

Chapter 296-125 WAC Non-Agricultural Child Labor Regulations Prohibited Duties Compared to USDOL

The following table lists a general comparison between Washington State’s Non-agricultural child labor rules and those of the US Department of Labor’s Wage and Hour Division. Due to the differences between state and federal regulations, there is not a direct item-by-item correlation for all hazardous orders and prohibited duties.

Washington State Regulations Non-Agricultural Employment of Minors WAC 296-125	USDOL Federal Child Labor Regulations Fair Labor Standards Act (FLSA) 29 CFR Part 570
<p>WAC 296-125-030 PROHIBITED AND HAZARDOUS EMPLOYMENT -- ALL MINORS.</p> <p>The following employments and occupations as outlined in subsections (1) through (30) of this section, are prohibited for all minors, provided that exemption will be allowed from subsections (5), (8), (9), (11), (13), (15), (16), and (23) <i>[noted by * below]</i> of this section when the minor is participating in a bona fide cooperative vocational education program, diversified career experience program, or work experience program certified and monitored by the office of the superintendent of public instruction or the minor employee’s school district; further, exemption from the same numbered prohibitions will be allowed for any minor involved in an apprenticeship program registered with the Washington state apprenticeship and training council. The state will not grant variances for employments or occupations prohibited by the United States Department of Labor.</p>	<p style="text-align: center;">HAZARDOUS ORDERS FOR 16- AND 17-YEAR-OLD MINORS <i>[And prohibited for anyone under age 16 as well]</i></p> <p>Below are the abbreviated versions of the federal Hazardous Occupations (HOs). A more completed description can be found in the Child Labor Bulletin 101, www.dol.gov/whd/regs/compliance/childlabor101.pdf</p> <p><i>*These HOs designated with a (*) provide limited exemptions for 16- and 17-year-olds who are bona-fide student-learners and apprentices.</i></p> <p><u>Student-Learner Requirements:</u></p> <ol style="list-style-type: none"> 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: <ol style="list-style-type: none"> a. that the work of the student-learner in the occupations declared particularly hazardous shall be incidental to the training, b. 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, c. that safety instruction shall be given by the school and correlated by the employer with on-the-job training, and d. that a schedule of organized and progressive work processes to be performed on the job shall have been prepared.

