

Economic Policy Institute

November 5, 2025
Colorado Department of Labor and Employment
Division of Labor Standards and Statistics
707 17th Street, Suite 150
Denver, CO 80202-3660

RE: Colorado Youth Employment Standards Rules 7 CCR 1103-20

Dear Members of the Colorado Department of Labor and Employment,

The Economic Policy Institute (EPI) submits this [comment](#) in response to the Colorado Department of Labor and Employment (CDLE) proposed rule (7 CCR 1103-20) regarding the Colorado Youth Employment Opportunity Act (CYEOA) C.R.S. § 8-12-101, et seq.

EPI is a nonprofit, nonpartisan think tank working for nearly 40 years to counter rising inequality; low wages and weak benefits for working people; slower economic growth; unacceptable employment conditions; and a widening racial wage gap. We intentionally center low- and middle-income working families in economic policy discussions at the federal, state, and local levels as we fight for a world where every worker has access to a good job with fair pay, affordable health care, retirement security, and a union.

EPI is a nationally recognized expert on U.S. federal and state child labor standards and has been [closely following](#) state legislative and administrative rulemaking efforts regarding child labor for the past three years. While many states have, unfortunately, sought to weaken child labor protections, other states—including Colorado—have recognized that weak, outdated child labor laws have contributed to the ongoing U.S. child labor crisis and have responded by strengthening and modernizing state protections for minors who work.

We applaud CDLE's use of its rulemaking authority to strengthen protections from hazardous work for minors and appreciate the opportunity to submit recommendations to CDLE's proposed rule on this topic. EPI **supports** the proposed rule and recommends additional amendments to further clarify that minors are not employed in occupations currently prohibited by federal regulations and to strengthen guidance for employers seeking to hire minors for hazardous work.

We would also encourage future rulemaking on permitted hours of employment for minors. Given that state law permits employment beyond the maximum hours stipulated under federal law, we encourage the agency to consider rulemaking to align the interpretation of permitted hours under the CYEOA with federal law.

CDLE has broad authority to ensure hazardous work is in accordance with federal law

The Fair Labor Standards Act (FLSA) governs minimum federal child labor standards, including by prohibiting minors from being employed in certain hazardous occupations or using certain dangerous tools and equipment associated with an increased risk of injury or death. Under the rulemaking authority granted by the FLSA, the U.S. Department of Labor (U.S. DOL) has enumerated 17 occupations that are prohibited for all minors, as well as a longer list of prohibited occupations for minors under 16 and a list of permitted occupations for minors under 16 (if an occupation is not explicitly permitted, it is prohibited by default).

The federal hazardous occupation orders (HOs) should be considered the federal floor for hazardous work protections that states should aim to exceed. However, the CYEOA should be interpreted in congruence with federal requirements to resolve confusion between state and federal law. For example, C.R.S. § 8-12-108 permits minors as young as 14 to work in manufacturing, messenger service, warehousing and storage, and construction, but federal law prohibits these occupations for all minors under 18. Additionally, several federal HOs are missing from C.R.S. § 8-12-110, such as operating a motor vehicle (HO 2), forest firefighting (HO 4), and operating hoisting apparatuses (HO 7).

Pursuant to subsection (3) of C.R.S. § 8-12-110, CDLE “shall promulgate regulations, in accordance with section 24-4-103, C.R.S., to define the occupations prohibited under this section and to prescribe what types of equipment shall be required to make an occupation nonhazardous for minors.” Given this broad authority, CDLE can define hazardous occupations as “any occupation prohibited for minors under federal law” to effectively bring the state’s hazardous occupation orders in line with federal law. Additionally, CDLE should clarify that any occupation defined as hazardous under current federal law is prohibited under state law, effectively removing from C.R.S. § 8-12-106 through C.R.S. § 8-12-110 those occupations which are currently permitted under state law (in conflict with federal law). Wherever the FLSA is cited, it should be specified that the state will recognize current (2025) federal law unless the FLSA is strengthened. If FLSA standards are weakened or eliminated, Colorado should continue to prohibit the employment of minors in occupations under the 2025 federal standards.

CDLE’s proposed rule satisfactorily addresses many of these issues and the agency’s explanation of permitted hazardous employment under the CYEOA will reduce the likelihood that minors will be employed in jobs prohibited under federal law. However, we suggest several amendments to Sections 9 and 10 of the proposed rule to strengthen and clarify this commitment. This added clarity will be helpful for employers in their efforts to comply with state and federal laws and keep minors safe on the job.

