to a 6. So if money is an issue, spreading less lime over more acres but doing it over multiple years might be a better option, especially if your pH is closer to 5.

One last lesson I learned about liming. I was rotary mowing a field with the old tractor trying to finish before the lime spreader arrived, and he was early. I finished up after he had spread the lime and when I got back to the house, the green tractor was white and I was completely white except for my red eyes. I won't make that mistake again!

When is the Right Time to Re-Seed Your Hayfield?

By: Anthony S. Lerch, District Technician/Educator, Stark Soil and Water Conservation District

(Previously published in [Farm and Dairy: June 10, 2021](#))

Source: <https://u.osu.edu/sheep/2021/06/15/when-is-the-right-time-to-re-seed-your-hayfield/#more-4460>

Have you noticed that your hay yields are lower than years before? Are you not getting the number of bales that you have in years past? Or maybe your hay stand does not look as strong compared to previous years?

It may be time to re-seed or overseed your hay fields. When is it the right time to re-seed your hayfield? Is it in the spring? A fall seeding maybe? There is always frost seeding in the late winter. The truth is, it all depends on your soil conditions and how you choose to manage your fields.

Overseeding

There is no one size fits all answer to overseeding your fields. During the early spring, it is crucial to get your soil pH and your soil fertility within the proper ranges for the type of seed you are planting. This can be done with an in-depth soil test, which gives you a better look into what your soil needs and whether you need to reduce or add fertilizer to get within the necessary range.

Using a higher quality seed will give you a longer stand life with better yields. Consider planting into an existing seedbed with a no-till drill to avoid overworking the soil, causing moisture loss and running the risk of surface crusting. Using a no-till drill will also help greatly reduce the chances of soil erosion.

Fall seeding

Getting ready for the following year's hay crop? Maybe you are too busy in the spring to reseed or overseed your hay fields. Do not worry — fall seeding is another great option to improve your stand for the upcoming year. Planting in mid-September through early November could produce stands with visible plants before the first frost.

The later you wait to plant, the less likely there will be a visible plant by the first frost. Frost seeding is designed



for the change between winter and spring. Frost seeding means broadcasting seed over a hay field and letting the natural freeze and thaw weather of late winter and early spring help move the seed into the soil. When broadcasting seed it is important to have very little residue on the area you intend to broadcast over. This gives the seed a better chance at getting good seed to soil contact earlier in the season. Frost seeding will not work if there is too much residual vegetation on the field, as the seed will get caught up in the existing residue.

To ensure you have good seed to soil contact, have your hayfield grazed down or do a low mowing. This will get your seed as close as it can, to help the freeze/ thaw process.

Frost seeding is not just for hayfields. It can be used in pastures as well. For all the areas in your fields that are thinner than the rest or that have a hard time growing, frost seeding could give a nice head start.

Other benefits

When it comes to broadcasting seeds, there are a couple of things to consider. What do you have currently planted? Do you have an accurate soil test and the correct pH for what you want to plant? Do you have a seasonal species?

Consider broadcasting legumes on your field as a frost seeding, since legumes are heavier than grass seeds, which allows them to sift past the existing residue.

Frost seeding is also a good way to reduce soil compaction, as you can use a multitude of different types of equipment to broadcast, such as four-wheelers and other small equipment. This also allows for more precise application.

First steps

If you are looking for increased hay yields on aging fields that have been producing less and less each year, any option above listed can potentially help. The first step is identifying what your soil needs. Start with an in-depth soil test. The next step would be to make sure to give your soil what it needs — increase or reduce fertilizer to correct deficiencies.

After you have done that, decide what you would like to plant and get the application that best suits your needs. If you are interested in a no-till drill, reach out to your extension office or local soil and water conservation district. They may have one available for rent or a list of people that can be contracted to do the work.

“Work ethic is important, unlike intelligence, athleticism, charisma, or any other natural attribute, it’s a choice.”
Mike Rowe

**CFAES**

OHIO STATE UNIVERSITY EXTENSION

BEEF QUALITY ASSURANCE

Re-certification Trainings for Livestock Producers

In-Person

June 30 or July 12
Coshocton County Services Building
7:00 to 8:30 p.m.
724 South 7th Street - Room 145
Coshocton, OH 43812
Seating is limited, so please RSVP
Register by calling: 740-622-2265

Zoom

June 21 or July 19
Via Zoom
7:00 to 8:30 p.m.
Register at: go.osu.edu/bqa-cosh

Coshocton County will be hosting a series of Beef Quality Assurance re-certification programs to allow beef and dairy producers to re-certify their beef quality assurance. Both in-person and Zoom virtual sessions will be held throughout the rest of the year. Pre-registration is required for each session as space is limited. Producers may take also complete the training online (at any time) at bqa.org.

