INTRODUCTION
During the pilot testing there were numerous questions raised about the GEARING UP FOR SAFETY Training Program and how it relates to meeting the training requirements prescribed by the HOOAs (Hazardous Occupations Order in Agriculture) and how it can be used in agricultural education classrooms. Since some of these questions have been asked and answered on many occasions, it was determined that including a section on most frequently asked questions and their answers would be beneficial.

The most frequently asked questions received by the curriculum design team, and their responses were reviewed for technical accuracy. The responses provided, however, do not represent legal opinions concerning interpretation of the current provisions of the HOOAs or other child protection regulations. In some cases, the responses have been expanded to address more than one issue, while in other cases, the response reflects currently recommended best management practices. In providing a response, primary consideration was always weighed on the side of providing information that would most likely protect the well-being of the young worker. If a question you might have is not addressed or the response does not adequately address your question or legal concerns, the best alternative is to check with an attorney familiar with child labor laws or contact the State Department of Labor office in your community. Check under State and Federal Government Labor Agencies in the Government section of your telephone book. Being ignorant of the law does not excuse you from compliance.

To assist you in locating the question(s) you need answered, the most frequently asked questions have been categorized under the following headings:

1. Questions on the HOOAs (page 2)
2. Youth-related questions (page 5)
3. Parent-related questions (page 7)
4. Employer-related questions (page 11)
5. GEARING UP FOR SAFETY instructor-related questions (page 14)

As additional questions are asked by program participants across the country, they will be reviewed, answered, and, if believed to be of help to others, will be added to future editions of the LEADER’S GUIDE.
1.1 Who administers the Agricultural Hazardous Occupations Orders for Agriculture (HOOAs)?
Response: The HOOAs are administered by the U.S. Department of Labor and each State Department of Labor.

1.2 How long have the HOOAs been in effect?
Response: The HOOAs are part of the 1938 Fair labor Standards Act that was passed in 1938 and amended in 1963 to identify specific tasks in agricultural workplaces considered particularly hazardous for youth under the age of 16. The provisions of HOOAs have remained largely unchanged since 1963. Recent attention given to the need for youth training in agriculture has focused new emphasis on encouraging broader compliance with the HOOAs. This new attention has led some to believe that the HOOAs are brand new. HOOAs, however, are an old set of rules that has been given some new life.

1.3 Who is authorized to provide the prescribed HOOAs training and issue Certificates of Training?
Response: Under the provision of the HOOAs, the federal Cooperative Extension Service through local county Extension offices and high school agricultural education programs are authorized to offer HOOAs training programs. Only Extension educators/agents or agricultural education teachers are currently authorized to issue Certificates of Training. In some locations the authorized trainer delegates some of the training to another person, but the final certification has to be authorized by one of the two designated persons.

1.4 What tasks/jobs are prohibited by the HOOAs regulation for youth under 16 years of age?
Response: The HOOAs classify agricultural tasks into 11 major job categories that youth under the age of 16 are NOT legally allowed to perform unless they are working on a farm being operated by their parent or legal guardian. Tasks in categories I and II may be performed provided the youth is ages 14-15 and has been “certificated” or received a Certificate of Training. Tasks in categories 3 to 11 may never be legally performed by youth under 16 years of age other than on a farm operated by their parent or legal guardian. The 11 major categories are:

1. Operating a tractor of over 20 PTO hp, or connecting or disconnecting an implement or any of its parts to or from such tractor.

2. Operation or assisting to operate any of the following machines:
   a. corn picker, cotton picker, grain combine, hay mower, forage harvester, hay baler, potato digger, or mobile pea viner
   b. feed grinder, crop dryer, forage blower, auger conveyor, or unloading mechanism of a non-gravity – type self-unloading wagon
   c. power post-hole digger, power post-driver, or non-walking type rotary tiller

3. Operating or assisting to operate any of the following machines:
   a. Trencher or earthmoving equipment
   b. Fork lift
   c. Potato combine; or
   d. Power driven circular, band, or chainsaw
4. Working with livestock maintained for breeding purposes or sows with suckling pigs or cow with newborn calf.

5. Working with timber with butt diameter of more than 6 inches.

6. Working from a ladder or scaffold at a height of over 20 feet.

7. Driving a vehicle to transport passengers.

8. Working inside:
   a. Storage facility designed to retain an oxygen deficient or toxic atmosphere
   b. Upright silo
   c. Manure pit
   d. Horizontal silo when operating a tractor for packing purposes.

