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REPORT ON CHILD LABOR IN MAINE

Maine Department of Labor,
Bureau of Labor Standards,
Wage and Hour Division

February 2025

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Executive Summary

Minors under 18 years of age are permitted to work in certain agricultural and non-agricultural employment with restrictions on the types of job duties they can perform and hourly restrictions. Certain restrictions apply to minors between 16 and 17 years of age, 14 and 15 years of age, and minors under 14 years of age. These restrictions are governed by State and Federal laws. If there is a conflict between these laws, the law that provides the greatest protection for the worker prevails. The child labor laws that the Maine Department of Labor enforces are found in Title 26 M.R.S., Chapter 7, and in accordance with 29 Code of Federal Regulations, Part 570.

The Department received over 1,900 inquiries relating to child labor between 2023 and 2024. Almost 40% of those inquiries concerned what job duties a minor could perform and what hours they are allowed to work.

Minors under 16 years of age must obtain a work permit before they start working in non-agricultural employment. The Department processed more than 6,000 work permit applications in 2024, of which 4.8% were initially denied. Approximately 42% of the work permit applications received in 2024 were in the Accommodation and Food Services industry. The majority of work permit applications are received between April and July each year.

The number of injuries involving minors under 18 years of age, reported to Maine Workers' Compensation Board has exceeded 210 over the last eight consecutive years, peaking at over 320 in each of the years 2021 and 2022. The majority of injuries reported occurred in the Accommodation and Food Services industry. However, the number of reported injuries has steadily declined in 2023 and 2024 but still exceeds 210 annually.

Introduction

Resolve, Directing the Department of Labor to Submit a Report on the Employment of Minors, was passed by the First Session of the 131st Legislature. The Resolve contained two parts: first, it directed the Maine Department of Labor to submit a report to the Legislature's Joint Standing Committee on Labor and Housing. More specifically, the report requests information in four specific areas, all of which concerned the employment of minors.

The report must include, but is not limited to:

1. Data on the allowed occupations and activities that can be performed by minors, including those occupations and activities considered hazardous occupations under 29 Code of Federal Regulations, Part 570;
2. The call volume, if known, of inquiries to the bureau from employers of minors with questions concerning a minor's ability to work specific occupations and hours;
3. The number of work permits issued, trends in the issuance of work permits and consideration of whether statutory provisions and regulations surrounding the issuance of work permits may be updated; and
4. The incidents of injuries incurred by minors at places of employment, including the number and scope of incidents involving minors.

The second part of the Resolve directed the Department of Labor to take other actions such as posting certain guidance on its website, as well as to collaborate with the Maine Department of Education. The Department's website has a section on best practices in the employment of minors and FAQs that specifically address questions from the Resolve. The website is: www.maine.gov/labor/labor_laws/minorsguide/

The remainder of this report addresses the four requests set out in the first part of the Resolve.

Resolve Request (1) Data on the allowed occupations and activities that can be performed by minors, including those occupations and activities considered hazardous occupations under 29 Code of Federal Regulations, Part 570.

The second part of request 1 asks for data regarding those occupations and activities considered hazardous under 29 Code of Federal Regulations, Part 570. An extensive list of this information can be found in Appendix A at the end of this report.

Section 570.34 of 29 Code of Federal Regulations provides helpful guidance on the occupations and activities that can be performed. This is included below.

§ 570.34 Occupations that may be performed by minors 14 and 15 years of age.

This subpart authorizes only the following occupations in which the employment of minors 14 and 15 years of age is permitted when performed for periods and under conditions authorized by [§ 570.35](#) and not involving occupations prohibited by [§ 570.33](#) or performed in areas or industries prohibited by [§ 570.33](#).

(a) Office and clerical work, including the operation of office machines.

(b) Work of an intellectual or artistically creative nature such as, but not limited to, computer programming, the writing of software, teaching or performing as a tutor, serving as a peer counselor or teacher's assistant, singing, the playing of a musical instrument, and drawing, as long as such employment complies with all the other provisions contained in [§§ 570.33](#), [570.34](#), and [570.35](#). Artistically creative work is limited to work in a recognized field of artistic or creative endeavor.

(c) Cooking with electric or gas grills which does not involve cooking over an open flame (Note: This provision does not authorize cooking with equipment such as rotisseries, broilers, pressurized equipment including fryolators, and cooking devices that operate at extremely high temperatures such as "Neico broilers"). Cooking is also permitted with deep fryers that are equipped with and utilize a device which automatically lowers the baskets into the hot oil or grease and automatically raises the baskets from the hot oil or grease.

(d) Cashiering, selling, modeling, art work, work in advertising departments, window trimming, and comparative shopping.

(e) Price marking and tagging by hand or machine, assembling orders, packing, and shelving.

(f) Bagging and carrying out customers' orders.

(g) Errand and delivery work by foot, bicycle, and public transportation.

(h) Clean up work, including the use of vacuum cleaners and floor waxers, and the maintenance of grounds, but not including the use of power-driven mowers, cutters, trimmers, edgers, or similar equipment.

(i) Kitchen work and other work involved in preparing and serving food and beverages, including operating machines and devices used in performing such work. Examples of permitted machines and devices include, but are not limited to, dishwashers, toasters, dumbwaiters, popcorn poppers, milk shake blenders, coffee grinders, automatic coffee machines, devices used to maintain the temperature of prepared foods (such as warmers, steam tables, and heat lamps), and microwave ovens that are used only to warm prepared food and do not have the capacity to warm above 140 °F. Minors are permitted to clean kitchen equipment (not otherwise prohibited), remove oil or grease filters, pour oil or grease through filters, and move receptacles containing hot grease or hot oil, but only when the equipment, surfaces, containers and liquids do not exceed a temperature of 100 °F. Minors are also permitted to occasionally enter freezers momentarily to retrieve items in conjunction with restocking or food preparation.

(j) Cleaning vegetables and fruits, and the wrapping, sealing, labeling, weighing, pricing, and stocking of items, including vegetables, fruits, and meats, when performed in areas physically separate from a freezer or meat cooler.

(k) The loading onto motor vehicles and the unloading from motor vehicles of the light, non-power-driven, hand tools and personal protective equipment that the minor will use as part of his or her employment at the work site; and the loading onto motor vehicles and the unloading from motor vehicles of personal items such as a back pack, a lunch box, or a coat that the minor is permitted to take to the work site. Such light tools would include, but are not limited to, rakes, hand-held clippers, shovels, and brooms. Such light tools would not include items like trash, sales kits, promotional items or items for sale, lawn mowers, or other power-driven lawn maintenance equipment. Such minors would not be permitted to load or unload safety equipment such as barriers, cones, or signage.

(l)

(1) **Lifeguard.** The employment of 15-year-olds (but not 14-year-olds) to perform permitted lifeguard duties at traditional swimming pools and water amusement parks (including such water park facilities as wave pools, lazy rivers, specialized activity areas that may include waterfalls and sprinkler areas, and baby pools; but not including the elevated areas of power-driven water slides) when such youth have been trained and certified by the American Red Cross, or a similar certifying organization, in aquatics and water safety.

(2) **Definitions.** As used in this [paragraph \(l\)](#):

Permitted lifeguard duties include the rescuing of swimmers in danger of drowning, the monitoring of activities at poolside to prevent accidents, the teaching of water safety, and providing assistance to patrons. Lifeguards may also help to maintain order and cleanliness in the pool and pool areas, give swimming instructions (if, in addition to being certified as a lifeguard, the 15-year-old is also properly certified as a swimming instructor by the American Red Cross or some other recognized certifying organization), conduct or officiate at swimming meets, and administer first aid. Additional lifeguard duties may include checking in and out items such as towels and personal items such as rings, watches and apparel. Permitted duties for 15-year-olds include the use of a ladder to access and descend from the lifeguard chair; the use of hand tools to clean the pool and pool area; and the testing and recording of water quality for temperature and/or pH levels, using all of the tools of the

testing process including adding chemicals to the test water sample. Fifteen-year-olds employed as lifeguards are, however, prohibited from entering or working in any mechanical room or chemical storage areas, including any areas where the filtration and chlorinating systems are housed. The term permitted lifeguard duties does not include the operation or tending of power-driven equipment including power-driven elevated water slides often found at water amusement parks and some swimming pools. Minors under 16 years of age may not be employed as dispatchers or attendants at the top of elevated water slides performing such tasks as maintaining order, directing patrons as to when to depart the top of the slide, and ensuring that patrons have begun their “ride” safely. Properly certified 15-year-old lifeguards may, however, be stationed at the “splashdown pools” located at the bottom of the elevated water slides to perform those permitted duties listed in this subsection.

Traditional swimming pool means a watertight structure of concrete, masonry, or other approved materials located either indoors or outdoors, used for bathing or swimming and filled with a filtered and disinfected water supply, together with buildings, appurtenances and equipment used in connection therewith, excluding elevated “water slides.” Not included in the definition of a traditional swimming pool would be such natural-environment swimming facilities as rivers, streams, lakes, ponds, quarries, reservoirs, wharfs, piers, canals, or oceanside beaches.

Water amusement park means an establishment that not only encompasses the features of a traditional swimming pool, but may also include such additional attractions as wave pools; lazy rivers; specialized activities areas such as baby pools, waterfalls, and sprinklers; and elevated water slides. Not included in the definition of a water amusement park would be such natural environment swimming facilities as rivers, streams, lakes, reservoirs, wharfs, piers, canals, or oceanside beaches.

(m)

(1) *Employment inside and outside of places of business where machinery is used to process wood products.* The employment of a 14- or 15-year-old who by statute or judicial order is exempt from compulsory school attendance beyond the eighth grade inside or outside places of business where machinery is used to process wood products if:

- (i) The youth is supervised by an adult relative of the youth or is supervised by an adult member of the same religious sect or division as the youth;
- (ii) The youth does not operate or assist in the operation of power-driven woodworking machines;
- (iii) The youth is protected from wood particles or other flying debris within the workplace by a barrier appropriate to the potential hazard of such wood particles or flying debris or by maintaining a sufficient distance from machinery in operation; and
- (iv) The youth is required to use, and uses, personal protective equipment to prevent exposure to excessive levels of noise and saw dust.

(2) **Compliance.** Compliance with the provisions of [paragraphs \(m\)\(1\)\(iii\)](#) and [\(m\)\(1\)\(iv\)](#) of this section will be accomplished when the employer is in compliance with the requirements of the applicable governing standards issued by the U.S. Department of Labor's Occupational Safety and Health Administration (OSHA) or, in those areas where OSHA has authorized the state to operate its own Occupational Safety and Health Plan, the applicable standards issued by the Office charged with administering the State Occupational Safety and Health Plan. The employment of youth under this section must comply with the other sections of this subpart, including the hours and time of day standards established by [§ 570.35](#).

(3) **Definitions.** As used in this [paragraph \(m\)](#):

Inside or outside places of business shall mean the actual physical location of the establishment employing the youth, including the buildings and surrounding land necessary to the business operations of that establishment.

Operate or assist in the operation of power-driven woodworking machines shall mean the operating of such machines, including supervising or controlling the operation of such machines, feeding material into such machines, helping the operator feed material into such machines, unloading materials from such machines, and helping the operator unload materials from such machines. The term also includes the occupations of setting-up, adjusting, repairing, oiling, or cleaning such machines.

Places of business where machinery is used to process wood products shall mean such permanent workplaces as sawmills, lath mills, shingle mills, cooperage stock mills, furniture and cabinet making shops, gazebo and shed making shops, toy manufacturing shops, and pallet shops. The term shall not include construction sites, portable sawmills, areas where logging is being performed, or mining operations.

Power-driven woodworking machines shall mean all fixed or portable machines or tools driven by power and used or designed for cutting, shaping, forming, surfacing, nailing, stapling, wire stitching, fastening or otherwise assembling, pressing, or printing wood, veneer, trees, logs, or lumber.

Supervised by an adult relative or is supervised by an adult member of the same religious sect or division as the youth has several components. *Supervised* means that the youth's on-the-job activities must be directed, monitored, overseen, and controlled by certain named adults. Such supervision must be close, direct, constant, and uninterrupted. An *adult* shall mean an individual who is at least eighteen years of age. A *relative* shall mean the parent (or someone standing in the place of a parent), grandparent, sibling, uncle, or aunt of the young worker. A *member of the same religious sect or division as the youth* refers to an individual who professes membership in the same religious sect or division to which the youth professes membership.

(n) Work in connection with cars and trucks if confined to the following: dispensing gasoline and oil; courtesy service; car cleaning, washing and polishing by hand; and other occupations permitted by this section, but not including work involving the use of pits, racks, or lifting apparatus,

or involving the inflation of any tire mounted on a rim equipped with a removable retaining ring.

(o) Work in connection with riding inside passenger compartments of motor vehicles except as prohibited by [§ 570.33\(f\)](#) or [§ 570.33\(j\)](#), or when a significant reason for the minor being a passenger in the vehicle is for the purpose of performing work in connection with the transporting—or assisting in the transporting of—other persons or property. The transportation of the persons or property does not have to be the primary reason for the trip for this exception to apply. Each minor riding as a passenger in a motor vehicle must have his or her own seat in the passenger compartment; each seat must be equipped with a seat belt or similar restraining device; and the employer must instruct the minors that such belts or other devices must be used. In addition, each driver transporting the young workers must hold a State driver's license valid for the type of driving involved and, if the driver is under the age of 18, his or her employment must comply with the provisions of [§ 570.52](#).

Resolve Request (2) The call volume, if known, of inquiries to the bureau from employers of minors with questions concerning a minor's ability to work specific occupations and hours.

The Department's Customer Service Unit screens calls that come into DOL and routes them to inspectors for most child labor calls.

For the period from January 1, 2023, through December 31, 2024, the Wage and Hour inspectors logged 1,973 inquiries that related to Child Labor. Of those, almost forty percent concerned what the minor could perform in an industry or for activities in the workplace and hours of employment.

Table 1: Calls to the Maine Department of Labor Involving Child Labor, by Type

	Count	Percent
Child Labor - Extended Learning Opportunities/Co-ops.	65	3.30%
Child Labor - Minimum age to work	111	5.60%
Child Labor - Hours of employment	341	17.30%
Child Labor - Hazardous Occupations	442	22.40%
Child Labor - Work Permit process	1014	51.40%
Total	1973	100%

Resolve Request (3) The number of work permits issued, trends in the issuance of work permits and consideration of whether statutory provisions and regulations surrounding the issuance of work permits may be updated

Minor Work Permit Applications and Outcome

Table 2, below, summarizes the application volumes and outcomes by year. Applications can be approved or denied and there are some that are cancelled while in process, usually because the job offer or need for the permit is withdrawn.

Table 2: Work Permit Applications and Outcomes, 2017-2024

Year	2018	2019	2020	2021	2022	2023	2024	Over Period	Yearly Average
Applications Received	4,732	4,827	3,531	6,817	7,442	7,034	6,272	40,655	5,808
Increase/Decrease	11.1%	2.0%	-26.8%	93.1%	9.2%	-5.5%	-10.8%	32.5%	4.6%
Approved	4,627	4,681	3,436	6,437	6,905	6,472	5,797	38,355	5,479
Increase/Decrease	9.9%	1.2%	-26.6%	87.3%	7.3%	-6.3%	-10.4%	25.3%	3.6%
Percent Approved	97.8%	97.0%	97.3%	94.4%	92.8%	92.0%	92.4%	94.3%	94.8%
Denied	85	127	92	306	442	494	388	1,934	276
Percent Denied	1.8%	2.6%	2.6%	4.5%	5.9%	7.0%	6.2%	4.8%	4.4%
Cancelled	20	19	3	74	95	68	87	366	52
Percent Cancelled	0.4%	0.4%	0.1%	1.1%	1.3%	1.0%	1.4%	0.9%	0.8%

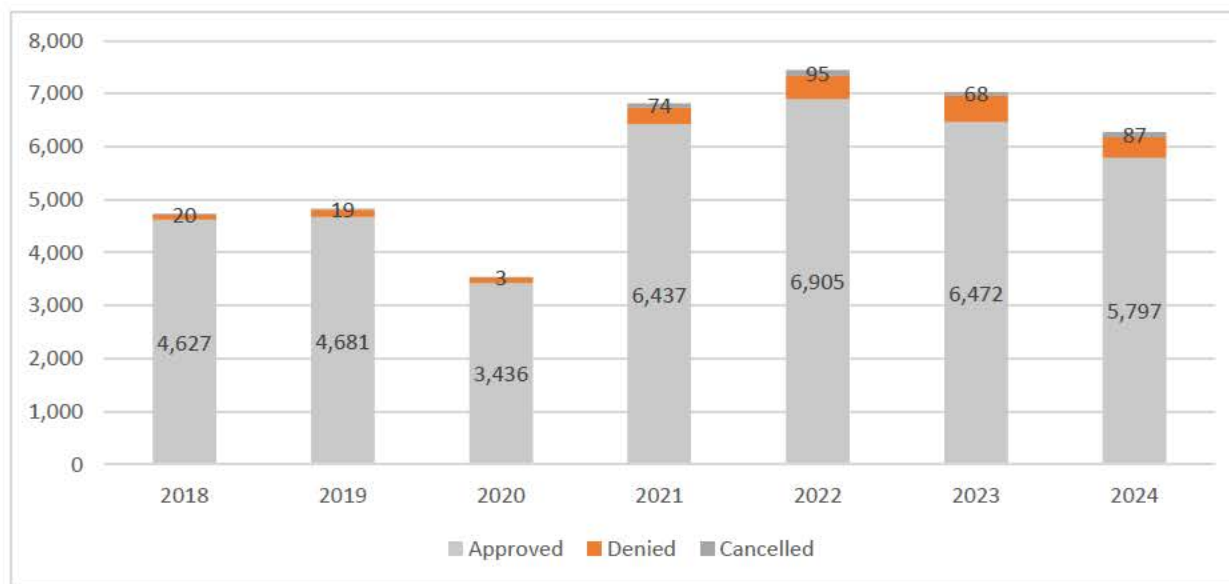
Starting in 2020 the proportion of work permits denied and cancelled increased because, prior to that, work permits that were going to be denied or cancelled were simply not entered into the case management system. In 2020, BLS implemented a new web portal to increase security for the transmission of personally identifiable information (PII) from the superintendents' offices. At that point school staff began entering work permit applications directly. As a result, after 2020 there are more denials and cancellations because they come into the Bureau already entered and must be classified one way or the other as part of the process.