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OSU EXTENSION – TUSCARAWAS COUNTY

Beef Quality Assurance (BQA) Recertification

Beef and dairy producers who have a BQA certification that expires in 2021 can attend one of the following sessions to satisfy recertification requirements.

- July 21 at 1pm
- July 29 at 7pm
- August 10 at 1pm
- August 25 at 7pm

Location:
Sugarcreek Stockyards
Cost:
No Charge

Pre-Registration is requested in order to have materials prepared.

Please call: **330-339-2337**

Chris Zoller, Associate Professor, Extension Educator, Agriculture & Natural Resources
OSU Extension, Tuscarawas County 419 16th St SW, New Philadelphia, OH 44663
Email: zoller.1@osu.edu Office: 330-339-2337 Direct: 330-365-8159



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Law Bulletin

**THE OHIO STATE UNIVERSITY**COLLEGE OF FOOD, AGRICULTURAL,
AND ENVIRONMENTAL SCIENCES*Law you need to know from OSU Extension's Farm Office**June 2021*

Youth Labor on the Farm: Laws Farmers Need to Know

Peggy Kirk Hall, Assoc. Professor & Field Specialist
Evin Bachelor, Law Fellow
OSU Extension Agricultural & Resource Law Program

Youth labor laws have existed at both the state and federal levels for more than a century now. The laws themselves have changed over the years, but their intent largely remains the same: to protect youth from potential hazards and risks that may arise while working, ensure that they attend school, and prevent exploitation of child labor.

Early on, agriculture was largely exempt from the restrictions imposed by labor laws for minors in recognition that youth are important to the workings of a family farm. While that remains true to an extent, there are a number of laws that do apply to employing youth on the farm. It's important for the farm community to know these laws and understand the parameters of using minors to assist with farm work.

This law bulletin explains federal and state laws that regulate employers who have youth doing agricultural work on a farm. The federal youth labor laws are based upon the Fair Labor Standards Act (FLSA) and its rules in the Code of Federal Regulations (CFR). Employers in Ohio must follow these federal laws in addition to complying with the state labor laws that are in the Ohio Revised Code (ORC), which can be *more restrictive* but not more lenient than the federal laws. We've designated the federal laws as "CFR" and the state laws as "ORC" in the information below.

What is agriculture?

An introductory issue to understand is what is "agriculture" or "agricultural work" for purposes of youth employment? The intent of both federal and state laws is to address the types of task a youth would do on a working agricultural production operation. Under FLSA, "agriculture" means farming, which includes the cultivation and tillage of soil, dairying, the production, cultivation, growing, and harvesting of any agricultural or horticultural commodities, the raising of livestock, bees, fur-bearing animals, or poultry, and any practices (including forestry or lumbering operations), that is performed by a farmer or on a farm as an incident to or in conjunction with such farming operations, including preparation for market, delivery to storage, to market, or to carriers for transportation to market. This means that agribusinesses are not considered to be "agriculture" or "agricultural employment." Those types of businesses and other "non-farm" businesses employing youth must comply with the general labor laws for minors rather than the agricultural provisions.

Youth labor laws unique to agriculture

There are five areas of law that are unique to involving youth in agricultural work on the farm:

1. Exemptions for children and grandchildren
2. Recordkeeping obligations
3. Wage and hour requirements
4. Job and task restrictions
5. Parental consent provisions

We explain each of these areas in the following sections. Some of the laws vary according to the age of the minor, so we've pulled all of the laws together into a chart at the end of the bulletin. The chart highlights the different requirements and restrictions for different age groups.

1. Exemptions for children and grandchildren

Parents or legal guardians are exempt from federal youth labor laws in regards to children working on farms owned or operated by the parents. This exemption includes step children, adopted children, and foster children. Ohio also exempts grandparents from state youth labor laws if their grandchildren are working on farms that they own or operate. Employment of youth on farms by uncles, aunts, cousins, or any other family members is not exempt, and those family members are subject to the federal and state youth labor laws we explain below.

