

**FLSA-471**

May 13, 1977

This is in reply to your letter of December 1, 1976, in which you requested a review to determine whether the operation of the mixer used in your establishment is covered by Federal Hazardous Occupation Order No. 11. You indicated that you believe the Order was written in reference to large pieces of mixing equipment used in commercial bakeries, whereas the mixer used in Donut House is quite small. We regret the delay in responding.

We have reviewed the information that you submitted and it is our determination that the mixer is covered by Hazardous Occupation Order No. 11, and its operation, cleaning etc., is thereby prohibited by minors 16 and 17 years of age. It should be noted that the Order applies wherever a specified bakery machine is used, and not just to their use in a bakery. Additionally, the kind of machine may vary from a small hand-loaded machine to a huge mixer with automatic flour and water scales, depending on the size of the bakery or establishment. No matter what the capacity of the machine, or whether it is a vertical type or horizontal type, it is covered by the Order.

We call your attention to the fact that great care is exercised to determine the hazardous nature of the occupations in order not to restrict or necessarily employment opportunities of youth, but at the same time provide protection for them where needed. Child Labor Regulation No. 5 sets forth the procedure governing determinations of hazardous occupations. There is no provision for granting individual exceptions to the hazardous occupations orders; however section 570.48 of the Regulation provided that any person may at any time file with the Administrator of the Wage and Hour Division a written application, petition, or other request in connection with any proceedings to make, amend, or a revoke hazardous occupation orders. A copy of Regulation No. 5 is enclosed for your convenience.

Sincerely,

Administrator