9. Handling or applying agricultural chemicals classified as Category I or II.

10. Handling or using blasting agents.

11. Transporting, transferring or applying anhydrous ammonia.

1.5 Is a Certificate of Training required as documentation of successful completion of an agricultural safety training program that meets the HOOAs training requirements?

Response: Yes. A printed certificate is currently required to show employers that a youth has in fact completed a training program that meets the HOOAs requirements and makes him or her eligible for employment at age 14. The employer is required to have on file a copy of the Certificate of Training for every youth ages 14-15 being employed.

1.6 Are there penalties for not complying with the provisions of the HOOAs?

Response: Yes. It is a federal crime to violate child labor laws and you can be either fined or sent to jail if the charge is proven. There have been recent cases in which farmers have served jail time for illegally hiring of underaged youth to perform hazardous tasks. Over the past few years the size of the financial penalties has risen substantially and can become a financial burden for a farm operation. The best management practice is to avoid penalties by careful compliance with all state and federal child safety laws.

1.7 I cannot find any reference to skid steer loaders or ATV’s in the Certificate of Training list of restrictions. Are these commonly used machines covered by the provisions of the HOOAs?

Response: Not specifically. When the HOOAs were implemented, the use of skid steer loaders and ATV’s on farms was nearly non-existent. Now almost every farm has one or more of these machines. Even though the HOOAs do not specifically address skid steer loaders, that does not imply that they are appropriate even for youth with a Certificate of Training to operate without additional training. If you plan to assign a youth to operate a skid steer loader or ATV, training and supervision are still required by the general provisions of the HOOAs that employers provide training and supervision for employees appropriate for each assigned task. Some states have identified skid steer loaders as earth moving equipment and therefore included as equipment that youth under age 16 are prohibited from operating.
1.8 **Is annual training required under the HOOAs?**

**Response:** No. Annual training is not specifically required under the provisions of the HOOAs, however, the rules clearly state that the employer is responsible to instruct employees hired with a Certificate of Training on the safe and proper operation of the equipment to be used, and to supervise their activities.

If a farm employs more than 11 employees or has a temporary labor camp, the Occupational Safety and Health Act (OSHA) standards require the employer to provide all employees training at the time of initial assignment and at least annually thereafter concerning the following operating practices:

- Securely fasten your seat belt if the tractor has ROPS.
- Where possible, avoid operating the tractor near ditches, embankments, and holes.
- Reduce speed when turning, crossing slopes, and on rough, slick, or muddy surfaces.
- Stay off slopes too steep for safe operation.
- Watch where you are going, especially at row ends, on roads, and around trees.
- Do not permit others to ride on the machine other than persons required for instruction or assistance in machine operation.
- Operate the tractor smoothly – no jerky turns, starts, or stops.
- Hitch only to the drawbar and hitch points recommended by tractor manufacturers.
- When tractor is stopped, set brakes securely and use park lock if available.
- Keep all guards in place when the machine is in operation.
- Stop engine, disconnect the power source, and wait for all machine movement to stop before servicing, adjusting, cleaning, or unclogging the equipment, except where the machine must be running to be properly serviced or maintained, in which case the employer shall instruct employees as to all steps and procedures which are necessary to safely service or maintain the equipment.
- Make sure everyone is clear of machinery before starting the engine, engaging power, or operating the machine.
- Lock out electrical power before performing maintenance or service on farmstead equipment.

1.9 **Who is required to have or maintain a copy of the Certificate of Training?**

**Response:** The original Certificate of Training came as a multi-copy form so that a copy could be given to the student, one to the employer, and one to the certifying authority (Extension Educator or Agricultural Educator). By law the employer must have a certificate on file for every youth being employed.

1.10 **Does the Certificate of Training apply to other closely related or similar, but non-farm-related jobs?**

**Response:** No. The HOOOAs were specifically written to address youth employed in farm work. Even though other occupations such as construction may have similar tasks, the Certificate of Training does not allow for the employment of youth in those occupations.
1.11  Does completion of the HOOAs training provide protection from potential personal injury claims in the event of an injury?
   Response:  No. There is very little that you can do as an employer to protect yourself from potential liability in the event of an employee being injured. Having all younger workers certified, however, may provide a valuable defense that demonstrates your commitment to complying with labor laws and providing a safe workplace.

   In the current legal climate some farmers and ranchers have intentionally moved to not employing any youth under the age of 16 due to the added risk of increased liability.

