

U. S. DEPARTMENT OF LABOR
WAGE AND HOUR DIVISION
WASHINGTON

NOTICE OF HEARING BEFORE THE ADMINISTRATOR
ON PROPOSED AMENDMENT, WITH RESPECT TO FRESH
FRUITS AND VEGETABLES, OF SECTION 536.2 AS
AMENDED, (DEFINING "AREA OF PRODUCTION" UNDER
SECTION 13(a)(10)), OF REGULATIONS ISSUED
UNDER THE FAIR LABOR STANDARDS ACT OF 1938

WHEREAS, the Texas Citrus Shippers Association, the West Michigan Growers and Shippers Association, the Agricultural Producers' Labor Committee, the International Apple Association, and sundry other parties filed petitions with the Administrator to amend Section 536.1 and Section 536.2 of Part 536 as amended, of Regulations defining the term "area of production" as used in Section 7(c) and Section 13(a)(10) of the Fair Labor Standards Act;

and

WHEREAS, after notice a public hearing was held January 9-12, 1939, before Merle D. Vincent, duly designated as presiding officer, at which interested parties were heard on the following question:

"What, if any, amendment should be made of Section 536.1 or Section 536.2 of the regulations issued under the Fair Labor Standards Act of 1938 in respect to the definition of 'area of production' for fresh fruits and vegetables."

and

WHEREAS, after such hearing, the said Merle D. Vincent made his Findings and Recommendation to the Administrator on March 14, 1939, and recommended that Section 536.2 of said regulations as amended, be further amended by the addition thereto of a new subsection lettered (c) to read as follows:


"(c) with respect to perishable or seasonal fresh fruits and vegetables, if he is engaged in handling, packing, drying, storing, preparing in their raw or natural state, or canning such products for market in an establishment which is located in the open country or a rural community and obtains its products from farms in its immediate locality and performs such operations for the account of the grower of such products. As used in this subsection (c) 'open country or a rural community' shall not include any city of 25,000 or greater population according to the 15th United States Census, 1930, and 'immediate locality' shall not include any distance of more than 50 miles, provided, however, that if the establishment is located

in a somewhat larger city or obtains the products from a somewhat greater distance, and the nature of the business and the type of operations are similar to those in competitive establishments included within the 'area of production' under this subsection, the Administrator may determine that such establishment is also in the 'area of production' on the basis of an individual application."

NOW, THEREFORE, notice is hereby given of a public hearing to commence April 3, 1939, at 10 o'clock a.m. at Room 3229, U. S. Department of Labor, Washington, D. C., before the Administrator, at which interested parties will be heard either in support of or in opposition to the proposed amendment quoted above.

Copies of the said FINDINGS and RECOMMENDATIONS of the presiding officer may be obtained in Room 5418, United States Department of Labor, Washington, D. C.

Signed at Washington, D. C., this 15th day of March, 1939.



Elnor F. Andrews, Administrator
Wage and Hour Division
Department of Labor