



Pennsylvania
Department of Labor & Industry
The Secretary

August 14, 2026

Via e-mail

Thomas Cook
State Fire Commissioner
Office of the State Fire Commissioner
1310 Elmerton Avenue
Harrisburg, PA 17110

Re: Letter of Understanding on Enforcement of Child Labor Act in Relation to Entry-level Firefighting Training Program

Dear Commissioner Cook:

The purpose of this Letter of Understanding (LOU) is to clarify the Department of Labor and Industry's (L&I) application of the "student-learner" exemption of the Child Labor Act (CLA) to the Office of the State Fire Commissioner's (OSFC) entry-level firefighter training program.

Background

On November 3, 2022, the General Assembly passed Act 155 of 2022 (Act 155), in response to a statewide shortage of volunteer firefighters. Act 155 amended Section 7¹ of the CLA to permit 17-year-olds to participate in live burn training as part of the OSFC's entry-level firefighter training program.² Minors in the fire service, colloquially termed "junior firefighters," are subject to additional protections and special rules due to their youth. Fire departments throughout the Commonwealth must engage in additional administrative processes related to recruiting and training junior firefighters, in contrast to their adult peers. The administrative process of recruiting junior firefighters and training them to become firefighters comprises the Junior Firefighter Program.

The OSFC supports the Junior Firefighter Program by offering entry-level firefighter training to junior firefighters. This entry-level training takes place in one of two settings, either the

¹ Section 7 of the CLA applies to "Minors serving in volunteer emergency service organizations." 43 P.S. § 40.7.

² This is consistent with OSFC's statutory duty to "[d]evelop curriculum and provide and assist in the coordination of fire, rescue and emergency services training, including online training and issue certifications" in the Commonwealth. 35 Pa. C.S. § 7383(a)(3).



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Pennsylvania State Fire Academy,³ or an approved Educational Training Agency (ETA).⁴ ETAs are independent entities, but the OSFC has specific statutory authority to use ETAs to provide its training, *see* 35 Pa. C.S. § 7383.1(b). The OSFC accredits ETAs and certifies instructors to deliver its firefighting curriculum.⁵ The purpose of this robust accreditation and certification process is to ensure that receiving training from an ETA is tantamount to receiving training from the Pennsylvania State Fire Academy.

Part of the OSFC's entry-level firefighting training program includes live burn training requiring the use of a chainsaw to enter a burning structure. Use of a chainsaw, however, is a "prohibited occupation" under the CLA as a general matter. *See* 43 P.S. § 40.4(a)(2) (incorporating Fair Labor Standards Act's prohibited occupation regulations into CLA); 29 C.F.R. § 570.55 (prohibiting minors' use of chainsaws).

As such, the passage of Act 155 created uncertainty among the regulated community. The General Assembly intended for 17-year-olds to participate fully in entry-level firefighter training to address a shortage of firefighters, however, the provisions of the CLA regarding prohibited occupations were not amended by Act 155.

L&I has received multiple CLA queries relating to minors engaged in training at local fire companies.

Child Labor Act's Student-Learner Exemption

Section 12 ("Employment of minors in student-learner and apprenticeship programs") of the CLA provides that "[a] minor may be employed in a work experience and career exploration program, an apprenticeship program and a school-to-work program to the extent permitted by regulations promulgated under this act and not prohibited by the Fair Labor Standards Act [FLSA]." 43 P.S. § 40.12. Both the CLA and FLSA regulations define "student-learner."⁶ Although

³ The legislature established the Academy "...to enable the Department of Education more effectively to train firefighters under the program of the Public Service Institute Board established by the department under its vocational education program..." *See* 35 Pa. C.S. § 7351.

⁴ The legislature granted the OSFC broad authority to allow entities of all types to become ETAs and deliver training on behalf of the OSFC. An ETA may be "...a county training center, a community college, or other approved educational agency." *See* 35 Pa. C.S. § 7383.1(b).

⁵ As part of the ETA accreditation process, ETAs must hire instructors certified by the OSFC to deliver its training curriculum.

⁶ Under CLA:

Minors enrolled in a course of study and training in a cooperative vocational training program under a recognized state or local educational authority or in a course of study in a substantially similar program conducted by a private school and employed under a written agreement which provides the following:

- (i) That the work of the student learner in the occupations declared particularly hazardous shall be incidental to his training.
- (ii) That such work shall be intermittent and for short periods of time and under the direct and close supervision of a qualified and experienced person.



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the language differs slightly, under both definitions a student-learner must be engaged in a vocational program either run by or approved by a recognized educational authority.⁷

The student-learner exemption permits minors to engage in work that would otherwise be prohibited under the CLA when certain regulatory requirements are met. *See* 43 P.S. § 40.12; 34 Pa. Code § 11.21. Said requirements are intended to provide strict oversight and limitations on work that is part of a bona fide vocational program but also deemed to be dangerous. Should the OSFC's entry-level firefighter training program fall within the student-learner exemption, the limited use of a chainsaw by 17-year-olds, during entry-level firefighter training that complies with all of the applicable accreditation and certification requirements would not be deemed by L&I to be in violation of the CLA.