Denials occur when applications are missing critical information or when information indicates that the permit is not allowed or, in a few cases, not needed. Cancellations occur when the school, employer or applicant changes their minds before the permit is issued.

Figure 1, on the following page, illustrates the trend in applications. As can be seen, except for the 2020 COVID year, work permit applications built up through 2022 and then started a decline.

In 2020, employment in non-essential industries was curtailed due to pandemic precautions and affected the total that year. More about that in the industry breakdown.

Figure 1: Work Permit Applications and Outcomes, 2017-2024



Status / Year	2018	2019	2020	2021	2022	2023	2024	Total
Approved	4,627	4,681	3,436	6,437	6,905	6,472	5,797	38,355
Denied	85	127	92	306	442	494	388	1,934
Cancelled	20	19	3	74	95	68	87	366
Total	4,732	4,827	3,531	6,817	7,442	7,034	6,272	40,655

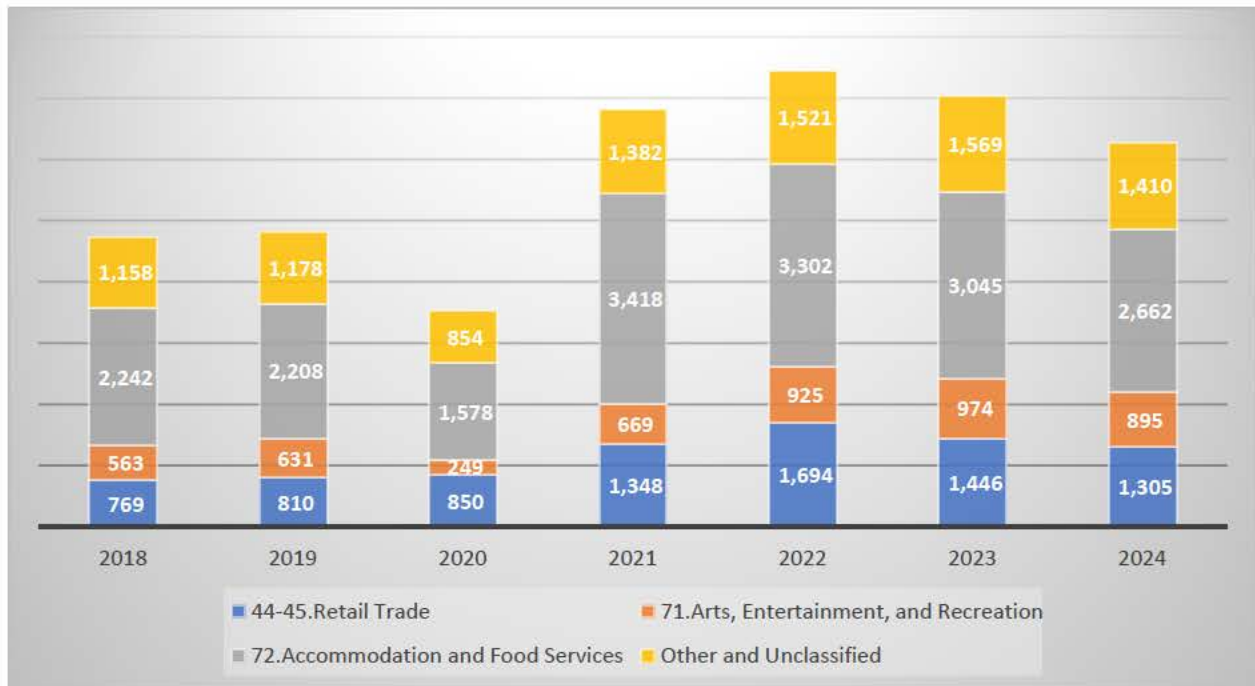
Applications by Industry

Most applications for minor work permits are in the Accommodations and Food Services industry group. This includes full- and partial-service restaurants, and snack, non-alcoholic beverage, and ice cream establishments. In 2020, the volume in that group and in the Arts, Entertainment and Recreation group was reduced, as most businesses were closed for a portion of the COVID-19 pandemic. This affected the total numbers of work permit applications, declining 26.8% from 4,827 applications in 2019 to 3,531 in 2020. In 2021 the total permits applications were 6,817, up 93.1% from 2020 and up 41.2% from 2019, making a leap in that upward trend despite the 2020 interruption.

Retail Trade is another popular group and includes grocery and small retail stores. The Grocery Stores in that category were considered essential in 2020 and the category was less affected by the pandemic precautions.

The downward trend in 2023 and 2024 is in the Accommodations and Food Services and Retail Trade groups, with the other two groups continuing the upward trend.

Figure 2: Work Permit Applications by Industry, 2017-2024



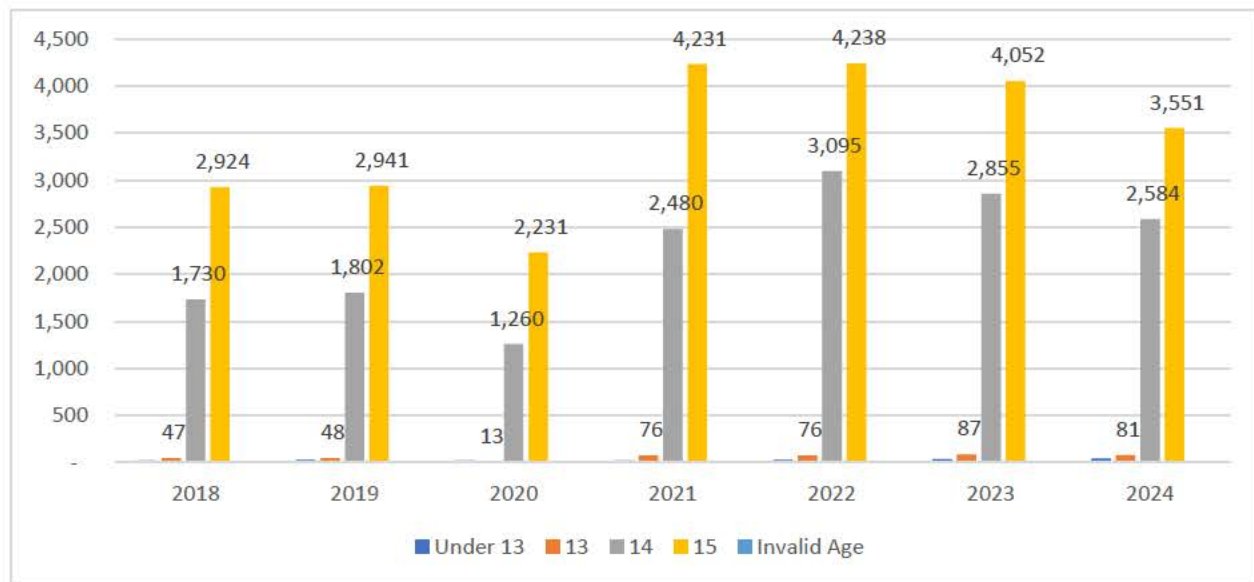
Industry Group / Year	2018	2019	2020	2021	2022	2023	2024	Grand Total
44-45.Retail Trade	769	810	850	1,348	1,694	1,446	1,305	8,222
71.Arts, Entertainment, and Recreation	563	631	249	669	925	974	895	4,906
72.Accommodation and Food Services	2,242	2,208	1,578	3,418	3,302	3,045	2,662	18,455
Other and Unclassified	1,158	1,178	854	1,382	1,521	1,569	1,410	9,072
Grand Total	4,732	4,827	3,531	6,817	7,442	7,034	6,272	40,655

Application Age

All minors under the age of 16 must obtain an approved work permit in order to work in non-agricultural employment. Most of the minor applicants apply at age 15, though there are significant numbers of 14-year-olds. Minors 13 years and under, that apply for work permits in non-agricultural employment, are restricted by Title 26 M.R.S. § 771 and 29 Code of Federal Regulations, Part 570, to only work in businesses solely owned by the minor's parents.

Invalid age often occurred due to the applicant being 16 or older at the time of application and thereby not needing a permit.

Figure 3: Work Permit Applications by Age of Applicant on Application Date, 2017-2024



	2018	2019	2020	2021	2022	2023	2024	Total
Under 13	23	28	22	23	29	36	42	203
13	47	48	13	76	76	87	81	428
14	1,730	1,802	1,260	2,480	3,095	2,855	2,584	15,806
15	2,924	2,941	2,231	4,231	4,238	4,052	3,551	24,168
Invalid Age	8	8	5	7	4	4	14	50
Total	4,732	4,827	3,531	6,817	7,442	7,034	6,272	40,655

Work Permit Application Timing

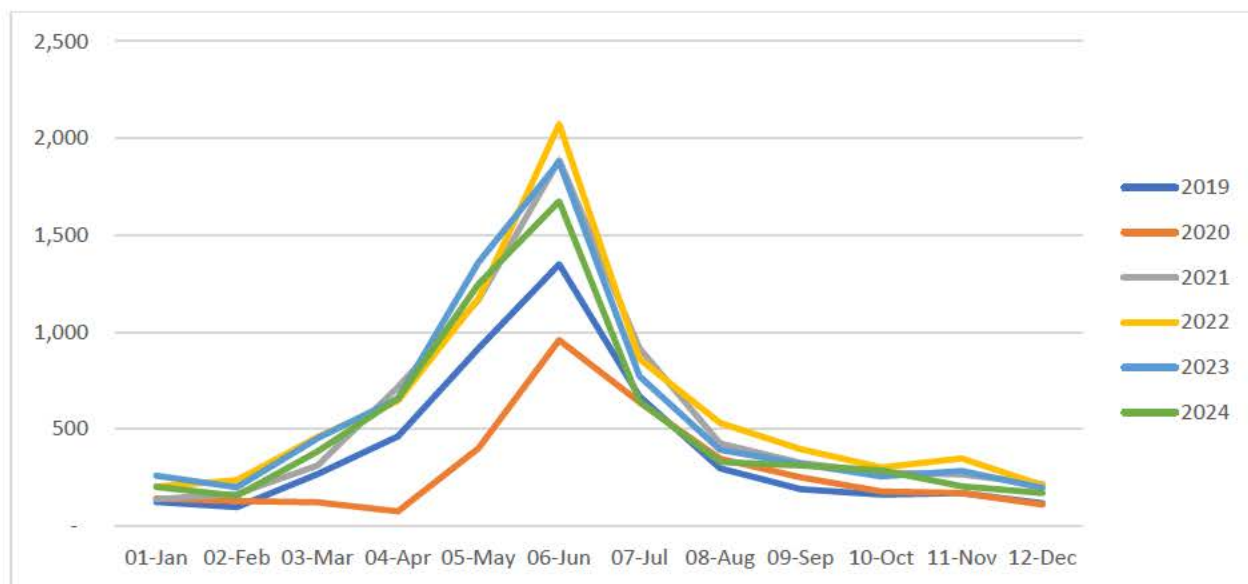
One challenge for the Bureau in processing the work permits is the seasonality of the applications; more permits are requested in the months of April, May, June, and July and relatively few in the other months. This creates a capacity issue. Automation helped with data entry and processing but there are still capacity issues in those months checking the industries and duties to be sure the minors are allowed in the workplace with the duties.

Typically, the capacity issue is addressed by adding staff to the work stream in those months. Training additional staff is difficult where there are so many exception layers. In some cases, applications require an inspector to give a more comprehensive review of the work duties to determine if they are particularly hazardous for the age of the applicant, because temporary staff are not familiar with the work restrictions in all industries. During the off-peak period, staff can generally review all work permit applications and approve or deny them on the same day they are submitted. However, during the peak period, it may take up to several days to process the applications due to the increased number of applications submitted on

any given day. This causes a problem for the employer and minor because the minor cannot start work until the work permit is approved. There are weeks during the peak period that staff work overtime to process the backlog of applications.

The line graph and table below illustrate the degree of seasonal change in work permit applications and the scale of the differences. In 2024 the low point was in February with 156 applications and the peak was in June with 1,675 applications. That is over a ten-fold difference.

Figure 4: Work Permit Applications by Month Received 2019-2024



Row Labels	2019	2020	2021	2022	2023	2024	Grand Total
01-Jan	124	142	139	204	260	202	1,071
02-Feb	98	129	165	236	201	156	985
03-Mar	268	123	313	459	452	385	2,000
04-Apr	463	76	716	646	658	658	3,217
05-May	916	402	1,167	1,174	1,360	1,248	6,267
06-Jun	1,350	959	1,888	2,072	1,878	1,675	9,822
07-Jul	669	640	917	862	773	642	4,503
08-Aug	298	347	426	532	394	330	2,327
09-Sep	190	251	326	396	320	313	1,796
10-Oct	163	179	277	303	257	288	1,467
11-Nov	170	171	267	348	284	205	1,445
12-Dec	118	112	216	210	197	170	1,023
Grand Total	4,827	3,531	6,817	7,442	7,034	6,272	35,923

Work Permit Denials

Denials for work permits may be initial or final. If initially denied, the employer or school may update missing or erroneous data, and the final outcome may later be approved. Denials thereafter are typically due to the industry of the employer or the duties the minor will be asked to perform.

Updates to Statute and Regulations

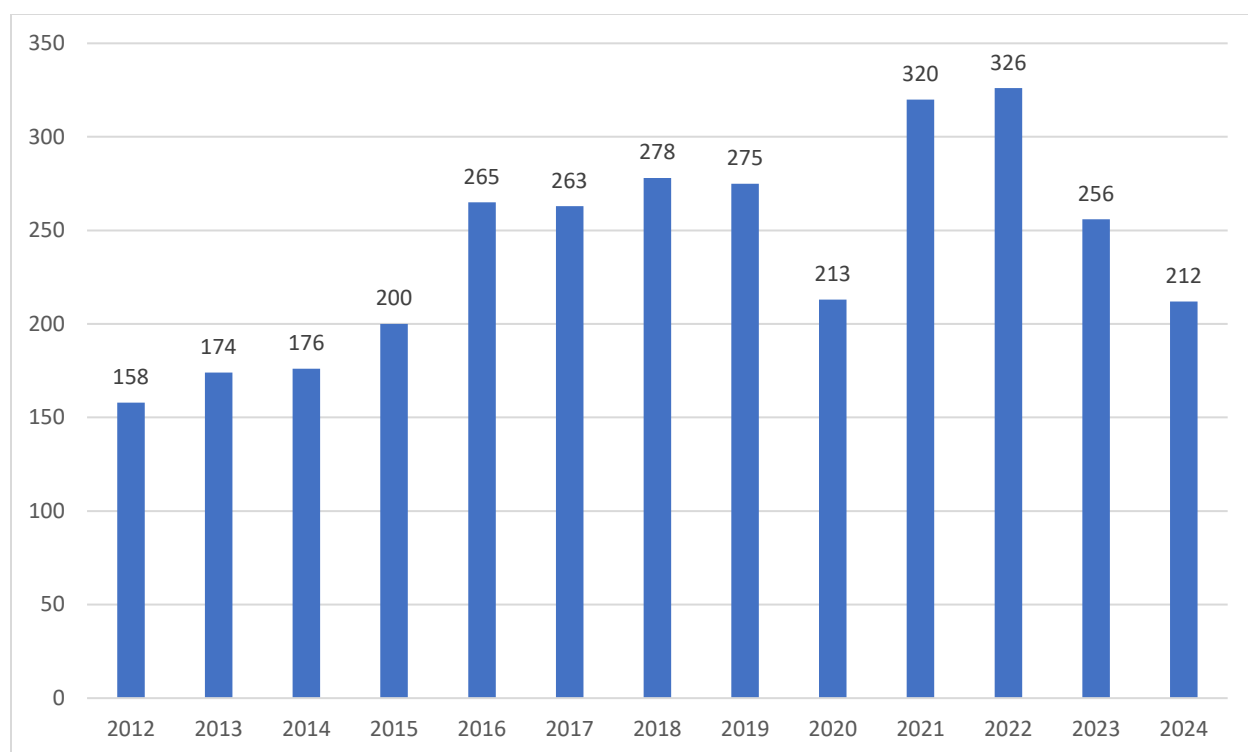
The Bureau does not suggest any changes to statutes or regulations concerning the issuance of work permits at this time.