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<p>(1) Occupations in or about plants or establishments manufacturing or storing explosives or articles containing explosive components</p> <p>(2) Occupations involving regular driving of motor vehicles. Occupations of outside helper or flagger on any public road or highway, work which involves directing moving motor vehicles in or around warehouses or loading/unloading areas including but not limited to loading docks, transfer stations, or landfills, or work which involves towing vehicles. Occasional driving is permissible if: The minor has a valid state driver's license for the type of driving involved; driving is restricted to daylight hours; such driving is only occasional, and is incidental to the minor's employment; vehicle gross weight is under 6,000 pounds; the minor has completed a state-approved driver education course; and seat belts are provided in the vehicle and the minor has been instructed to use them. Occupations involving occasional operation of a bus are prohibited.</p> <p>Note: Washington State currently out of compliance with HO2. Policy ES C.4.3 was developed to address this: www.lni.wa.gov/workplacerrights/files/policies/esc43.pdf</p> <p>(3) All mining occupations.</p> <p>(4) Logging occupations and occupations in the operation of any sawmill, lath mill, shingle mill, or cooperage-stock mill.</p> <p>(5)* Occupations involving operation or repair, oiling, cleaning, adjusting, or setting up of any power-driven wood-working machines. <i>[student-learner exemption available]</i></p> <p>(6) Occupations involving potential exposure to radioactive substances and to ionizing radiation.</p> <p>(7) Occupations involving operation or repair, oiling, cleaning, adjusting, or setting up of elevators. This includes riding on a manlift.</p> <p>(8)* Occupations involving operation or repair, oiling, cleaning, adjusting, or setting up of power-driven metal-forming, punching, and shearing machines. <i>[student-learner exemption available]</i></p> <p>(9)* Occupations involving slaughtering, meat packing, processing, or rendering. <i>[student-learner exemption available]</i></p> <p>(10) Occupations involving operation or repair, oiling, cleaning, adjusting, or setting up of power-driven bakery machines.</p> <p>(11)* Occupations involving operation or repair, oiling, cleaning, adjusting, or setting up of power-driven paper-products machines. <i>[student-learner exemption available]</i></p>	<ul style="list-style-type: none"> • HO 1 Manufacturing and storing of explosives. • HO 2 Motor-vehicle driving and outside helper on a motor vehicle. • HO 3 Coal mining. • HO 4 Occupations in forest fire fighting, forest fire prevention, timber tract operations, forestry service, logging, and sawmilling. • HO 5* Power-driven woodworking machines. <i>[student-learner exemption available]</i> • HO 6 Exposure to radioactive substances. • HO 7 Power-driven hoisting apparatus, including forklifts and patient lifting devices.. • HO 8* Power-driven metal-forming, punching, and shearing machines. <i>[student-learner exemption available]</i> • HO 9 Mining, other than coal mining. • HO 10* Operating power-driven meat processing equipment, including meat slicers and other food slicers, in retail establishments (such as
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<p>(12) Occupations involving manufacturing of brick, tile, and kindred products.</p> <p>(13)* Occupations involving operation or repair, oiling, cleaning, adjusting, or setting up of power-driven circular saws, band saws, and guillotine shears. <i>[student-learner exemption available]</i></p> <p>(14) Occupations involving wrecking, demolition, and shipbreaking operations.</p> <p>(15)* All roofing operations. <i>[student-learner exemption available]</i></p> <p>(16)* Occupations involving excavations. <i>[student-learner exemption available]</i></p> <p>(17) Occupations involving operation or repair, oiling, cleaning, adjusting, or setting up of or working in proximity to earth-moving machines, hoisting apparatus, cranes, garbage-compactors, trash-compactors or other compactors, paper-balers or other balers, or other heavy equipment including, but not limited to, graders, bulldozers, earth compactors, backhoes, and tractors. Working in proximity shall mean working within the radius of movement of any portion of the machinery where one could be struck or otherwise injured. It shall not include work in proximity to ski-lift apparatus. This prohibition shall not invalidate activities allowed under subsection (2) of this section.</p> <p>(18) Work in establishments or workplaces being picketed during the course of a labor dispute.</p> <p>(19) Work as a nurse's aide/assistant; unless the minor is a student in a bona fide state-certified nursing training program or has successfully completed such a program.</p> <p>(20) Work as a maid or bellhop in motels or hotels, unless the minor is accompanied by a responsible adult whenever the work requires the minor to enter an assigned guest room, whether or not it is occupied at the time the minor is in the room. Minors may work in unassigned, unoccupied guest rooms unaccompanied by an adult.</p> <p>(21) Work in sauna or massage parlors, body painting or tattoo studios, or adult entertainment establishments.</p> <p>(22) Occupations requiring the wearing of personal protective equipment or wearing apparel as defined and required by statutes or rules and regulations administered by the department's division of industrial safety and health as related to hazardous substances exposure and/or hazardous noise exposure per chapters 296-24 and 296-62 WAC; except those occupations where the only requirement is the wearing of gloves, boots, or eye protection if the occupation is not otherwise prohibited by this section or by WAC 296-125-033. This subsection's prohibitions shall not apply if a minor is a student in a bona fide health care career training or vocational education program.</p>	<p>grocery stores, restaurants kitchens and delis) and wholesale establishments, and most occupations in meat and poultry slaughtering, packing, processing, or rendering. <i>[student-learner exemption available]</i></p> <ul style="list-style-type: none"> • HO 11 Power-driven bakery machines including vertical dough or batter mixers. • HO 12* Power-driven balers, compactors, and paper processing machines. <i>[student-learner exemption available]</i> • HO 13 Manufacturing bricks, tile, and kindred products. • HO 14* Power-driven circular saws, bandsaws, chain saws, guillotine shears, wood chippers, and abrasive cutting discs. <i>[student-learner exemption available]</i> • HO 15 Wrecking, demolition, and shipbreaking operations. • HO 16* Roofing operations and all work on or about a roof. <i>[student-learner exemption available]</i> • HO 17 * Excavation operations.
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(24) Occupations where there is a risk of exposure to bodily fluids or transmission of infectious agents, including but not limited to hepatitis and HIV, in accordance with standards established by WAC [296-62-08001](#) (Occupational exposure to bloodborne pathogens), including lab work which entails the cleaning of medical equipment used to draw or store blood or other contaminated tissue; duties which involve venipuncture; and duties involving work with laundry from health care facilities; unless the minor is a student in a bona fide health care career training or vocational education program. State-certified life guards with first-aid training are exempt.

(25) Occupations involving potential exposure to hazardous substances which are considered to be carcinogenic, corrosive, highly toxic, toxic sensitizers, or which have been determined to cause reproductive health effects or irreversible end organ damage. This does not include handling of such substances in sealed containers in retail situations. This subsection's prohibitions shall not apply to any consumer product or hazardous substance, as those terms are defined by the Consumer Product Safety Act (15 U.S.C. 2051 et seq.) and the Federal Hazardous Substances Act (15 U.S.C. 1261 et seq.) and those statutes' regulations, where the employer of a minor can demonstrate that a product or substance is used in the workplace in the same manner as normal consumer use, and which use results in a duration and frequency of exposure that is not greater than exposures experienced by consumers using the product or substance in conformity with the manufacturer's instructions, provided that such exposures are not otherwise prohibited by subsection (22) of this section.

