

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

PRIMA FACIE DETERMINATION IN THE MATTER OF APPLICATION FOR EXEMPTION OF THE DEHYDRATING OF CITRUS PULP AND WASTE FROM THE MAXIMUM HOURS PROVISIONS OF THE FAIR LABOR STANDARDS ACT OF 1938, PURSUANT TO SECTION 7(b)(3) AND PART 526 AS AMENDED OF THE REGULATIONS ISSUED THEREUNDER.

WHEREAS, the Kuder Citrus Pulp Company, Florida, and sundry other processors of citrus pulp and waste have filed application for the exemption of dehydrating of citrus pulp and waste from the maximum hours provisions of the Fair Labor Standards Act of 1938, pursuant to section 7(b)(3) and Part 526 as amended of the regulations issued thereunder.

WHEREAS, it appears from the said application that:

1. Approximately thirteen plants in the United States, situated in Florida, Texas, and California, are engaged in producing cattle feed by means of dehydrating citrus waste.
2. These establishments are located in the neighborhood of, and sometimes adjacent to, citrus canning plants and receive the citrus waste and pulp from the cannery as soon as it becomes available.
3. The pulp, which is perishable, must be processed within six to twelve hours. It is ground, pressed, dehydrated, sacked and stored or shipped for sale as cattle feed.
4. Such pulp plants can operate only during the period in which citrus waste from citrus canneries is available, a period generally not in excess of six months.
5. The dehydrating of citrus pulp and waste appears to constitute a branch of the citrus processing industry.
6. The industry engaged in the dehydrating of citrus pulp and waste operates during a regularly, annually recurring part of the year, and ceases production except for sales, maintenance and repair work because citrus fruit, and therefore citrus waste, are not available owing to climate or other natural conditions.

NOW, THEREFORE, upon consideration of the facts stated in the said applications, the Administrator hereby determines, pursuant to section 526.5(b)(ii) of the regulations that a prima facie case has been shown for the granting of an exemption to the dehydrating of citrus pulp and waste, pursuant to section 7(b)(3) of the Fair Labor Standards Act of 1938 and Part 526 of the regulations.

In accordance with the procedure established by section 526.5(b)(ii) of the regulations, the Administrator for fifteen days following the publication of this determination will receive objection to the granting of the exemption and request for hearing. Upon receipt of objection and request for hearing, the Administrator will set the application for the hearing before himself or an authorized representative.

If no objection and request for hearing is received within fifteen days, the Administrator will make a finding upon the prima facie case.

These applications may be examined at Room 5307, United States Department of Labor, Washington, D. C.

Signed at Washington, D. C., this 28th day of March, 1941.



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Philip B. Fleming, Administrator  
Wage and Hour Division  
Department of Labor

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