2. Recordkeeping obligations

Federal law requires a farm employer to request and maintain certain information about all minors under 18 working on the farm. The information includes the minor's full name, permanent address and where living when working, if different than the permanent address, and the youth's date of birth. An employer should also keep records of any written parental consent required by law, which we explain below. Ohio law does not have any additional recordkeeping requirements that apply to employers of minors engaged in agricultural work.

3. Wage and hour requirements

Federal and state laws also address wages for youth and the amount of hours and times of day when youth can work in agriculture. Many farms are exempt from federal and state minimum wage requirements for both youth and adult employees, as long as the farm is a "small farm," which means that the farm did not use more than 500 man-days of agricultural labor during any calendar quarter of the preceding calendar year. A man-day is any day during which an employee performs at least one hour of agricultural labor on a farm. Immediate family members of the farmer are completely exempt from minimum wage laws. As is the case for adult employees, farmers are exempt from overtime wage requirements for youth employees.

Ohio law requires farm employers to furnish a youth with written evidence of the wages the youth shall receive and a statement of earnings on or before each payday. An employer can't withhold wages for

presumed negligence, rules violations, harm to machinery or alleged incompetence.

Neither federal or state law requires a farmer to obtain a school "work permit" for any youth, but laws addressing the number of hours and times of day when youth can work on a farm vary according to the age of the youth. There are also differences depending upon whether the youth is working on a school day or during summer break, which is from June 1 to September 1. We present these provisions for each age group in the charts below. Ohio law mandates that a 30-minute break period be provided for any youth that has worked more than five consecutive hours.

4. Job and task restrictions

Both state and federal law speak to the types of jobs and tasks an employer can assign to youth employees. First, be aware that Ohio law in ORC 4109.06(A)(9) carves out an exemption from the laws on youth employment if the youth is "engaged in law mowing, snow shoveling, and other related employment." Those tasks are not restricted, and youth who complete them are not subject to the laws explained in this bulletin.

On the other hand, the FLSA prohibits farm employers from assigning certain "hazardous" jobs and tasks to minors, and the prohibitions vary according to the minor's age. Exceptions exist if the youth is a certain age and obtains a certificate of completion for attending an approved safe tractor and machinery operation program. Information about Ohio's approved program is available at <https://agsafety.osu.edu/programs/tractor-machinery-certification-program>.

The jobs and tasks deemed as "hazardous" under federal law and adopted into Ohio law include:

- Operating a tractor with over 20 PTO horsepower, or connecting or disconnecting an implement or any of its parts to or from such tractor.
- Operating or assisting to operate a corn picker, cotton picker, grain combine, hay mower, forage harvester, hay baler, potato digger, mobile pea viner, feed grinder, crop dryer, forage blower, auger conveyor, unloading mechanism of a non-gravity-type self-unloading wagon or trailer, power post-

hole digger, power post driver or non-walking type rotary tiller, trencher or earthmoving equipment, fork lift, potato combine, or power-driven circular, band, or chain saw. This includes starting, stopping, adjusting, feeding, or any other activity involving physical contact with the equipment.

- Working on a farm in a yard, pen, or stall occupied by a bull, boar, or stud horse maintained for breeding purposes, a sow with suckling pigs, or a cow with a newborn calf with umbilical cord present.
- Felling, bucking, skidding, loading, or unloading timber with a butt diameter of more than 6 inches.
- Working from a ladder or scaffold at a height of over 20 feet.
- Driving a bus, truck, or automobile when transporting passengers or riding on a tractor as a passenger or helper.
- Working inside a fruit, forage, or grain storage designed to retain an oxygen deficient or toxic atmosphere.
- Working inside an upright silo within two weeks after silage has been added or when a top unloading device is in operating position.
- Working inside a manure pit.
- Working inside a horizontal silo while operating a tractor for packing purposes.
- Handling or applying toxic agricultural chemicals that are identified on the label by the word "poison," "warning," or a skull and crossbones symbol, including cleaning or decontaminating equipment, disposal or return of empty containers, or serving as a flagman for aircraft applying such chemicals.
- Handling or using a blasting agent, including dynamite, black powder, sensitized ammonium nitrate, blasting caps, and primer cord.
- Transporting, transferring or applying anhydrous.

