

WAC 296-131-125 Prohibited and hazardous employment. (1) Employment in the following occupations in agriculture is prohibited to minors under the age of sixteen:

(a) 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.

(b) 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.

(c) 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; or

(iii) Potato combine.

(d) 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).

(e) Felling, bucking, skidding, loading, or unloading timber with butt diameter of more than six inches.

(f) Working from a ladder or scaffold (painting, repairing, or building structures, pruning trees, picking fruit, etc.) at a height of over twenty feet.

(g) Driving a bus, truck, or automobile when transporting passengers, or riding on a tractor as a passenger or helper.

(h) Working inside:

(i) A fruit, forage, or grain storage designed to retain an oxygen deficient or toxic atmosphere;

(ii) An upright silo within two 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.

(i) Working in any manufacturing occupation.

(j) Working in any processing operations, including food processing.

(k) Working in transportation, warehouse, and storage or construction.

(l) Work in or about engine or boiler rooms.

(m) Work in freezers, meat coolers, and all work in preparing meats for sale. (Wrapping, sealing, labeling, weighing, pricing, and stocking are permitted if work is performed away from meat-cutting and preparation areas.)

(2) Employment in the following occupations in agriculture is prohibited to all minors:

(a) Handling, mixing, loading 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.

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

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

(d) Work involving circular, band or chain saws, power driven wood working machines, power driven metal forming, punching and shearing machines, and guillotine shears.

(e) Work involving slaughtering, meat packing, or processing and rendering.

(f) Work involving wrecking and demolition.

(g) Work involving roofing.

(h) Work involving mechanical excavation.

(i) Work in any place where a strike or lockout exists.

(3) The employment prohibited by subsection (1) of this section shall not apply to the employment of any minor as a vocational agriculture student-learner in any of the occupations described in subsection (1)(a), (b), (c), (d), (e), or (f) of this section when each of the following requirements are met:

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

(b) Such student-learner is employed under a written agreement which provides that the work of the student-learner is incidental to his training; that such work shall be intermittent, for short periods of time, and under the direct and close supervision of a qualified and experienced person; that safety instruction shall be given by the school and correlated by the employer with on-the-job training; and that a schedule of organized and progressive work processes to be performed on the job have been prepared;

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

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

(4) The employment prohibited by subsection (1) of this section shall not apply to the employment of any minor in those occupations for which the minor has successfully completed one or more federal extension service training programs described in 29 C.F.R. section 570.72(b) and who has been instructed by the employer in the safe and proper operation of the specific equipment to be used, who is continuously and closely supervised by the employer where feasible or, where not feasible, in work such as cultivating, whose safety is checked by the employer at least at midmorning, noon, and midafternoon, or during the first and second halves of the workday, whichever is more frequent.

(5) The employment prohibited by subsection (1) of this section shall not apply to the employment of any minor in those occupations for which the minor has successfully completed one or more of the vocational agriculture training programs described in 29 C.F.R. section 570.72(c) and who has been instructed by the employer in the safe and proper operation of the specific equipment to be used, who is continuously and closely supervised by the employer where feasible or, where

not feasible, in work such as cultivating, whose safety is checked by the employer at least at midmorning, noon, and midafternoon, or during the first and second halves of the workday, whichever is more frequent.

(6) No minor shall be permitted to ride in or work in the vicinity of a vehicle driven by any person who is under the age of sixteen or anyone who does not possess a valid driver's license.

(7) No minor shall be employed in agriculture in the harvest of any crop to which agricultural chemicals described in subsection (2)(a) of this section have been applied, prior to the expiration of the preharvest interval or within fourteen days after the application if no preharvest interval has been established.

(8) If, upon inspection or investigation, the director or the director's designee believes that an employer is violating this section creating a danger from which there is a substantial probability that death or serious physical harm could result to a minor employee, the director or the director's designee may issue an order under RCW 34.05.479 immediately restraining the condition, practice, method, process, or means creating the danger and suspend the employer's permit authorizing employment of minors until action is taken to avoid, correct, or remove the danger.

(9) A copy of the federal regulations referenced in subsections (4) and (5) of this section may be obtained from the department upon request.

[Statutory Authority: RCW 49.30.030. WSR 90-14-038, § 296-131-125, filed 6/29/90, effective 11/1/90.]