1.12  I cannot find a specific reference to grain bins in the Certificate of Training list of restricted work activities. Is working inside a grain bin covered by the provisions of HOOA?
   Response:  When the original HOOA regulations were written, the presence of grain bins on farms was very limited and access to them was not included as a restricted work activity. However, recent outcomes of civil litigation involving youth under the age of 16 working inside of grain storage structures clearly indicates that no one under the age of 16 should ever be allowed to enter or work inside of a grain bin for any purpose. This work is simply too hazardous. Youth under 16 are also not qualified to serve as outside observers for adult employees who are assigned to enter a grain bin or any other agricultural confined space.

2 – YOUTH-RELATED QUESTIONS

2.1  I am 17 years old and have a copy of my HOOAs Certificate of Training. Can this certificate be used as a form of personal identification?
   Response:  The GEARING UP FOR SAFETY Management Team is not aware of any situation where a HOOAs Certificate of Training has been used as an acceptable form of personal identification for other than employment on an agricultural worksite. Once you have reached the age of 16, the Certificate of Training is no longer needed for employment; although, having received a Certificate of Training is a valid entry on your personal resume and demonstrates to potential employers that you have received valuable safety training.

2.2  Do I need to give a copy of my Certificate of Training to my employer at the time I am hired?
   Response:  Yes. A copy of your Certificate of Training must be kept on file by the employer from the time you are hired until you discontinue work or reach the age of 16. A photo copy of the certificate is sufficient.

2.3  I have lost my Certificate of Training. What should I do?
   Response:  Contact your instructor for a copy. You instructor should have kept a copy on file. A photocopy of the Certificate of Training is sufficient evidence of training.

2.4  I will turn 14 soon and plan to spend part of the summer at my grandparent’s dairy farm. Do I need a Certificate of Training to help him if I am a paid employee?
   Response:  No. Youth ages 14-15 working for a parent or guardian are not covered by the provisions of the HOOAs. It could be interpreted that your grandparents are your guardians for the summer. However, if you plan to operate tractors or machinery, you are strongly encouraged to complete the HOOAs training. You will learn to be a safer worker and acquire skills that will impress your grandparents.
2.5 I will be 13 when the next HOOAs training class will be taught, but will turn 14 this summer. I have an opportunity to work on a neighbor’s farm once I turn 14 and have completed the requirements for a Certificate of Training. Can I take the HOOAs training when I am 13?

Response: Technically, the provisions contained in the HOOAs require you to be 14 at the time of enrollment. However, general practice appears to be that youth who will turn 14 shortly after the class are being allowed to enroll and complete the class. The Certificate of Training is only valid when you turn 14. Even if an instructor were to issue a Certificate of Training at age 13, you cannot be legally employed under the provisions of the HOOAs until you are 14.

2.6 My neighbor has a contract to mow roadsides for the county and would like to hire me for the summer. I am 15 and recently received the HOOAs Certificate of Training. Does my certificate apply to this type of work?

Response: No. The provisions of the HOOAs were drafted to specifically cover farm-related work. Even though you have received training on operating a tractor, mowing ditch banks for the county is not farm work. Furthermore road side mowing is extremely dangerous work and requires training and experience due to the higher risk of over-turn and collisions with motor vehicles. You are encouraged to pursue other types of summer work.

2.7 I am a 14 year old and love farming. Can I operate a tractor for my neighbor without a Certificate of Training if he doesn’t plan to pay me?

Response: Your question can not be answered with a simple yes or no. Do you plan to benefit in any way from helping out your neighbor? If so, even if your benefits are in the form of non-cash items, your activities would be classified as work and you would be required to be certified. If you are helping out as a form of recreation and receiving no benefits in return, the answer may be no, you don’t need to be certified. The problem with this relationship is that you are providing a service without pay and you are operating hazardous equipment without appropriate training. Even though the HOOAs may not apply, it would be beneficial for both you and your neighbor if you were to receive safety training, have a Certificate of Training and be fairly compensated for your work. Even if your neighbor does not pay you, he or she could be held liable for any injuries that you might experience. He may also be found in violation of certain Federal and State wage and hour regulations.

2.8 I am 15 years old, live in town and want to show a steer at the fair. I have an agreement to work for a nearby farmer in exchange for a calf, a place to keep it, and feed. Part of my work will involve mowing lawns and ditch banks with a small utility tractor. Do I need to obtain an HOOA Certificate of Training?

Response: Yes. Even though you will not be paid in cash for your services, you will receive financial benefits and would therefore be classified as an employee (see Response to 2.7). If the utility tractor is over 20 hp you will need to obtain a Certificate of Training prior to being employed.