Resolve Request (4) The incidents of injuries incurred by minors at places of employment, including the number and scope of incidents involving minors.

The following data is from the Maine Workers' Compensation Board (WCB) case management system. As such, it is not linked to the minor work permit applications which are on the Bureau of Labor Standard's case management system. The Bureau, however, does have access to the data in the Workers Compensation system and codes disabling first reports using the Occupational Injury and Illness Classification System (OIICS).¹ Where you see references to OIICS, this is the system of classification used. Additionally, this data includes all minors under the age of 18, not just those covered by Maine Minor Work Permits.

Figure 4: Total Number of First Reports of Injury or Illness Claims

Submitted to Maine Workers' Compensation Board (WCB) for Minor Workers, 2012-2024



Note that 2024 data is preliminary, as reports of injuries that happened during the year continue to be submitted after the end of the year.

¹ <https://www.bls.gov/iif/definitions/occupational-injuries-and-illnesses-classification-manual.htm>

**Table 3: Disabling and non-Disabling First Reports Submitted to WCB
for Minor Workers by Industry, 2012-2024**

NAICS ² – Industry	First Re-ports
11 – Agriculture, Forestry, Fishing and Hunting	68
21 – Mining, Quarrying, and Oil and Gas Extraction	1
22 – Utilities	1
23 – Construction	81
31-33 – Manufacturing	66
42 – Wholesale Trade	35
44-45 – Retail Trade	871
48-49 – Transportation and Warehousing	23
51 – Information	18
52 – Finance and Insurance	4
53 – Real Estate and Rental and Leasing	23
54 – Professional, Scientific, and Technical Services	16
55 – Management of Companies and Enterprises	32
56 – Administrative and Support and Waste Management and Remediation Services	84
61 – Educational Services	62
62 – Health Care and Social Assistance	265
71 – Arts, Entertainment, and Recreation	168
72 – Accommodation and Food Services	1,005
81 – Other Services (except Public Administration)	146
92 – Public Administration	98
Grand Total	3,067

As with the permits, injuries and illnesses are mostly in the Accommodations and Food Services and Retail Trade groups. Arts Entertainment and Recreation has a distant forth and creeping up into third is Health Care and Social Assistance.

Note that the above is the only table for which we can provide data on non-Disabling Injuries and Illnesses. In the following tables that use the OIICS coding, we can only code those cases that are Disabling with one-half or more days of work lost.

² <https://www.census.gov/naics/>

**Table 4: Disabling First Reports Submitted to WCB for Minor Workers
by Nature of Injury, January 2012 – June 2024**

OIICS - Nature of Injury	First Re-ports
1 - TRAUMATIC INJURIES AND DISORDERS	1,137
10 - Traumatic injuries and disorders, unspecified	47
11 - Traumatic injuries to bones, nerves, spinal cord	56
12 - Traumatic injuries to muscles, tendons, ligaments, joints, etc.	286
13 - Open wounds	234
14 - Surface wounds and bruises	154
15 - Burns and corrosions	87
16 - Intracranial injuries	68
17 - Effects of environmental conditions	8
18 - Multiple traumatic injuries and disorders	6
19 - Other traumatic injuries and disorders	191
2 - DISEASES AND DISORDERS OF BODY SYSTEMS	40
22 - Nervous system and sense organs diseases	7
24 - Respiratory system diseases	25
25 - Digestive system diseases and disorders	1
27 - Musculoskeletal system and connective tissue diseases and disorders	6
28 - Disorders of the skin and subcutaneous tissue	1
3 - INFECTIOUS AND PARASITIC DISEASES	3
32 - Viral diseases	3
5 - SYMPTOMS, SIGNS, AND ILL-DEFINED CONDITIONS	59
50 - Symptoms, signs, and ill-defined conditions, unspecified	1
51 - Symptoms	58
6 - OTHER DISEASES, CONDITIONS, AND DISORDERS	5
62 - Mental disorders and syndromes	5
7 - EXPOSURES TO DISEASE—NO ILLNESS INCURRED	38
7 - EXPOSURES TO DISEASE—NO ILLNESS INCURRED	38
Grand Total	1,282

Note, Injury Classification data is only available for claims which resulted in Lost Time. Lost time is defined as one-half or more days of work lost.

In the adult population, open wounds typically account for approximately 10% of all Lost Time First Reports. For minor workers, this number is over 18%. This is balanced by a 25% smaller proportion of filings for soft tissue injuries. However, this reduction most likely stems from the lower-than-expected number of overexertion claims filed, as shown in the next table.

**Table 5: Disabling First Reports Submitted to WCB for Minor Workers
by Injury Event, January 2012 – June 2024**

OIICS – Injury Event	First Re- ports
1 - VIOLENCE AND OTHER INJURIES BY PERSONS OR ANIMALS	36
11 - Intentional injury by person	10
12 - Injury by person—unintentional or intent unknown	16
13 - Animal and insect related incidents	10
2 - TRANSPORTATION INCIDENTS	28
23 - Animal and other non-motorized vehicle transportation incidents	1
24 - Pedestrian vehicular incidents	9
25 - Water vehicle incidents	2
26 - Roadway incidents involving motorized land vehicle	10
27 – Non-roadway incidents involving motorized land vehicles	6
3 - FIRES AND EXPLOSIONS	6
30 - Fire or explosion, unspecified	1
31 - Fires	2
32 - Explosions	3
4 - FALLS, SLIPS, TRIPS	248
40 - Fall, slip, trip, unspecified	12
41 - Slip or trip without fall	51
42 - Falls on same level	137
43 - Falls to lower level	47
44 - Jumps to lower level	1
5 - EXPOSURE TO HARMFUL SUBSTANCES OR ENVIRONMENTS	195
50 - Exposure to harmful substances or environments, unspecified	6
51 - Exposure to electricity	3
52 - Exposure to radiation and noise	2
53 - Exposure to temperature extremes	76
55 - Exposure to other harmful substances	104
57 - Exposure to traumatic or stressful event, n.e.c.	4
6 - CONTACT WITH OBJECTS AND EQUIPMENT	439
60 - Contact with objects and equipment, unspecified	24
62 - Struck by object or equipment	217
63 - Struck against object or equipment	97
64 - Caught in or compressed by equipment or objects	52
65 - Struck, caught, or crushed in collapsing structure, equipment, or material	4
66 - Rubbed or abraded by friction or pressure	45

7 - OVEREXERTION AND BODILY REACTION	306
70 - Overexertion and bodily reaction, unspecified	14
71 - Overexertion involving outside sources	149
72 - Repetitive motions involving microtasks	7
73 - Other exertions or bodily reactions	75
74 - Bodily conditions, n.e.c.	61
9 - Nonclassifiable	25
99 - Nonclassifiable	25
Grand Total	1,283

Note, Injury Classification data is only available for claims which resulted in Lost Time.

Overexertion is the number one injury event for adults, accounting for over 40% of First Reports filed. If this proportion were consistent with minor workers, we would expect them to account for ~520 of the ~1,300 injuries. Instead, we see only 306 injuries. At the same time, minor workers are seeing significantly more contact injuries (439) than would be expected (~205) if these injury types were occurring in the same proportion as with adult workers. This reinforces the need for minors to be prevented from the use of or trained heavily on the use of hand tools, which are the most common sources for contact injuries.

APPENDIX A: Chapter 11 Rules

12 **DEPARTMENT OF LABOR**

170 **BUREAU OF LABOR STANDARDS**

Chapter 11: **RULES GOVERNING HAZARDOUS OCCUPATIONS FOR MINORS UNDER THE AGE OF EIGHTEEN IN NON-AGRICULTURAL EMPLOYMENT**

Summary: The purpose of this Chapter is to prevent the exploitation of Minors through hazardous working conditions in non-agricultural employment. These rules do not supersede Sections 771 and 773 of 26 M.R.S.A. which set minimum wages for employment in specific industries. Sec. 772 of 26 M.R.S.A. was amended to allow the Bureau of Labor Standards to adopt rules to develop and maintain a list of occupations not suitable for employment of minors. The rules must conform as far as practicable to the child labor provisions of the federal *Fair Labor Standards Act of 1938, 29 United States Code, Section 212* and any associated regulations.

1. Definitions

For the purpose of these regulations, the following terms will be construed as follows:

- A. "Bureau" means the Bureau of Labor Standards within the Department of Labor.
- B. "Director" means the director of the Bureau of Labor Standards or the director's designee in the Wage & Hour Division.
- C. "Hazardous Occupation" means a State prohibited occupation for any minor under the age of sixteen or under the age of eighteen in non-agricultural employment.
- D. "Student Learner" means a student enrolled in a course of study and training in a CTE cooperative or vocational training program under a recognized State or local educational authority or in a course of study in a substantially similar program conducted by a private school.
- E. "Apprentice" means a person who is employed in a craft recognized as an apprenticeable trade and is registered by the Bureau of Apprenticeship and Training of the U.S. Department of Labor as employed in accordance with the standards established by that Bureau, or is registered by a State agency as employed in accordance with the standards of the State apprenticeship agency recognized by the Bureau of Apprenticeship and Training, or is employed under a written apprenticeship agreement and conditions which are found by the Secretary of Labor to conform substantially with such Federal or State standards.

F. "Nude Entertainment" means any amusement, performance, exhibition or diversion which includes the showing of the human male or female genitals, pubic area, or buttocks with less than a fully opaque covering, the showing of the female breast with less than a fully opaque covering of any part of the nipple, or the showing of the covered male genitals in a discernibly turgid state. This does not include incidental nudity in a theatre or film performance or exhibition.

G. "Outside Helper" means an individual, other than a driver, whose work includes riding on a motor vehicle outside the cab for the purpose of assisting in transporting or delivering goods.

H. "CTE-Student" (Career Technical Education) mean a student enrolled in an approved CTE program offered from a CTE center or region as defined in 20-A M.R.S.A §§ 8301-A, 8306-B, 8401, and 8451.

"Power driven hoisting apparatus" does not include grease rack lifts used in gasoline service stations, tire stores, and other establishments servicing automobiles.

2. Enforcement Responsibilities

A. The Director has the responsibility to ensure the protection of young workers from dangerous work and may, and upon written complaint shall, enter any establishment for the enforcement of laws that regulate the occupations of minors under the age of eighteen.

B. The Director has the responsibility of providing an updated printed list of hazardous occupations, determined by the Director, and shall make the same available to the public upon request.

3. State Prohibited Occupations

A. Minors Under Sixteen Years of Age

Minors under the age of sixteen may not be employed in the following occupations:

1. Any manufacturing occupation;
2. Any mining occupation;
3. Any processing occupation (except those allowed in retail, food service and gasoline service stations, and all other venues not prohibited by federal law);
4. Motor vehicle driving of any kind and outside helper;
5. Operation or tending of hoisting apparatus or of any power-driven machinery other than non-hazardous office machines or machines in retail, food service and gasoline service establishments that are allowed by federal law;
6. Construction occupations involving:

- a. Maintenance and repair of public highways;
 - b. All roofing occupations;
 - c. All trenching and excavation operations;
- 7. All work in boiler or engine rooms;
- 8. Outside window washing that involves working from window sills and all work involving the use of ladders, scaffolds or their substitutes;
- 9. Cooking (except at soda fountains, lunch counters, snack bars or cafeteria serving counters and other venues allowed by federal law) and baking;
- 10. Occupations which involve operating, setting up, adjusting, cleaning, oiling, or repairing power-driven food slicers and grinders, food choppers and cutters and bakery-type mixers;
- 11. All work in freezers and meat coolers;
- 12. Occupations involving the use of power-driven mowers or cutters, including the use of chain saws;
- 13. All warehousing occupations, including the loading and unloading of trucks and use of conveyers;
- 14. All welding, brazing or soldering occupations;
- 15. Occupations involving the use of toxic chemicals and paints;
- 16. Selling door-to-door (except when the minor is selling candy or merchandise as a fund-raiser for school or for an organization to which the minor belongs, such as Girl Scouts of America) or work in a traveling youth crew;
- 17. All occupations on amusement rides, including ticket collection or sales;
- 18. Any placement at the scene of a fire, explosion or other emergency response situation: and
- 19. All occupations that are expressly prohibited for sixteen and seventeen-year-old minors;

B. Minors Sixteen and Seventeen Years of Age

Minors who are sixteen and seventeen years of age may not be employed in the following occupations:

- 1. Manufacturing and storing explosives;

2. Motor vehicle driving on public roadways and outside helper;
3. All mining occupations;
- *4. Power-driven woodworking machines;
5. Power-driven hoisting apparatus;
- *6. Power-driven metal forming, punching and shearing machines;
- *7. Slaughtering or meat packing, processing or rendering occupations (this includes meat slicers, grinders and choppers);
- *8. Power-driven paper products machines;
9. Manufacturing brick, tile, and kindred products;
- *10. Power-driven circular saws, band saws, and guillotine shears;
11. Wrecking and demolition occupations;
- *12. Roofing operations;
- *13. Excavation operations;
14. All occupations in places having nude entertainment;
15. Placement at the scene of a fire, explosion or other emergency except as provided in part 4(C) & 4(E);
- *16. Gas or electric welding, brazing, burning or cutting if done in conjunction with other hazardous occupation such as wrecking, demolition and shipbreaking operations;
17. Work that involves entry into a confined space where the U.S. Occupational Safety and Health Administration regulations require a permit entry system under 29 CFR 1910.146 as amended August 1, 2003; and
18. Working at heights where the U. S. Occupational Safety and Health Administration regulations require special precautions or personal protective equipment:
 - a. Walking working surfaces more than 4 feet above the next closest surface without a standard railing as required under 29 CFR 1910.23 as amended August 1, 2003.
 - b. Fixed ladders of more than 20 feet in height; and

c. Scaffolding work performed more than 10 feet above the working surface supporting the scaffold where railings or fall protection is required under the U.S. Occupational Safety and Health Administration 29 CFR 1910.28 as amended August 1, 2003.

19. All occupations in registered dispensaries of marijuana for medical use authorized under Title 22, chapter 558-C and in establishments that cultivate, produce or sell marijuana or products in which marijuana is an ingredient or in recreational marijuana social clubs authorized under Title 7, chapter 417.

4. Limited Exemption for 17 Year Old Employees

Seventeen-year-olds, but no one under 17 years of age, may drive automobiles and trucks on public roads as part of their employment on an occasional and incidental basis if all the following requirements are met:

The automobile or truck does not exceed 6,000 pounds gross vehicle weight;

The driving is limited to daylight hours;

The 17-year-old holds a state license valid for the type of driving involved;

The 17-year-old has successfully completed a state-approved driver education course and has no record of any moving violations at the time of hire;

The driving takes place within a thirty (30) mile radius of the minor's place of employment;

The automobile or truck is equipped with a seat belt for the driver and any passengers and the employer has instructed the youth that the seat belts must be used when driving the vehicle;

The driving may not involve: towing vehicles; route deliveries or route sales; transportation for hire of property, goods, or passengers; urgent, time-sensitive deliveries; transporting more than three passengers, including employees or the employer; more than two trips away from the primary place of employment in any single day to deliver the employer's goods to a customer (other than urgent, time-sensitive deliveries which are prohibited); more than two trips away from the primary place of employment in a single day to transport passengers, other than employees of the employer.