5. Parental consent provisions

A final legal requirement that a farm employer might have for a youth working on the farm is to obtain written permission from the youth's parents or legal guardians. This is a provision in federal law, but note that Ohio law doesn't explicitly address youth under 14, as we explain below in "Minimum employment age for youth." The FLSA does allow youth over the age of 14 to do agricultural work without providing written parental consent to the employer. But youth that are

12 or 13 years old must have written parental consent, although permission is not necessary if the youth's parent(s) work on the same farm. Youth under 12 years of age must have written parental consent to work on a farm, and may do so only on farms where none of the employees are subject to FLSA minimum wage requirements, which we explained above. And remember that no youth under 16 may engage in a "hazardous" job—even with parental permission.

The Ohio Department of Commerce provides a parental consent form for the employment of youth, available at https://www.com.ohio.gov/documents/laws_ParentOrGuardianConsentForm-LAWS.pdf. A farm employer should use this form or a similar written consent form to obtain approval from the parents or legal guardian of any youth under 14 that will be working on the farm, and should maintain a record of the consent form in the minor's employment file.

Minimum employment age for youth

Whether there is a minimum working age for youth is a complicated question. As we explain in other parts of this bulletin, federal law allows youth under the age of 14 to be employed as long as certain requirements are met--the employer must obtain written parental consent and follow work hour and task restrictions.

States may choose to preempt federal law by being more restrictive on legal requirements for youth. Ohio's employment laws, however, do not address youth under the age of 14. The law neither explicitly permits or prohibits youth under 14 from being employed. This means that it's unclear whether Ohio is more restrictive than the federal law in regards to a minimum age for employed youth. Be aware that the Ohio Department of Commerce has stated that it interprets this silence in Ohio law as a *prohibition against employing youth under 14*. This creates a compliance risk for employers, as Ohio may deem employment of youth under 14 to be a violation of state law. Due to the lack of clarity in Ohio law, an employer who wants to hire youth under 14 for jobs other than the exempted tasks of lawn mowing, snow shoveling, or similar work should *seek an attorney's advice on whether to employ a youth under 14 for the tasks in mind*.

Other employment laws can apply to youth

In this bulletin, we've explained the unique labor laws that apply to minors working in agriculture. Note that there are other employment laws that apply to youth in the same way that they apply to adults. For example, verification of employment eligibility applies to both minor and adult employees, and farmers should complete a federal Form I-9 for each minor employee. Note that federal law allows a parent to complete the I-9 form for a minor under the age of 18. Employers must also treat minors the same as adults for tax withholding purposes. Likewise, Ohio law requires employers to carry and pay for workers' compensation insurance for all full-time and part-time employees, including minors. These laws do not distinguish between youth and adult employees. Be sure to consult with an attorney or accountant if unsure about how these and other employment laws apply to minors.

Pulling it all together: youth agricultural labor laws by age groups

Understanding youth labor laws is a bit like putting a puzzle together, and it's important to get the pieces in the right places. To help an employer focus in on the laws that apply to a minor of a particular age, we've organized the laws in the chart below according to the four age groups addressed in the laws: 16 to 17 year olds, 14 to 15 year olds, 12 to 13 year olds, and under the age of 12. At the beginning of the chart, we note the laws that apply to all youth under the age of 18.

Remember, parents, grandparents and legal guardians can be exempt from the laws below. The federal provisions (designated as "CFR") don't apply to youth working on a farm owned or operated by their parents or legal guardians. The state laws (designated as "ORC") don't apply to youth working on a farm owned or operated by their parents, a legal guardian, or their grandparents.

Laws that apply to youth working on farms, by age groups

**Note: The provisions below for youth under the age of 12 summarize federal laws.*

Ohio law is not clear on whether an employer may employ a youth under the age of 14, as we explain above.

Consult with an attorney to determine if you may legally hire any youth under 14 for your job needs.

