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Document No. 4164

**DIVISION OF LABOR**

CHAPTER 71

Statutory Authority: 1976 Code Sections 41-3-40 and 41-13-20

71-3100 through 71-3121, Article 3. Child Labor

**Synopsis:**

The Division of Labor is deleting and replacing obsolete regulations to conform to changes in the regulations of the United States Department of Labor. South Carolina law requires that the state regulations be no more restrictive or burdensome than applicable federal laws (S.C. Code Ann. 41-13-20).

The Notice of Drafting was published in the *State Register* on August 27, 2010.

**Instructions:**

71-3100 through 71-3121

Replace Article 3 as printed below.

~~Indicates Matter Stricken~~

Indicates New Matter

**Text:**

ARTICLE 3

CHILD LABOR

71-3100. Purpose.

 Section 41-13-20, South Carolina Code of Laws, 1976 (as amended), provides that the Director of the Department of Labor, Licensing and Regulation shall promulgate regulations which will prohibit oppressive child labor practices but be no more restrictive or burdensome than applicable federal laws or regulations. It is the purpose of these regulations to resolve any contradictions between state and federal law and to protect the well-being of children at work in this State.

71-3101. Scope.

 These ~~rules and~~ regulations shall apply to every employer in this State.

71-3102. Definitions.

 1. “Oppressive child labor” means a condition of employment under which (1) any employee under the age of sixteen (16) years is employed by an employer (other than a parent or a person standing in place of a parent employing his own child or a child in his custody under the age of sixteen (16) years in an occupation other than manufacturing or mining or an occupation found by the Director of the Department of Labor, Licensing and Regulation to be particularly hazardous for the employment of children sixteen (16) and seventeen (17) years of age or detrimental to their health or well-being) in any occupation, or (2) any employee sixteen (16) and seventeen (17) years of age is employed by an employer in any occupation which the Director of the Department of Labor, Licensing and Regulation shall find and by regulation declare to be particularly hazardous for the employment of children between such ages or detrimental to their health or well-being.

 2. “Employer” means every person, firm, partnership, association, corporation, receiver or other officer of a court of this State, the State or any political subdivision thereof and any agent or officer of the above-mentioned classes employing any person in this State.

 3. “FLSA” means the Fair Labor Standards Act as codified in Chapter 8 of Title 29 of the United States Code.

71-3103. Age Restrictions.

 No person under the age of ~~sixteen~~ eighteen (18) shall be employed in this State except according to the regulations in this subarticle.

71-3104. Employment in Hazardous Occupations or Occupations Detrimental to Health or Well Being.

 Persons sixteen (16) and seventeen (17) shall not be employed in any occupation declared by the Director of the Department of Labor, Licensing and Regulation to be particularly hazardous or detrimental to the health or well-being of minors. Such occupations are identified at 71-~~3107~~3112.

71-3105. Exempted Occupations; ~~Apprentices; Student-Learners.~~ General

~~(a) The following occupations are exempted from the coverage of these regulations for minors of any age according to the terms of each exemption.~~

~~(b) The provisions of this Article with the exception of 71-3108 do not apply to any employee employed in agriculture outside of school hours for the school district where such employee is living while he is so employed, if such employee is fourteen years or older, or is twelve or thirteen years of age and the employment is with the consent of his parent or person standing in the place of his parent.~~

~~(c) The provisions of this Article do not apply with respect to any employee engaged in the street sale or delivery of newspapers to the consumer, including carriers making deliveries to the homes of subscribers.~~

~~(d) The provisions of this Article do not apply with respect to any employee engaged as an actor or performer in motion pictures, radio or television productions, or theatrical productions.~~

~~(e) The provisions of this Article do not apply with respect to any employee employed by his or her own parent or the person standing in place of his or her parent except in those occupations found by the Director of the Department of Labor, Licensing and Regulation to be particularly hazardous or detrimental to health or well-being of minors and identified at 71-3107.~~

~~(f) Where this Article contains any 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.~~

~~(g) Where this Article contains 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 eighteen years of age.~~

 (a) Specific exemptions from the child labor requirements of the Act are provided for:

 (1) Employment of children in agriculture outside of school hours for the school district where they live while so employed;

 (2) Employment of employees engaged in the delivery of newspapers to the consumer;

 (3) Employment of children as actors or performers in motion pictures or in theatrical, radio, or television productions;

 (4) Employment by a parent or a person standing in a parent’s place of his own child or a child in his custody under the age of sixteen (16) years in any occupation other than manufacturing, mining, or an occupation found by the Secretary to be particularly hazardous for the employment of children between the ages of sixteen (16) and eighteen (18) years or detrimental to their health or well-being.

 (5) Employment of homeworkers engaged in the making of evergreen wreaths, including the harvesting of the evergreens or other forest products used in making such wreaths;

 (6) Employment of children sixteen (16) and seventeen (17) years of age to load, but not operate or unload, certain scrap paper balers and paper box compactors under specified conditions;

 (7) Employment of children seventeen (17) year of age to perform limited driving of cars and trucks during daylight hours under specified conditions;

 (8) Employment of youths between the ages of fourteen (14) and eighteen (18) years who, by statute or judicial order, are excused from compulsory school attendance beyond the eighth grade, under specified conditions, in places of business that use power-driven machinery to process wood products.

 (b) When interpreting these provisions, the Department will be guided by the principle that such exemptions should be narrowly construed and their application limited to those employees who are plainly and unmistakably within their terms. Thus, the fact that a child’s occupation involves the performance of work which is considered exempt from the child labor provisions will not relieve his employer from the requirements of S.C. Code Section 41-13-20 if, during the course of his employment, the child spends any part of his time doing work which is covered but not so exempt.