(23) Occupations involving firefighting and fire suppression duties.

(26) In selling to passing motorists on the public right of way candy, flowers, or other merchandise or commodities. Selling to motorists from a window counter is not prohibited.

(27) Work performed in or about boiler or engine rooms.

(28) All work performed more than ten feet above ground or floor level.

(29) 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). Occasional entry into freezers or coolers for obtaining stock or placing stock shall not be prohibited.

(30) Service occupations if a minor works past 8:00 p.m., unless the minor is supervised by a responsible adult employee who is on the premises at all times.

- Includes prohibition for youth peddling for those under 16.

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ADDITIONAL PROHIBITED WORK FOR MINORS UNDER AGE 16	
Washington State Rules	USDOL Rules CL Regulation No. 3
<p align="center">296-125-033 PROHIBITED AND HAZARDOUS EMPLOYMENT — SPECIAL RESTRICTIONS FOR MINORS UNDER THE AGE OF 16.</p> <p>Employment of minors under age 16 is subject to the following additional restrictions. They are prohibited from working:</p> <p>(1) In any manufacturing operations.</p> <p>(2) In any processing operations (including but not limited to filleting of fish, dressing poultry, cracking nuts, commercial processing, canning, freezing or drying of foods, laundering as performed by commercial laundries and dry cleaning).</p> <p>(3) In any public messenger service, including but not limited to work that is performed by foot, bicycle, or public transportation.</p> <p>(4) In occupations connected with transportation, warehouse and storage, communications and public utilities, or construction. (Office work related to these occupations is permitted if none of the minor’s work is performed on the transportation media or construction site.)</p> <p>(5) In the following specific areas of retail, food service or gasoline service station operations:</p> <p>(a) Maintenance or repair work.</p> <p>(b) Window washing or other work requiring worker to be positioned at higher than ground or floor level.</p> <p>(c) Cooking and baking.</p> <p>(d) Operating, setting up, adjusting, cleaning, oiling or repairing power-driven food slicers and grinders, food choppers and cutters and bakery-type mixers.</p> <p>(6) In occupations involving work in the operation of amusement parks, street carnivals, and traveling shows.</p> <p>(7) Loading and unloading goods to or from trucks, railroad cars, or conveyors.</p> <p>(8) In occupations involving operation or repair, oiling, cleaning, adjusting, or setting up of or</p>	<p align="center">The following list, which is not exhaustive, are jobs that 14- and 15-Year-Olds <u>MAY NOT</u> Be Employed in:</p> <ol style="list-style-type: none"> Any MANUFACTURING occupation. Any MINING occupation. Most PROCESSING occupations such as filleting of fish, dressing poultry, cracking nuts, developing of photographs, laundering, bulk or mass mailings (<i>except</i> certain occupations expressly permitted as discussed below). Occupations requiring the performance of any duties in WORKROOMS or WORKPLACES WHERE GOODS ARE MANUFACTURED, MINED OR OTHERWISE PROCESSED (<i>except</i> to the extent expressly permitted as discussed below; and as discussed in footnote 1 below). ANY OCCUPATION FOUND AND DECLARED TO BE HAZARDOUS BY THE SECRETARY OF LABOR. Occupations involved with the operating, tending, setting up, adjusting, cleaning, oiling or repairing of HOISTING APPARATUS. Work performed in or about BOILER OR ENGINE ROOMS or in connection with the MAINTENANCE OR REPAIR OF THE ESTABLISHMENT, MACHINES, OR EQUIPMENT. Occupations involved with the operating, tending, setting up, adjusting, cleaning, oiling or repairing or of ANY POWER-DRIVEN MACHINERY, including, but not limited to, lawnmowers, golf carts, all-terrain vehicles, trimmers, cutters, weed-eaters, edgers, food slicers, food grinders, food choppers, food processors, food cutters, and food mixers. Fourteen- and

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working in proximity to any power-driven machinery.

15-year-olds may operate most office machinery and those machines that are expressly permitted and discussed below.

9. THE OPERATION OF MOTOR VEHICLES OR SERVICE AS HELPERS ON SUCH VEHICLES.

Note: Under USDOL rules, the list above of prohibited work under CL Regulation No. 3 is not exhaustive for 14- and 15-year-olds. There is a long list of duties that 14- and 15-year-olds may perform; and if an item is not on the list, then it is not permitted. Washington state allows for similar permitted work if it is not excluded.