

New Restrictions and Penalties on Youth Firefighting Occupations

As of July 19, 2010, new Department of Labor regulations will prohibit any person under the age of eighteen years from engaging in firefighting, forest and range firefighting activities. A new penalty provision was added and violators can be subject to a maximum civil penalty of \$50,000 for each violation or \$100,000 for repeated or willful violations. The regulations define “serious injury” as permanent loss or substantial impairment of one of the senses (sight, hearing, taste, smell, tactile sensation); permanent paralysis or substantial impairment of the function of a bodily member, organ, or mental faculty, including the loss of all or part of an arm, leg, foot, hand, or other body part; or permanent paralysis or substantial impairment that causes loss of movement or mobility of an arm, leg, foot, hand or other body part.

Prohibited Hazardous Activities, Age 18 and Under

All occupations in forest firefighting and forest fire prevention, in timber tracts, in forestry services, logging, and the operation of any sawmill, lath mill, shingle mill, or cooperage stock may not be assigned to persons under age eighteen. A few non-hazardous exceptions were noted in the regulations. (Secretary of Labor, Order 4) 29 CFR §570.54. Electronic Federal Register page 75 FR 28453. The rules for persons under age sixteen specify the same restrictions, plus restrict occupations such as transportation of persons or property by rail, highway, air, water, pipeline, or other means; warehousing and storage; communications and public utilities; and construction (including demolition and repair). See 29 CFR §570.54.

Definitions of Scope of Forest and Timber Occupations

“All occupations in timber tracts” includes work performed in timber culture, timber tracts, timber-stand improvement, and forest firefighting and fire prevention, which could include range fires.

All occupations in forest firefighting 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 sawmill operations, including all buildings located within such areas.*

“All occupations in forestry service’s” includes timber cruising, surveying, or logging-engineering parties; estimating timber, timber valuation; forest pest control; forest firefighting and forest fire prevention; and reforestation.

All occupations in logging shall mean all work performed in connection with the felling, collecting, skidding, yarding, loading, transporting and unloading of timber and timber products in connection

New Restrictions and Penalties on Youth Firefighting Occupations - Part 2

with logging; the constructing, repairing and maintaining of roads, railroads, flumes, or camps used in connection with logging; and all other work performed in connection with logging.

Exceptions for Youth Aged 16-18

The following activities are acceptable, unless prohibited by another section of the child labor rules and may only take place off site, even for youth aged sixteen and up. There are extra restrictions for minors under age sixteen.

The following tasks are allowed for persons over age sixteen, *provided none of these tasks are 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,
- Acting as a fire lookout or fire patrolman.
- Work related to forest marketing and forest economics when performed away from the forest.
- Work in the feeding or care of animals.
- 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.
- Work in offices or in repair or maintenance shops.
- Work in the construction, operation, repair, or

maintenance of living and administrative quarters, including logging camps and firefighting base camps (presumably off timber tracts).

- Work in the repair or maintenance of roads, rail roads 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.

What This Means For Counties and Special Districts

Before allowing anyone under the age of eighteen to perform work, check the work area and task assignments, for use of or proximity to, prohibited facilities, hazards and tools. To be on the safe side, act immediately to remove all persons under the age of eighteen from any potential assignments, tools, or facilities, or proximity to these, that would violate the terms of all of the new restrictions. Prepare a list of the questionable factors and report to your attorney for an opinion on your practices under the new regulations.

For more information, contact your CTSI loss prevention representative at 303-861-0507.