

## Agricultural Marketing Service, USDA

§ 945.8

### INSPECTION AND CERTIFICATION

945.65 Inspection and certification.

### COMPLIANCE

945.70 Compliance.

### MISCELLANEOUS PROVISIONS

945.80 Reports.  
945.81 Right of the Secretary.  
945.82 Effective time.  
945.83 Termination.  
945.84 Proceedings after termination.  
945.85 Effect of termination or amendments.  
945.86 Duration of immunities.  
945.87 Agents.  
945.88 Derogation.  
945.89 Personal liability.  
945.90 Separability.  
945.91 Amendments.

### Subpart—Rules and Regulations

945.100 Communications.

### DEFINITIONS

945.110 Order.  
945.111 Fiscal period.  
945.112 Terms.

### CERTIFICATE OF PRIVILEGE

945.120 General.  
945.121 Qualification.  
945.122 Application.  
945.123 Approval.  
945.124 Reports.  
945.125 Disqualification.  
945.130 Reestablishment of districts and reapportionment of committee membership.

### Subpart—Assessment Rates

945.249 Assessment rate.

### Subpart—Handling Regulations

945.341 Handling regulation.

AUTHORITY: 7 U.S.C. 601-674.

### Subpart—Order Regulating Handling

SOURCE: 23 FR 5709, July 30, 1958, unless otherwise noted. Redesignated at 26 FR 12751, Dec. 30, 1961.

### DEFINITIONS

#### § 945.1 Secretary.

*Secretary* means the Secretary of Agriculture of the United States, or any officer or employee of the United States Department of Agriculture to whom authority has heretofore been

delegated, or to whom authority may hereafter be delegated, to act in his stead.

#### § 945.2 Act.

*Act* means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U.S.C. 601 *et seq.*; 68 Stat. 906, 1047).

#### § 945.3 Person.

*Person* means an individual, partnership, corporation, association, or any other business unit.

#### § 945.4 Production area.

*Production area* means all territory included within Malheur County, Oregon, and the counties of Adams, Valley, Lemhi, Clark, and Fremont in the State of Idaho, and all of the counties in Idaho lying south thereof.

#### § 945.5 Potatoes.

*Potatoes* means all varieties of Irish potatoes grown within the aforesaid production area.

#### § 945.6 Varieties.

*Varieties* means and includes all classifications or subdivisions of Irish potatoes according to those definitive characteristics now or hereafter recognized by the United States Department of Agriculture.

#### § 945.7 Certified seed potatoes.

*Certified seed potatoes* means and includes all potatoes officially certified and tagged, marked, or otherwise appropriately identified, under the supervision of the official seed potato certifying agency of the State in which the potatoes are grown, or other seed certification agencies which the Secretary may designate.

#### § 945.8 Handler.

*Handler* is synonymous with shipper and means any person (except a common or contract carrier of potatoes owned by another person) who ships potatoes.

**§ 945.9 Ship or handle.**

*Ship or handle* means to pack, sell, consign, transport or in any other way to place potatoes grown in the production area, or cause such potatoes to be placed, in the current of commerce within the production area or between the production area and any point outside thereof, so as to directly burden, obstruct, or affect any such commerce; *Provided*, That the definition of *ship or handle* shall not include the transportation of ungraded potatoes within the production area for the purpose of having such potatoes stored or prepared for market, except that the committee may impose safeguards pursuant to § 945.53 with respect to such potatoes.

[60 FR 29726, June 5, 1995]

**§ 945.10 Producer.**

*Producer* means any person engaged in the production of potatoes for market.

**§ 945.11 Committee.**

*Committee* means the administrative committee, called the Idaho-Eastern Oregon Potato Committee, established pursuant to § 945.20.

**§ 945.12 Fiscal period.**

*Fiscal period* means the period beginning and ending on the dates approved by the Secretary pursuant to recommendations by the committee.

**§ 945.13 Grade and size.**

*Grade* means any one of the officially established grades of potatoes, and *size* means any one of the officially established sizes of potatoes, as defined and set forth in:

(a) The United States Standards for Potatoes issued by the United States Department of Agriculture (§§ 51.1540 to 51.1556 of this title), or amendments thereto, or modifications thereof, or variations based thereon;

(b) The United States Consumer Standards for Potatoes as issued by the United States Department of Agriculture (§§ 51.1575 to 51.1587 of this title), or amendments thereto, or modifications thereof, or variations based thereon; or

(c) Standards for potatoes issued by the State from which the potatoes are

shipped, or amendments thereto, or modifications thereof, or variations based thereon.

**§ 945.14 Export.**

*Export* means shipment of potatoes beyond the boundaries of continental United States.

**§ 945.15 Pack.**

*Pack* means a quantity of potatoes in any type of container and which falls within specific weight limits or within specific grade and/or size limits, or any combination thereof, recommended by the committee and approved by the Secretary.

**§ 945.16 Container.**

*Container* means a sack, box, bag, crate, hamper, basket, carton, package, barrel, or any other type of receptacle used in the packaging, transportation, sale, or other handling of potatoes.

**§ 945.17 District.**

*District* means each of the geographical divisions of the production area established pursuant to § 945.22 or as reestablished pursuant to § 945.23.

ADMINISTRATIVE COMMITTEE

**§ 945.20 Establishment and membership.**

(a) The Idaho-Eastern Oregon Potato Committee is hereby established consisting of eight members, of whom four shall currently be producers of potatoes for the fresh market who produced such potatoes during at least three of the last five years; at least one member shall be a producer predominately of potatoes for seed during a similar period; and three shall be handlers. For each member of the committee, there shall be an alternate who shall have the same qualifications as the member. The number of producer and/or handler members and alternates on the committee may be increased and the composition of the committee between producers and handlers may be changed as provided in § 945.23.

(b) Each person selected as a committee member or alternate to represent producers shall be an individual who is a producer in the district for which selected or an officer or employee of a