

Agricultural Marketing Service, USDA

§ 967.16

REPORTS AND RECORDS

967.165 Reports.
967.166 Records.

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

EFFECTIVE DATE NOTE: At 60 FR 2874, Jan. 12, 1995, part 967 was suspended, effective January 12, 1995 through December 31, 1997.

Subpart—Order Regulating Handling

SOURCE: 30 FR 14266, Nov. 13, 1965, unless otherwise noted.

DEFINITIONS

§967.1 Secretary.

Secretary means the Secretary of Agriculture of the United States, or any officer or employee of the Department to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his stead.

§967.2 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 (sections 1-19, as amended, 7 U.S.C. 601-674).

§967.3 Person.

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

§967.4 Celery.

Celery means all varieties and types of celery, *apium graveolens*, grown in the production area.

§967.5 Production area.

Production area means all territory in the State of Florida.

§967.6 Producer.

Producer means any person engaged in a proprietary capacity in the production of celery.

§967.7 Handler.

Handler means any person (except a common or contract carrier of celery owned by another person) who handles harvested celery on behalf of a producer or on his own behalf.

§967.8 Handle.

Handle means to purchase harvested celery from a producer or to sell or transport harvested celery within the production area or between the production area and any point outside thereof.

§967.9 Marketing year, fiscal year or season.

Marketing year, fiscal year or season means the 12 months from August 1 to the following July 31 inclusive, or such other period which the committee, with the approval of the Secretary, may establish.

§967.10 Committee.

Committee means the Florida Celery Committee established pursuant to §967.25 of this part.

§967.11 Crate.

Crate means celery crate No. 3601 or its equivalent.

§967.12 Base Quantity.

Base Quantity means the number of crates of harvested celery determined by the committee pursuant to §967.37 for a producer.

§967.13 Marketable Quantity.

Marketable Quantity means the total amount of celery which should be handled in a current season.

§967.14 Marketable Allotment.

Marketable Allotment means with respect to each producer the amount of harvested celery which may be purchased from, or handled on behalf of, such producer.

§967.15 Uniform percentage.

Uniform percentage means the percentage for any given season resulting from dividing the Marketable Quantity by the total Base Quantities registered by producers as provided in §967.38.

[42 FR 32763, June 28, 1977]

§967.16 Grade and size.

Grade means any of the established grades of celery and size means any of the established sizes of celery stalks per crate as defined and set forth in the U.S. Standards for Celery (§§51.560 to

51.588, inclusive of this title) or U.S. Consumer Standards for Celery Stalks (§§ 51.595 to 51.613, inclusive of this title), issued by the U.S. Department of Agriculture, or amendments thereto, or modifications thereof, or variations based thereon, recommended by the committee and approved by the Secretary.

[33 FR 17846, Nov. 30, 1968]

§ 967.17 Farm operation.

Farm operation means the production of celery for one or more holders of a Marketable Allotment by a single farming entity under contract or other arrangement.

[33 FR 17846, Nov. 30, 1968]

§ 967.18 Flow-to-Market period.

Flow-to-Market period means any period or periods of one or more days which the committee may establish with the approval of the Secretary for the purposes of Flow-to-Market regulations.

[33 FR 17846, Nov. 30, 1968]

FLORIDA CELERY COMMITTEE

§ 967.25 Establishment and membership.

(a) There is hereby established a Florida Celery Committee consisting of 16 members, including 15 producer or handler members and one public member to administer the terms and provisions of this part. Each shall have a respective alternate who shall have the same qualifications as the member.

(b) The Secretary, upon the recommendation of the committee, may reestablish the number of producer or handler members on the committee. In recommending any such change, the committee shall give consideration to the total number of growers and handlers in the production area during the current or previous season, and other relevant factors. A change in the number of committee members can become effective at any time, provided, the effective date is more than 30 days prior to the date on which nominations are held.

[42 FR 32763, June 28, 1977, as amended at 48 FR 10806, Mar. 15, 1983]

§ 967.26 Eligibility.

Each member and alternate of the committee, except for the public member and alternate, shall be at the time of his selection and during his term of office, a producer or handler, or an officer or employee of a producer or handler in the group for which selected. The public member shall be neither a producer nor handler and shall have no direct financial interest in the production or marketing, except as a consumer, of agricultural products.

[42 FR 32763, June 28, 1977]

§ 967.27 Nominations.

Nominations for committee members and alternates may be made in the following manner:

(a) Growers in each group, as established in paragraph (d) or as reestablished pursuant to paragraph (g) of this section, may nominate persons for each member and alternate position in their respective group.

(b) A meeting of producers shall be held in the production area to nominate members and alternates to the committee. The incumbent committee shall hold such meeting or cause it to be held prior to July 1 of each year. Nominations thereat shall be certified to by the committee and submitted to the Secretary by July 1 of each year together with information deemed pertinent by the committee or as requested by the Secretary. If such nominations are not made in the manner specified by July 1, the Secretary may select representatives for such positions without nominations.

(c) At each such meeting, the eligibility of each producer, and each handler shall be recorded for purposes of determining participation in respective groupings.

(d) Five groups shall be established from which nominations and committee selections shall be made, as follows:

Group 1—South Florida District: Martin, Dade, Broward, Collier, Monroe, Lee, Charlotte, St. Lucie, Okeechobee, Highlands, Indian River, Glades, Hendry, and Palm Beach Counties—five (5) members and their alternates.

Group 2—Central Florida District: Orange, Seminole, Lake, Polk, Osceola, Brevard, and Volusia Counties—three (3) members and their alternates.