~~71-3106. Employment of Minors~~ ~~Between 14 and 16 years of age.~~

~~(a) The employment of minors fourteen and fifteen years of age in the occupation, for the periods, and under the conditions hereafter specified does not interfere with their schooling or with their health and well-being and shall not be deemed to be oppressive child labor.~~

~~(b) In all occupations covered by this subpart the employment (including suffering or permitting to work) by an employer of minor employees fourteen and fifteen years of age shall be confined to the following periods:~~

~~(1) Outside school hours;~~

~~(2) Not more than 40 hours in any one week when school is not in session;~~

~~(3) Not more than 18 hours in any one week when school is in session;~~

~~(4) Not more than 8 hours in any one day when school is not in session;~~

~~(5) Not more than 3 hours in any one day when school is in session; and~~

~~(6) Between 7 a.m. and 7 p.m. in any one day, except during the period of summer break of the school district in which the minor resides, when the evening hour will be 9 p.m.~~

~~(c) Permitted occupations for minors fourteen and fifteen years employed by retail, food service, and gasoline service establishments include:~~

~~(1) Office and clerical work, including the operation of office machines;~~

~~(2) Cashiering, selling, modeling, art work, work in advertising departments, window trimming, and comparative shopping;~~

~~(3) Price marking and tagging by hand or by machine, assembling orders, packing and shelving;~~

~~(4) Bagging and carrying out customers’ orders;~~

~~(5) Errand and delivery work by foot, bicycle, and public transportation;~~

~~(6) Clean up work, including the use of vacuum cleaners and floor waxers, and maintenance of grounds, but not including the use of power-driven mowers, or cutters;~~

~~(7) Kitchen work and other work involved in preparing and serving food and beverages, including the operation of machines and devices used in the performance of such work; such as but not limited to, dish-washers, toasters, dumb-waiters, 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 degrees Fahrenheit. 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 degrees Fahrenheit;~~

~~(8) Work in connection with cars and trucks if confined to the following: Dispensing gasoline and oil; courtesy service; car cleaning, washing and polishing; 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; and~~

~~(9) Cleaning vegetables and fruits, and wrapping, sealing, labeling, weighing, pricing and stocking goods when performed in areas physically separate from those where the work described in paragraph (d)(12) of this section is performed.~~

~~(d) Occupations which are not permitted for minors fourteen and fifteen years of age include:~~

~~(1) 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 those occupations permitted by paragraph (c) of this section;~~

~~(2) Occupations which involve the operation or tending of hoisting apparatus or of any power-driven machinery other than office machines;~~

~~(3)The operation of motor vehicles or service as helpers on such vehicles;~~

~~(4) Public messenger service;~~

~~(5) Occupations which the Director of the Department of Labor, Licensing and Regulation may find and declare to be hazardous for the employment of minors sixteen and seventeen years of age or detrimental to their health or well-being;~~

~~(6) Occupations in connection with:~~

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

~~(b) Warehousing and storage;~~

~~(c) Communications and public utilities;~~

~~(d) Construction (including demolition and repair); except such office (including ticket office) work, or sales work, in connection with paragraphs (6)(a), (b), (c), and (d) 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;~~

~~(7) Work performed in or about boiler or engine rooms;~~

~~(8) Work in connection with maintenance or repair of the establishment, machines or equipment;~~

~~(9) Outside window washing that involves working from window sills, and all work requiring the use of ladders, scaffolds, or their substitutes~~;

~~(10) Cooking and baking except:~~

~~(a) Cooking is permitted 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, boilers, pressurized equipment including fryolators, and cooking devices that operate at extremely high temperatures such as “Neico broilers”); and~~

~~(b) Cooking is 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;~~

~~(11) 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;~~

~~(12) Work in and meat coolers and all work in the preparation of meats for sale except as described in paragraph (c)(9) of this section;~~

~~(13) Loading and unloading goods to and from trucks, railroad cars, or conveyors;~~

~~(14) All occupations in warehouses except office and clerical work.~~

~~(e) This section shall not apply to any Work Experience or Career Exploration Program approved by the Administrator of the Wage and Hour Division of the United States Department of Labor. The South Carolina Department of Labor will not make separate determinations concerning such programs. See 29 CFR Sections §570.35(a).~~

71-3106. Loading of Certain Scrap Paper Balers and Paper Box Compactors.

 (a) Section 13(c)(5) of the FLSA provides for an exemption from the child labor provisions for the employment of children sixteen (16) and seventeen (17) years of age to load, but not operate or unload, certain power-driven scrap paper balers and paper box compactors under certain conditions. The provisions of this exemption, which are contained in 71-3118 include that the scrap paper baler or compactor meet an applicable standard established by the American National Standards Institute (ANSI) and identified in the statute, or a more recent ANSI standard that the Secretary of Labor has found, incorporated by reference (see 71-3118), and declared to be as protective of the safety of young workers as the ANSI standard named in the statute.

 (b) These standards have been incorporated into these regulations by reference as discussed in 71-3118. In addition, the scrap paper baler or paper box compactor must include an on-off switch incorporating a key-lock or other system and the control of the system must be maintained in the custody of employees who are at least eighteen (18) years of age. The on-off switch of the scrap paper baler or paper box compactor must be maintained in an off position when the machine is not in operation. Furthermore, the employer must also post a notice on the scrap paper baler or paper box compactor that conveys certain information, including the identification of the applicable ANSI standard that the equipment meets, that employees of sixteen (16) and seventeen (17) years of age may only load the scrap paper baler or paper box compactor, and that no employee under the age of eighteen (18) may operate or unload the scrap paper baler or paper box compactor.

