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## 29 C.F.R. § 780.129

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### Required relationship of practices to farming operations.

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To come within this secondary meaning, a practice must be performed either by a farmer or on a farm. It must also be performed either in connection with the farmer's own farming operations or in connection with farming operations conducted on the farm where the practice is performed. In addition, the practice must be performed "as an incident to or in conjunction with" the farming operations. No matter how closely related it may be to farming operations, a practice performed neither by a farmer nor on a farm is not within the scope of the "secondary" meaning of "agriculture." Thus, employees employed by commission brokers in the typical activities conducted at their establishments, warehouse employees at the typical tobacco warehouses, shop employees of an employer engaged in the business of servicing machinery and equipment for farmers, plant employees of a company dealing in eggs or poultry produced by others, employees of an irrigation company engaged in the general distribution of water to farmers, and other employees similarly situated do not generally come within the secondary meaning of "agriculture." The inclusion of industrial operations is not within the intent of the definition in section 3(f), nor are processes that are more akin to manufacturing than to agriculture (see *Bowie v. Gonzales*, 117 F. 2d 11; *Fleming v. Hawkeye Pearl Button Co.*, 113 F. 2d 52; *Holtville Alfalfa Mills v. Wyatt*, 230 F. 2d 398; *Maneja v. Waialua*, 349 U.S. 254; *Mitchell v. Budd*, 350 U.S. 473).

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