2.9 If I have a Certificate of Training am I allowed to refuse to do jobs that I believe are too dangerous?

Response: Yes. Every worker has the right to refuse to perform tasks that they are not trained or equipped to perform. You have no obligation to perform any tasks that you believe could cause you injury. If you are pressed or forced to perform such a task, you should immediately leave the worksite and inform your parents or guardian. You may have rights for recovery of lost wages if the local wage and hour or child labor agency concludes that the task was unsafe or inappropriate for you, and that your employer unfairly fired you.
3.1 Does my daughter need a Certificate of Training to work on our farm?
Response: No. The HOOA restrictions do not apply to the employment of minors under 16 years of age by their parents or persons standing in the place of their parents on farms owned or operated by such parents of persons. If your daughter is working for you or for someone you have given the responsibility to supervise her, she does not need a Certificate of Training.

3.2 How do the HOOAs provisions define a person “standing in place of a parent” with respect to having a 14-15 year old youth being exempt from needing a Certificate of Training?
Response: The U.S. Department of Labor defines a person “standing in place of a parent” as generally meaning one who takes a child into his or her home and treats the child as part of their own family, including educating and supporting the child. This definition allows for considerable latitude in interpretation. If there is any doubt, you are encouraged to enroll the youth in the HOOAs training and obtain a Certificate of Training.

3.3 My daughter is 12 years old and wants to participate with her 14 year old brother in the local agricultural safety training program for youth. Her brother needs the training to be employed this summer. Can she legally participate?
Response: Yes. There are no federal or state regulations that restrict youth under the age of 14 from attending the HOOAs training. Your daughter, however, cannot be certified to be employed under the HOOAs provisions until she reaches the age of 14. If your daughter plans to operate tractors or machinery at a later age, participating in the class might be a good orientation, but certification will have to wait until she is older. You should also check with the local instructor to see if there are any age restrictions due to liability or space limitations.

3.4 My son was born without his left arm and has been operating tractors on our home farm since he was 11. He is now 14, and his mother and I believe he would benefit from participating in the HOOAs training. Would my son’s disability disqualify him from participating?
Response: No. If your son has been operating a tractor for the past three years, he would still greatly benefit from participating in the training, even though he is not required to have a Certificate of Training to work on his family’s farm. Check with your local instructor and let him or her know about the situation and discuss any accommodations that might be needed. In the past, youth with upper and lower limb amputations, cerebral palsy, and hearing impairments have successfully completed the HOOAs training. It is a violation of the Americans with Disabilities Act (ADA) to discriminate against a youth with a disability by denying him or her from participating in the HOOA training.

3.5 Our local 4-H Tractor Club meets six times during the winter to conduct educational activities related to tractors and machinery. It also sponsors the county tractor driving contest at the county fair. Does this program contain the same activities as required to receive a Certificate of Training needed to be legally employed on a farm?
Response: No. In most cases, the 4-H Tractor Club/Programs are operated for a different purpose than to certify youth ages 14-15 for employment to perform certain hazardous tasks on a farm such as operating a tractor. If the club meets only six times, it probably does not meet the minimum contact hours needed for certification. In addition, the HOOAs training includes specific topics that must be covered as part of the certification requirements. You might want to check with the local 4-H Educator/Agent and see if the county plans to host a separate HOOAs training class. If you have a son or daughter interested in tractors and machinery the 4-H program would provide a great orientation.
3.6 My daughter wants to participate in the annual HOOAs training, but the class is made up of all boys. Can she be prevented from taking the class because she is a girl?

Response: No. Your daughter cannot be discriminated against because of her sex. If she is told by the local instructor she cannot participate, contact your State Director of Extension or your State Department of Education for assistance in educating the instructor on your daughter’s right to attend the class.

3.7 Do I have to provide the necessary equipment for my son to complete the operator skills portion of the HOOAs training?

Response: No. In all cases observed, the local coordinators and instructors work with local implement dealers or farmers to provide equipment necessary for class demonstrations and to conduct the operator skills testing.

It is helpful, however, if your son has access to a tractor to practice operation skills under your supervision and to apply the skills learned in the HOOAs training. Remember, the HOOA classes focus on knowledge rather than specific operator skills. Learning to safely operate a tractor requires supervised activities outside of the classroom.

3.8 Does completion of the HOOAs training program ensure that my son or daughter will be a safe tractor operator?

Response: No. The HOOAs training attempts to provide a youth with the knowledge and skills considered to be most important for the safe operation of agricultural tractors and machinery. No course can ensure that youth will demonstrate safe skills, behaviors, and attitudes in all circumstances. Prior research has shown, however, that youth who complete the HOOAs training are more likely to demonstrate safer work practices and have fewer close calls.