The following definitions shall apply to Section 4 of these Rules:

"Motor vehicle" shall mean any automobile, truck, truck tractor, trailer, semitrailer, motorcycle, or similar vehicle propelled or drawn by mechanical power and designed for use as a means of transportation but shall not include any vehicle operated exclusively on rails.

"Driver" shall mean any individual who in the course of employment, drives a motor vehicle at any time.

"Outside helper" shall mean any individual, other than a driver, whose work includes riding on a motor vehicle outside the cab for the purpose of assisting in transporting or delivering goods.

“Gross vehicle weight” includes the truck chassis with lubricants, water, and full tank or tanks of fuel, plus the weight of the cab or driver’s compartment, body, and special chassis and body equipment, and payload.

“Urgent, time-sensitive deliveries” shall mean trips which, because of such factors as customer satisfaction, the rapid deterioration of the quality or change in temperature of the product, and/or economic incentives, are subject to timeliness, schedules, and/or turnaround times which might impel the driver to hurry in the completion of the delivery. Prohibited trips would include, but are not limited to, the delivery of pizzas and prepared foods to the customer, the delivery of materials under a deadline (such as deposits to a bank at closing), and the shuttling of passengers to and from transportation depots to meet transport schedules. “Urgent, time-sensitive deliveries” do not depend on the delivery’s points of origin and termination, an include the delivery of people and things to the employer’s place of business as well as from that business to come other location.

“Occasional and incidental” shall mean not more than one-third of the 17-year-old driver’s worktime in any workday and no more than 20 percent of the 17-year-old driver’s worktime in any workweek.

5. Clarification of Hazardous Occupation Definitions and Special Exemptions

A. The Director shall be guided by the definitions and special exemptions contained in Subpart C of Part 570 of Title 29 of the *Code of Federal Regulations* for minors under sixteen and Subpart E of Part 570 of Title 29 of the *Code of Federal Regulations* for minors who are sixteen and seventeen years of age in interpreting and enforcing these rules.

B. Apprentices, CTE-Students, and Student-Learners

Exemptions from certain hazardous occupations may be made for apprentices and student learners under the following conditions:

1. The work of the apprentice, CTE-student, or student-learner in the occupations declared particularly hazardous is incidental to minor's training.

2. The work is intermittent and for short periods of time and is under the direct and close supervision or a journeyman (for an apprentice) or a fully-qualified and experienced adult (for a CTE-student or student-learner). "Intermittent" and "short periods of time" mean that the minor may not be the principal operator of prohibited machinery and the duties may not be such that the minor is constantly operating the prohibited machinery or working in the occupation declared as hazardous during the work shift, but only doing so as part of the training experience. Direct and close supervision is met when there is one journeyman or experienced adult working with the first apprentice or student-learner onside, and at least three journeymen or experienced adults working alongside each additional apprentice or student-learner during the periods when the apprentice or student-learner is performing work that would otherwise be prohibited by the rules. Direct and close supervision for CTE-students is met when 2 or fewer CTE-students are assigned to an experienced adult, the experienced adult has direct line of sight and within the student’s audio hearing range.

3. The employer shall provide workplace safety and health training along with the on-the-job training. CTE Program will provide basic safety training for the CTE-Student related to the se-

lected program and field of work prior of CTE student performing work that would otherwise be prohibited by the rules. In the case of a CTE Cooperative Education program, the CTE Cooperative Education program instructor may arrange with job site supervisor for delivery of any required safety instruction. CTE program shall create any required schedule of work, educational performance deliverables and additional educational component found during live work field experiences as part of the written agreement.

4. There must be a written agreement providing a description of the job, processes, expectations, schedule of work and name of the apprentice, CTE-student, or student-learner. The employer and school coordinator or principal shall sign the agreement. CTE-students shall have a signed agreement between the student, CTE Instructor, CTE Coordinator (if any) and CTE Director. Copies of the agreement must be kept on file by both the school where the principal or director resides and the employer.

5. CTE Instructor, Coordinator and/or Director have direct control of CTE-student's work, grade, attendance and overall program's involvement within this educational component.

6. A high school graduate may be employed in an occupation in which training under an apprentice or student-learner program has been completed as provided in this section, even though the youth is not yet 18 years of age.

The restrictions that may be exempted under this sub-section are those listed in Section 3(B) that are marked by an asterisk.

C. Junior Firefighters

Paid and volunteer junior firefighters who are sixteen and seventeen years of age may:

1. Attend and take part in supervised training;
2. Participate in fire department functions within the rehabilitation area;
3. Pick up hose and clean up at the fire scene after the On-Scene Commander has declared the scene safe;
4. Enter a structure that has been on fire when deemed safe by the On-Scene Commander and accompanied by a firefighter;
5. With proper training, fight grass fires not involving standing timber; and
6. Perform search and rescue activities, other than structural firefighting.

They may not:

1. Perform fire suppression involving structures, vehicles, or wildland fires, except grass fires not involving standing timber;
2. Operate a fire department vehicle;

3. Respond with red lights;
4. Perform firefighting "overhaul" activities;
5. Respond to hazardous material events;
6. Perform any activity, except training, that involves the use of self-contained breathing equipment.
7. Respond to any accident involving fire or extraction activities (1055's);
8. Respond to "ice rescue" activities, except within the rehabilitation area; or
9. Perform traffic control activities.

D. Junior Emergency Medical Services (EMS) Persons

Paid and volunteer junior emergency medical services persons who are sixteen and seventeen years of age may:

1. Attend and take part in supervised training;
2. Provide, under supervision, emergency medical treatment in accordance with the *Maine Emergency Medical Service Act of 1982* (32 M.R.S.A. Chapter 2-B) and the Maine EMS Rules.

They may not:

1. Be first on scene of a medical emergency to which the EMS service has been summonsed;
2. Respond to any call that may be psychologically or physically traumatic to the junior EMS person, as determined by the senior member in charge of the welfare and actions of the junior EMS person during the call;
3. Operate a vehicle defined as an authorized emergency vehicle by 29-A M.R.S.A §2054;
4. Operate a privately-owned vehicle that is responding with one or more red lights;
5. Participate in any patient extrication, except in a support role in an area away from the scene of the extrication;
6. Perform traffic control activities.

E. Career-Oriented Law Enforcement Programs

Traffic control duties permitted. Notwithstanding any other provision of this article, a minor who is 14 years of age or older and is a volunteer participant in a career-oriented law enforcement program may perform traffic control duties in accordance with this section.

2. **Training.** A minor may not perform traffic control duties under this section until the minor has received traffic control training in accordance with the requirements of the supervising law enforcement agency. Proof of the minor's successful completion of the training must be maintained by the law enforcement agency.

3. **Supervision.** A minor may perform traffic control duties only under direct supervision of a law enforcement officer as part of a career-oriented law enforcement program. This supervision must:

a. Be from a close distance so that the officer does not become distracted or perform other duties; and

b. Include means of radio contact in the event that the minor needs to contact another officer for assistance.

4. **Limitations on events.** A minor may perform traffic control duties only at civic events, fair parking lots, parades, walks, foot races, car shows and charity events.

5. **Limitations on locations.** A minor may not:

a. Direct traffic or pedestrians on busy roadways or thoroughfares;

b. Assist in traffic control at places of heightened danger such as traffic stops or roadblocks;

c. Direct traffic in conjunction with crowd control or riot control;

d. Collect donations at a traffic light;

e. Direct traffic at funeral processions; or

f. Direct traffic at the scene of an emergency.

6. **Night activities prohibited.** A minor may perform the activities authorized under this section only during the period from sunrise to sunset.

F. Exception to the prohibitions on working in confined spaces (Sec. 3B(19)) and working at heights (Sec. 3B(20)) may be made for work of an emergency nature that affects the public's health and safety. Such situations may include, but are not limited to, police, fire, emergency medical services and National Guard duty. All other restrictions in these rules still apply in such situations.

6. Coverage

These rules apply to all employment and nonemployment situations. Non-employment situations include but are not limited to legitimate training and volunteer programs that ensure the safety and well-being of minors. These rules do not apply to minors in public and approved private schools where mechanical equipment is installed and operated primarily for the purpose of instruction.

STATUTORY AUTHORITY: 26 M.R.S.A. §772 (as amended by 2003 PL c. 59), and §773

EFFECTIVE DATE:

May 14, 2001 – filing 2001-153

AMENDED:

May 17, 2004 - filing 2004-158 (EMERGENCY)

September 26, 2004 - filing 2004-419

December 22, 2014 – filing 2014-288

August 19, 2018 – filing 2018-147

APPENDIX B: Hazardous occupations under 29 Code of Federal Regulations, Part 570

§ 570.33 Occupations that are prohibited to minors 14 and 15 years of age.

The following occupations, which is not an exhaustive list, constitute oppressive child labor within the meaning of the Fair Labor Standards Act when performed by minors who are 14 and 15 years of age:

- (a) Manufacturing, mining, or processing occupations, including occupations requiring the performance of any duties in work rooms or work places where goods are manufactured, mined or otherwise processed, except as permitted in [§ 570.34 of this subpart](#).
- (b) Occupations that the Secretary of Labor may, pursuant to section 3(l) of the Fair Labor Standards Act, find and declare to be hazardous for the employment of minors between 16 and 18 years of age or detrimental to their health or well-being.
- (c) Occupations that involve operating, tending, setting up, adjusting, cleaning, oiling, or repairing hoisting apparatus.
- (d) Work performed in or about boiler or engine rooms or in connection with the maintenance or repair of the establishment, machines, or equipment.
- (e) Occupations that involve operating, tending, setting up, adjusting, cleaning, oiling, or repairing any power-driven machinery, including but not limited to lawn mowers, golf carts, all-terrain vehicles, trimmers, cutters, weed-eaters, edgers, food slicers, food grinders, food choppers, food processors, food cutters, and food mixers. Youth 14 and 15 years of age may, however, operate office equipment pursuant to [§ 570.34\(a\)](#) and vacuum cleaners and floor waxers pursuant to [§ 570.34\(h\)](#).
- (f) The operation of motor vehicles; the service as helpers on such vehicles except those tasks permitted by [§ 570.34\(k\)](#); and the riding on a motor vehicle, inside or outside of an enclosed passenger compartment, except as permitted by [§ 570.34\(o\)](#).
- (g) Outside window washing that involves working from window sills, and all work requiring the use of ladders, scaffolds, or their substitutes.
- (h) All baking and cooking activities except that cooking which is permitted by [§ 570.34\(c\)](#).
- (i) Work in freezers and meat coolers and all work in the preparation of meats for sale except as permitted by [§ 570.34\(j\)](#). This section, however, does not prohibit the employment of 14- and 15-year-olds whose duties require them to occasionally enter freezers only momentarily to retrieve items as permitted by [§ 570.34\(i\)](#).
- (j) Youth peddling, which entails the selling of goods or services to customers at locations other than the youth-employer's establishment, such as the customers' residences or places of business, or public

places such as street corners and public transportation stations. Prohibited activities associated with youth peddling not only include the attempt to make a sale or the actual consummation of a sale, but also the preparatory and concluding tasks normally performed by a youth peddler in conjunction with his or her sales such as the loading and unloading of vans or other motor vehicles, the stocking and restocking of sales kits and trays, the exchanging of cash and checks with the employer, and the transportation of minors to and from the various sales areas by the employer. Prohibited youth peddling also includes such promotion activities as the holding, wearing, or waving of signs, merchandise, costumes, sandwich boards, or placards in order to attract potential customers, except when performed inside of, or directly in front of, the employer's establishment providing the product, service, or event being advertised. This provision does not prohibit a young salesperson from conducting sales for his or her employer on property controlled by the employer that is out of doors but may properly be considered part of the employer's establishment. Youth may conduct sales in such employer exterior facilities, whether temporary or permanent, as garden centers, sidewalk sales, and parking lot sales, when employed by that establishment. Youth peddling does not include the activities of persons who, as volunteers and without compensation, sell goods or services on behalf of eleemosynary organizations or public agencies.

(k) Loading and unloading of goods or property onto or from motor vehicles, railroad cars, or conveyors, except the loading and unloading of personal non-power-driven hand tools, personal protective equipment, and personal items to and from motor vehicles as permitted by [§ 570.34\(k\)](#).

(l) Catching and cooping of poultry in preparation for transport or for market.

(m) Public messenger service.

(n) Occupations in connection with:

(1) Transportation of persons or property by rail, highway, air, water, pipeline, or other means;

(2) Warehousing and storage;

(3) Communications and public utilities;

(4) Construction (including demolition and repair); except such office work (including ticket office) or sales work in connection with [paragraphs \(n\)\(1\), \(2\), \(3\), and \(4\)](#) of this section, as does not involve the performance of any duties on trains, motor vehicles, aircraft, vessels, or other media of transportation or at the actual site of construction operations.

Subpart E—Occupations Particularly Hazardous for the Employment of Minors Between 16 and 18 Years of Age or Detrimental to Their Health or Well-Being

Authority: [29 U.S.C. 203\(l\)](#), [212](#), [213\(c\)](#).

Note:

The provisions of this subpart declaring certain occupations to be particularly hazardous for the employment of minors between 16 and 18 years of age or detrimental to their health or well-being do not apply to employment in agriculture.

§ 570.50 General.

(a) **Higher standards.** Nothing in this subpart shall authorize non-compliance with any Federal or State law, regulation, or municipal ordinance establishing a higher standard. If more than one standard within this subpart applies to a single activity the higher standard shall be applicable.

(b) **Apprentices.** Some sections in this subpart contain an exemption for the employment of apprentices. Such an exemption shall apply only when:

- (1) The apprentice is employed in a craft recognized as an apprenticeable trade;
- (2) the work of the apprentice in the occupations declared particularly hazardous is incidental to his training;
- (3) such work is intermittent and for short periods of time and is under the direct and close supervision of a journeyman as a necessary part of such apprentice training; and
- (4) the apprentice is registered by the Bureau of Apprenticeship and Training of the United States Department of Labor as employed in accordance with the standards established by that Bureau, or is registered by a State agency as employed in accordance with the standards of the State apprenticeship agency recognized by the Bureau of Apprenticeship and Training, or is employed under a written apprenticeship agreement and conditions which are found by the Secretary of labor to conform substantially with such Federal or State standards.

(c) **Student-learners.** Some sections in this subpart contain an exemption for the employment of student-learners. Such an exemption shall apply when:

- (1) The student-learner is enrolled in a course of study and training in a cooperative vocational training program under a recognized State or local educational authority or in a course of study in a substantially similar program conducted by a private school and;
- (2) Such student-learner is employed under a written agreement which provides:
 - (i) That the work of the student-learner in the occupations declared particularly hazardous shall be incidental to his training;
 - (ii) That such work shall be intermittent and for short periods of time, and under the direct and close supervision of a qualified and experienced person;
 - (iii) That safety instructions shall be given by the school and correlated by the employer with on-the-job training; and

(iv) That a schedule of organized and progressive work processes to be performed on the job shall have been prepared.

Each such written agreement shall contain the name of student-learner, and shall be signed by the employer and the school coordinator or principal. Copies of each agreement shall be kept on file by both the school and the employer. This exemption for the employment of student-learners may be revoked in any individual situation where it is found that reasonable precautions have not been observed for the safety of minors employed thereunder. A high school graduate may be employed in an occupation in which he has completed training as provided in this paragraph as a student-learner, even though he is not yet 18 years of age.

[[28 FR 3449](#), Apr. 9, 1963, as amended at [33 FR 12777](#), Sept. 10, 1968. Redesignated and amended at [36 FR 25156](#), Dec. 29, 1971]

§ 570.51 Occupations in or about plants or establishments manufacturing or storing explosives or articles containing explosive components (Order 1).

(a) ***Finding and declaration of fact.*** The following occupations in or about plants or establishments manufacturing or storing explosives or articles containing explosive components are particularly hazardous for minors between 16 and 18 years of age or detrimental to their health or well-being:

(1) All occupations in or about any plant or establishment (other than retail establishments or plants or establishments of the type described in [paragraph \(a\)\(2\)](#) of this section) manufacturing or storing explosives or articles containing explosive components except where the occupation is performed in a “nonexplosives area” as defined in [paragraph \(b\)\(3\)](#) of this section.

(2) The following occupations in or about any plant or establishment manufacturing or storing small-arms ammunition not exceeding .60 caliber in size, shotgun shells, or blasting caps when manufactured or stored in conjunction with the manufacture of small-arms ammunition:

(i) All occupations involved in the manufacturing, mixing, transporting, or handling of explosive compounds in the manufacture of small-arms ammunition and all other occupations requiring the performance of any duties in the explosives area in which explosive compounds are manufactured or mixed.

(ii) All occupations involved in the manufacturing, transporting, or handling of primers and all other occupations requiring the performance of any duties in the same building in which primers are manufactured.

