

# \*\*\*DRAFT - NOT FOR FILING\*\*\*

## 4101:9-2-03 Hazardous occupations in agriculture.

The following occupations in agriculture are particularly hazardous for the employment of children below the age of 16, except as exempt below: ~~No minor under sixteen may be employed at any time in these occupations except as exempt below.~~

- (A) Operating a tractor of over twenty 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 of) any of the following machines:
  - (1) Corn picker, cotton picker, grain combine, hay mower, forage harvester, hay baler, potato digger, or mobile pea viner;
  - (2) Feed grinder, crop dryer, forage blower, auger conveyor, or the unloading mechanism of a nongravity-type self-unloading wagon or trailer; or
  - (3) 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 of) any of the following machines:
  - (1) Trencher or earthmoving equipment;
  - (2) Fork lift;
  - (3) Potato combine; or
  - (4) Power-driven circular, band, or chain saw.
- (D) Working on a farm in a yard, pen, or stall occupied by a:
  - (1) Bull, boar, or stud horse maintained for breeding purposes; or
  - (2) 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:
  - (1) A fruit, forage, or grain storage designed to retain an oxygen deficient or toxic atmosphere;
  - (2) An upright silo within two weeks after silage has been added or when a top unloading device is in operating position;
  - (3) A manure pit; or

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- (4) A horizontal silo while operating a tractor for packing purposes.
- (I) 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 "POISONpoison" and the "skull and crossbones" on the label; or Category II of toxicity, identified by the word "WARNINGwarning" on the label.
- (J) Handling or using a blasting agent, including but not limited to, dynamite, black powder, sensitized ammonium nitrate, blasting caps, and primer cord; or
- (K) Transporting, transferring, or applying anhydrous ammonia.
- (L) Exemptions:
- (1) These prohibitions do not apply to the employment of minors under eighteen years of age in connection with farms operated by their parents, grandparents, or guardian where they are members of the guardian's household.
  - (2) Minors fourteen and fifteen years old who hold certificates of completion from the 4-H federal extension service training program and the United States office of education vocational agriculture training program for tractor operation or machine operation may work in the occupations for which they have been certified. Occupations for which these certificates are valid are covered by paragraphs (A) and (B) of this rule. Farmers employing minors who are certified under these programs must keep a copy of the certificates of completion on file with the minor employee's record.