All youth under 18	
<i>Recordkeeping</i> 29 CFR § 516.33(f)	<ul style="list-style-type: none">• Employer must maintain a record of a minor employee's full name, permanent address and where living while employed if different than permanent address, and date of birth. If required based upon the minor's age, the employer must maintain a record of a minor's parental consent forms.
<i>Minimum wage and overtime wages</i>	<ul style="list-style-type: none">• Minimum wage does not apply as long as the farm is a "small farm," which means the farm did not use more than 500 man-days of agricultural labor during any calendar quarter of the preceding calendar year. A man-day is any day during which an employee performs at least one hour of agricultural labor on a farm.• Overtime wages are not required by law.
<i>Wage restrictions</i> ORC § 4109.10	<ul style="list-style-type: none">• Employer must provide a written agreement to the minor of the wages or compensation the minor will receive and may not reduce the minor's wages or compensation without providing at least 24 hours' notice and a new written agreement.• On or before each payday, employer must provide the minor with a statement of the earnings due and the amount to be paid to the minor.• Employer may not withhold wages or compensation due to a minor's presumed negligence, failure to comply with rules, breakage of machinery, or alleged incompetence.
<i>Break requirement</i> ORC § 4109.07(C)	<ul style="list-style-type: none">• Employer must provide at least a 30 minute rest period if youth works more than five consecutive hours, but the rest period does not have to be included in tallying the number of hours worked.

16 and 17 year olds

<i>Task restrictions</i>	<ul style="list-style-type: none"> No restrictions; may perform jobs and tasks defined as "hazardous."
<i>Time restrictions</i> ORC § 4109.07	<ul style="list-style-type: none"> Cannot work before 7:00 a.m. on school days. EXCEPTION: can work starting at 6:00 a.m. if was not working past 8:00 p.m. the night before. Cannot work after 11:00 p.m. on a school night (a night when the minor has school the next day).
<i>Hour restrictions</i> ORC § 4109.07	<ul style="list-style-type: none"> No daily or weekly hour limits.
<i>Parental consent</i> 29 CFR § 570.2(b)	<ul style="list-style-type: none"> No written parental consent required.

14 and 15 year olds

<i>Task restrictions</i> 29 CFR § 570.72	<ul style="list-style-type: none"> May not perform tasks defined as "hazardous." EXCEPTION: may perform certain hazardous tasks if employer has a record on file that the minor holds a 4-H or vocational agriculture certificate of completion for tractor or machine operation.
<i>Time restrictions</i> ORC § 4109.07	<ul style="list-style-type: none"> Cannot work during school hours while school is in session. Cannot work before 7:00 a.m. or after 7:00 p.m. EXCEPTION: can work until 9:00 p.m. from June 1 to September 1. EXCEPTION: can work until 9:00 p.m. during any school holiday or break lasting more than 5 weekdays.
<i>Hour restrictions</i> ORC § 4109.07	<p>Daily hour limits:</p> <ul style="list-style-type: none"> Cannot work more than 3 hours during a school day. Cannot work more than 8 hours during a non-school day. <p>Weekly hour limits:</p> <ul style="list-style-type: none"> Cannot work more than 18 hours in a week while school is in session. Cannot work more than 40 hours in a week while school is not in session. EXCEPTION: weekly hour limits may be relaxed when the job is part of a work education program, such as vocational training or work study.
<i>Parental consent</i> 29 CFR § 570.2(b)	<ul style="list-style-type: none"> No written parental consent required.

12 and 13 year olds

**Note: The provisions below summarize federal laws on employing youth under the age of 12. Ohio law is not clear on whether an employer may employ a youth under the age of 14, as we explain above, but the Ohio Department of Commerce states that youth under 14 may be employed. Consult with an attorney to determine if you may legally hire any youth under 14 for your job needs*

<i>Task restrictions</i> (Federal law)	<ul style="list-style-type: none"> May not perform jobs and tasks defined as "hazardous."
<i>Time restrictions</i> ORC § 4109.07 *Same as for 14-15	<ul style="list-style-type: none"> Cannot work during school hours while school is in session. Cannot work before 7:00 a.m. or after 7:00 p.m. EXCEPTION: can work until 9:00 p.m. from June 1 to September 1. EXCEPTION: can work until 9:00 p.m. during any school holiday or break lasting more than 5 weekdays.
<i>Hour restrictions</i> ORC § 4109.07 *Same as for 14-15, but no 4-H or vo-ag certificate exception	<p>Daily hour limits:</p> <ul style="list-style-type: none"> Cannot work more than 3 hours during a school day. Cannot work more than 8 hours during a non-school day. <p>Weekly hour limits:</p> <ul style="list-style-type: none"> Cannot work more than 18 hours in a week while school is in session. Cannot work more than 40 hours in a week while school is not in session.
<i>Parental consent</i> 29 CFR § 570.2(b)	<ul style="list-style-type: none"> Written parental consent required. EXCEPTION: written parental consent is not required if the minor will be working on a farm where the minor's parent or legal guardian is also employed.