(iii) All occupations involved in the priming of cartridges and all other occupations requiring the performance of any duties in the same workroom in which rim-fire cartridges are primed.

(iv) All occupations involved in the plate loading of cartridges and in the operation of automatic loading machines.

(v) All occupations involved in the loading, inspecting, packing, shipping and storage of blasting caps.

(b) **Definitions.** For the purpose of this section:

(1) The term *plant or establishment manufacturing or storing explosives or articles containing explosive component* means the land with all the buildings and other structures thereon used in connection with the manufacturing or processing or storing of explosives or articles containing explosive components.

(2) The terms *explosives* and *articles containing explosive components* mean and include ammunition, black powder, blasting caps, fireworks, high explosives, primers, smokeless powder, and explosives and explosive materials as defined in [18 U.S.C. 841\(c\)-\(f\)](#) and the implementing regulations at [27 CFR part 555](#). The terms include any chemical compound, mixture, or device, the primary or common purpose of which is to function by explosion, as well as all goods identified in the most recent list of explosive materials published by the Bureau of Alcohol, Tobacco, Firearms, and Explosives, Department of Justice. This list is not intended to be all-inclusive and is updated and published annually in the Federal Register pursuant to [18 U.S.C. 841\(d\)](#). A copy of the most recent version of the list may be found through the Bureau of Alcohol, Tobacco, Firearms, and Explosives' Web site at <http://www.atf.gov>.

(3) An area meeting all of the criteria in [paragraphs \(b\)\(3\) \(i\) through \(iv\)](#) of this section shall be deemed a "nonexplosives area":

(i) None of the work performed in the area involves the handling or use of explosives;

(ii) The area is separated from the explosives area by a distance not less than that prescribed in the American Table of Distances for the protection of inhabited buildings;

(iii) The area is separated from the explosives area by a fence or is otherwise located so that it constitutes a definite designated area; and

(iv) Satisfactory controls have been established to prevent employees under 18 years of age within the area from entering any area in or about the plant which does not meet criteria of [paragraphs \(b\)\(3\) \(i\) through \(iii\)](#) of this section.

[[17 FR 4324](#), May 13, 1952. Redesignated at [28 FR 1634](#), Feb. 21, 1963, and amended at [28 FR 3449](#), Apr. 9, 1963. Redesignated and amended at [36 FR 25156](#), Dec. 29, 1971; [69 FR 75403](#), Dec. 16, 2004]

§ 570.52 Occupations of motor-vehicle driver and outside helper (Order 2).

(a) **Findings and declaration of fact.** Except as provided in [paragraph \(b\)](#) of this section, the occupations of motor-vehicle driver and outside helper on any public road, highway, in or about any mine (including open pit mine or quarry), place where logging or sawmill operations are in progress, or in any excavation of the type identified in [§ 570.68\(a\)](#) are particularly hazardous for the employment of minors between 16 and 18 years of age.

(b) **Exemption—Incidental and occasional driving by 17-year-olds.** Minors who are at least 17 years of age may drive automobiles and trucks on public roadways when all the following criteria are met:

- (1) The automobile or truck does not exceed 6,000 pounds gross vehicle weight, and the vehicle is equipped with a seat belt or similar restraining device for the driver and for any passengers and the employer has instructed the employee that such belts or other devices must be used;
- (2) The driving is restricted to daylight hours;
- (3) The minor holds a State license valid for the type of driving involved in the job performed and has no records of any moving violations at the time of hire;
- (4) The minor has successfully completed a State-approved driver education course;
- (5) The driving does not involve: the towing of vehicles; route deliveries or route sales; the transportation for hire of property, goods, or passengers; urgent, time-sensitive deliveries; or the transporting at any one time of more than three passengers, including the employees of the employer;
- (6) The driving performed by the minor does not involve more than two trips away from the primary place of employment in any single day for the purpose of delivering goods of the minor's employer to a customer (except urgent, time-sensitive deliveries which are completely banned in [paragraph \(b\)\(5\)](#) of this section;
- (7) The driving performed by the minor does not involve more than two trips away from the primary place of employment in any single day for the purpose of transporting passengers (other than the employees of the employer);
- (8) The driving takes place within a thirty (30) mile radius of the minor's place of employment; and,
- (9) The driving is only occasional and incidental to the employee's employment.

(c) **Definitions.** For the purpose of this section:

- (1) The term *motor vehicle* shall mean any automobile, truck, truck-tractor, trailer, semitrailer, motorcycle, or similar vehicle propelled or drawn by mechanical power and designed for use as a means of transportation but shall not include any vehicle operated exclusively on rails.
- (2) The term *driver* shall mean any individual who, in the course of employment, drives a motor vehicle at any time.
- (3) The term *outside helper* shall mean any individual, other than a driver, whose work includes riding on a motor vehicle outside the cab for the purpose of assisting in transporting or delivering goods.
- (4) The term *gross vehicle weight* includes the truck chassis with lubricants, water and a full tank or tanks of fuel, plus the weight of the cab or driver's compartment, body and special chassis and body equipment, and payload.

(5) The term *occasional and incidental* means no more than one-third of an employee's worktime in any workday and no more than 20 percent of an employee's worktime in any workweek.

(6) The term *urgent, time-sensitive deliveries* means trips which, because of such factors as customer satisfaction, the rapid deterioration of the quality or change in temperature of the product, and/or economic incentives, are subject to time-lines, schedules, and/or turn-around times which might impel the driver to hurry in the completion of the delivery. Prohibited trips would include, but are not limited to, the delivery of pizzas and prepared foods to the customer; the delivery of materials under a deadline (such as deposits to a bank at closing); and the shuttling of passengers to and from transportation depots to meet transport schedules. *Urgent, time-sensitive deliveries* would not depend on the delivery's points of origin and termination, and would include the delivery of people and things to the employer's place of business as well as from that business to some other location.

[[56 FR 58630](#), Nov. 20, 1991, as amended at [69 FR 75403](#), Dec. 16, 2004]

§ 570.53 Coal-mine occupations (Order 3).

(a) ***Finding and declaration of fact.*** All occupations in or about any coal mine, except the occupation of slate or other refuse picking at a picking table or picking chute in a tipple or breaker and occupations requiring the performance of duties solely in offices or in repair or maintenance shops located in the surface part of any coal-mining plant, are particularly hazardous for the employment of minors between 16 and 18 years of age.

(b) ***Definitions.*** For the purpose of this section:

(1) The term *coal* shall mean any rank of coal including lignite, bituminous, and the anthracite coals.

(2) The term *all occupations in or about any coal mine* shall mean all types of work performed in any underground working, open-pit, or surface part of any coal-mining plant, that contribute to the extraction, grading, cleaning, or other handling of coal.

[[16 FR 7008](#), July 20, 1951. Redesignated at [28 FR 1634](#), Feb. 21, 1963, and amended at [28 FR 3449](#), Apr. 9, 1963. Redesignated and amended at [36 FR 25156](#), Dec. 29, 1971]

§ 570.54 Forest fire fighting and forest fire prevention occupations, timber tract occupations, forestry service occupations, logging occupations, and occupations in the operation of any sawmill, lath mill, shingle mill, or cooperage stock mill (Order 4).

(a) ***Finding and declarations of fact.*** All occupations in forest fire fighting and forest fire prevention, in timber tracts, in forestry services, logging, and the operation of any sawmill, lath mill, shingle mill, or cooperage stock mill are particularly hazardous for the employment of minors between 16 and 18 years of age, except the following when not prohibited by any other section of this subpart:

(1) Work in offices or in repair or maintenance shops.

(2) Work in the construction, operation, repair, or maintenance of living and administrative quarters, including logging camps and fire fighting base camps.

(3) Work in the repair or maintenance of roads, railroads or flumes and work in construction and maintenance of telephone lines, but only if the minors are not engaged in the operation of power-driven machinery, the handling or use of explosives, the felling or bucking of timber, the collecting or transporting of logs, or work on trestles.

(4) The following tasks in forest fire prevention *provided* none of these tasks may be performed in conjunction with or in support of efforts to extinguish a forest fire: the clearing of fire trails or roads; the construction, maintenance, and patrolling of fire lines; the piling and burning of slash; the maintaining of fire fighting equipment; and acting as a fire lookout or fire patrolman.

(5) Work related to forest marketing and forest economics when performed away from the forest.

(6) Work in the feeding or care of animals.

(7) Peeling of fence posts, pulpwood, chemical wood, excelsior wood, cordwood, or similar products, when not done in conjunction with and at the same time and place as other logging occupations declared hazardous by this section.

(8) The following additional exceptions apply to the operation of a permanent sawmill or the operation of any lath mill, shingle mill, or cooperage stock mill, but not to a portable sawmill. In addition, the following exceptions do not apply to work which entails entering the sawmill building, except for those minors whose employment meets the requirements of the limited exemptions discussed in [§ 570.34\(m\)](#) and [570.54\(c\)](#):

(i) Straightening, marking, or tallying lumber on the dry chain or the dry drop sorter.

(ii) Pulling lumber from the dry chain, *except* minors under 16 years of age may not pull lumber from the dry chain as such youth are prohibited from operating or tending power-driven machinery by [§ 570.33\(e\) of this part](#).

(iii) Clean-up in the lumberyard.

(iv) Piling, handling, or shipping of cooperage stock in yards or storage sheds other than operating or assisting in the operation of power-driven equipment; *except* minors under 16 years of age may not perform shipping duties as they are prohibited from employment in occupations in connection with the transportation of property by rail, highway, air, water, pipeline, or other means by [§ 570.33\(n\)\(1\) of this part](#).

(v) Clerical work in yards or shipping sheds, such as done by ordermen, tally-men, and shipping clerks.

(vi) Clean-up work outside shake and shingle mills, except when the mill is in operation.

(vii) Splitting shakes manually from precut and split blocks with a froe and mallet, except inside the mill building or cover.

(viii) Packing shakes into bundles when done in conjunction with splitting shakes manually with a froe and mallet, except inside the mill building or cover.

(ix) Manual loading of bundles of shingles or shakes into trucks or railroad cars, provided that the employer has on file a statement from a licensed doctor of medicine or osteopathy certifying the minor capable of performing this work without injury to himself, *except* minors under 16 years of age may not load bundles of shingles or shakes into trucks or railroad cars as they are prohibited from loading and unloading goods or property onto or from motor vehicles, railroad cars, or conveyors by [§ 570.33\(k\) of this part](#).

(b) **Definitions.** As used in this section:

All occupations in forest fire fighting and forest fire prevention shall include the controlling and extinguishing of fires, the wetting down of areas or extinguishing of spot fires, and the patrolling of burned areas to assure the fire has been extinguished. The term shall also include the following tasks when performed in conjunction with, or in support of, efforts to extinguish a forest fire: the piling and burning of slash; the clearing of fire trails or roads; the construction, maintenance, and patrolling of fire lines; acting as a fire lookout or fire patrolman; and the maintaining of fire fighting equipment. The prohibition concerning the employment of youth in forest fire fighting and fire prevention applies to all forest and timber tract locations, logging operations, and sawmill operations, including all buildings located within such areas.

All occupations in forestry services shall mean all work involved in the support of timber production, wood technology, forestry economics and marketing, and forest protection. The term includes such services as timber cruising, surveying, or logging-engineering parties; estimating timber; timber valuation; forest pest control; forest fire fighting and forest fire prevention as defined in this section; and reforestation. The term shall not include work in forest nurseries, establishments primarily engaged in growing trees for purposes of reforestation. The term shall not include the gathering of forest products such as balsam needles, ginseng, huckleberry greens, maple sap, moss, Spanish moss, sphagnum moss, teaberries, and tree seeds; the distillation of gum, turpentine, and rosin if carried on at the gum farm; and the extraction of pine gum.

All occupations in logging shall mean all work performed in connection with the felling of timber; the bucking or converting of timber into logs, poles, piles, ties, bolts, pulpwood, chemical wood, excelsior wood, cordwood, fence posts, or similar products; the collecting, skidding, yarding, loading, transporting and unloading of such products in connection with logging; the constructing, repairing and maintaining of roads, railroads, flumes, or camps used in connection with logging; the moving, installing, rigging, and maintenance of machinery or equipment used in logging; and other work performed in connection with logging.

All occupations in the operation of any sawmill, lath mill, shingle mill, or cooperage-stock mill shall mean all work performed in or about any such mill in connection with storing of logs and bolts; converting logs or bolts into sawn lumber, lathers, shingles, or cooperage stock; storing drying, and shipping lumber, laths, shingles, cooperage stock, or other products of such mills; and other work performed in connection with the operation of any sawmill, lath mill, shingle mill, or cooperage-stock mill. The term shall not include work performed in the planing-mill department or other remanufacturing departments of any sawmill or remanufacturing plant not a part of a sawmill.

All occupations in timber tracts means all work performed in or about establishments that cultivate, manage or sell standing timber. The term includes work performed in timber culture, timber tracts, timber-stand improvement, and forest fire fighting and fire prevention. It includes work on tree farms, except those tree farm establishments that meet the definition of agriculture contained in [29 U.S.C. 203\(f\)](#).

Inside or outside places of business shall mean the actual physical location of the establishment employing the youth, including the buildings and surrounding land necessary to the business operations of that establishment.

Operate or assist in the operation of power-driven woodworking machines includes operating such machines, including supervising or controlling the operation of such machines, feeding material into such machines, helping the operator feed material into such machines, unloading materials from such machines, and helping the operator unload materials from such machines. The term also includes the occupations of setting-up, adjusting, repairing, oiling, or cleaning such machines.

Places of business where machinery is used to process wood products shall mean such permanent workplaces as sawmills, lath mills, shingle mills, cooperage stock mills, furniture and cabinet making shops, gazebo and shed making shops, toy manufacturing shops, and pallet shops. The term shall not include construction sites, portable sawmills, areas where logging is being performed, or mining operations.

Portable sawmill shall mean a sawmilling operation where no office or repair or maintenance shop is ordinarily maintained, and any lumberyard operated in conjunction with the sawmill is used only for the temporary storage of green lumber.

Power-driven woodworking machines shall mean all fixed or portable machines or tools driven by power and used or designed for cutting, shaping, forming, surfacing, nailing, stapling, wire stitching, fastening or otherwise assembling, pressing or printing wood, veneer, trees, logs, or lumber.

Remanufacturing department shall mean those departments of a sawmill where lumber products such as boxes, lawn furniture, and the like are remanufactured from previously cut lumber. The kind of work performed in such departments is similar to that done in planing mill departments in that rough lumber is surfaced or made into other finished products. The term is not intended to denote those operations in sawmills where rough lumber is cut to dimensions.

Supervised by an adult relative or is supervised by an adult member of the same religious sect or division as the youth, as a term, has several components. *Supervised* refers to the requirement that the youth's on-the-job activities be directed, monitored, and controlled by certain named adults. Such supervision must be close, direct, constant and uninterrupted. An *adult* shall mean an individual who is at least eighteen years of age. A *relative* shall mean the parent (or someone standing in place of a parent), grandparent, sibling, uncle, or aunt of the young worker. A *member of the same religious sect or division as the youth* refers to an individual who professes membership in the same religious sect or division to which the youth professes membership.

(c) Exemptions.

(1) The provisions contained in [paragraph \(a\)\(8\)](#) of this section that prohibit youth between 16 and 18 years of age from performing any work that entails entering the sawmill building do not apply to the employment of a youth who is at least 14 years of age and less than 18 years of age and who by statute or judicial order is exempt from compulsory school attendance beyond the eighth grade, if:

(i) The youth is supervised by an adult relative or by an adult member of the same religious sect or division as the youth;

(ii) The youth does not operate or assist in the operation of power-driven woodworking machines;

(iii) The youth is protected from wood particles or other flying debris within the workplace by a barrier appropriate to the potential hazard of such wood particles or flying debris or by maintaining a sufficient distance from machinery in operation; and

(iv) The youth is required to use, and uses, personal protective equipment to prevent exposure to excessive levels of noise and saw dust.

(2) Compliance with the provisions of [paragraphs \(c\)\(1\)\(iii\)](#) and [\(iv\)](#) of this section will be accomplished when the employer is in compliance with the requirements of the applicable governing standards issued by the U.S. Department of Labor's Occupational Safety and Health Administration (OSHA) or, in those areas where OSHA has authorized the state to operate its own Occupational Safety and Health Plan, the applicable standards issued by the Office charged with administering the State Occupational Safety and Health Plan.

[\[75 FR 28453\]](#), May 20, 2010]

§ 570.55 Occupations involved in the operation of power-driven woodworking machines (Order 5).