Section 9: Clarifying the applicability of 2025 federal child labor regulations

Section 9.1 states that “Minors may only be employed as permitted by C.R.S. § 8-12-106 to -109 and these Rules” and that “for occupations not specifically permitted by the CYEOA or identified in Division rules or guidance ... employers may submit an exemption request.” EPI suggests that CDLE amend this language to clarify that *any occupation not specifically permitted is prohibited* unless the employer demonstrates otherwise via the exemption request process. This language would mirror U.S. DOL’s [published guidance](#) on permitted occupations for 14- and 15-year-olds: “what is not permitted is prohibited.”

Section 9.2.6 states that the use of power-driven lawn equipment is prohibited for minors except under certain conditions, including that the minor is trained, that the equipment's use complies with federal OSHA standards and state rules, and that the minor does not perform maintenance or repair of the equipment. However, since federal law generally prohibits the operation of any power machinery for 14- and 15-year-olds, we suggest that CDLE amend its proposed rule to include in subpart B "The power-driven equipment and its use comply with applicable Occupational Safety and Health Administration (OSHA) standards, including 29 C.F.R. §§ 1910.242-243, and applicable Fair Labor Standards Act (FLSA) regulations, including 29 CFR §§ 570.33."

Similarly, EPI recommends that CDLE add a similar reminder to Section 9.4 and Sections 9.5. Since federal law prohibits minors under 14 from being employed in most jobs, it bears repeating that many jobs that may be permitted under Colorado law will remain prohibited for younger minors under federal law.

Section 10: Strengthening guidance for employers seeking to hire minors for hazardous work

EPI supports the appropriate use of work-based learning programs that create pathways for young workers to access good quality, union jobs in the trades. However, state lawmakers and agencies must take great caution to ensure the safety and well-being of minors who participate in these programs. Under federal law, there are narrow exemptions from seven of the 17 federal HOs for student learners and apprentices enrolled in a bona fide registered apprenticeship program. However, as discussed in the National Institute for Occupational Safety and Health's 2002 recommendations, at least four occupations pose risks to minors that cannot be sufficiently mitigated to justify continued exemptions: meatpacking, roofing, excavation, and the use of power-driven saws.

Additionally, in recent years, several states have sought to expand these exemptions for hazardous work beyond what is permitted under federal law and/or for programs not regulated by U.S. DOL. For example, [Iowa](#) enacted a law in 2023 to allow 14–15-year-olds enrolled in work-based learning programs to conduct hazardous work in industrial laundries and assembly work prohibited under federal law. In 2024, [West Virginia](#) created a new youth apprenticeship program that exempts minors from all of the state's hazardous occupation orders (in violation of federal law) and [Oklahoma](#) created a new apprenticeship program for youth in the electrical trades that does not require approval from the state agency (electrical work is not covered under any federal HO).

It is in this context of eroding hazardous work protections for students enrolled in work-based learning programs and the creation of unregistered apprenticeship programs in occupations that are inherently dangerous that EPI recommends implementing strong guardrails for minors employed to do hazardous work through work-based learning programs and clear expectations for the employers that seek these exemptions. Specifically, EPI recommends the following changes:

- 10.1.1: Requests for exemptions should be limited to minors ages 16 and older; documentation demonstrating that the exemption is in the best interest of the child must be submitted by the employer;
- 10.1.3: This list should also include conditions for hazardous employment by registered apprentices and student learners enumerated in federal child labor standards 29 CFR 570.50 (2025);
- 10.2: Increase the age from 14 to 16; and

- 10.2.1 through 10.2.4: The employer should be required to demonstrate that hazardous employment is in the best interest of the child regardless of whether the employment is through an established, accredited program.

Definitions

“Qualifying adult”: We suggest removing this term from the definitions list because it problematically conflates the responsibilities of a parent/guardian with those of an employer. Section 9.2.2 can simply use the term “adult” or “parent/guardian,” but Sections 9.4.2 and 9.5 should specify that in the limited circumstances where this approach is warranted, the *employer* must be close by or reachable by phone. Otherwise, the regulation effectively burdens parents with the responsibility of enforcing the state’s child labor standards.

“Include”: This definition is not used consistently throughout the proposed rule and should be removed.

Conclusion

By enacting legislation to increase penalties for child labor violations and expand opportunities for justice for victims of child labor, the state of Colorado has demonstrated its commitment to strengthening labor standards for working minors. Now, the state labor agency has an opportunity to solidify that commitment through the rulemaking process. We commend CDLE for proposing a strong rule regarding hazardous work in the CYEOA and **support** the proposed rule. We encourage CDLE to use its full authority in the CYEOA to ensure that minors are employed in accordance with federal law and protected from workplace hazards, and that the burden of proving a job is safe and appropriate for a minor be placed on the employers that seek exemptions from these protections.

Sincerely,

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