

# LAWS THAT IMPACT AGRICULTURE

Below you will find a summary of the major Federal laws and regulations affecting agricultural employment.

## U.S. DOL, Wage and Hour Division (WHD)

- The **Fair Labor Standards Act (FLSA)** contains Federal minimum wage, overtime, recordkeeping, and child labor requirements for covered agricultural employers.
- The **Migrant and Seasonal Agricultural Worker Protection Act (MSPA)** protects migrant and seasonal agricultural workers by establishing employment standards related to wages, housing, transportation, disclosures, and recordkeeping. The MSPA also requires farm labor contractors (FLCs) and farm labor contractor employees (FLCEs) to register with the U.S. Department of Labor and to obtain special authorization before housing, transporting, or driving covered workers.
- The **H-2A visa program** establishes standards related to recruitment, wages, housing, transportation, and recordkeeping for employers of temporary non-immigrant agricultural workers admitted to the country under section 218 of the Immigration and Nationality Act.
- The **Temporary Labor Camp** standards cover environmental aspects of the farm labor camp such as site selection, building construction, space, ventilation and heating. It also prescribes sanitation requirements for cooking and eating space, water supply, laundry, bathing facilities, toilets, refuse disposal and insect and rodent control.
- The **Field Sanitation Provisions of the Occupational Safety and Health Act** establish minimum standards for covered agricultural settings for toilets, potable drinking water, hand-washing facilities, and for providing information regarding good hygiene practices.

## U.S. Environmental Protection Agency (EPA)

- **Worker Protection Standard (WPS)** - The Agricultural Worker Protection Standard (WPS) is a regulation aimed at reducing the risk of pesticide poisoning and injury among agricultural workers and pesticide handlers. The WPS requires that owners and employers on agricultural establishments provide protections to workers and handlers from potential pesticide exposure, train them about pesticide safety, and provide mitigations in case exposures may occur.

## U.S. Department of Homeland Security (DOH)

- **Immigration and Nationality Act (INA) - Eligibility, Verification, and Non-discrimination** - Under the Immigration and Nationality Act (INA), employers may hire only persons who may legally work in the U.S. and foreign nationals authorized to work in the U.S. The employer must verify the identity and employment eligibility of anyone he hires, which includes completing the Employment Eligibility Verification Form (I-9). Employers must keep each I-9 on file for at least three years, or one year after employment ends, whichever is longer.

## U.S. Department of Justice (DOJ)

- The Office of Special Counsel for Immigration-Related Unfair Employment Practices (OSC) enforces the anti-discrimination provisions of the Immigration and Nationality Act (INA),

**NOTE:** Keep in mind that in some instances, State employment laws apply and in most cases the law setting the higher (restrictive) standards must be observed.

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