

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

IN THE MATTER OF THE APPLICATION FOR EXEMPTION OF THE SPRING FRESHET DRIVING OF LUMBER IN THE STATES OF MICHIGAN, MINNESOTA AND WISCONSIN FROM THE MAXIMUM HOURS PROVISIONS OF THE FAIR LABOR STANDARDS ACT OF 1938 PURSUANT TO SECTION 7(b)(3) AND PART 526 OF THE REGULATIONS ISSUED THEREUNDER

WHEREAS, the Timber Producers' Association of Minnesota filed an application with Elmer F. Andrews, Administrator of the Wage and Hour Division, United States Department of Labor, for a determination that spring freshet driving of lumber in the States of Michigan, Minnesota and Wisconsin is a branch of an industry of a seasonal nature within the meaning of Section 7(b)(3) of the Fair Labor Standards Act of 1938 and Part 526 of the Regulations issued thereunder, and

WHEREAS, the Administrator determined, after a public hearing held before him in Washington, D. C. on April 17 and 18, 1939, that the spring freshet driving branch of the lumber industry conducted in the States of Maine, New Hampshire, New York and Vermont is entitled to the seasonal exemption provided in Section 7(b)(3) of the Fair Labor Standards Act of 1938 and Part 526 of the Regulations issued thereunder, and

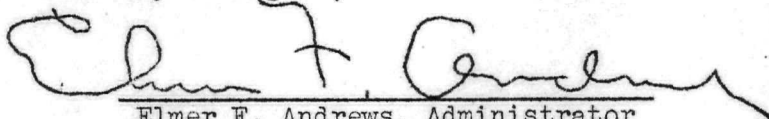
WHEREAS, it appeared from the application filed by the Timber Producers' Association of Minnesota that spring freshet driving in Michigan, Minnesota and Wisconsin is similar in all material respects to spring freshet driving in Maine, New Hampshire, New York and Vermont, and

WHEREAS, the Administrator published a preliminary determination in the Federal Register of July 25, 1939, pursuant to Section 526.5(c) of the Regulations, that a prima facie case was shown by the application for the granting of an exemption, pursuant to Section 7(b)(3) of the Fair Labor Standards Act of 1938 and Part 526 of the Regulations issued thereunder, to the branch of the lumber industry in the States of Michigan, Minnesota and Wisconsin, which is engaged in spring freshet driving, and

WHEREAS, no objection and request for hearing was received by the Administrator within fifteen days following the publication in the Federal Register of the said preliminary determination.

NOW, THEREFORE, pursuant to Section 526.5(c) of the Regulations, the Administrator hereby finds upon the prima facie case shown in the said application that the spring freshet driving branch of the lumber industry in the States of Michigan, Minnesota and Wisconsin is a seasonal industry within the meaning of Section 7(b)(3) of the Fair Labor Standards Act of 1938 and the Regulations issued thereunder and, therefore, is entitled to the exemption provided in Section 7(b)(3) of the said Act.

Signed at Washington, D. C., this 22nd day of August, 1939.

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