3.9 Can my 14 year old son operate a bulldozer on my own farm without the HOOAs Certificate of Training?

Response: Yes. There are no restrictions in the current HOOAs that apply to the children of farmers when working for their parent or guardian on a farm owned or operated by such a person. However, most 14 year old youth do not have the intellectual, emotional or physical capabilities to safely operate heavy equipment, especially earth moving equipment. Your son could not be employed on another person’s operation or in any other industry to operate a bulldozer. In other words you cannot ask your 15 year old son to take your farm dozer or backhoe to the neighbors to do work.

3.10 I farm next door to my brother. We both have teenage sons between 14 and 16 years of age who provide labor back and forth as the need arises. The boys do not work off these two farms. Do they need a Certificate of Training?

Response: No. There are no HOOA restrictions that apply to youth working on a parent’s or guardian’s farm, even if they are separate operations. In this case your brother would be acting as a guardian and/or your son would be working indirectly under your supervision. You are encouraged; however, to have both you and your brother’s sons complete the HOOAs training program. Whether or not they plan to stay on the farm, the training will enhance their safety both now and later in life.
3.11 My husband thinks that having our twin 13 year old boys attend an upcoming HOOAs training program is a waste of their time and not even required by the law, since they only work on our farm. They have been working on our farm since childhood, and each has had more than one close call. What can I do to encourage my husband to enroll the boys in the class?

Response: You are in a tough spot. It appears that you want to respect your husband’s opinion and yet are concerned about the boys’ safety. Here are a couple of suggestions:

1. Ask the instructor to invite your husband to participate in the class as an assistant instructor because of his first hand experience in farming. The instructor could also encourage your husband to bring along your sons, thereby allowing the three of them to attend together.

2. Put together a collection of clippings on recent farm-related injuries and post it on the refrigerator.

3. Let him know that you would feel more secure about the boys working on the farm if they have received safety training.

4. Make each training class a special event with your husband’s favorite meal before or after the training.

5. Encourage him to participate with the boys by attending the class with them and using it as their night out. We wish you the best. (If you are a dad reading this, make it easy on your wife; go ahead and enroll your son or daughter and participate with him or her. You’ll both learn a lot and enjoy the time together.)

3.12 How much should it cost to participate in an HOOAs training program?

Response: Traditionally, these programs have been offered free of charge and were conducted by the local Extension office or agricultural education (Vo-Ag) teacher. It appears that due to budget cuts, some programs across the U.S. are now charging for the class. Documented tuition has ranged from $20.00 to $75.00. If finances are a concern, check with the instructor or your son or daughter’s potential employer about the availability of scholarships or funding. An employer who wants to hire your son or daughter will not let a small fee prevent him from hiring a well-trained worker.

3.13 Does my daughter have to be enrolled in 4-H in order to enroll in an HOOAs training program offered by the local Extension Educator?

Response: Yes. The current language of the HOOAs requires youth to be enrolled in 4-H when taking the training under the Extension Service. Likewise, a student taking the training as part of an agricultural education (Vo-Ag) class needs to be enrolled in that class.

3.14 My son was raised in town, but wants to work on a farm. He is 15 and has no farm experience. Will this cause a problem in completing the HOOAs training?

Response: Yes, but it is a challenge that can be overcome. The intent of the HOOAs training is to provide targeted safety training for youth already “familiar with normal working hazards in agriculture”. However, visit with the local program coordinator and see what remedial work can be done to catch up. You are encouraged to enroll your son, regardless. The training will not make him a farmer or experienced tractor operator, but should help him become a safer worker.
3.15 My neighbor farms a large amount of land at several sites and wants to hire my 15 year old son to transport anhydrous ammonia nurse tanks out to the field during the fall tillage season. My son has received a Certificate of Training and has been operating equipment on our farm for several years. He is mature for his age and very responsible. Can he perform this work under the provisions of the Certificate of Training?

Response: No. The HOOAs rules specifically state that youth under the age of 16 cannot be employed to transport, transfer, or apply anhydrous ammonia. Your neighbor would be risking a serious violation and penalties if it were discovered that your son was carrying out this type of work.

3.16 Why does my son need to be 18 to operate a lawn mower for a local land maintenance company, but can operate a tractor on a farm at age 14 with a Certificate of Training?

Response: This is a good question that is not easy to explain other than that is the way Congress wrote the laws. When the HOOAs were implemented in 1963, the use of child labor in agriculture was wide spread and considered essential to get all the work done. As expectations for youth have changed it is highly probable that the minimum age under the provisions of the HOOAs will be raised to be more consistent with the employment age of youth in other industries.