~~71-3107. List of Hazardous Occupations or Occupations Detrimental to Health of Minors; Exemptions.~~

~~(A) The following occupations are found to be particularly hazardous for minors sixteen and seventeen years of age or detrimental to their health or well-being. Employment of minors sixteen and seventeen years of age in these occupations is not permitted.~~

~~(B) Occupations in or about establishments manufacturing or storing explosives or articles containing explosive components are particularly hazardous for the employment of minors sixteen and seventeen years of age.~~

~~1. All occupations in or about any plant or establishment (other than retail establishments or plants or establishments of the type described in subparagraph (B)(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.~~

~~3. Definitions. For the purpose of this section:~~

~~(a) 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.~~

~~(b) The terms “explosives” and “articles containing explosive components” mean and include ammunition, black powder, blasting caps, fireworks, high explosives, primers, smokeless powder, and all goods classified and defined as explosives and explosive materials 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' website at http://www.atf.gov.~~

~~(c) An area meeting all of the criteria in paragraphs (B)(3)(c)(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 eighteen years of age within the area from entering any area in or about the plant which does not meet criteria of paragraphs (B)(3)(c)(i) through (iii) of this section.~~

~~(C)(1) Finding and declaration of fact. Except as provided in subparagraph (2) of this paragraph 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 71-3107(O) are particularly hazardous for the employment of minors sixteen and seventeen years of age.~~

~~(2) Exemptions--~~

~~(i) Incidental and occasional driving. The finding and declaration in paragraph (1) of this section shall not apply to the operation of automobiles or trucks not exceeding 6,000 pounds gross vehicle weight if such driving is restricted to daylight hours: Provided, such operation is only occasional and incidental to the child's employment; that the child holds a State license valid for the type of driving involved in the job which he performs, has no records of any moving violations at the time of hire, and has completed a State approved driver education course: And provided further, that the vehicle is equipped with a seat belt or similar device for the driver and for each helper, and the employer has instructed each child that such belts or other devices must be used: And provided further, that the driving performed by the child 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 child's employer to a customer or of transporting passengers (other than the employees of the employer); and that the driving takes place within a thirty (30) mile radius of the minor's place of employment. This paragraph shall not be applicable to any occupation of motor vehicle driver which involves 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.~~

~~(ii) School bus driving. The finding and declaration in paragraph (a) of this section shall not apply to driving a school bus.~~

~~(3) Definitions. For the purpose of this paragraph:~~

~~(i) 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.~~

~~(ii) The term “driver” shall mean any individual who, in the course of his employment, drives a motor vehicle at any time.~~

~~(iii) 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.~~

~~(iv) The term “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.~~

~~(v) The term “occasional and incidental” shall mean 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.~~

~~(vi) The term “urgent, time-sensitive deliveries” shall mean trips which, because of such factors as customer satisfaction, the rapid deterioration of quality or change in temperature of the product, and/or economic incentives, are subject to time-lines, 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” 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.~~

~~(D) Finding and declarations of fact. All occupations in logging and all occupations in the operation of any sawmill, lath mill, or cooperage-stock mill are particularly hazardous for the employment of minors between sixteen and eighteen years of age, except the following:~~

~~(1) Exceptions to applying to logging:~~

~~(i) Work in offices or in repair or maintenance shops.~~

~~(ii) Work in the construction, operation, repair, or maintenance of living and administrative quarters of logging camps.~~

~~(iii) Work in timber cruising, surveying, or logging engineering parties; work in the repair or maintenance of roads, railroads or flumes; work in forest protection, such as clearing fire trails or roads, piling and burning slash, maintaining fire fighting equipment, constructing and maintaining telephone lines, or acting as fire lookout or fire patrolman away from actual logging operations: Provided, That the provision of this paragraph shall not apply to the felling or bucking of timber, the collecting or transporting of logs, the operation of power-driven machinery, the handling or use of explosives, and work on trestles.~~

~~(iv) 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.~~

~~(v) Work in the feeding or care of animals.~~

~~(2) Exceptions applying to the operation of any permanent sawmill or the operation of any lath mill, shingle mill, or cooperage-stock mill: Provided, That these exceptions do not apply to a portable sawmill the lumberyard of which is used only for the temporary storage of green lumber and in connection with which no office or repair or maintenance shop is ordinarily maintained: And further provided, That these exceptions do not apply to work which entails entering the sawmill building:~~

~~(i) Work in offices or in repair or maintenance shops.~~

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

~~(iii) Pulling lumber from the dry chain.~~

~~(iv) Clean-up in the lumberyard.~~

~~(v) Piling, handling, or shipping of cooperage stock in yards or storage sheds other than operating or assisting in the operation or assisting in the operation of power driven equipment.~~

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

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

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

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

~~(x) Manual loading of bundles of shingle or shakes into trucks or railroad cars, provided that the employer has on file a statement from a licensed doctor of medicine or osteopath certifying the minor capable of performing this work without injury to himself.~~

~~(3) Definitions. As used in this paragraph:~~

~~(1) The term “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. The term shall not apply to work performed in timber culture, timber, stand improvement, or in emergency fire fighting.~~

~~(2) The term “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, laths, 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 in any planing mill or remanufacturing plant not a part of a sawmill.~~

~~(E) Finding and declaration of fact. The following occupations involved in the operation of power-driven woodworking machines are particularly hazardous for minors sixteen and seventeen 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.~~

~~(4) Definitions. As used in this section:~~

~~(i) The term “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 or veneer.~~

~~(ii) The term “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:~~

~~(a) 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~~

~~(b) The following operations when they do not involve the removal of material or refuse directly from a saw table or from the 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.~~

~~(i) The term “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 or veneer.~~

~~(5) Exemptions. This section shall not apply to the employment of apprentices or student-learners under the conditions prescribed in 71-3105(f) and (g).~~

~~(F) 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 sixteen and seventeen 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.~~

~~(3) Definitions. As used in this paragraph:~~

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

~~(ii) The term “workroom” shall include the entire area bounded by walls of solid material and extending from floor to ceiling;~~

~~(iii) 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.~~

~~(G) Finding and declaration of fact. The following occupations involved in the operation of power-driven hoisting apparatus are particularly hazardous for minors sixteen and seventeen years of age:~~