Notably, while this LOU exclusively addresses the use of chainsaws by 17-year-olds, during entry-level firefighter training, the OSFC's curriculum is dynamic. Future iterations of the OSFC's entry-level firefighter training curriculum may include additional activities that are prohibited for minors under the CLA. In those instances, the OSFC will consult with L&I to determine whether this LOU should be amended to include other prohibited activities subject to the CLA's student-learner exemption.

(iii) That safety instructions shall be given by the school and correlated by the employer with on-the-job training.

(iv) That a schedule of organized and progressive work processes to be performed on the job shall have been prepared. Each such written agreement shall contain the name of the student learner and shall be signed by the employer and the school coordinator or principal. Copies of each agreement shall be kept on file by both the school and the employer.

34 Pa. Code § 11.21.

Under FLSA:

§ 779.406 "Student-learners".

(a) Applicable regulations. In accordance with section 14 of the Act regulations have been issued to provide for employment under special certificates of student-learners at wages lower than the minimum wage applicable under section 6 of the Act. These regulations are set forth in part 520 of this chapter and govern the issuance of special certificates for student-learners in covered employments generally as well as such employments in retail or service establishments.

(b) Definitions. The regulations in § 520.2 of this chapter define "student-learners" and "bona fide vocational training program" as follows:

(1) A student-learner is defined as "a student who is receiving instruction in an accredited school, college or university and who is employed on a part-time basis, pursuant to a bona fide vocational training program."

(2) A bona fide vocational training program is defined as "one authorized and approved by a State board of vocational education or other recognized educational body and provides for part-time employment training which may be scheduled for a part of the workday or workweek, for alternating weeks or for other limited periods during the year, supplemented by and integrated with a definitely organized plan of instruction designed to teach technical knowledge and related industrial information given as a regular part of the student-learner's course by an accredited school, college or university."

29 CFR § 779.406.

⁷ There is an alternative under the CLA regulations for participation in a private school program that is substantially similar, although that option is not relevant to this LOU as none of the JSEP training occurs in a private school setting.

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Terms of the Understanding

The following terms and conditions will govern the parties' understanding:

1. Under the conditions set forth below, L&I will, in its discretion, consider certain training activities engaged in by 17-year-olds enrolled in the OSFC's entry-level firefighter training program to be part of a vocational training program compliant with both CLA and FLSA.
2. If the conditions set forth below are met, L&I will exercise its discretion and not consider use of a chainsaw by 17-year-olds participating in the OSFC's entry-level firefighter training program to be a violation of the CLA. These conditions are intended to ensure the safety and well-being of 17-year-old junior firefighters as required under the CLA.
 - a. The course of instruction is *both* accredited by the OSFC *and* taught exclusively by instructors certified by the OSFC. The physical location of this training may vary.
 - b. The OSFC obtains express written authorization from a recognized fire chief *and* permission from a parent or legal guardian of the minor seeking training, prior to providing training to the minor. Additionally, the OSFC must retain the written permission for three years from the date the minor enrolled in training.
 - c. The OSFC obtains a written training agreement and plan, for the minor seeking training, signed by the minor, parent or legal guardian, fire chief, and the OSFC, prior to beginning training. The OSFC may use the Department of Education's Form 4-5555, or create its own form, subject to approval from L&I. Regardless of the form used, the ETA, junior firefighter, and OSFC's roles, responsibilities, and risks should be clearly defined in the agreement. The OSFC must maintain the agreement for a period of three years.
 - d. The OSFC designates a coordinator to ensure that the above requirements are met.
3. On an annual basis, the OSFC shall submit to the Bureau of Labor Law Compliance:
 - a. The current curriculum and schedule for its entry-level firefighter training course;
 - b. The current OSFC Instructor Policy;



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- c. The current OSFC Instructor Code of Professionalism;
 - d. A current list of all locations where entry-level firefighter training is scheduled to take place; and
 - e. A current list of all entry-level firefighter training instructors.
- 4. L&I may perform unannounced site inspections of any location where entry-level firefighter training is taking place, to ensure compliance with the CLA.
 - 5. Should any of the above requirements not be met, L&I may enforce immediately against any entity found in violation of the CLA.
 - 6. This LOU is not intended to and does not create any contractual rights or obligations with respect to the agencies or any third parties.
 - 7. Either party may terminate this LOU upon written notice of termination to the other party at any time.

If the terms and conditions outlined above are acceptable to the OSFC, please sign where indicated below.

Thank you,

Nancy A. Walker
Secretary
Department of Labor and Industry

Signed:

Thomas Cook
State Fire Commissioner
Office of the State Fire Commissioner

Dated:

8/17/26

cc: Melissa Murphy, Chief Counsel, Department of Labor Industry [via e-mail]
Leonard Cowitch Jr., Chief Counsel, Office of the State Fire Commissioner [via e-mail]
Dr. Carrie Rowe, Secretary, Department of Education [via e-mail]
Virginia L. Montgomery, Chief Counsel, Department of Education [via e-mail]