3.17 My son has a driver’s permit that allows him to operate a car at age 15. Would this permit fulfill the requirements of the Certificate of Training?

Response: No. A driver’s license or permit does not meet the HOOAs requirement for training prior to employment in agriculture. The training and testing for each address very different topics.

3.18 My family lives on a farm in an isolated area that is considerable distance from our County Extension Office. The travel time makes it hard to get to all of the scheduled HOOAs training sessions. Would it be appropriate to do some of the study independently?

Response: Yes. The HOOAs require that a youth receive approximately 24 hours of instruction, but the format is not specifically prescribed. The GEARING UP FOR SAFETY curriculum provides an on-line based format that allows for 10-15 hours of instruction to be taken independently. The balance of the instruction would be provided in more traditional formats. The GEARING UP FOR SAFETY curriculum has also been designed for and tested with home schoolers. All the instructions can be completed except for the testing and driving skills demonstration.

3.19 Who should I contact if I believe that any child is being asked to perform tasks that exceed the restrictions of the HOOAs as described on the Certificate of Training?

Response: As a parent you should immediately intervene on your child’s behalf. He or she may be reluctant to do so due to the employer/employee relationship. If the work being assigned is hazardous you have a responsibility to remove your child from the workplace and report the employer to the local wage and hour or Department of Labor office. Check your phonebook under Government Office.
4.1 Do I need to maintain a copy of the Certificates of Training for all youth I have employed under the age of 16 who operate tractors over 20 hp?

Response: Yes. HOOA requires that you, as an employer, keep a copy of the Certificate of Training on file throughout the employment period or until the youth reaches the age of 16.

As with all business documents, you should retain a copy of the certificate as part of your records for five years after the period of employment.

4.2 Does an insurance company require a Certificate of Training for employed youth under the age of 16?

Response: Maybe. The best way to find out is to ask your insurance agent. If you are employing youth under the age of 16 without Certificates of Training to perform hazardous tasks, your coverage in the event of a loss may be void because you have violated a federal law. Most insurance policies do not cover illegal activities. Some insurance policies specifically limit coverage, and might not cover under aged workers, or anyone regardless of age operating an ATV.

4.3 Do I still need to supervise a 15 year old tractor operator if he has worked for me part-time over the past year?

Response: Yes. The U.S. Department of Labor’s regulations requires that employers maintain close supervision where feasible, or, where not feasible, in work such as cultivating, the employer or his representative must check on each youth’s progress and safety at least mid-morning, noon, and mid-afternoon.

You are encouraged to make regular visual checks on all youth you have employed and make, if possible, eye contact with them so they know you are checking on their well-being. If possible, it is also a good work practice to have more than one person working in the same area so that if something were to happen, help would be close by. You might consider providing all younger workers with a smart phone so that you can easily check on them visually inspect their work, and allow them access to help in an emergency.

4.4 Does a Certificate of Training certify proficiency in operation and adjustment of agricultural tractors and machinery?

Response: No. The completion of a the HOOAs safety training program does not certify training in adjustment of agricultural equipment or proficiency in operation, nor does it mean that the certificate holder knows how to operate any particular make or model of tractor or machine. No safety course, no matter how comprehensive, can guarantee that a worker regardless of age will always perform work in a safe manner. Prior research has shown, however, that completion of the HOOAs training program can result in operators who demonstrate safer operator behaviors on a standardized course. Participants will also have more knowledge concerning specific hazards and how to avoid and respond to them.
4.5 I have a neighbor’s son, age 15, working for me this summer. At his home farm he operates a small 50 hp track-type bulldozer. Is it legal for me to have him operate a comparable bulldozer on my farm?

Response: No. First of all, your neighbor’s son, even if he is from a farm, still requires a Certificate of Training to work on your farm if he will be operating a tractor over 20 PTO hp or operating most agricultural equipment.

Second, if the bulldozer is classified as or is being used as a piece of earthmoving equipment, HOOAs rules prohibit the operation or assistance in operating (including starting, stopping, adjusting, feeding, or any other activity involving physical contact) any such equipment. The same response would be applicable for trenchers, tiling equipment, fork lift, potato combine, or power-driven circular, band, or chain saw.