~~(1) Work of operating an elevator, crane, derrick, hoist, or high lift truck, except operating an unattended automatic operation passenger elevator or an electric or air operated hoist not exceeding one ton capacity.~~

~~(2) Work which involves riding on a manlift or on a freight elevator, except a freight elevator operated by an assigned operator.~~

~~(3) Work of assisting in the operation of crane, derrick, or hoist performed by crane hookers, crane chasers, hookers-on, riggers, rigger helpers, and like occupations.~~

~~(4) Definitions. As used in this paragraph:~~

~~(ii) The term “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.~~

~~(iii) The term “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.~~

~~(i) The term “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.~~

~~(v) The term “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 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, 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 material.~~

~~(iv) The term “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.~~

~~(vi) The term “manlift” shall mean a device intended for the conveyance of persons which consists of platforms or brackets mounted on, or attached to, an endless belt, cable, chain or similar method of suspension; 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.~~

~~(5) Exception.~~

~~(a) 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.~~

~~(b) 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.~~

~~(c) 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.~~

~~(H) Finding and declaration of fact. The following occupations are particularly hazardous for the employment of minors sixteen and seventeen 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; 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.~~

~~(3) Definitions.~~

~~(i) The term “operator” shall mean a person who operates a machine covered by this Order 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.~~

~~(ii) The term “helper” shall mean a person who assists in the operation of a machine covered by this Order by helping place materials into or remove them from the machine.~~

~~(iii) 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.~~

~~(4) Exemptions. This section shall not apply to the employment of apprentices or student-learners under the conditions prescribed in Section 71-3105(f) and (g).~~

~~(I) [There is no subsection (I) in Reg. 71-3107.]~~

~~(J) Findings and declaration of fact. The following occupations are particularly hazardous for the employment of minors sixteen and seventeen years of age:~~

~~(1) The occupations of operating 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 machines, 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 setting up, adjusting, repairing, oiling, or cleaning these machines including those which do not involve hand feeding.~~

~~(i) The term “applicable ANSI standard” shall mean American National Standard Institute’s Standard ANSI Z245.5-1990 (“American National Standard for Refuse Collection, Processing, and Disposal--Baling Equipment--Safety Requirements”) 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”) 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”) 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”) 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 section. Only the mandatory provisions (i.e., provisions containing the word "shall" or other mandatory language) of these standards are adopted as standards under this section. These standards are incorporated by reference as they exist on the date of 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), 23 West 43~~~~rd~~ ~~St., Fourth Floor, New York, NY, 10036. In addition, these standards are available for inspection at the National Archives and Records Administration (NARA) and at the Occupational Safety and Health Administration's Docket Office, Room N2625, United States Department of Labor, 200 Constitution Avenue, NW, Washington, DC, 20210, or any of its regional offices. For information on 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~~](http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html)~~.~~

~~(ii) The term “operating or assisting to operate” shall mean work that involves starting or stopping a machine covered by this section, placing materials into or removing them from the machine, including clearing a machine of jammed 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.~~

~~(iii) The term “paper box compactor” shall mean 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.~~

~~(iv) The term “paper-products machine” shall mean power-driven machines used in the remanufacture or conversion of paper or pulp into a finished product, including preparing such materials for recycling or used in preparing such materials for disposal. The term is understood to apply to such machines whether they are used in establishments that manufacture converted paper or pulp products, or in any other type of manufacturing or non-manufacturing establishment. The term is also understood to apply to those machines which, in addition to paper products, process other material for disposal.~~

~~(v) The term “scrap paper baler” shall mean 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.~~

~~(4) Exemptions.~~

~~(i) Loading a scrap paper baler or paper box compactor. Sixteen- and seventeen-year-old minors may load materials into, but not operate or unload, those scrap paper balers and paper box compactors that are safe for sixteen-and seventeen-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 sixteen- and seventeen-year-olds to load only if all of the following conditions are met: the scrap paper baler or paper box compactor meets the applicable ANSI standard; 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 eighteen years of age or older; 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 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: That the scrap paper baler or paper box compactor meets the industry safety standard applicable to the machine, completely identifying the appropriate ANSI standard; That sixteen- and seventeen-year-old employees may only load the scrap paper baler or paper box compactor; and that no employee under the age of eighteen may operate or unload the scrap paper baler or paper box compactor.~~

~~(ii) Apprentices or student-learners. This section shall not apply to the employment of apprentices or student-learners under the conditions prescribed in 71-3105(f) and (g).~~

~~(K) 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 sixteen and seventeen 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 refactories 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 Commissioner of Labor.~~

~~(4) Definitions.~~

~~(i) 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.~~

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

~~(L) Findings and declaration of fact. The following occupations are particularly hazardous for the employment of minors sixteen and seventeen 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 setting-up, adjusting, repairing, oiling, or cleaning circular saws, band saws, and guillotine shears.~~

~~(3) Definitions.~~

~~(i) 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.~~

~~(ii) 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.~~

~~(iii) The term “machines equipped with full automatic feed and ejection” shall mean machines covered by this Order which are equipped with devices for full automatic feeding and ejection and with a fixed barrier guard to prevent completely the operator or helper from placing any part of his body in the point-of-operation area.~~

~~(iv) The term “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.~~

~~(v) The term “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.~~

~~(vi) The term “guillotine shear” shall mean a machine equipped with a movable 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.~~

~~(4) Exemptions. This section shall not apply to the employment of apprentices or student-learners under the conditions prescribed in 71-3105(f) and (g).~~

~~(M)(1) Finding and declaration of fact. All occupations in wrecking, demolition, and shipbreaking operations are particularly hazardous for the employment of minors sixteen and seventeen years of age and detrimental to their health and well-being.~~

~~(2) 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.~~

~~(N)(1) 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 sixteen and seventeen years of age or detrimental to their health.~~