Under 12 years old

**Note: The provisions below summarize federal laws on employing youth under the age of 12.*

Ohio law is not clear on whether an employer may employ a youth under the age of 14, as we explain above, but the Ohio Department of Commerce states that youth under 14 may be employed.

Consult with an attorney to determine if you may legally hire any youth under 14 for your job needs.

<i>Task restrictions</i> 29 CFR § 570.2(b)	<ul style="list-style-type: none">• Can only work on a farm where employees are exempt from the federal minimum wage, which includes a farms of an immediate family member or a "small farm" that used fewer than 500 "man days" of agricultural labor in any calendar quarter the preceding year. A "man day" is a day during which an employee performs agricultural work for at least one hour.• EXCEPTION: Local youths 10 and 11 may hand harvest short-season crops outside school hours for no more than 8 weeks between June 1 and October 15 if their employers have obtained special waivers from the U.S. Secretary of Labor.• May not perform jobs and tasks defined as "hazardous."
<i>Time restrictions</i> ORC § 4109.07 *Same as for 14-15	<ul style="list-style-type: none">• Cannot work during school hours while school is in session.• Cannot work before 7:00 a.m. or after 7:00 p.m.• EXCEPTION: can work until 9:00 p.m. from June 1 to September 1.• EXCEPTION: can work until 9:00 p.m. during any school holiday or break lasting more than 5 weekdays.
<i>Hour restrictions</i> ORC § 4109.07 *Same as for 14-15, but no 4-H or vo-ag certificate exception	Daily hour limits: <ul style="list-style-type: none">• Cannot work more than 3 hours during a school day.• Cannot work more than 8 hours during a non-school day. Weekly hour limits: <ul style="list-style-type: none">• Cannot work more than 18 hours in a week while school is in session• Cannot work more than 40 hours in a week while school is not in session
<i>Parental consent</i> 29 CFR § 570.2(b)	<ul style="list-style-type: none">• Written parental consent required.

RESOURCES AND REFERENCES

"Agricultural Employer's Pocket Guide on Youth Employment," U.S. DEPARTMENT OF LABOR, https://www.dol.gov/whd/AG/ag_pocket_guide.pdf.

"Child Labor Bulletin 102: Child Labor Requirements in Agricultural Occupations Under the Fair Labor Standards Act," *Publication WH1295*, U.S. DEPARTMENT OF LABOR WAGE AND HOUR DIVISION (revised Nov. 2016) <https://www.dol.gov/whd/regs/compliance/childlabor102.pdf>.

Chris Zoller, "Know the Rules When Employing Minors on Your Farm," *Publication ANR-26-10*, Ohio State University Extension, THE OHIO STATE UNIVERSITY (Aug. 30, 2010) <https://ohioline.osu.edu/factsheet/ANR-26>.

Code of Federal Regulations, Title 29 Subtitle B Chapter V Subchapter A – Regulations, <https://www.dol.gov/whd/regs/compliance/whdfs40.pdf>.

"Completing Form I-9 for Minors," U.S. Citizenship and Immigration Services, <https://www.uscis.gov/i-9-central/complete-correct-form-i-9/complete-section-1-employee-information-and-verification/minors>.

"Fact Sheet #40: Overview of Youth Employment (Child Labor) Provisions of the Fair Labor Standards Act (FLSA) for Agricultural Occupations," *Publication FS40*, U.S. DEPARTMENT OF LABOR WAGE AND HOUR DIVISION (revised Dec. 2016) <https://www.dol.gov/whd/regs/compliance/whdfs40.pdf>.

Ohio Department of Commerce Division of Industrial Compliance, Wage and Hour Section, <https://www.com.ohio.gov/dico/default.aspx>.

Ohio Revised Code Chapter 4109: Employment of Minors, <http://codes.ohio.gov/orc/4109>.

Peggy Hall and Catharine Daniels, "Youth on the Farm: What Type of Farm Work Can They Perform?," Ohio State University Extension Agricultural & Resource Law Program, THE OHIO STATE UNIVERSITY (Jun. 10, 2013) <https://ohioaglaw.wordpress.com/2013/06/10/youth-on-the-farm-what-type-of-farm-work-can-they-perform/>.

"Understanding Workers' Compensation," Ohio Bureau of Workers' Compensation, <https://info.bwc.ohio.gov/>.

U.S. Department of Labor, Wage and Hour Division, <https://www.dol.gov/whd/childlabor.htm>.

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