

TITLE 29  
PART 570  
SUBPART E-1  
OF THE CODE OF FEDERAL REGULATIONS

**Occupations in Agriculture Particularly Hazardous for  
the Employment of Children Below the Age of 16**

[This publication conforms to the Code of Federal Regulations as of December 29, 1971, the date this reprint was authorized.]

U.S. DEPARTMENT OF LABOR  
Employment Standards Administration  
Wage and Hour Division  
Washington, DC 20210

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AUTHORITY: The provisions of this Subpart E-1 issued under secs. 12, 13, 18, 52 Stat. 1067, 1069, as amended;  
29 U.S.C. 212, 213, 218.

SOURCE: The provisions of this Subpart E-1 appear at 35 F.R. 221, Jan. 7, 1970 unless otherwise noted.  
Part transferred to 29 C.F.R. 570 in 36 F.R. 25156, Dec. 29, 1971.

Effective February 6, 1970.

**Section 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:

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- (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 operation;
  - (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.

## **Section 570.72 Exemptions.**

- (a) Student-learners. The findings and declarations of fact in sec. 570.71(a) shall not apply to the employment of any child as vocational agriculture student-learner in any of the occupations described in subparagraph (1), (2), (3), (4), (5), or (6) of sec. 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 has 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 sec. 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 subparagraph (1), (2), or (3) of this paragraph 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 mid-morning, noon, and midafternoon.

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- (1) 4-H tractor operation program. The child is qualified to be employed in an occupation described in subparagraph (1) of sec. 570.71(a) 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 operator 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 subdivisions (i) through (v) of this subparagraph.
- (2) 4-H machine operation program. The child is qualified to be employed in an occupation described in subparagraph (2) of sec. 570.71(a) provided:
- (i) he satisfies all the requirements specified in subdivision (i) through (v) of subparagraph (1) of this paragraph;
  - (ii) he has completed an additional 10-hour training program on farm machinery safety, including 4-H Fourth-Year Manual, 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 subdivisions (i) through (iii) of this subparagraph.
- (3) Tractor and machine operation program. The child is qualified to be employed in an occupation described in subparagraphs (1) and (2) of sec. 570.71(a) providing:

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- (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 subparagraphs (1)(iv) and (2)(ii) of this paragraph;
  - (iv) he has passed a written examination on tractor and farm machinery safety, and has demonstrated his ability to operator 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; 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 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 subdivisions (i) through (iv) of this subparagraph have been met.

(c) Vocational agriculture training. The findings and declarations of fact in sec. 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 subparagraph (1) or (2) of this paragraph 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 subparagraph (1) of sec. 570.71(a) 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, D.C. 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 subdivisions (i) through (iv) of this subparagraph.

(2) Machinery operation program. The student is qualified to be employed in an occupation described in subparagraph (2) of sec. 570.71(a) provided he has completed the Tractor Operation Program described in subparagraph (1) of this paragraph 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,

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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 the student has completed all the requirements specified in subdivisions (i) and (ii) of this subparagraph.

(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.

## **Section 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 3(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.
- (3) "Employ" includes to suffer or permit to work.

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The effect of this Order is to establish a minimum age for employment in agriculture of 16 years in those occupations declared to be particularly hazardous. This Order applies generally to any farmer who ships or delivers for shipment in interstate or foreign commerce. Higher standards. Nothing in this subpart shall authorize noncompliance 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.