
29 C.F.R. § 780.156

Transportation of farm products from the fields or farm.

Transportation of farm products from the fields where they are grown or from the farm to other places may be within the “secondary” meaning of agriculture, regardless of whether the transportation is included as “delivery to storage or to market or to carriers for transportation to market”: *Provided only*, That it is performed by a farmer or on a farm as an incident to or in conjunction with the farming operations of that farmer or that farm. Of course, any transportation operations which are part of, and not subsequent to, the “primary” farming operations are also within section 3(f). These principles have been recognized by the courts in the following cases, among others: *Maneja v. Waiialua*, 349 U.S. 254; *NLRB v. Olaa Sugar Co.*, 242 F. 2d 714; *Bowie v. Gonzales*, 117 F. 2d 11; *Calaf v. Gonzales*, 127 F. 8d 934; *Vives v. Serralles*, 145 F. 2d 552; *Holtville Alfalfa Mills v. Wyatt*, 230 F. 2d 398. If not performed by the farmer, transportation beyond the limits of the farm is not within section 3(f), even when performed by a purchaser of the unharvested commodities who has harvested the crop. The scope of section 3(f) includes the harvesting employees but does not extend to the employees transporting the commodities off the farm (*Chapman v. Durkin*, 214 F. 2d 360, cert. denied, 348 U.S. 897; *Fort Mason Fruit Co. v. Durkin*, 214 F. 2d 363, cert. denied, 348 U.S. 897).

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