

**§ 918.41 Assessments.**

Each handler who first ships peaches shall pay upon demand, to the Industry Committee, such handler's pro rata share of the expenses which the Secretary finds are reasonable and likely to be incurred by the committee for its maintenance and functioning during each fiscal period: *Provided*, That no assessment shall be levied against peaches that are exempt from regulation pursuant to § 918.71 or against peaches that are exempt from inspection pursuant to § 918.64. Such handler's pro rata share of such expenses shall be equal to the ratio between the total assessable quantity of peaches shipped by such handler as the first shipper thereof, during the applicable fiscal period, and the total assessable quantity of peaches shipped by all handlers as the first shippers thereof during the same fiscal period.

[42 FR 40885, Aug. 12, 1977]

**§ 918.42 Rate of assessment.**

The Secretary shall specify the rate of assessment to be paid by such handlers.

**§ 918.43 Increase in rate of assessment.**

The Secretary may, at any time during or after a fiscal period, increase the rate of assessment in order to secure sufficient funds to cover any later finding by the Secretary relative to the expenses of the Industry Committee. Any such increase in the rate of assessment shall be applicable to all assessable peaches shipped during the specified fiscal period. In order to provide funds to enable the Industry Committee to perform its functions under this part, handlers may make advance payment of assessments.

**§ 918.44 Accounting.**

If at the end of a fiscal period the assessments collected are in excess of expenses incurred, the Industry Committee, with the approval of the Secretary, may carry over such excess into subsequent fiscal periods as a reserve up to an amount of \$20,000. Such reserve funds may be used to cover any expenses authorized by this part and to cover necessary expenses of liquidation in the event of termination of this

part. If any such excess is not retained in a reserve, each handler entitled to a proportionate refund shall be credited with such refund against the operations of the following fiscal period or be paid such refund. Upon termination of this part, any funds not required to defray the necessary expenses of liquidation shall be disposed of in such manner as the Secretary may determine to be appropriate: *Provided*, That, to the extent practical, such funds shall be returned pro rata to the persons from whom such funds were collected.

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**§ 918.45 Suit to enforce collection.**

The Industry Committee may, with the approval of the Secretary, maintain in its own name or in the name of its members a suit against any handler for the collection of such handler's pro rata share of expenses.

MARKETING POLICY

**§ 918.48 Must be submitted prior to recommendation.**

Before making any recommendation pursuant to §§ 918.60 through 918.63 for a particular marketing season, the Industry Committee shall submit to the Secretary a report setting forth the advisable marketing policy, for such season, for peaches. Such marketing policy report shall set forth the estimated regulation or regulations which may be recommended by the committee during such season, the justification therefor, and the estimates and other factors enumerated in § 918.49. In the event the committee deems it advisable to alter such marketing policy, subsequent to submitting a report thereon to the Secretary, the committee shall submit to the Secretary a report setting forth such revised marketing policy.

**§ 918.49 Factors to be considered.**

In determining such marketing policy, or such revised marketing policy, the Industry Committee, after due consideration, shall include in the report its determinations and estimates of the following factors and conditions: (a) The estimated total quantity of each

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variety of peaches available for shipment in each district during the season, including the estimated percentage of such quantity of each variety in each district which will be represented by each of the various grades and sizes; (b) the estimated date that peaches of each variety in each district will be mature and ready for shipment; (c) the estimated commercial crop of peaches produced in competing States and the expected time of shipments of peaches from such States; (d) the anticipated competition to peaches from other fruits and melons; (e) the estimated market prices and marketing conditions that are expected to prevail for peaches grown in the area; (f) the estimated harvesting and marketing costs and charges that are expected to apply to peaches grown in the area; (g) the level and trend in commodity prices and consumer purchasing power; and (h) other factors which the Industry Committee deems pertinent to the regulation of the marketing of peaches.

### **§918.50 Notice shall be given.**

The Industry Committee shall promptly notify handlers and growers regarding any marketing policy report in such manner as may be reasonably expected to bring such schedules of proposed regulations, and such other information as the committee deems advisable, to the attention of all handlers and growers.

## MATURITY REGULATIONS

### **§918.54 Establishment.**

The Secretary shall issue an order whenever he determines that the initial Industry Committee provided for in this subpart is prepared to exercise its powers and perform its duties herein assigned, which will provide for the regulation pursuant to §§918.54 through 918.56 being and becoming effective at the time specified in said order. After the effective time specified in said order, issued pursuant to the provisions of this section, no handler shall ship peaches which do not meet the requirements for maturity set forth and defined in the U.S. Standards for Peaches, issued by the United States Department of Agriculture, effective April 22, 1933, or as such standards may

be modified, revised, or new standards promulgated (§§ 51.1210 to 51.1223 of this title).

CROSS REFERENCE: See §918.400 for modification of §918.54.

### **§918.55 Modification.**

The Industry Committee may recommend to the Secretary the modification of the maturity regulation provided in §918.54 as to any or all varieties of peaches, and such recommendation should be accompanied by supporting information. If the Secretary finds, upon the basis of such recommendation and information submitted by said committee, or upon the basis of other available information, that to modify such maturity regulation as to any or all varieties of peaches will tend to effectuate the declared policy of the act, he shall so modify such regulation. Such modification may include, but it is not necessarily limited to, a redefinition of the maturity, of any or all varieties of peaches, established pursuant to §918.54 or the specification of a tolerance or tolerances for immature peaches. Such modification may be made applicable during a specified period. In like manner and upon the same basis, the Secretary may terminate any such modification.

### **§918.56 Suspension.**

The Industry Committee may recommend to the Secretary the suspension of maturity regulation pursuant to §§918.54 and 918.55 and each such recommendation should be accompanied by supporting information. If the Secretary finds, upon the basis of such recommendation and information submitted by said committee, or upon the basis of other available information, that to suspend such maturity regulation will tend to effectuate the declared policy of the act, he shall suspend the operation of such maturity regulation so as to permit the shipment of peaches, the shipment of which would otherwise be prohibited pursuant to §§918.54 through 918.56. Such suspension may be made applicable during a specified period. In like manner and upon the same basis, the Secretary may terminate any such suspension.