(a) ***Finding and declaration of fact.*** The following occupations involved in the operation of power-driven wood-working machines are particularly hazardous for minors between 16 and 18 years of age:

(1) The occupation of operating power-driven woodworking machines, including supervising or controlling the operation of such machines, feeding material into such machines, and helping the operator to feed material into such machines but not including the placing of material on a moving chain or in a hopper or slide for automatic feeding.

(2) The occupations of setting up, adjusting, repairing, oiling, or cleaning power-driven woodworking machines.

(3) The occupations of off-bearing from circular saws and from guillotine-action veneer clippers.

(b) ***Definitions.*** As used in this section:

Off-bearing shall mean the removal of material or refuse directly from a saw table or from the point of operation. Operations not considered as off-bearing within the intent of this section include:

(i) The removal of material or refuse from a circular saw or guillotine-action veneer clipper where the material or refuse has been conveyed away from the saw table or point of operation by a gravity chute or by some mechanical means such as a moving belt or expulsion roller; and

(ii) The following operations when they do not involve the removal of materials or refuse directly from a saw table or point of operation: The carrying, moving, or transporting of materials from one machine to another or from one part of a plant to another; the piling, stacking, or arranging of materials for feeding into a machine by another person; and the sorting, tying, bundling, or loading of materials.

Power-driven woodworking machines shall mean all fixed or portable machines or tools driven by power and used or designed for cutting, shaping, forming, surfacing, nailing, stapling, wire stitching, fastening or otherwise assembling, pressing or printing wood, veneer, trees, logs, or lumber.

(c) **Exemptions.** This section shall not apply to the employment of apprentices or student-learners under the conditions prescribed in [§ 570.50 \(b\)](#) and [\(c\)](#).

[[16 FR 7008](#), July 20, 1951. Redesignated at [28 FR 1634](#), Feb. 21, 1963, and amended at [28 FR 3449](#), Apr. 9, 1963. Redesignated and amended at [36 FR 25156](#), Dec. 29, 1971; [75 FR 28455](#), May 20, 2010]

§ 570.57 Exposure to radioactive substances and to ionizing radiations (Order 6).

(a) **Finding and declaration of fact.** The following occupations involving exposure to radioactive substances and to ionizing radiations are particularly hazardous and detrimental to health for minors between 16 and 18 years of age:

(1) Any work in any workroom in which

(i) radium is stored or used in the manufacture of self-luminous compound,

(ii) self-luminous compound is made, processed, or packaged,

(iii) self-luminous compound is stored, used, or worked upon,

(iv) incandescent mantles are made from fabric and solutions containing thorium salts, or are processed or packaged,

(v) other radioactive substances are present in the air in average concentrations exceeding 10 percent of the maximum permissible concentrations in the air recommended for occupational exposure by the National Committee on Radiation Protection, as set forth in the 40-hour week column of table one of the National Bureau of Standards Handbook No. 69 entitled "Maximum Permissible Body Burdens and Maximum Permissible Concentrations of Radionuclides in Air and in Water for Occupational Exposure," issued June 5, 1959.

(2) Any other work which involves exposure to ionizing radiations in excess of 0.5 rem per year.

(b) **Definitions.** As used in this section:

(1) The term *self-luminous compound* shall mean any mixture of phosphorescent material and radium, mesothorium, or other radioactive element;

(2) The term *workroom* shall include the entire area bounded by walls of solid material and extending from floor to ceiling;

(3) The term *ionizing radiations* shall mean alpha and beta particles, electrons, protons, neutrons, gamma and X-ray and all other radiations which produce ionizations directly or indirectly, but does not include electromagnetic radiations other than gamma and X-ray.

[[22 FR 3657](#), May 24, 1957, as amended at [26 FR 8885](#), Sept. 21, 1961. Redesignated at [28 FR 1634](#), Feb. 21, 1963, and amended at [28 FR 3449](#), Apr. 9, 1963. Redesignated and amended at [36 FR 25156](#), Dec. 29, 1971]

§ 570.58 Occupations involved in the operation of power-driven hoisting apparatus (Order 7).

(a) ***Findings and declaration of fact.*** The following occupations involved in the operation of power-driven hoisting apparatus are particularly hazardous for minors between 16 and 18 years of age:

(1) Work of operating, tending, riding upon, working from, repairing, servicing, or disassembling an elevator, crane, derrick, hoist, or high-lift truck, except operating or riding inside an unattended automatic operation passenger elevator. Tending such equipment includes assisting in the hoisting tasks being performed by the equipment.

(2) Work of operating, tending, riding upon, working from, repairing, servicing, or disassembling a manlift or freight elevator, except 16- and 17-year-olds may ride upon a freight elevator operated by an assigned operator. Tending such equipment includes assisting in the hoisting tasks being performed by the equipment.

(b) ***Definitions.*** As used in this section:

Crane shall mean a power-driven machine for lifting and lowering a load and moving it horizontally, in which the hoisting mechanism is an integral part of the machine. The term shall include all types of cranes, such as cantilever gantry, crawler, gantry, hammerhead, ingot pouring, jib, locomotive, motor-truck, overhead traveling, pillar jib, pintle, portal, semi-gantry, semi-portal, storage bridge, tower, walking jib, and wall cranes.

Derrick shall mean a power-driven apparatus consisting of a mast or equivalent members held at the top by guys or braces, with or without a boom, for use with a hoisting mechanism or operating ropes. The term shall include all types of derricks, such as A-frame, breast, Chicago boom, gin-pole, guy, and stiff-leg derrick.

Elevator shall mean any power-driven hoisting or lowering mechanism equipped with a car or platform which moves in guides in a substantially vertical direction. The term shall include both passenger and freight elevators (including portable elevators or tiering machines), but shall not include dumbwaiters.

High-lift truck shall mean a power-driven industrial type of truck used for lateral transportation that is equipped with a power-operated lifting device usually in the form of a fork or platform capable of tiering loaded pallets or skids one above the other. Instead of a fork or a platform, the lifting device may consist of a ram, scoop, shovel, crane, revolving fork, or other attachments for handling specific loads. The term shall mean and include highlift trucks known under such names as fork lifts, fork trucks, fork lift trucks, tiering trucks, backhoes, front-end loaders, skid loaders, skid-steer loaders, Bobcat loaders, or stacking trucks, but shall not mean low-lift trucks or low-lift platform trucks that are designed for the transportation of but not the tiering of materials.

Hoist shall mean a power-driven apparatus for raising or lowering a load by the application of a pulling force that does not include a car or platform running in guides. The term shall include all types of hoists, such as base mounted electric, clevis suspension, hook suspension, monorail, overhead electric, simple drum, and trolley suspension hoists.

Manlift shall mean a device intended for the conveyance of persons that consists of platforms or brackets mounted on, or attached to, an endless belt, cable, chain or similar method of suspension; with such belt, cable or chain operating in a substantially vertical direction and being supported by and driven through pulleys, sheaves or sprockets at the top and bottom. The term shall also include truck- or equipment-mounted aerial platforms commonly referred to as scissor lifts, boom-type mobile elevating work platforms, work assist vehicles, cherry pickers, basket hoists, and bucket trucks.

(c) Exception.

(1) This section shall not prohibit the operation of an automatic elevator and an automatic signal operation elevator provided that the exposed portion of the car interior (exclusive of vents and other necessary small openings), the car door, and the hoistway doors are constructed of solid surfaces without any opening through which a part of the body may extend; all hoistway openings at floor level have doors which are interlocked with the car door so as to prevent the car from starting until all such doors are closed and locked; the elevator (other than hydraulic elevators) is equipped with a device which will stop and hold the car in case of overspeed or if the cable slackens or breaks; and the elevator is equipped with upper and lower travel limit devices which will normally bring the car to rest at either terminal and a final limit switch which will prevent the movement in either direction and will open in case of excessive over travel by the car.

(2) For the purpose of this exception the term *automatic elevator* shall mean a passenger elevator, a freight elevator, or a combination passenger-freight elevator, the operation of which is controlled by pushbuttons in such a manner that the starting, going to the landing selected, leveling and holding, and the opening and closing of the car and hoistway doors are entirely automatic.

(3) For the purpose of this exception, the term *automatic signal operation elevator* shall mean an elevator which is started in response to the operation of a switch (such as a lever or pushbutton) in the car which when operated by the operator actuates a starting device that automatically closes the car and hoistway doors—from this point on, the movement of the car to the landing selected, leveling and holding when it gets there, and the opening of the car and hoistway doors are entirely automatic.

[[16 FR 7008](#), July 20, 1951, as amended at [20 FR 6386](#), Aug. 31, 1955. Redesignated at [28 FR 1634](#), Feb. 21, 1963, and amended at [28 FR 3449](#), Apr. 9, 1963; [32 FR 15479](#), Nov. 7, 1967. Redesignated and amended at [36 FR 25156](#), Dec. 29, 1971; [75 FR 28455](#), May 20, 2010]

§ 570.59 Occupations involved in the operation of power-driven metal forming, punching, and shearing machines (Order 8).

(a) ***Finding and declaration of fact.*** The following occupations are particularly hazardous for the employment of minors between 16 and 18 years of age:

(1) The occupations of operator of or helper on the following power-driven metal forming, punching, and shearing machines:

(i) All rolling machines, such as beading, straightening, corrugating, flanging, or bending rolls; and hot or cold rolling mills.

(ii) All pressing or punching machines, such as punch presses except those provided with full automatic feed and ejection and with a fixed barrier guard to prevent the hands or fingers of the operator from entering the area between the dies; power presses; and plate punches.

(iii) All bending machines, such as apron brakes and press brakes.

(iv) All hammering machines, such as drop hammers and power hammers.

(v) All shearing machines, such as guillotine or squaring shears; alligator shears; and rotary shears.

(2) The occupations of setting up, adjusting, repairing, oiling, or cleaning these machines including those with automatic feed and ejection.

(b) ***Definitions.***

(1) The term *operator* shall mean a person who operates a machine covered by this section by performing such functions as starting or stopping the machine, placing materials into or removing them from the machine, or any other functions directly involved in operation of the machine.

(2) The term *helper* shall mean a person who assists in the operation of a machine covered by this section by helping place materials into or remove them from the machine.

(3) The term *forming, punching, and shearing machines* shall mean power-driven metal-working machines, other than machine tools, which change the shape of or cut metal by means of tools, such as dies, rolls, or knives which are mounted on rams, plungers, or other moving parts. Types of forming, punching, and shearing machines enumerated in this section are the machines to which the designation is by custom applied.

(c) ***Exemptions.*** This section shall not apply to the employment of apprentices or student-learners under the conditions prescribed in [§ 570.50 \(b\)](#) and [\(c\)](#).

[[16 FR 7008](#), July 20, 1951, as amended at [25 FR 9848](#), Oct. 14, 1960. Redesignated at [28 FR 1634](#), Feb. 21, 1963, and amended at [28 FR 3449](#), Apr. 9, 1963. Redesignated at [36 FR 25156](#), Dec. 29, 1971]

§ 570.60 Occupations in connection with mining, other than coal (Order 9).

(a) ***Finding and declaration of fact.*** All occupations in connection with mining, other than coal, are particularly hazardous for the employment of minors between 16 and 18 years of age or detrimental to their health or well-being and employment in such occupations is therefore prohibited under section 12 of the Fair Labor Standards Act, as amended, except the following:

(1) Work in offices, in the warehouse or supply house, in the change house, in the laboratory, and in repair or maintenance shops not located underground.

(2) Work in the operation and maintenance of living quarters.

(3) Work outside the mine in surveying, in the repair and maintenance of roads, and in general clean-up about the mine property such as clearing brush and digging drainage ditches.

(4) Work of track crews in the building and maintaining of sections of railroad track located in those areas of open-cut metal mines where mining and haulage activities are not being conducted at the time and place that such building and maintenance work is being done.

(5) Work in or about surface placer mining operations other than placer dredging operations and hydraulic placer mining operations.

(6) The following work in metal mills other than in mercury-recovery mills or mills using the cyanide process:

(i) Work involving the operation of jigs, sludge tables, flotation cells, or drier-filters;

(ii) Work of hand-sorting at picking table or picking belt;

(iii) General clean-up work:

Provided, however, That nothing in this section shall be construed as permitting employment of minors in any occupation prohibited by any other hazardous occupations order issued by the Secretary of Labor.

(b) ***Definitions.*** As used in this section: The term *all occupations in connection with mining, other than coal* shall mean all work performed underground in mines and quarries; on the surface at underground mines and underground quarries; in or about open-cut mines, open quarries, clay pits, and sand and gravel operations; at or about placer mining operations; at or about dredging operations for clay, sand or gravel; at or about bore-hole mining operations; in or about all metal mills, washer plants, or grinding mills reducing the bulk of the extracted minerals; and at or about any other crushing, grinding, screening, sizing, washing or cleaning operations performed upon the extracted minerals except where such operations are performed as a part of a manufacturing process. The term shall not include work performed in subsequent manufacturing or processing operations, such as work per-

formed in smelters, electro-metallurgical plants, refineries reduction plants, cement mills, plants where quarried stone is cut, sanded and further processed, or plants manufacturing clay glass or ceramic products. Neither shall the term include work performed in connection with coal mining, in petroleum production, in natural-gas production, nor in dredging operations which are not a part of mining operations, such as dredging for construction or navigation purposes.

[[16 FR 7008](#), July 20, 1951. Redesignated at [28 FR 1634](#), Feb. 21, 1963, and amended at [28 FR 3449](#), Apr. 9, 1963. Redesignated at [36 FR 25156](#), Dec. 29, 1971]

§ 570.61 Occupations in the operation of power-driven meat-processing machines and occupations involving slaughtering, meat and poultry packing, processing, or rendering (Order 10).

(a) ***Findings and declaration of fact.*** The following occupations in or about slaughtering and meat packing establishments, rendering plants, or wholesale, retail or service establishments are particularly hazardous for the employment of minors between 16 and 18 years of age or detrimental to their health or well-being:

(1) All occupations on the killing floor, in curing cellars, and in hide cellars, except the work of messengers, runners, handtruckers, and similar occupations which require entering such workrooms or workplaces infrequently and for short periods of time.

(2) All occupations involved in the recovery of lard and oils, except packaging and shipping of such products and the operation of lard-roll machines.

(3) All occupations involved in tankage or rendering of dead animals, animal offal, animal fats, scrap meats, blood, and bones into stock feeds, tallow, inedible greases, fertilizer ingredients, and similar products.

(4) All occupations involved in the operation or feeding of the following power-driven machines, including setting-up, adjusting, repairing, or oiling such machines or the cleaning of such machines or the individual parts or attachments of such machines, regardless of the product being processed by these machines (including, for example, the slicing in a retail delicatessen of meat, poultry, seafood, bread, vegetables, or cheese, etc.): meat patty forming machines, meat and bone cutting saws, poultry scissors or shears; meat slicers, knives (except bacon-slicing machines), headsplitters, and guillotine cutters; snoutpullers and jawpullers; skinning machines; horizontal rotary washing machines; casing-cleaning machines such as crushing, stripping, and finishing machines; grinding, mixing, chopping, and hashing machines; and presses (except belly-rolling machines). *Except*, the provisions of this subsection shall not apply to the operation of those lightweight, small capacity, portable, countertop mixers discussed in [§ 570.62\(b\)\(1\) of this chapter](#) when used as a mixer to process materials other than meat or poultry.

(5) All boning occupations.

(6) All occupations that involve the pushing or dropping of any suspended carcass, half carcass, or quarter carcass.

(7) All occupations involving the handlifting or handcarrying any carcass or half carcass of beef, pork, horse, deer, or buffalo, or any quarter carcass of beef, horse, or buffalo.

(b) **Definitions.** As used in this section:

Boning occupations means the removal of bones from meat cuts. It does not include work that involves cutting, scraping, or trimming meat from cuts containing bones.

Curing cellar includes a workroom or workplace which is primarily devoted to the preservation and flavoring of meat, including poultry, by curing materials. It does not include a workroom or workplace solely where meats are smoked.

Hide cellar includes a workroom or workplace where hides are graded, trimmed, salted, and otherwise cured.

Killing floor includes a workroom, workplace where such animals as cattle, calves, hogs, poultry, sheep, lambs, goats, buffalo, deer, or horses are immobilized, shackled, or killed, and the carcasses are dressed prior to chilling.

Retail/wholesale or service establishments include establishments where meat or meat products, including poultry, are processed or handled, such as butcher shops, grocery stores, restaurants and quick service food establishments, hotels, delicatessens, and meat locker (freezer-locker) companies, and establishments where any food product is prepared or processed for serving to customers using machines prohibited by [paragraph \(a\)](#) of this section.