4.6 Do HOOAs rules mandate the type of clothing that my younger employees, ages 14-15, should wear?

Response: No. The HOOAs do not specifically address the type of work clothing that should be worn by younger workers. As an employer you can set the standards and require steel-toed shoes, safety glasses, gloves, and clothing without strings, rips or loose ends. Typically, you only need to send a young worker home once to change into appropriate clothing to get the message across. Remember under the current OSHA regulations, you are required to provide all employees with free personal protective equipment needed to perform a task safely. This may include: safety glasses, hearing protection, hard hats, and safety footwear.

4.7 Do the HOOAs prevent youth with a Certificate of Training from working for me operating an ATV?

Response: No. The HOOAs rules do not specifically address the operation of ATVs. Before allowing youth to operate ATVs or utility vehicles, however, they should be trained in their safe use. Even though the law does not specifically address a hazard, that does not make you immune from being held personally liable if an injury were to occur. Check state laws that apply to ATV operation that may require helmets or prohibit operation on public roadways.

4.8 Am I responsible for providing personal protective equipment to my younger workers?

Response: Yes. You must provide PPE if it is required to perform the assigned tasks; however, past practice seems to suggest that certain items, such as, gloves worn when handling hay bales are the responsibility of the worker.

4.9 Do the HOOAs require that I supply each younger worker holding a Certificate of Training with a cell-phone or radio?

Response: No. The HOOAs currently do not require that employers provide young workers with a means of communication. However, the rules do require regular supervision. It is strongly recommended that each employee, regardless of age have access to a phone in the event of an emergency. See response to 4.3.

4.10 My safety consultant informs me that OSHA provisions exempt my farm from having to comply with the forklift safety standards. Can I therefore assign my two employees holding Certificates of Training to loading pallets of seed and fertilizer using my small forklift?

Response: No. Even though OSHA forklift safety rules do not apply to most farm operations, the HOOAs take precedence when it comes to having youth under the age of 16 operate forklifts. The rules specifically state that youth, even with a Certificate of Training, cannot operate: trenchers or earthmoving equipment; forklifts; potato combine; or power-driven circular bank or chain saw. Remember that complying with the law does not protect you from civil liability.
4.11 I have a 15 year old boy who helps me out after school in my confined farrowing operation. He handles the baby pigs, cuts teeth, and gives them shots. In most cases he is working in close proximity with the sows. Is he allowed to perform this type of work under the current HOOAs?

Response: No. Even with a Certificate of Training, youth under the age of 16 are not allowed to work on a farm in a yard, pen, or stall occupied by a bull, boar, or a stud horse maintained for breeding purposes or sow with suckling pigs, or cow with newborn calf. What you currently have the boy doing is violating the provisions of the HOOAs and could lead to penalties and/or fines.

4.12 Do my younger employees, who have on file Certificates of Training, still need a work permit?

Response: In some states youth under the age of 16 who attend school require a work permit to be employed. Some states do not have this requirement. Check with the school guidance counselor or the local State Department of Labor office for applicable rules and regulations.

4.13 We operate a small orchard with a cider press. To maintain the quality of our apples, we built a 20’ x 40’ refrigerated storage building. During the fall we have four or five youth help out in the sales area. They are in and out of the fruit storage building retrieving apples for display. Is this activity covered by the HOOAs?

Response: Yes. Under current HOOAs, youth under the age of 16 are not allowed to work inside a fruit, forage, or grain storage structure designed to retain an oxygen deficient or toxic atmosphere even if they hold a Certificate of Training. Since apples stored in a sealed unit release carbon dioxide, there is a risk that the unit would be unsafe unless adequately ventilated. Citations have been issued to employers for having youth enter these fruit storage units.

4.14 Are the Fair Labor Standards Act, and the HOOAs, the only laws that I need to be concerned with when I hire youth under age 16?

Response: No. There are other federal and state laws that may regulate the hiring of youth on your farm in addition to the HOOAs. These include state child labor laws and state OSHA regulations that may be more strict than federal laws, the federal Occupational Safety and Health Act (OSHA) that includes a number of work place safety rules applying to farms with more than 11 employees or with a temporary labor camp, and the Federal Insecticide, Fungicide, and Rodenticide Act. Hiring of younger workers, even those with Certificates of Training, should be done cautiously and with the advice of your attorney and/or local enforcement agencies.

4.15 Are the children of migrant farm workers covered by the HOOAs restrictions?

Response: Yes. All youth being employed on farms who are not exempt are covered by the HOOAs. The children of migrant farm workers cannot be employed to perform those tasks identified by the HOOAs as hazardous without a Certificate of Training even if they are being supervised by their parents.

4.16 Can I have my employees with Certificates of Training work while their school is in session?

Response: No. It is a violation of federal law to have youth under the age of 16 employed while their school is in session. There are no exceptions. There are certain work-release programs that allow youth to explore occupations, but the student must be 16 years of age.

