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U.S. Department of Labor
Wage and Hour Division
Employment Standards Administration
Attn: Mr. Arthur M. Kerschner, Jr.
Office of Enforcement Policy
Child Labor and Special Employment Team
Room S-3502
200 Constitution Avenue, N.W.
Washington, DC 20210

Dear Mr. Kerschner:

This letter represents the U.S. Forest Service comments to the proposed rule on “Child Labor Regulations, Orders and Statements of Interpretation,” published in the Federal Register Volume 72, Number 73, on Tuesday, April 17, 2007 by the Department of Labor (DOL).

We applaud DOL’s new revision to Hazardous Occupation Order 4 to prohibit minors between 16 and 18 years of age from performing forest firefighting duties. We fully agree with the study conducted by the National Institute for Occupational Safety and Health in 2002 that there is a high risk of fatality and serious injury on firefighting incidents. We consider our firefighters who are battling blazes “on the front lines” to be performing hazardous work and feel this work should be limited to individuals over 18 years of age. In fact, many of our Federal firefighters receive an additional 25% premium pay as a way of recognizing the hazardous nature of the work. In addition, we consider the following types of activities which are directly related to controlling and extinguishing the fire on the front line to be hazardous: digging a fire perimeter with a shovel; ground scouting; spot fire patrolling; search and rescue operations; and backfiring.

However, we would recommend that DOL make a distinction in Section 29 CFR 570.54 (a) and (b) between the hazardous duties that are directly related to controlling and extinguishing the fire on the front line and what we feel are non-hazardous forest fire prevention duties. We would like to continue to have the flexibility to use 16- and 17-year-olds for work in forest protection-type activities, such as clearing fire trails or roads, maintaining fire fighting equipment, and acting as a fire lookout or fire patrolman. We interpret these activities to be more secondary in nature or in support of the fire; these activities are not hazardous or detrimental to the health and well-being of youth. We currently use 16- and 17-year-old Job Corps employees and private contractors in our fire camps to perform such tasks as building platforms for tents, stocking commissary items, performing timekeeping activities and providing food services.



If you have any questions, please contact Debbie Rigden at (703) 605-0822 or email her at drigden@fs.fed.us.

/S/ KATHLEEN D. BURGERS
KATHLEEN D. BURGERS
Director of Human Capital Management

cc: Tom Harbour