Rendering plants means establishments engaged in the conversion of dead animals, animal offal, animal fats, scrap meats, blood, and bones into stock feeds, tallow, inedible greases, fertilizer ingredients, and similar products.

Slaughtering and meat packing establishments means places in or about which such animals as cattle, calves, hogs, poultry, sheep, lambs, goats, buffalo, deer, or horses are killed, butchered, or processed. The term also includes establishments which manufacture or process meat or poultry products, including sausage or sausage casings from such animals.

(c) **Exemptions.** This section shall not apply to:

(1) The killing and processing of rabbits or small game in areas physically separated from the killing floor.

(2) The employment of apprentices or student-learners under the conditions prescribed in [§ 570.50\(b\)](#) and [\(c\)](#).

[[56 FR 58631](#), Nov. 20, 1991, as amended at [75 FR 28455](#), May 20, 2010]

§ 570.62 Occupations involved in the operation of bakery machines (Order 11).

(a) ***Finding and declaration of fact.*** The following occupations involved in the operation of power-driven bakery machines are particularly hazardous for the employment of minors between 16 and 18 years of age:

(1) The occupations of operating, assisting to operate, or setting up, adjusting, repairing, oiling, or cleaning any horizontal or vertical dough mixer; batter mixer; bread dividing, rounding, or molding machine; dough brake; dough sheeter; combination bread slicing and wrapping machine; or cake cutting band saw.

(2) The occupation of setting up or adjusting a cookie or cracker machine.

(b) ***Exceptions.***

(1) This section shall not apply to the operation, including the setting up, adjusting, repairing, oiling and cleaning, of lightweight, small capacity, portable counter-top power-driven food mixers that are, or are comparable to, models intended for household use. For purposes of this exemption, a lightweight, small capacity mixer is one that is not hardwired into the establishment's power source, is equipped with a motor that operates at no more than 1/2 horsepower, and is equipped with a bowl with a capacity of no more than five quarts. *Except*, this exception shall not apply when the mixer is used, with or without attachments, to process meat or poultry products as prohibited by [§ 570.61\(a\)\(4\)](#).

(2) This section shall not apply to the operation of pizza-dough rollers, a type of dough sheeter, that: have been constructed with safeguards contained in the basic design so as to prevent fingers, hands, or clothing from being caught in the in-running point of the rollers; have gears that are completely enclosed; and have microswitches that disengage the machinery if the backs or sides of the rollers are removed. This exception applies only when all the safeguards detailed in this paragraph are present on the machine, are operational, and have not been overridden. This exception does not apply to the setting up, adjusting, repairing, oiling or cleaning of such pizza-dough rollers.

[[17 FR 5610](#), June 21, 1952, as amended at [25 FR 9849](#), Oct. 14, 1960. Redesignated at [28 FR 1634](#), Feb. 21, 1963, and amended at [28 FR 3449](#), Apr. 9, 1963. Redesignated and amended at [36 FR 25156](#), Dec. 29, 1971; [75 FR 28456](#), May 20, 2010]

§ 570.63 Occupations involved in the operation of balers, compactors, and paper-products machines (Order 12).

(a) ***Findings and declaration of fact.*** The following occupations are particularly hazardous for the employment of minors between 16 and 18 years of age:

(1) The occupations of operation or assisting to operate any of the following power-driven paper products machines:

(i) Arm-type wire stitcher or stapler, circular or band saw, corner cutter or mitering machine, corrugating and single-or-double facing machine, envelope die-cutting press, guillotine paper cutter or shear, horizontal bar scorer, laminating or combining machine, sheeting machine, scrap paper baler, paper box compactor, or vertical slotter.

(ii) Platen die-cutting press, platen printing press, or punch press which involves hand feeding of the machine.

(2) The occupations of operation or assisting to operate any baler that is designed or used to process materials other than paper.

(3) The occupations of operation or assisting to operate any compactor that is designed or used to process materials other than paper.

(4) The occupations of setting up, adjusting, repairing, oiling, or cleaning any of the machines listed in [paragraphs \(a\)\(1\), \(2\), and \(3\)](#) of this section.

(b) **Definitions.** As used in this section:

Applicable ANSI Standard means the American National Standard Institute's Standard ANSI Z245.5-1990 *American National Standard for Refuse Collection, Processing, and Disposal—Baling Equipment—Safety Requirements* (ANSI S245.5-1990) for scrap paper balers or the American National Standard Institute's Standard ANSI Z245.2-1992 *American National Standard for Refuse Collection, Processing, and Disposal Equipment—Stationary Compactors—Safety Requirements* (ANSI Z245.2-1992) for paper box compactors. Additional applicable standards are the American National Standard Institute's Standard ANSI Z245.5-1997 *American National Standard for Equipment Technology and Operations for Wastes and Recyclable Materials—Baling Equipment—Safety Requirements* (ANSI Z245.5-1997), the American National Standard Institute's Standard ANSI Z245.5-2004 *American National Standard for Equipment Technology and Operations for Wastes and Recyclable Materials—Baling Equipment—Safety Requirements for Installation, Maintenance and Operation* (ANSI Z245.5-2004), and the American National Standard Institute's Standard ANSI Z245.5-2008 *American National Standard for Equipment Technology and Operations for Wastes and Recyclable Materials—Baling Equipment—Safety Requirements* (ANSI Z245.5-2008) for scrap paper balers or the American National Standard Institute's Standard ANSI Z245.2-1997 *American National Standard for Equipment Technology and Operations for Wastes and Recyclable Materials—Stationary Compactors—Safety Requirements* (ANSI Z245.2-1997), the American National Standard Institute's Standard ANSI Z245.2-2004 *American National Standard for Equipment Technology and Operations for Wastes and Recyclable Materials—Stationary Compactors—Safety Requirements for Installation, Maintenance and Operation* (ANSI Z245.2-2004), and the American National Standard Institute's Standard ANSI Z245.2-2008 *American National Standard for Equipment Technology and Operations for Wastes and Recyclable Materials—Stationary Compactors—Safety Requirements for Installation, Maintenance and Operation* (ANSI Z245.2-2008) for paper box compactors, which the Secretary has certified to be at least as protective of the safety of minors as Standard ANSI Z245.5-1990 for scrap paper balers or Standard ANSI Z245.2-1992 for paper box compactors. The ANSI standards for scrap paper balers and paper box compactors govern the manufacture and modification of the equipment, the operation and maintenance of the equipment, and employee training. These ANSI standards are incorporated by reference in this paragraph and have the same force and effect as other standards in this part. Only the mandatory provisions (*i.e.*, provisions containing the word “shall” or other mandatory language) of these standards are adopted as standards under this part. These standards are incorporated by reference as they exist on the date of the approval; if any changes are made in these standards which the Secretary finds to be as protective of the safety of minors as the current standards, the Secretary will publish a Notice of the change of standards in the Federal Register. These incorporations by reference were approved by the Director of the Federal Register in accordance with [5](#)

[U.S.C. 552\(a\)](#) and [1 CFR part 51](#). Copies of these standards are available for purchase from the American National Standards Institute (ANSI), 25 West 43rd St., Fourth Floor, New York, NY 10036. The telephone number for ANSI is (212) 642-4900 and its Web site is located at <http://www.ansi.org>. In addition, these standards are available for inspection at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call (202) 741-6030, or go to: http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html. These standards are also available for inspection at the Occupational Safety and Health Administration's Docket Office, Room N-2625, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210, or any of its regional offices. The telephone number for the Occupational Safety and Health Administration's Docket Office is (202) 693-2350 and its Web site is located at <http://dockets.osha.gov>.

Baler that is designed or used to process materials other than paper means a powered machine designed or used to compress materials other than paper and cardboard boxes, with or without binding, to a density or form that will support handling and transportation as a material unit without requiring a disposable or reusable container.

Compactor that is designed or used to process materials other than paper means a powered machine that remains stationary during operation, designed or used to compact refuse other than paper or cardboard boxes into a detachable or integral container or into a transfer vehicle.

Operating or assisting to operate means all work that involves starting or stopping a machine covered by this section, placing materials into or removing materials from a machine, including clearing a machine of jammed materials, paper, or cardboard, or any other work directly involved in operating the machine. The term does not include the stacking of materials by an employee in an area nearby or adjacent to the machine where such employee does not place the materials into the machine.

Paper box compactor means a powered machine that remains stationary during operation, used to compact refuse, including paper boxes, into a detachable or integral container or into a transfer vehicle.

Paper products machine means all power-driven machines used in remanufacturing or converting paper or pulp into a finished product, including preparing such materials for recycling; or preparing such materials for disposal. The term applies to such machines whether they are used in establishments that manufacture converted paper or pulp products, or in any other type of manufacturing or nonmanufacturing establishment. The term also applies to those machines which, in addition to paper products, process other material for disposal.

Scrap paper baler means a powered machine used to compress paper and possibly other solid waste, with or without binding, to a density or form that will support handling and transportation as a material unit without requiring a disposable or reusable container.

(c) Exemptions.

(1) Sixteen- and 17-year-olds minors may load materials into, but not operate or unload, those scrap paper balers and paper box compactors that are safe for 16- and 17-year-old employees to load and

cannot be operated while being loaded. For the purpose of this exemption, a scrap paper baler or a paper box compactor is considered to be safe for 16- and 17-year-old to load only if all of the following conditions are met:

- (i) The scrap paper baler or paper box compactor meets the applicable ANSI standard (the employer must initially determine if the equipment meets the applicable ANSI standard, and the Administrator or his/her designee may make a determination when conducting an investigation of the employer);
- (ii) The scrap paper baler or paper box compactor includes an on-off switch incorporating a key-lock or other system and the control of the system is maintained in the custody of employees who are 18 years of age or older;
- (iii) The on-off switch of the scrap paper baler or paper box compactor is maintained in an off position when the machine is not in operation; and
- (iv) The employer posts a notice on the scrap paper baler or paper box compactor (in a prominent position and easily visible to any person loading, operating, or unloading the machine) that includes and conveys all of the following information:

(A)

(1) That the scrap paper baler or compactor meets the industry safety standard applicable to the machine, as specified in [paragraph \(b\)](#) of this section and displayed in the following table.

In order for employers to take advantage of the limited exception discussed in this section, the <i>scrap paper baler</i> must meet one of the following ANSI Standards:	In order for employers to take advantage of the limited exception discussed in this section, the <i>paper box compactor</i> must meet one of the following ANSI Standards:
ANSI Standard Z245.5-1990	ANSI Standard Z245.2-1992.
ANSI Standard Z245.5-1997	ANSI Standard Z245.2-1997.
ANSI Standard Z245.5-2004	ANSI Standard Z245.2-2004.
ANSI Standard Z245.5-2008	ANSI Standard Z245.2-2008.

(2) The notice shall completely identify the appropriate ANSI standard.

(B) That sixteen- and 17-year-old employees may only load the scrap paper baler or paper box compactor.

(C) That no employee under the age of 18 may operate or unload the scrap paper baler or paper box compactor.

(2) This section shall not apply to the employment of apprentices or student-learners under the conditions prescribed in [§ 570.50 \(b\)](#) and [\(c\)](#).

[[56 FR 58632](#), Nov. 20, 1991, as amended at [69 FR 75403](#), Dec. 16, 2004; [75 FR 28456](#), May 20, 2010]

§ 570.64 Occupations involved in the manufacture of brick, tile, and kindred products (Order 13).

(a) ***Findings and declaration of fact.*** The following occupations involved in the manufacture of clay construction products and of silica refractory products are particularly hazardous for the employment of minors between 16 and 18 years of age, and detrimental to their health and well-being.

(1) All work in or about establishments in which clay construction products are manufactured, except

(i) work in storage and shipping:

(ii) work in offices, laboratories, and storerooms; and

(iii) work in the drying departments of plants manufacturing sewer pipe.

(2) All work in or about establishments in which silica brick or other silica refractories are manufactured, except work in offices.

(3) Nothing in this section shall be construed as permitting employment of minors in any occupation prohibited by any other hazardous occupations order issued by the Secretary of Labor.

(b) ***Definitions.***

(1) The term *clay construction products* shall mean the following clay products: Brick, hollow structural tile, sewer pipe and kindred products, refractories, and other clay products such as architectural terra cotta, glazed structural tile, roofing tile, stove lining, chimney pipes and tops, wall coping, and drain tile. The term shall not include the following non-structural-bearing clay products: Ceramic floor and wall tile, mosaic tile, glazed and enameled tile, faience, and similar tile, nor shall the term include non-clay construction products such as sand-lime brick, glass brick, or non-clay refractories.

(2) The term *silica brick or other silica refractories* shall mean refractory products produced from raw materials containing free silica as their main constituent.

[[21 FR 5773](#), Aug. 2, 1956, as amended at [23 FR 6240](#), Aug. 14, 1958. Redesignated at [28 FR 1634](#), Feb. 21, 1963, and amended at [28 FR 3450](#), Apr. 9, 1963. Redesignated and amended at [36 FR 25156](#), Dec. 29, 1971]

§ 570.65 Occupations involving the operation of circular saws, band saws, guillotine shears, chain saws, reciprocating saws, wood chippers, and abrasive cutting discs (Order 14).

(a) ***Findings and declaration of fact.*** The following occupations are particularly hazardous for the employment of minors between 16 and 18 years of age:

(1) The occupations of operator of or helper on the following power-driven fixed or portable machines except machines equipped with full automatic feed and ejection:

(i) Circular saws.

(ii) Band saws.

(iii) Guillotine shears.

(2) The occupations of operator of or helper on the following power-driven fixed or portable machines:

(i) Chain saws.

(ii) Reciprocating saws.

(iii) Wood chippers.

(iv) Abrasive cutting discs.

(3) The occupations of setting-up, adjusting, repairing, oiling, or cleaning circular saws, band saws, guillotine shears, chain saws, reciprocating saws, wood chippers, and abrasive cutting discs.

(b) **Definitions.** As used in this section:

Abrasive cutting disc shall mean a machine equipped with a disc embedded with abrasive materials used for cutting materials.

Band saw shall mean a machine equipped with an endless steel band having a continuous series of notches or teeth, running over wheels or pulleys, and used for sawing materials.

Chain saw shall mean a machine that has teeth linked together to form an endless chain used for cutting materials.

Circular saw shall mean a machine equipped with a thin steel disc having a continuous series of notches or teeth on the periphery, mounted on shafting, and used for sawing materials.

Guillotine shear shall mean a machine equipped with a moveable blade operated vertically and used to shear materials. The term shall not include other types of shearing machines, using a different form of shearing action, such as alligator shears or circular shears.

Helper shall mean a person who assists in the operation of a machine covered by this section by helping place materials into or remove them from the machine.

Operator shall mean a person who operates a machine covered by this section by performing such functions as starting or stopping the machine, placing materials into or removing them from the machine, or any other functions directly involved in operation of the machine.

Reciprocating saw shall mean a machine equipped with a moving blade that alternately changes direction on a linear cutting axis used for sawing materials.

Wood chipper shall mean a machine equipped with a feed mechanism, knives mounted on a rotating chipper disc or drum, and a power plant used to reduce to chips or shred such materials as tree branches, trunk segments, landscape waste, and other materials.

(c) **Exemptions.** This section shall not apply to the employment of apprentices or student-learners under the conditions prescribed in [§ 570.50 \(b\)](#) and [\(c\)](#).

[[25 FR 9849](#), Oct. 14, 1960. Redesignated at [28 FR 1634](#), Feb. 21, 1963, and amended at [28 FR 3450](#), Apr. 9, 1963. Redesignated and amended at [36 FR 25156](#), Dec. 29, 1971; [75 FR 28457](#), May 20, 2010]

§ 570.66 Occupations involved in wrecking, demolition, and shipbreaking operations (Order 15).

(a) **Finding and declaration of fact.** All occupations in wrecking, demolition, and shipbreaking operations are particularly hazardous for the employment of minors between 16 and 18 years of age and detrimental to their health and well-being.

(b) **Definition.** The term *wrecking, demolition, and shipbreaking operations* shall mean all work, including clean-up and salvage work, performed at the site of the total or partial razing, demolishing, or dismantling of a building, bridge, steeple, tower, chimney, other structure, ship or other vessel.

[[25 FR 9850](#), Oct. 14, 1960. Redesignated at [28 FR 1634](#), Feb. 21, 1963, and amended at [28 FR 3450](#), Apr. 9, 1963. Redesignated and amended at [36 FR 25156](#), Dec. 29, 1971]

§ 570.67 Occupations in roofing operations and on or about a roof (Order 16).

(a) **Finding and declaration of fact.** All occupations in roofing operations and all occupations on or about a roof are particularly hazardous for the employment of minors between 16 and 18 years of age or detrimental to their health.

