

U. S. Department of Labor
WAGE AND HOUR DIVISION
Washington, D. C.

HEARING ON FRESH FRUIT AND VEGETABLE
"AREA OF PRODUCTION" AMENDMENT

A hearing on a proposed amendment of Wage and Hour Division regulations to exempt certain processing of perishable or seasonal fresh fruits and vegetables from wage and hour provisions of the Fair Labor Standards Act today was set for 10:00a.m., April 3, 1939, in Room 3229, Labor Department Building, Washington, D. C. The announcement was contained in a notice issued by Administrator Elmer F. Andrews of the Wage and Hour Division, Department of Labor, who will preside at the hearing.

On the application of the Texas Citrus Shippers Association, the West Michigan Growers and Shippers Association, the Agricultural Producers' Labor Committee, the International Apple Association, and other interested parties, a public hearing was held January 9 - 12 before Merle D. Vincent who is Chief of the Hearings and Exemptions Section of the Wage and Hour Division. Mr. Vincent's findings contained the recommendation that the regulations defining "area of production" be amended to extend the exemption from both the wage and hour provisions of the Act:

"(c) with respect to perishable or seasonal fresh fruits and vegetables, if he (the employee) 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."

Copies of Mr. Vincent's findings and his recommendations may be obtained in Room 5418 of the Labor Building, Washington, D. C.

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