~~(2) Definitions.~~

~~(i) The term “on or about a roof” shall mean 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.~~

~~(ii) The term “roofing operations” shall mean all work performed in connection with the application of weatherproofing materials and substances (such as tar or pitch, asphalt prepared paper, tile, slate, metal, translucent materials, and shingles of asbestos, asphalt, or wood) to roofs of buildings or other structures. The term shall also include all work performed in connection with: (1) the installation of roofs, including related metal work such as flashing and (2) alterations, additions, maintenance, and repair, including painting and coating, of existing roofs. The term shall also include all jobs on the ground related to roofing operations such as roofing laborer, roofing helper, materials handler, and tending a tar heater. The term shall not include gutter and downspout work; the construction of the sheathing or base of roofs; or the installation of television antennas, air conditioners, exhaust and ventilation equipment, or similar appliances attached to roofs.~~

~~(3) Exemptions. This section shall not apply to the employment of apprentices or student-learners under the conditions prescribed in 71-3105(f) and (g).~~

~~(O) Finding and declaration of fact. The following occupations in excavation operations are particularly hazardous for the employment of persons sixteen and seventeen 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.~~

~~(5) Exemptions. This section shall not apply to the employment of apprentices or student-learners under the conditions prescribed in 71-3105(f) and (g).~~

~~(P)(1) Finding 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 sixteen and seventeen years of age or detrimental to their health or well-being:~~

~~(a) All occupations on the killing floor, in curing cellars, and in hide cellars, except the working of messengers, runners, hand-truckers, and similar occupations which require entering such workrooms or workplaces infrequently and for short periods of time.~~

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

~~(c) 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.~~

~~(d) All occupations involved in the operation or feeding of the following power-driven meat-processing machines, including setting-up, adjusting, repairing, oiling, or cleaning such machines: meat patty forming machines, meat and bone cutting saws, knives (except bacon-slicing machines), headsplitters, and guillotine cutters; snout-pullers and jaw-pullers; 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).~~

~~(e) All boning occupations.~~

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

~~(g) All occupations involving hand-lifting or hand-carrying any carcass or half-carcass of beef, pork or horse, or quarter carcass of beef or horse.~~

~~(2) Definitions. As used in this section:~~

~~(a) The term "slaughtering and meat packing establishments" shall mean places in or about which cattle, calves, hogs, sheep, lambs, goats, or horses are killed, butchered, or processed. The term shall also include establishments which manufacture or process meat products or sausage casings from animals.~~

~~(b) The term “rendering plants” shall mean 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.~~

~~(c) The term “killing floor” shall include that workroom or workplace where cattle, calves, hogs, poultry, sheep, lambs, goats, buffalo, deer, or horses are immobilized, shackled, or killed, and the carcasses are dressed prior to chilling.~~

~~(d) The term “curing cellar” shall include that workroom or workplace which is primarily devoted to the preservation and flavoring of meat by curing materials. It does not include that workroom or workplace where meats are smoked.~~

~~(e) The term “hide cellar” shall include that workroom or workplace where hides are graded, trimmed, salted, and otherwise cured.~~

~~(f) The term “boning occupations” shall mean the removal of bones from meat cuts. It shall not include work that involves cutting, scraping, or trimming meat from cuts containing bones.~~

~~(3) Exemptions. This section shall not apply to:~~

~~(a) The killing and processing of poultry, rabbits, or small game in areas physically separated from the killing floor.~~

~~(b) The employment of apprentices or student-learners under the conditions prescribed in Section 71-3105(f) and (g).~~

~~(Q) 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 sixteen and seventeen 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.~~

~~(R) Finding and declaration of fact. All occupations in connection with mining, other than coal, are particularly hazardous for the employment of minors sixteen and seventeen 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.~~

~~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 performed 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.~~

71-3107. Limited Driving of Automobiles and Trucks by Employees of Seventeen (17) Years of Age.

 Section 13(c)(6) of the FLSA provides an exemption for employees of seventeen (17) years of age, but not of sixteen (16) years of age, who, as part of their employment, perform the occasional and incidental driving of automobiles and trucks on public highways under specified conditions. These specific conditions, which are contained in 71-3106, include that the automobile or truck may not exceed six thousand (6,000) pounds gross vehicle weight, the driving must be restricted to daylight hours, the vehicle must be equipped with a seat belt or similar restraining device for the driver and for any passengers, and the employer must instruct the employee that such belts or other devices must be used. In addition, the employee of seventeen (17) years of age must hold a State license valid for the type of driving involved in the job, have successfully completed a State-approved driver education course, and have no records of any moving violations at the time of his or her hire. The exemption also prohibits the minor from performing any driving involving 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 or more than three (3) passengers at any one time. The exemption also places limitations on the number of trips the minor aged seventeen (17) years may make each day and restricts the driving to a thirty (30) mile radius of the minor’s place of employment.

~~71-3108. Hazardous Agricultural Occupations; Exemptions.~~

~~(a) The following occupations in agriculture are particularly hazardous for the employment of minors below the age of sixteen:~~

~~(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 six 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) Exemptions.~~

~~(1) Student-learners shall be exempt from this section.~~

~~(2) This section shall not apply to the employment of a minor below the age of sixteen 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.~~

71-3108. Hours of Work and Conditions of Employment Permitted for Minors Fourteen (14) and Fifteen (15) Years of Age.

 (a) Hours standards. Except as provided in paragraph (c) of this section, employment in any of the permissible occupations shall be confined to the following periods:

 (1) Outside of school hours;

 (2) Not more than forty (40) hours in any one week when school is not in session;

 (3) Not more than eighteen (18) hours in any one week when school is in session;

 (4) Not more than eight (8) hours in any one day when school is not in session;

 (5) Not more than three (3) hours in any one day when school is in session, including Fridays; and

 (6) Between 7 a.m. and 7 p.m. in any one day, except during the summer break of the school district in which the minor resides, when the evening hour will be 9 p.m.