4.17 Are youth with Certificates of Training required to be paid minimum wage?

Response: Yes. Only in very restricted cases can employees be paid less than the minimum federal wage. To avoid not being in compliance check with the local Department of Labor Office or Wage and Hour Office. Check under Government in your phonebook.
5.1 I am a local high school agriculture teacher and began planning to offer an HOOAs training program as part of my curriculum. When I contacted my county Extension Educator, she informed me that only Extension Educators were eligible to offer and certify HOOAs training. Is this correct?

Response: No. The HOOAs specifically designates both Extension Educators/Agents and Agricultural Educators/Vo-Ag Instructors the authority to offer training. Both can sign the Certificate of Training for participants successfully completing the course.

You might consider revisiting with your Extension Educator/Agent and exploring ways to coordinate the training in your county to avoid duplication and allow as many youth as possible to participate.

5.2 Can I charge for offering the HOOAs training?

Response: Yes. There are no restrictions contained in the HOOAs that would prevent eligible instructors from charging a fee to each youth enrolled in the class. This fee could cover the cost of materials, meeting place, refreshments, and your time. A review of fees charged for HOOAs training across the U.S. found quite a range – from no-charge to $75.00. If you charge a fee you should maintain a record of who paid, when, and how much; and you should keep a record of expenses. Fiscal accountability is an important part of a well managed program.

5.3 Do I have to pass everyone who enrolls in my HOOAs training?

Response: No. Giving a Certificate of Training to a youth who lacks the intellectual, emotional, or physical capacities to safely operate agricultural tractors and machinery is a disservice to everyone: the youth, his or her parents, potential employers, and you. If a student fails to meet the requirements of the course he or she should not be certified.

5.4 How can I become an HOOAs instructor?

Response: Currently only Extension Educators/Agents and/or Agriculture Educators/Vo-Ag Instructors are eligible to issue HOOAs Certificates of Training. However, it has become a common practice for Extension Educators to appoint an individual to conduct the training under their supervision. Upon completion of the training, the instructor provides the Extension Educator/Agent with a list of youth who successfully completed the training, and Certificates of Training are issued. Check with your local Extension Educator and see if your services are needed.

5.5 Where can I find good resources to use in my HOOAs training program?

Response: Check the GEARING UP FOR SAFETY website at www.agsafety4youth.org. Check under resources.

5.6 Am I liable if someone who completes my HOOAs training is injured operating a tractor or doing other farm work?

Response: Good question without a definitive answer. No one is immune from liability if he or she is in anyway connected to a serious loss or injury. However, the risk of being held personally liable in the situation you describe is extremely small. No documentation has been found where an instructor has been held personally liable for an injury to a youth who had completed a HOOAs training program. To protect yourself in the event of such a case, keep good records. Don't issue Certificates of Training to youth who miss any part of the training program or who do not fulfill all of the testing requirements.
5.7 I am a high school agriculture science teacher in a predominately suburban school. A parent told me that the current HOOAs requires me to offer HOOAs training to their child. Am I obligated to offer this training?

Response: No. No one can force you to offer HOOAs training (except maybe your school superintendent). If the parent desires that his or her child receive the training, have them contact the county Extension office or check neighboring counties to see if the training is being offered. A listing of known classes may also be found at www.agsafety4youth.org.

5.8 Under the HOOAs rules what is a “Student-Learner”?

Response: Student-learners are youth that are part of a formal high school agricultural education program. Student-learners may work in the occupations listed in items 1 through 6 of the hazardous occupations order under a written agreement which provides that the student-learner’s work is incidental to training, intermittent, for short periods of time, and under close supervision of a qualified person; that safety instructions are given by the school and correlated with on-the-job training; and that a schedule of organized and progressive work processes has been prepared. The written agreement must contain the name of the student-learner, and be signed by the employer and a school authority, each of whom must keep copies of the agreement.

5.9 Does the GEARING UP FOR SAFETY curriculum meet the training requirements of the current HOOAs?

Response: Yes. If taught as laid out, the curriculum provides about 24 hours worth of instruction including testing and operating the tractor. The curriculum offers the flexibility of providing up to 15 hours of instruction using the GEARING UP FOR SAFETY lessons.

5.10 Am I free to modify the contents of the GEARING UP FOR SAFETY curriculum to accommodate local agricultural work practices?

Response: Yes. Instructors should feel free to modify the training to best meet the potential employment needs of the youth participating in the training. This may include more emphasis on an area that is unique to the region.
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