



## **Fact Sheet #55: Application of the Federal Child Labor Provisions to the Employment of Minors Who Are Exempt from Compulsory School Attendance in Businesses Where Machines Process Wood Products**

This fact sheet provides general guidance concerning section 13(c)(7) of the [Fair Labor Standards Act \(FLSA\)](#) that permits the employment of youth exempt from compulsory school attendance laws in businesses where machines process wood products. For detailed information about this provision, read Regulations, [29 CFR Part 570.54](#).

The Department of Labor Appropriations Act, 2004 (PL 108-199) amended the FLSA and created a limited exemption from the child labor provisions for minors 14 to 18 years of age who are excused from compulsory school attendance beyond the eighth grade by statute or judicial order. The exemption, contained in Section 13(c)(7) of the FLSA, allows eligible youth to be employed by businesses that use machinery to process wood products, but does not allow such youth to operate or assist in operating power-driven woodworking machines.

The regulations define the term **places of business where machinery is used to process wood products** to 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 does not include construction sites, portable sawmills, areas where logging is being performed, or mining operations.

**All of the following conditions must be met in order for youth to be employed inside and outside of businesses that use machinery to process wood products under the FLSA Section 13(c)(7) exemption:**

- 1. The youth must be supervised by an adult relative or by an adult member of the same religious sect or division as the entrant.** An *adult* is someone who has reached his or her eighteenth birthday. A *relative*, for purpose of this exemption, means a parent or person standing in place of a parent, a grandparent, an aunt or uncle, or a sibling. The required supervision must be close, direct, constant, and uninterrupted.
- 2. The entrant may not operate or assist in the operation of power-driven woodworking machines.** *Power-driven woodworking machines* include 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.

- 3. The youth must be protected from wood particles or other flying debris within the workplace** by a barrier appropriate to the potential hazard of such wood particles or flying debris or by maintaining a sufficient distance from machinery in operation.
- 4. The youth must use personal protective equipment** to prevent exposure to excessive levels of noise and saw dust.

Other provisions of the FLSA and its child labor rules, which are not changed by this new amendment, also limit the tasks that minors may perform in such workplaces. For example, the employment of 14- and 15-year-olds under the provisions of FLSA 13(c)(7) must still be comply with the Child Labor Regulation No. 3 hours and time of day restrictions contained in § 570.35(2), (4), and (6).

Compliance with the provisions of paragraphs 4 and 5 above will be accomplished when the employer is in compliance with the requirements of the applicable governing standards issued by the U.S. Department of Labor's Occupational Safety and Health Administration (OSHA) or, in those areas where OSHA has authorized the state to operate its own Occupational Safety and Health Plan, the applicable standards issued by the Office charged with administering the State Occupational Safety and Health Plan.

#### **Where to Obtain Additional Information**

**For additional information, visit our Wage and Hour Division Website: <http://www.wagehour.dol.gov> and/or call our toll-free information and helpline, available 8 a.m. to 5 p.m. in your time zone, 1-866-4USWAGE (1-866-487-9243).**

When state child labor laws differ from the federal provisions, an employer must comply with the higher standard. Links to your state labor department can be found at [http://www.dol.gov/whd/contacts/state\\_of.htm](http://www.dol.gov/whd/contacts/state_of.htm).

This publication is for general information and is not to be considered in the same light as official statements of position contained in the regulations.

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