 (b) Definitions. As used in this section:

 (1) Outside school hours means such periods as before and after school hours, holidays, summer vacations, weekends, and any other day or part of a day when school is not in session as determined by the local public school district in which the minor resides when employed. Summer school sessions, held in addition to the regularly scheduled school year, are considered to be outside of school hours.

 (2) School hours refers to the hours that the local public school district where the minor resides while employed is in session during the regularly scheduled school year.

 (3) Week means a fixed and regularly recurring period of 168 hours—seven (7) consecutive twenty four (24) hour periods—that is identical to the workweek the employer establishes for the employee.

 (4) Week when school is in session refers to any week the local public school district where the minor resides while employed is in session and students are required to attend for at least one (1) day or partial day.

 (c) Exceptions. School is not considered to be in session, and exceptions from the hours limitations standards listed in paragraphs (a)(1), (3), and (5) of this section are provided, for any youth fourteen (14) or fifteen (15) years of age who:

 (1) Has graduated from high school;

 (2) Has been excused from compulsory school attendance by the state or other jurisdiction once he or she has completed the eighth grade and his or her employment complies with all the requirements of the state school attendance law;

 (3) Has a child to support and appropriate state officers, pursuant to state law, have waived school attendance requirements for this minor;

 (4) Is subject to an order of a state or federal court prohibiting him or her from attending school; or

 (5) Has been permanently expelled from the local public school he or she would normally attend, unless the youth is required, by state or local law or ordinance, or by court order, to attend another school.

 (d) In the case of minors fourteen (14) and fifteen (15) years of age who are employed to perform sports-attending services at professional sporting events, i.e., baseball, basketball, football, soccer, tennis, etc., the requirements of paragraphs (a)(2) through (a)(6) of this section shall not apply, provided that the duties of the sports-attendant occupation consist of pre- and postgame or practice setup of balls, items and equipment; supplying and retrieving balls, items and equipment during a sporting event; clearing the field or court of debris, moisture, etc., during play; providing ice, drinks, towels, etc., to players during play; running errands for trainers, managers, coaches, and players before, during, and after a sporting event; and returning and/or storing balls, items and equipment in club house or locker room after a sporting event. For purposes of this exception, impermissible duties include grounds or field maintenance such as grass mowing, spreading or rolling tarpaulins used to cover playing areas, etc.; cleaning and repairing equipment; cleaning locker rooms, showers, lavatories, rest rooms, team vehicles, club houses, dugouts or similar facilities; loading and unloading balls, items and equipment from team vehicles before and after a sporting event; doing laundry; and working in concession stands or other selling and promotional activities.

 (e) Exceptions from certain of the hours standards contained in paragraphs (a)(1) and (a)(3) of this section are provided for the employment of minors who are enrolled in and employed pursuant to a school supervised work-experience and career exploration program as detailed in 71-3110.

 (f) Exceptions from certain of the hours standards contained in paragraphs (a)(1) and (a)(5) of this section are provided for the employment of minors who are participating in a work-study program designed as described in 71-3111.

71-3109. Occupations That May Be Performed by Minors Fourteen (14) and Fifteen (15) Years of Age.

 This subpart authorizes only the following conditions in which the employment of minors fourteen (14) and fifteen (15) years of age is permitted when performed for periods and under conditions authorized by 71-3108 and not involving occupations prohibited by 71-3112 or performed in areas or industries prohibited by 71-3112.

 (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 other provisions contained in 71-3108 and 71-3110. 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 basket 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 by 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) Cleanup work, including the use of vacuum cleaners and floor waxers, and maintenance of grounds, but not including the use of power-driven mowers, ~~or~~ 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 permitting machines and devices include, but are not limited to, dish-washers, toasters, dumb-waiters, 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 degrees Fahrenheit. 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 degrees Fahrenheit. Minors are also permitted to occasionally enter freezers momentarily to retrieve items in conjunction with restocking of food preparation;

 (j) Cleaning vegetables and fruits, and wrapping, sealing, labeling, weighing, pricing and stocking goods when performed in areas physically separate from those where the work described in paragraph (j) of section 71-3112 is performed;

 (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, promotion 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 youth aged fifteen (15) (but not aged fourteen (14)) to perform 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 minors 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 paragraph (1):

 (i) Permitted lifeguard duties include the rescuing of swimming 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 youth aged fifteen (15) 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 youth aged fifteen (15) 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 test the water sample. Youth aged fifteen (15) 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 sixteen (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 aged fifteen (15) 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;

 (ii) Traditional swimming pool means a water tight 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;

 (iii) 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 youth aged fourteen (14) or fifteen (15) 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 minor 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 minor does not operate or assist in the operation of power-driven woodworking machines;

 (iii) The minor 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 by maintaining a sufficient distance from machinery in operation; and

 (iv) The minor 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 (3)(iii) and (3)(iv) of this section will be accomplished when the employer is in compliance with the requirements of the applicable governing standards issued by the S.C. Department of Labor, Licensing and Regulation, Office of Occupational Safety and Health Enforcement. 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 71-3108.

 (3) Definitions. As used in this paragraph:

 (i) 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.

 (ii) 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.

 (iii) 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.

 (iv) 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.

 (v) 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 (18) 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 71-3112(e), 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 eighteen (18), his or her employment must comply with the provisions of 71-3111.

~~71-3110. Procedures for Hearing Child Labor Act Administrative Appeals.~~

~~1. Any employer aggrieved by any citation or penalty assessed pursuant to South Carolina Code Section 41-13-25 may file a Notice of Protest within thirty (30) days of the date of the action protested.~~

~~2. The failure of a protesting party to appear at a hearing shall be deemed a withdrawal of the Notice of Protest and a waiver of all rights except the right to be served with a copy of the order of the Director. Any party who fails to appear without good cause after receiving notice of the time and place of hearing may be taxed with the costs of that hearing in the amount of One Hundred (100) dollars.~~

71-3110. Work Experience and Career Exploration Program.

