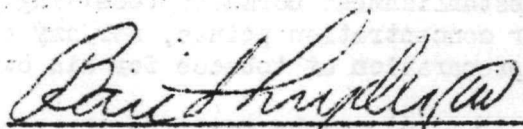


U. S. DEPARTMENT OF LABOR
WAGE AND HOUR DIVISION
Washington, D. C.

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 amendment to Regulations - 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) is hereby issued. This amendment amends Section 536.2 by rendering the present Section 536.2 inapplicable to perishable or seasonal fresh fruits or vegetables, and adding a special paragraph applicable solely to perishable or seasonal fresh fruits or vegetables. Said amendment shall become effective on October 1, 1940, and shall be in force and effect until repealed by regulations hereafter made and published.

Signed at Washington, D. C. this 23rd day of July, 1940.



Baird Snyder, Acting Administrator
Wage and Hour Division
Department of Labor

Published in Federal Register, July 24, 1940.

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

I. 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 (except perishable or seasonal fresh fruits or vegetables) 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 2,500 or greater population according to the 15th United States Census, 1930.

II. An individual shall be regarded as employed in the "area of production" within the meaning of Section 13(a)(10), in handling, packing, storing, drying, preparing in their raw or natural state, or canning of perishable or seasonal fresh fruits or vegetables for market:

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 ten.

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For Release Thursday,
September 12, 1940

UNITED STATES DEPARTMENT OF LABOR
WAGE AND HOUR DIVISION
WASHINGTON, D. C.

NOTICE OF POSTPONEMENT OF THE EFFECTIVE DATE OF
AMENDMENT TO REGULATIONS, PART 536, DEFINING THE
TERM "AREA OF PRODUCTION" AS USED IN SECTION
7(c) AND IN SECTION 13(a)(10) OF THE FAIR LABOR
STANDARDS ACT OF 1938.

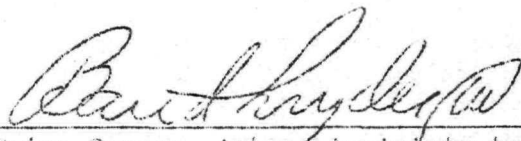
WHEREAS, on July 24, 1940 an amendment to Regulations, Part 536 (defining the term "area of production" as used in Section 7(c) and in Section 13(a)(10) of the Fair Labor Standards Act), effective October 1, 1940, was issued (Federal Register, Volume 5, page 2647), which amendment amended Section 536.2 of the said regulations by rendering it inapplicable to the handling, packing, storing, drying, preparing in their raw or natural state, or canning of perishable or seasonal fresh fruits or vegetables for market and by adding a special paragraph applicable solely to perishable or seasonal fresh fruits or vegetables, and

WHEREAS, the said effective date of October 1, 1940, was selected because it appeared desirable to make the change in regulations effective at a time when the said operations on fruits and vegetables are comparatively inactive and because it further appeared that October 1 represented a period of comparative inactivity, and

WHEREAS, it now appears that the said operations are in general comparatively inactive at that time except for the peak activity connected with the packing of apples and pears:

NOW, THEREFORE, it is hereby ordered that the effective date of this amendment with respect to the handling, packing, and preparing in their raw or natural state of apples and pears be postponed from October 1, 1940 until December 1, 1940. The present definition of the term "area of production" contained in Section 536.2 of Regulations, Part 536, hereby remains applicable to the handling, packing, and preparing in their raw or natural state of apples and pears until December 1, 1940.

Signed at Washington, D. C., this 11th day of September, 1940.


Baird Snyder, Acting Administrator
Wage and Hour Division
Department of Labor

Published in Federal Register Thursday, September 12, 1940.