

Wage and Hour Division, Labor

§ 570.72

(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:

§ 570.72

29 CFR Ch. V (7-1-02 Edition)

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 Hydraul-
ic Controls;

(v) He has passed a written examina-
tion on tractor safety and has dem-
onstrated his ability to operate a trac-
tor 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, ad-
dress, and date of birth) a copy of a cer-
tificate acceptable by the Wage and
Hour Division, signed by the leader
who conducted the training program
and by an Extension Agent of the Coop-
erative Extension Service of a land
grant university to the effect that the
child has completed all the require-
ments 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 ma-
chinery 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 machin-
ery operation; and

(iv) His employer has on file with the
child's records kept pursuant to part
516 of this title (basically, name, ad-
dress, and date of birth) a copy of a cer-
tificate acceptable by the Wage and
Hour Division, signed by the leader
who conducted the training program
and by an Extension Agent of the Coop-
erative Extension Service of a land
grant university, to the effect that the
child has completed all of the require-

ments specified in paragraphs (b)(2) (i)
through (iii) of this section.

(3) *Tractor and machine operation pro-
gram.* The child is qualified to be em-
ployed 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 ori-
entation course familiarizing him with
the normal working hazards in agri-
culture;

(iii) He has completed a 20-hour
training program on safe operation of
tractors and farm machinery, which
covers all material specified in para-
graphs (b) (1)(iv) and (2)(ii) of this sec-
tion.

(iv) He has passed a written examina-
tion on tractor and farm machinery
safety, and has demonstrated his abil-
ity 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, ad-
dress and date of birth) a copy of a cer-
tificate acceptable by the Wage and
Hour Division, signed by the volunteer
leader who conducted the training pro-
gram and by an Extension Agent of the
Cooperative Extension Service of a
land grant university, to the effect
that all of the requirements of para-
graphs (b)(2) (i) through (iv) of this sec-
tion have been met.

(c) *Vocational agriculture training.* The
findings and declarations of fact in
§ 570.71(a) shall not apply to the em-
ployment of a vocational agriculture
student under 16 years of age in those
occupations in which he has success-
fully 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 contin-
uously and closely supervised by his em-
ployer where feasible or, where not fea-
sible, in work such as cultivating,
whose safety is checked by the em-
ployer at least at midmorning, noon,
and midafternoon, and who also satis-
fies whichever of the following pro-
gram requirements are pertinent:

Wage and Hour Division, Labor

§ 570.101

(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 Vo-

ccational 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.

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

Subpart F [Reserved]

Subpart G—General Statements of Interpretation of the Child Labor Provisions of the Fair Labor Standards Act of 1938, as Amended

AUTHORITY: 52 Stat. 1060-1069, as amended; 29 U.S.C. 201-219.

GENERAL

§ 570.101 Introductory statement.

(a) This subpart discusses the meaning and scope of the child labor provisions contained in the Fair Labor Standards Act, as amended (hereinafter referred to as the Act). These provisions seek to protect the safety, health, well-being, and opportunities