(b) **Definitions.** *On or about a roof* includes all work performed upon or in close proximity to a roof, including carpentry and metal work, alterations, additions, maintenance and repair, including painting and coating of existing roofs; the construction of the sheathing or base of roofs (wood or metal), including roof trusses or joists; gutter and downspout work; the installation and servicing of television and communication equipment such as cable and satellite dishes; the installation and servicing of heating, ventilation and air conditioning equipment or similar appliances attached to roofs; and any similar work that is required to be performed on or about roofs.

Roofing operations means all work performed in connection with the installation of roofs, including related metal work such as flashing, and applying weatherproofing materials and substances (such as waterproof membranes, tar, slag or pitch, asphalt prepared paper, tile, composite roofing materials, slate, metal, translucent materials, and shingles of asbestos, asphalt, wood or other materials) to roofs of buildings or other structures. The term also includes all jobs on the ground related to roofing operations such as roofing laborer, roofing helper, materials handler and tending a tar heater.

(c) **Exemptions.** This section shall not apply to the employment of apprentices or student-learners under the conditions prescribed in [§ 570.50 \(b\)](#) and [\(c\)](#).

[[27 FR 102](#), Jan. 5, 1962. Redesignated at [28 FR 1634](#), Feb. 21, 1963, and amended at [28 FR 3450](#), Apr. 9, 1963. Redesignated and amended at [36 FR 25156](#), Dec. 29, 1971; [69 FR 57404](#), Dec. 16, 2004]

§ 570.68 Occupations in excavation operations (Order 17).

(a) ***Finding and declaration of fact.*** The following occupations in excavation operations are particularly hazardous for the employment of persons between 16 and 18 years of age:

- (1) Excavating, working in, or backfilling (refilling) trenches, except
 - (i) manually excavating or manually backfilling trenches that do not exceed four feet in depth at any point, or
 - (ii) working in trenches that do not exceed four feet in depth at any point.
- (2) Excavating for buildings or other structures or working in such excavations, except:
 - (i) Manually excavating to a depth not exceeding four feet below any ground surface adjoining the excavation, or
 - (ii) working in an excavation not exceeding such depth, or
 - (iii) working in an excavation where the side walls are shored or sloped to the angle of repose.
- (3) Working within tunnels prior to the completion of all driving and shoring operations.
- (4) Working within shafts prior to the completion of all sinking and shoring operations.

(b) ***Exemptions.*** This section shall not apply to the employment of apprentices or student-learners under the conditions prescribed in [§ 570.50 \(b\)](#) and [\(c\)](#).

Subpart E-1—Occupations in Agriculture Particularly Hazardous for the Employment of Children Below the Age of 16

Authority: Secs. 12, 13, 18, 52 Stat. 1067, 1069, as amended; [29 U.S.C. 212](#), [213](#), [218](#).

§ 570.70 Purpose and scope.

(a) ***Purpose.*** Section 13(c)(2) of the Fair Labor Standards Act of 1938, as amended ([29 U.S.C. 213\(c\)\(2\)](#)) states that the “provisions of section 12 [of the Act] relating to child labor shall apply to an employee below the age of 16 employed in agriculture in an occupation that the Secretary of Labor finds and declares to be particularly hazardous for the employment of children below the age of 16, except where such employee is employed by his parent or by a person standing in the place of his parent on a farm

owned or operated by such parent or person.” The purpose of this subpart is to apply this statutory provision.

(b) **Exception.** This subpart shall not apply to the employment of a child below the age of 16 by his parent or by a person standing in the place of his parent on a farm owned or operated by such parent or person.

(c) **Statutory definitions.** As used in this subpart, the terms *agriculture*, *employer*, and *employ* have the same meanings as the identical terms contained in section 3 of the Fair Labor Standards Act of 1938, as amended ([29 U.S.C. 203](#)), which are as follows:

(1) **Agriculture** includes farming in all its branches and among other things includes the cultivation and tillage of soil, dairying, the production, cultivation, growing, and harvesting of any agricultural or horticultural commodities (including commodities defined as agricultural commodities in section 15(g) of the Agricultural Marketing Act, as amended), the raising of livestock, bees, fur-bearing animals, or poultry, and any practices (including any forestry or lumbering operations) 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 or to market or to carriers for transportation to market.

(2) **Employer** includes any person acting directly or indirectly in the interest of an employer in relation to an employee but shall not include the United States or any State or political subdivision of a State (except with respect to employees of a State or a political subdivision thereof, employed:

(i) In a hospital, institution, or school referred to in the last sentence of section (r) of the Act, or

(ii) In the operation of a railway or carrier referred to in such sentence), or any labor organization (other than when acting as an employer), or anyone acting in the capacity of officer or agent of such labor organization.

(iii) **Employ** includes to suffer or permit to work.

[[35 FR 221](#), Jan. 7, 1970, as amended at [35 FR 2822](#), Feb. 11, 1970. Redesignated at [36 FR 25156](#), Dec. 29, 1971]

§ 570.71 Occupations involved in agriculture.

(a) **Findings and declarations of fact as to specific occupations.** The following occupations in agriculture are particularly hazardous for the employment of children below the age of 16:

(1) Operating a tractor of over 20 PTO horsepower, or connecting or disconnecting an implement or any of its parts to or from such a tractor.

(2) Operating or assisting to operate (including starting, stopping, adjusting, feeding, or any other activity involving physical contact associated with the operation) any of the following machines:

(i) Corn picker, cotton picker, grain combine, hay mower, forage harvester, hay baler, potato digger, or mobile pea viner;

- (ii) Feed grinder, crop dryer, forage blower, auger conveyor, or the unloading mechanism of a nongravity-type self-unloading wagon or trailer; or
 - (iii) Power post-hole digger, power post driver, or nonwalking type rotary tiller.
- (3) Operating or assisting to operate (including starting, stopping, adjusting, feeding, or any other activity involving physical contact associated with the operation) any of the following machines:
- (i) Trencher or earthmoving equipment;
 - (ii) Fork lift;
 - (iii) Potato combine; or
 - (iv) Power-driven circular, band, or chain saw.
- (4) Working on a farm in a yard, pen, or stall occupied by a:
- (i) Bull, boar, or stud horse maintained for breeding purposes; or
 - (ii) Sow with suckling pigs, or cow with newborn calf (with umbilical cord present)
- (5) Felling, bucking, skidding, loading, or unloading timber with butt diameter of more than 6 inches.
- (6) Working from a ladder or scaffold (painting, repairing, or building structures, pruning trees, picking fruit, etc.) at a height of over 20 feet.
- (7) Driving a bus, truck, or automobile when transporting passengers, or riding on a tractor as a passenger or helper.
- (8) Working inside:
- (i) A fruit, forage, or grain storage designed to retain an oxygen deficient or toxic atmosphere;
 - (ii) An upright silo within 2 weeks after silage has been added or when a top unloading device is in operating position;
 - (iii) A manure pit; or
 - (iv) A horizontal silo while operating a tractor for packing purposes.
- (9) Handling or applying (including cleaning or decontaminating equipment, disposal or return of empty containers, or serving as a flagman for aircraft applying) agricultural chemicals classified under the Federal Insecticide, Fungicide, and Rodenticide Act ([7 U.S.C. 135 et seq.](#)) as Category I of toxicity, identified by the word "poison" and the "skull and crossbones" on the label; or Category II of toxicity, identified by the word "warning" on the label;

(10) Handling or using a blasting agent, including but not limited to, dynamite, black powder, sensitized ammonium nitrate, blasting caps, and primer cord; or

(11) Transporting, transferring, or applying anhydrous ammonia.

(b) **Occupational definitions.** In applying machinery, equipment, or facility terms used in [paragraph \(a\)](#) of this section, the Wage and Hour Division will be guided by the definitions contained in the current edition of *Agricultural Engineering*, a dictionary and handbook, Interstate Printers and Publishers, Danville, Ill. Copies of this dictionary and handbook are available for examination in Regional Offices of the Wage and Hour Division, U.S. Department of Labor.

[[35 FR 221](#), Jan. 7, 1970. Redesignated at [36 FR 25156](#), Dec. 29, 1971]

§ 570.72 Exemptions.

(a) **Student-learners.** The findings and declarations of fact in [§ 570.71\(a\)](#) shall not apply to the employment of any child as vocational agriculture student-learner in any of the occupations described in paragraph (1), (2), (3), (4), (5), or (6) of [§ 570.71\(a\)](#) when each of the following requirements are met:

(1) The student-learner is enrolled in a vocational education training program in agriculture under a recognized State or local educational authority, or in a substantially similar program conducted by a private school;

(2) Such student-learner is employed under a written agreement which provides;

(i) that the work of the student-learner is incidental to his training;

(ii) that such work shall be intermittent, for short periods of time, and under the direct and close supervision of a qualified and experienced person;

(iii) that safety instruction shall be given by the school and correlated by the employer with on-the-job training; and

(iv) that a schedule of organized and progressive work processes to be performed on the job have been prepared;

(3) Such written agreement contains the name of the student-learner, and is signed by the employer and by a person authorized to represent the educational authority or school; and

(4) Copies of each such agreement are kept on file by both the educational authority or school and by the employer.

(b) **Federal Extension Service.** The findings and declarations of fact in [§ 570.71\(a\)](#) shall not apply to the employment of a child under 16 years of age in those occupations in which he has successfully completed one or more training programs described in [paragraph \(b\) \(1\), \(2\), or \(3\)](#) of this section provided he has been instructed by his employer on safe and proper operation of the specific equipment he is to use; is continuously and closely supervised by the employer where feasible; or, where not feasible,

in work such as cultivating, his safety is checked by the employer at least at midmorning, noon, and midafternoon.

(1) **4-H tractor operation program.** The child is qualified to be employed in an occupation described in [§ 570.71\(a\)\(1\)](#) provided:

(i) He is a 4-H member;

(ii) He is 14 years of age, or older;

(iii) He is familiar with the normal working hazards in agriculture;

(iv) He has completed a 10-hour training program which includes the following units from the manuals of the 4-H tractor program conducted by, or in accordance with the requirements of, the Cooperative Extension Service of a land grant university:

(a) First-year Manual:

Unit 1—Learning How to be Safe;

Unit 4—The Instrument Panel;

Unit 5—Controls for Your Tractor;

Unit 6—Daily Maintenance and Safety Check; and

Unit 7—Starting and Stopping Your Tractor;

(b) Second-year Manual:

Unit 1—Tractor Safety on the Farm;

(c) Third-year Manual:

Unit 1—Tractor Safety on the Highway;

Unit 3—Hitches, Power-take-off, and Hydraulic Controls;

(v) He has passed a written examination on tractor safety and has demonstrated his ability to operate a tractor safely with a two-wheeled trailed implement on a course similar to one of the 4-H Tractor Operator's Contest Courses; and

(vi) His employer has on file with the child's records kept pursuant to [part 516 of this title](#) (basically, name, address, and date of birth) a copy of a certificate acceptable by the Wage and Hour Division, signed by the leader who conducted the training program and by an Extension Agent of the Cooperative Extension Service of a land grant university to the effect that the child has completed all the requirements specified in [paragraphs \(b\)\(1\) \(i\) through \(v\)](#) of this section.

(2) **4-H machine operation program.** The child is qualified to be employed in an occupation described in [§ 570.71\(a\)\(2\)](#) providing:

- (i) He satisfies all the requirements specified in [paragraphs \(b\)\(2\)\(i\)](#) through [\(v\)](#) of this section;
- (ii) He has completed an additional 10-hour training program on farm machinery safety, including 4-H Fourth-Year Manual, Unit 1, Safe Use of Farm Machinery;
- (iii) He has passed a written and practical examination on safe machinery operation; and
- (iv) His employer has on file with the child's records kept pursuant to [part 516 of this title](#) (basically, name, address, and date of birth) a copy of a certificate acceptable by the Wage and Hour Division, signed by the leader who conducted the training program and by an Extension Agent of the Cooperative Extension Service of a land grant university, to the effect that the child has completed all of the requirements specified in [paragraphs \(b\)\(2\)\(i\)](#) through [\(iii\)](#) of this section.

(3) **Tractor and machine operation program.** The child is qualified to be employed in an occupation described in [§ 570.71\(a\)\(1\)](#) and [\(2\)](#) providing:

- (i) He is 14 years of age, or older;
- (ii) He has completed a 4-hour orientation course familiarizing him with the normal working hazards in agriculture;
- (iii) He has completed a 20-hour training program on safe operation of tractors and farm machinery, which covers all material specified in [paragraphs \(b\)\(1\)\(iv\)](#) and [\(2\)\(ii\)](#) of this section.
- (iv) He has passed a written examination on tractor and farm machinery safety, and has demonstrated his ability to operate a tractor with a two-wheeled trailed implement on a course similar to a 4-H Tractor Operator's Contest Course, and to operate farm machinery safely.
- (v) His employer has on file with the child's records kept pursuant to [part 516 of this title](#) (basically, name, address and date of birth) a copy of a certificate acceptable by the Wage and Hour Division, signed by the volunteer leader who conducted the training program and by an Extension Agent of the Cooperative Extension Service of a land grant university, to the effect that all of the requirements of [paragraphs \(b\)\(2\)\(i\)](#) through [\(iv\)](#) of this section have been met.

(c) **Vocational agriculture training.** The findings and declarations of fact in [§ 570.71\(a\)](#) shall not apply to the employment of a vocational agriculture student under 16 years of age in those occupations in which he has successfully completed one or more training programs described in [paragraph \(c\)\(1\)](#) or [\(2\)](#) of this section and who has been instructed by his employer in the safe and proper operation of the specific equipment he is to use, who is continuously and closely supervised by his employer where feasible or, where not feasible, in work such as cultivating, whose safety is checked by the employer at least at midmorning, noon, and midafternoon, and who also satisfies whichever of the following program requirements are pertinent:

(1) **Tractor operation program.** The student is qualified to be employed in an occupation described in [§ 570.71\(a\)\(1\)](#) provided:

(i) He is 14 years of age, or older;

(ii) He is familiar with the normal working hazards in agriculture;

(iii) He has completed a 15-hour training program which includes the required units specified in the Vocational Agriculture Training Program in Safe Tractor Operation, outlined by the Office of Education, U.S. Department of Health, Education, and Welfare and acceptable by the U.S. Department of Labor. The training program is outlined in Special Paper No. 8, April 1969, prepared at Michigan State University, East Lansing, Mich., for the Office of Education. Copies of this training program outline are available for examination in the Regional Offices of the Wage and Hour Division, U.S. Department of Labor, and a copy may be obtained from the Office of Education, U.S. Department of Health, Education, and Welfare, Washington, DC 20202.

(iv) He has passed both a written test and a practical test on tractor safety including a demonstration of his ability to operate safely a tractor with a two-wheeled trailed implement on a test course similar to that described in the Vocational Agriculture Training Program in Safe Tractor Operation, outlined by the Office of Education, U.S. Department of Health, Education, and Welfare; and

(v) His employer has on file with the child's records kept pursuant to [part 516 of this title](#) (basically, name, address, and date of birth) a copy of a certificate acceptable by the Wage and Hour Division, signed by the Vocational Agriculture teacher who conducted the program to the effect that the student has completed all the requirements specified in [paragraphs \(c\)\(1\)\(i\)](#) through [\(iv\)](#) of this section.

(2) **Machinery operation program.** The student is qualified to be employed in an occupation described in [paragraph \(2\) of § 570.71\(a\)](#) provided he has completed the Tractor Operation Program described in [paragraph \(c\)\(1\)](#) of this section and:

(i) He has completed an additional 10-hour training program which includes the required units specified in the Vocational Agriculture Training Program in Safe Farm Machinery Operation, outlined by the Office of Education, U.S. Department of Health, Education, and Welfare and approved by the U.S. Department of Labor;

(ii) He has passed both a written test and a practical test on safe machinery operation similar to that described in the Vocational Agriculture Training Program in Safe Farm Machinery Operation, outlined by the Office of Education, U.S. Department of Health, Education, and Welfare; and

(iii) His employer has on file with the child's records kept pursuant to [part 516 of this title](#) (basically, name, address and date of birth) a copy of a certificate acceptable by the Wage and Hour Division, signed by the Vocational Agriculture teacher who conducted the program to the effect that student has completed all the requirements specified in [paragraphs \(c\)\(2\)\(i\)](#) and [\(ii\)](#) of this section.

(d) **Agency review.** The provisions of [paragraphs \(a\)](#), [\(b\)](#), and [\(c\)](#) of this section will be reviewed and reevaluated before January 1, 1972. In addition, determinations will be made as to whether the use of protective frames, crush resistant cabs, and other personal protective devices should be made a condition of these exemptions.