

WAC 296-125-030

Prohibited and hazardous employment -- All minors.

The following employments and occupations as outlined in subsections (1) through (30) of this section, are prohibited for all minors, provided that exemption will be allowed from subsections (5), (8), (9), (11), (13), (15), (16), and (23) of this section when the minor is participating in a bona fide cooperative vocational education program, diversified career experience program, or work experience program certified and monitored by the office of the superintendent of public instruction or the minor employee's school district; further, exemption from the same numbered prohibitions will be allowed for any minor involved in an apprenticeship program registered with the Washington state apprenticeship and training council. The state will not grant variances for employments or occupations prohibited by the United States Department of Labor.

- (1) Occupations in or about plants or establishments manufacturing or storing explosives or articles containing explosive components.
- (2) Occupations involving regular driving of motor vehicles. Occupations of outside helper or flagger on any public road or highway, work which involves directing moving motor vehicles in or around warehouses or loading/unloading areas including but not limited to loading docks, transfer stations, or landfills, or work which involves towing vehicles. Occasional driving is permissible if: The minor has a valid state driver's license for the type of driving involved; driving is restricted to daylight hours; such driving is only occasional, and is incidental to the minor's employment; vehicle gross weight is under 6,000 pounds; the minor has completed a state-approved driver education course; and seat belts are provided in the vehicle and the minor has been instructed to use them. Occupations involving occasional operation of a bus are prohibited.
- (3) All mining occupations.
- (4) Logging occupations and occupations in the operation of any sawmill, lath mill, shingle mill, or cooperage-stock mill.
- (5) Occupations involving operation or repair, oiling, cleaning, adjusting, or setting up of any power-driven wood-working machines.
- (6) Occupations involving potential exposure to radioactive substances and to ionizing radiation.
- (7) Occupations involving operation or repair, oiling, cleaning, adjusting, or setting up of elevators. This includes riding on a manlift.
- (8) Occupations involving operation or repair, oiling, cleaning, adjusting, or setting up of power-driven metal-forming, punching, and shearing machines.
- (9) Occupations involving slaughtering, meat packing, processing, or rendering.
- (10) Occupations involving operation or repair, oiling, cleaning, adjusting, or setting up of power-driven bakery machines.
- (11) Occupations involving operation or repair, oiling, cleaning, adjusting, or setting up of power-driven paper-products machines.
- (12) Occupations involving manufacturing of brick, tile, and kindred products.
- (13) Occupations involving operation or repair, oiling, cleaning, adjusting, or setting up of power-driven circular saws, band saws, and guillotine shears.
- (14) Occupations involving wrecking, demolition, and shipbreaking operations.
- (15) All roofing operations.
- (16) Occupations involving excavations.
- (17) Occupations involving operation or repair, oiling, cleaning, adjusting, or setting up of or working in proximity to earth-moving machines, hoisting apparatus, cranes, garbage-compactors, trash-compactors or other compactors, paper-balers or other balers, or other heavy equipment including, but not limited to, graders, bulldozers, earth compactors, backhoes, and tractors. Working in proximity shall mean working within the radius of movement of any portion of the machinery where one could be struck or otherwise injured. It shall not include work in proximity to ski-lift apparatus. This prohibition shall not invalidate activities allowed under subsection (2) of this section.
- (18) Work in establishments or workplaces being picketed during the course of a labor dispute.
- (19) Work as a nurse's aide/assistant; unless the minor is a student in a bona fide state-certified nursing training program or has successfully completed such a program.
- (20) Work as a maid or bellhop in motels or hotels, unless the minor is accompanied by a responsible adult whenever the work requires the minor to enter an assigned guest room, whether or not it is occupied at the time the minor is in the room. Minors may work in unassigned, unoccupied guest rooms unaccompanied by an adult.
- (21) Work in sauna or massage parlors, body painting or tattoo studios, or adult entertainment establishments.

(22) Occupations requiring the wearing of personal protective equipment or wearing apparel as defined and required by statutes or rules and regulations administered by the department's division of industrial safety and health as related to hazardous substances exposure and/or hazardous noise exposure per chapters 296-24 and 296-62 WAC; except those occupations where the only requirement is the wearing of gloves, boots, or eye protection if the occupation is not otherwise prohibited by this section or by WAC 296-125-033. This subsection's prohibitions shall not apply if a minor is a student in a bona fide health care career training or vocational education program.

(23) Occupations involving fire fighting and fire suppression duties.

(24) Occupations where there is a risk of exposure to bodily fluids or transmission of infectious agents, including but not limited to hepatitis and HIV, in accordance with standards established by WAC 296-62-08001 (Occupational exposure to blood-borne pathogens), including lab work which entails the cleaning of medical equipment used to draw or store blood or other contaminated tissue; duties which involve venipuncture; and duties involving work with laundry from health care facilities; unless the minor is a student in a bona fide health care career training or vocational education program. State-certified life guards with first aid training are exempt.

(25) Occupations involving potential exposure to hazardous substances which are considered to be carcinogenic, corrosive, highly toxic, toxic sensitizers, or which have been determined to cause reproductive health effects or irreversible end organ damage. This does not include handling of such substances in sealed containers in retail situations. *This subsection's prohibitions shall not apply to any consumer product or hazardous substance, as those terms are defined by the Consumer Product Safety Act (15 U.S.C. 2051 et seq.) and the Federal Hazardous Substances Act (15 U.S.C. 1261 et seq.) and those statutes' regulations, where the employer of a minor can demonstrate that a product or substance is used in the workplace in the same manner as normal consumer use, and which use results in a duration and frequency of exposure that is not greater than exposures experienced by consumers using the product or substance in conformity with the manufacturer's instructions, provided that such exposures are not otherwise prohibited by subsection (22) of this section.*

(26) In selling to passing motorists on the public right of way candy, flowers, or other merchandise or commodities. Selling to motorists from a window counter is not prohibited.

(27) Work performed in or about boiler or engine rooms.

(28) All work performed more than ten feet above ground or floor level.

(29) Work in freezers, meat coolers, and all work in preparing meats for sale (wrapping, sealing, labeling, weighing, pricing, and stocking are permitted if work is performed away from meat-cutting and preparation areas). Occasional entry into freezers or coolers for obtaining stock or placing stock shall not be prohibited.

(30) Service occupations if a minor works past 8:00 p.m., unless the minor is supervised by a responsible adult employee who is on the premises at all times.

[Statutory Authority: Chapters 43.22 and 49.12 RCW, RCW 26.28.060 and 43.17.060, 93-01-068, § 296-125-030, filed 12/11/92, effective 3/1/93. Statutory Authority: RCW 43.22.270 and 1989 c 216, 89-23-003, § 296-125-030, filed 11/3/89, effective 11/20/89; Order 77-32, § 296-125-030, filed 12/30/77; Order 76-15, § 296-125-030, filed 5/17/76; Order 74-9, § 296-125-030, filed 3/13/74, effective 4/15/74; Order 71-5, § 296-125-030, filed 5/26/71, effective 7/1/71; Section E, filed 9/18/63; Rules (part), filed 3/23/60.]

General Variance forms must be submitted to and approved by the Department of Labor and Industries in order for these exemptions to be utilized. These forms may be attained through the local Employment Standards Division or online at <http://www.lni.wa.gov/forms/pdf/700076af.pdf>