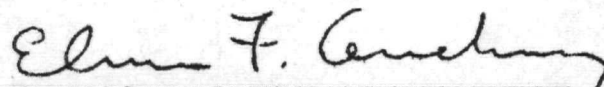


TITLE 29 --LABOR
CHAPTER V -- WAGE AND HOUR DIVISION.
PART 536 -- Regulations Defining the Term "Area
of Production" as Used in Section
7(c) and in Section 13(a)(10) of the
Fair Labor Standards Act.

The following Regulations -- Part 536, as amended --
(Regulations Defining the Term "Area of Production" as Used in
Section 7(c) and in Section 13(a)(10) of the Fair Labor Standards
Act) are hereby issued. These regulations repeal and supersede
all regulations previously issued defining the term "area of
production." These regulations shall become effective upon my
signing the original and upon the publication thereof in the
Federal Register, and shall be in force and effect until repealed
by regulations hereafter made and published.

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



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

SECTION 536.1 -- "AREA OF PRODUCTION" AS USED IN SECTION 7(c)
OF THE FAIR LABOR STANDARDS ACT.

An employer shall be regarded as engaged in the first processing of any agricultural or horticultural commodity during seasonal operations within the "area of production" within the meaning of Section 7(c):

(a) if all the commodities processed come from farms in the general vicinity of the processing establishment and the number of employees there engaged in such processing does not exceed seven, or

(b) with respect to dry edible beans, if he is so engaged in an establishment which is a first concentration point for the processing of such beans into standard commercial grades for marketing in their raw or natural state. As used in this subsection (b), "first concentration point" means a place where such beans are first assembled from nearby farms for such processing but shall not include any establishment normally receiving a portion of the beans assembled from other first concentration points, or

(c) if all the commodities processed come from farms in the immediate locality of the processing establishment and the establishment is located in the open country or in a rural community. As used in this subsection (c) "immediate locality" shall not include any distance of more than ten miles, and "open country" or "rural community" shall not include any city or town of 2500 or greater population according to the 15th United States Census, 1930.

SECTION 536.2 -- "AREA OF PRODUCTION" AS USED IN SECTION 13(a)(10)
OF THE FAIR LABOR STANDARDS ACT.

An individual shall be regarded as employed in the "area of production" within the meaning of Section 13(a)(10), in handling, packing, storing, ginning, compressing, pasteurizing, drying, preparing in their raw or natural state, or canning of agricultural or horticultural commodities for market, or in making cheese or butter or other dairy products:

(a) if he performs those operations on materials all of which come from farms in the general vicinity of the establishment where he is employed and the number of employees engaged in those operations in that establishment does not exceed seven, or

(b) with respect to dry edible beans, if he is so engaged in an establishment which is a first concentration point for the processing of such beans into standard commercial grades for marketing in their raw or natural state. As used in this subsection (b), "first concentration point" means a place where such beans are first assembled from nearby farms for such processing but shall not include any establishment normally receiving a portion of the beans assembled from other first concentration points, or

(c) with respect to Puerto Rican leaf tobacco, if he is engaged in handling, packing, storing, and drying such tobacco for market in an establishment which is a first concentration point for such tobacco. As used in this subsection (c), "first concentration point" means a place where such tobacco is first assembled from nearby farms for such preparation for market but shall not include any establishment normally receiving a portion of the tobacco assembled from other concentration points, nor any establishment operated by a manufacturer for the preparation of tobacco for his own use in manufacturing, or

(d) if he performs those operations on materials all of which come from farms in the immediate locality of the establishment where he is employed and the establishment is located in the open country or in a rural community. As used in this subsection (d), "immediate locality" shall not include any distance of more than ten miles and "open country" or "rural community" shall not include any city or town of 2500 or greater population according to the 15th United States Census, 1930.

SECTION 536.3 --PETITION FOR AMENDMENT OF REGULATIONS.

Any interested person or association wishing a revision of the foregoing regulations may submit in writing to the Administrator a petition for amendment thereof, setting forth the changes desired and the reasons for proposing them. If upon inspection of the petition the Administrator believes that reasonable cause for amendment of the regulations is set forth, the Administrator will either schedule a hearing with due notice to interested parties or will, make other provision for affording interested parties an opportunity to present their views either in support of or in opposition to the proposed changes.*

*Sections 536.1 through 536.3 issued under the authority contained in Sections 7(c) and 13(a)(10), 52 Stat. 1060.