



Yard Work and Youth Labor Laws

Frequently Asked Question

October 2010

What jobs can I assign youths under 18 years? Can they use mowers, string trimmers, etc.?

Many municipalities hire seasonal workers, often younger workers, to assist with ground maintenance. Typical tasks may include raking leaves or other debris, cutting grass, planting flowers, spreading mulch, etc. New Jersey Child Labor Laws may preclude certain tasks. The following is offered as guidance. Specific questions may be forwarded to your Safety Consultant or the N.J. Department of Labor at 609-292-2305.

According to NJDOL's Reference Guide, Labor Laws for Young Workers, Children under 16 years old may do gardening and yard cleanup work, such as brush clearing or litter removal, but **MAY NOT** use power driven equipment such as lawn mowers, or other cutters. They may not use ladders or scaffolds, or load / unload trucks, conveyors, etc. They may not do any hazardous job or use any hazardous or dangerous substance.

The Fair Labor Standard Act provides a minimum age of 18 years for any nonagricultural occupations which are hazardous for 16 and 17 year-old persons, or detrimental to their health and well-being. These Orders are published in Subpart E of Part 570 of Title 29 of the Code of Federal Regulations. The seventeen Hazardous Occupations Orders (HO's) apply either on an industry basis, or an occupational basis irrespective of the industry in which found. The relevant HO's include:

- HO-4 Occupations in forest fire fighting, forest fire prevention, timber tract operations, forestry service, logging, and sawmilling.
- HO-7 Power-driven hoisting apparatus, including forklifts
- HO-14 Power-driven circular saws, band saws, chain saws, guillotine shears, wood chippers, and abrasive cutting discs.

Youth between 16 and 18 years of age **MAY** perform many gardening, landscaping, and yard cleanup tasks. They may use lawn mowers, tractors, and most power tools. The following machinery and tasks are specifically prohibited for workers less than 18 years:

- Power-driven woodworking, grinding or polishing machines, except if part of an apprentice program
- Cutting machines with a guillotine action
- Certain agricultural machinery, including pickers, balers, and field choppers
- Compactors, including trash trucks
- On, or within 30 feet of, construction work on buildings or roads
- On, or within 30 feet of, excavation filling, or grading at construction projects
- Driving motor vehicles and being a driver's helper
- On, or within 30 feet of, roadways
- Working with toxic or dangerous substances, but may paint fences and other structures no more than 12 feet high.

This bulletin is intended for general information purposes only. It should not be construed as legal advice or legal opinion regarding any specific or factual situation. Always follow your organization's policies and procedures as presented by your manager or supervisor. For further information regarding this bulletin, please contact your Safety Director at 877.398.3046.

One common Public Works machine that is not specifically allowed or prohibited are leaf vacuums. The NJDOL confirmed that workers between the ages of 16 and 18 years may use leaf vacuums. Of course, the exclusion of workers under 18 from cleaning, wiping, or oiling the motor or assisting while it is in motion or the power is on, remains.

In addition to permitted activities, employers must also plan for appropriate personal protective equipment (PPE) for young, often smaller workers. Young, seasonal, or part-time workers may not be provided with a lower level of PPE than full-time workers performing the same job or exposed to the same hazards. Many landscaping power equipment such as lawn mowers, weed whackers, backpack blowers, leaf vacuums, etc. require hearing protection. Many also require protective eyewear. Ensure young workers are fully trained on their use. Employers are cautioned to also provide properly-sized gloves or high visibility vests. Large, loose, or bulky gloves and vests can pose a significant hazard around a number of machines.

NJ PEOSHA requires machine-specific training on all equipment, regardless of the operator's age. However, this is even more critical for young workers who often over-estimate their knowledge and abilities. Even if they have used similar equipment at home, Public Works' equipment is often more powerful than homeowners' versions.

Training must be documented. The first step is to provide the Owners' Manual and have the employee sign they have read and understand it, or been given a chance to ask questions. If the machine's manufacturer provides a training video, it should be viewed and documented. Best practice is to then develop a Skill Sheet. A Skill Sheet lists the essential skills and knowledge that must be demonstrated before the operator is authorized to use that machine or piece of equipment. Often this is a matter of putting the operating instructions from the Owners' Manual on a check list.

In conclusion, ensure young workers are closely supervised when working with, or around, any powered equipment. This is especially critical in the initial days. Job Site Observations are one tool to reinforce good behaviors or to quickly correct undesirable, at-risk ones.