 (a) The granting of a special variation is determined on a case by case basis by the United States Department of Labor. The South Carolina Department of Labor, Licensing and Regulation will not make separate determinations concerning such programs, but will honor all federal determinations.

71-3111. Occupations Involving Motor Vehicles.

 (a) Finding 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 are particularly hazardous for the employment of minors sixteen (16) and seventeen (17) years of age.

 (b) Exemptions—

 (1) Incidental and occasional driving. The finding and declaration in paragraph (a) of this section shall not apply to the operation of automobiles or trucks not exceeding six thousand (6,000) pounds gross vehicle weight if such driving is restricted to daylight hours: Provided, such operation is only occasional and incidental to the child’s employment; that the child holds a State license valid for the type of driving involved in the job which he performs, has no records of any moving violations at the time of hire, and has completed a State approved driver education course: And provided further, that the vehicle is equipped with a seat belt or similar device for the driver and for each helper, and the employer has instructed each child that such belts or other devices must be used: And provided further, that the driving performed by the child does not involve more than two (2) trips away from the primary place of employment in any single day for the purpose of delivering goods of the child’s employer to a customer or of transporting passengers (other than the employees of the employer); and that the driving takes place within a thirty (30) mile radius of the minor’s place of employment. This paragraph shall not be applicable to any occupation of motor vehicle driver which involves 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.

 (2) School bus driving. The finding and declaration in paragraph (1) of this section shall not apply to driving a school bus.

71-3112. Occupations That Are Prohibited to Minors Fourteen (14) and Fifteen (15) Years of Age.

 The following list of occupations, which is not an exhaustive list, constitutes oppressive child labor within the meaning of the Fair Labor Standards Act when performed by minors who are fourteen (14) and fifteen (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 those occupations permitted by paragraph (c) 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 sixteen (16) and eighteen (18) years of age or detrimental to their health or well-being.

 (c) Occupations which involve the operation, tending, setting up, adjusting, cleaning, oiling, or repairing of hoisting apparatus or of any power-driven machinery, including but not limiting to lawn mowers, golf carts, all-terrain, trimmers, cutters, weed-eaters, food slicers, food grinders, food choppers, food processors, food cutters, and food mixers. Minors fourteen (14) and fifteen (15) years of age may, however, operate office equipment pursuant to 71-3109(a) and vacuum cleaners pursuant and floor waxers pursuant to 71-3109(h).

 (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) The operation of motor vehicles; the service as helpers on such vehicles except those tasks permitted by 71-3109(k); and the riding on a motor vehicle, inside or outside of an enclosed passenger compartment, except as permitted by 71-3109(o).

 (f) Outside window washing that involves working from window sills, and all work requiring the use of ladders, scaffolds, or their substitutes;

 (g) All cooking and baking except as permitted in 71-3109(c);

 (h) Work in and meat coolers and all work in the preparation of meats for sale except as permitted by 71-3109(j). This section, however, does not prohibit the employment of persons aged fourteen (14) and fifteen (15) whose duties require them to occasionally enter freezers only momentarily to retrieve items as permitted by 71-3109(i);

 (i) 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 wearing 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 party 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 person who, as volunteers and without compensation, sell goods or services on behalf of eleemosynary organizations or public agencies;

 (j) Loading and unloading goods to and 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 71-3109(k);

 (k) Catching and cooping of poultry in preparation for transport or market;

 (l) Public messenger service;

 (m) 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 (m)(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~~;~~.

71-3113. Timber Tract Occupations, Forestry Service Occupations, Logging Occupations, and Occupations in the Operation of Any Sawmill, Lath Mill, Shingle Mill, or Cooperage Stock Mill.

 (a) Finding and declarations of fact. All occupations in logging and all occupations in the operation of any sawmill, lath mill, or cooperage-stock mill are particularly hazardous for the employment of minors between sixteen (16) and eighteen (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 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 any 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 requirement of the limited exemptions discussed in 71-3109(c) and 71-3109(m).

 (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 sixteen (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 71-3112(c).

 (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 or assisting in the operation of power driven equipment; except minors under sixteen (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 by other means by 71-3112(m)(1).

 (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 percent 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 froe and mallet, except inside the mill building or cover.

 (ix) Manual loading of bundles of shingle or shakes into trucks or railroad cars, provided that the employer has on file a statement from a licensed doctor of medicine or osteopath certifying the minor capable of performing this work without injury to himself, except minors under sixteen (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 71-3112(j).

 (b) Definitions. As used in this section:

 (1) 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.

 (2) 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, laths, 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 in any planing mill or remanufacturing plant not a part of a sawmill.

 (3) 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).

 (4) 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 operation of that establishment.

 (5) Operate or assist in the operation of power-driven woodworking machines including operation 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.

 (6) 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.

 (7) 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.

 (8) 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.

 (9) 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.

 (10) 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 (18) 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 sixteen (16) and eighteen (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 fourteen (14) years of age and less than eighteen (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 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 to 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.

71-3114. Forest Fire Fighting and Forest Fire Prevention Occupations.

 (a) Finding and declarations of fact. All work in fire suppression is deemed hazardous for the employment of individuals under eighteen (18) years of age. All occupations in forest fire fighting and forest fire prevention are particularly hazardous for the employment of minors between sixteen (16) and eighteen (18) years of age, except the following:

 (1) Work in offices or in repair or maintenance shops without exposure to hazardous materials;

 (2) Work in the construction, operation, repair, or maintenance of living and administrative quarters in firefighting camps without exposure to hazardous materials;

 (3) Work in forest protection, such as clearing fire trails or roads, piling and burning slash, maintaining firefighting equipment, or acting as fire lookout or fire patrolman away from the actual logging operations, provided that this provision shall not apply to the felling or bucking to timber, the collecting or transporting of logs, the operation of power-driven machinery, the handling or use of explosives, and work on trestles;

 (4) Work in the clean-up service outside of a structure after a fire has been declared by the fire official in charge to be under control; and

 (5) Work assisting in the administration of first aid.

 (6) The following additional exceptions apply to forest fighting and forest fire prevention occupations:

 (i) The follow task in 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 firefighting equipment; and acting as a fire lookout or fire patrolman.

 (ii) Work related to forest marketing and forest economic when performed away from the forest.

 (b) Definitions. As used in the section:

 (1) 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 firefighting 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 sawmills operations, including all buildings located within such areas.

 (2) 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.

71-3115. Occupations Involved in the Operation of Power-Driven Woodworking Machines.

 (a) Definitions. As used in this section:

 (1) 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 material or refuse directly from a saw table or from the 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.

 (2) 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.

71-3116. Occupations Involved in the Operation of Power-Driven Hoisting Apparatus.

 (a) Finding and declaration of fact. The following occupations involved in the operation of power-driven hoisting apparatus are particularly hazardous for minors between sixteen (16) and eighteen (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 youth of ages of sixteen (16) and seventeen (17) 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:

 (1) 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.

 (2) 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.

 (3) 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.

 (4) 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 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 material.

 (5) 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.

 (6) Manlift shall mean a device intended for the conveyance of persons which 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.

71-3117. Occupations Involved in the Operation of Bakery Machines.

 (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 sixteen (16) and seventeen (17) 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 comparable to models intended for household use. For purposes for 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 (5) quarts. This exception shall not apply when the mixer is used with or without attachments to process meat or poultry products as prohibited by 71-3120.

 (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 remove. 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.

71-3118. Occupations Involved in the Operation of Balers, Compactors, and Paper-Products Machines.

 (a) Findings and declaration of fact. The following occupations are particularly hazardous for the employment of minors sixteen (16) and seventeen (17) years of age:

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

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

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

 (b) Definitions. As used in this section.

 (1) 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”) 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”) 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”) 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”) 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 section. Only the mandatory provisions (i.e., provisions containing the word "shall" or other mandatory language) of these standards are adopted as standards under this section.

 (2) 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.

 (3) 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.

 (4) Operator 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 paper or cardboard materials, 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.

 (5) 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.

 (6) Paper products machine means all power-driven machines used in the remanufacture or conversion of paper or pulp into a finished product, including preparing such materials for recycling or used in preparing such materials for disposal. The term is understood to apply to such machines whether they are used in establishments that manufacture converted paper or pulp products, or in any other type of manufacturing or non-manufacturing establishment. The term is also understood to apply to those machines which, in addition to paper products, process other material for disposal.

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

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

71-3119. Occupations Involving the Operation of Circular Saws, Band Saws, Guillotine Shears, Chain Saws, Reciprocating Saws, Wood Chippers, and Abrasive Cutting Discs.

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

 (1) Chain saws

 (2) Reciprocating saws

 (3) Wood chippers

 (4) Abrasive cutting discs

 (b) 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.

 (c) Definitions. As used in this section:

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

 (2) 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.

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

 (4) 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.

 (5) Guillotine shear shall mean a machine equipped with a movable 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.

 (6) 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.

 (7) 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.

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

 (9) 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.

71-3120. Occupations in the Operation of Power-Driven Meat-Processing Machines and Occupations Involving Slaughtering, Meat and Poultry Packing, Processing, or Rendering.

 (a) All occupations involved in the operation or feeding of the following power-driven meat-processing machines, including setting-up, adjusting, repairing, oiling, or cleaning 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; snout-pullers and jaw-pullers; 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). The provisions of this subsection shall not apply to the operation of those lightweight, small capacity, portable countertop mixers discussed in 71-3117(b)(1) when used as a mixer to process materials other than meat or poultry.

 (b) All occupations involving the hand-lifting or hand-carrying any carcass or half-carcass of beef, pork, horse, deer, or buffalo, or any quarter carcass of beef, horse, or buffalo.

 (c) Definitions. As used in this section:

 (1) 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.

 (2) 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.

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

 (4) 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.

 (5) 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.

 (6) Retail/wholesale or service establishments includes establishments where meat or meat products, including poultry, are processed or handles, 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.

 (7) 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.

 (d) This section shall not apply to the killing and processing of rabbits or small game in areas physically separated from the killing floor.

~~71-3111.~~ 71-3121. Proposed Penalties.

 (A) All violations of SCRR 71-3104 and 71-3106(d) directly involve the health and safety of the child and shall be classified as violations of serious gravity. All other violations of the regulations will be classified as violations of other than serious gravity.

 (B) All employers who employ one hundred (100) or more workers will be classified as large employers. All employers who employ fewer than one hundred (100) workers will be classified as small employers.

 (C) Proposed penalties will be assessed as follows:

 (1) First instance serious, small employer $ 500.00

 (2) First instance serious, large employer $1,000.00

 (3) First instance other than serious, large or small employer Warning

 (4) Second instance serious, small employer $1,500.00

 (5) Second instance serious, large employer $3,000.00

 (6) Second instance other than serious, small employer $ 300.00

 (7) Second instance other than serious, large employer $ 600.00

 (8) Third instance serious, small employer $2,500.00

 (9) Third instance serious, large employer $5,000.00

 (10) Third instance other than serious, small employer $500.00

 (11) Third instance other than serious, large employer $1,000.00

**Fiscal Impact Statement:**

There will be no additional cost incurred by the State or any political subdivision.

**Statement of Rationale:**

The regulations for state child labor laws are amended to conform to federal child labor laws in order to ensure public safety.