

**Agricultural Marketing Service, USDA**

**§ 967.43**

limit the handling of particular grades, sizes, or qualities, or celery differently, for different varieties, for different portions of the production area, for different markets, for different sizes and types of containers, or for any combination of the foregoing, during any period;

(4) Limit the handling of celery when parity prices have been reached by establishing and maintaining minimum standards of quality and maturity in terms of grades or sizes;

(5) Require uniform inspection, grading and certification of celery and proper labeling of containers for celery to show the grade or size, or both, thereof;

(6) Fix the size, capacity, weight, dimensions, or pack of the container or containers which may be handled.

(c) Regulations issued hereunder may be amended, modified, suspended, or terminated by the Secretary whenever it is determined:

(1) That such action is warranted upon recommendation of the committee or on the basis of other available information;

(2) That such action is essential to provide relief from inspection, or regulations under paragraph (b) of this section, for minimum quantities less than customary commercial transactions as recommended by the committee and approved by the Secretary; or

(3) That regulations issued hereunder no longer tend to effectuate the declared policy of the Act.

[33 FR 17847, Nov. 30, 1968]

**§ 967.41 Handling for special purposes.**

Regulations in effect pursuant to § 967.38 or § 967.40 may be modified, suspended, or terminated to facilitate handling of celery for:

(a) Exports;

(b) Relief or charity;

(c) Experimental purposes; and

(d) Other purposes which may be recommended by the committee and approved by the Secretary.

[33 FR 17847, Nov. 30, 1968]

**§ 967.42 Safeguards.**

The committee, with the approval of the Secretary, may establish through rules such requirements as may be nec-

essary to insure that shipments made pursuant to § 967.41 were handled and used for the purpose stated.

[33 FR 17847, Nov. 30, 1968]

**INSPECTION**

**§ 967.43 Inspection and certification.**

(a) Whenever the handling of celery is regulated pursuant to § 967.40(b)(3) through (5), or at other times when recommended by the committee and approved by the Secretary, no handler shall handle celery unless such celery is inspected by an authorized representative of the Federal or Federal-State Inspection Service and is covered by a valid inspection certificate, except when relieved from such requirements pursuant to § 967.40(c) or paragraph (b) of this section.

(b) Regrading, resorting, or repacking any lot of celery shall invalidate any prior inspection certificate insofar as the requirements of this section are concerned. No handler shall handle celery after it has been regraded, resorted, repacked or in any way additionally prepared for market, unless such celery is inspected by an authorized representative of the Federal or Federal-State Inspection Service. Such inspection requirements on regraded, resorted, or repacked celery may be modified, suspended, or terminated upon recommendation by the committee, and approval of the Secretary.

(c) Upon recommendation of the committee and approval by the Secretary, any or all celery so inspected and certified shall be identified by appropriate seals, stamps, or tags to be affixed to the containers by the handler under the direction and supervision of a Federal or Federal-State Inspector or the committee.

(d) Insofar as the requirements of this section are concerned, the length of time for which an inspection certificate is valid may be established by the committee with the approval of the Secretary.

(e) When celery is inspected in accordance with the requirements of this section, a copy of each inspection certificate issued shall be made available to the committee by the inspection service.

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(f) The committee may recommend and the Secretary may require that no handler shall transport or cause the transportation of celery by motor vehicle or by other means unless such shipment is accompanied by a copy of the inspection certificate issued thereon, or other document authorized by the committee to indicate that such inspection has been performed. Such certificate or document shall be surrendered to such authority as may be designated by the committee.

[33 FR 17847, Nov. 30, 1968]

MARKETING RESEARCH AND DEVELOPMENT

§967.44 Research and development.

The committee may, with the approval of the Secretary, establish or provide for the establishment of projects involving production research, marketing research and development projects, and marketing promotion including paid advertising, designed to assist, improve, or promote the marketing, distribution, and consumption or efficient production of celery. The expenses of such projects shall be paid by funds collected pursuant to §967.61 or §967.63. Upon conclusion of each program, but at least annually, the committee shall summarize and report on the program status and accomplishments to its members and the Secretary. A similar report to the committee shall be required of any contracting party on any paid advertising or major program. Also, for each advertising or major program the contracting party shall be required to maintain records of money received and expenditures and such shall be available to the committee and the Secretary. The committee shall, with the approval of the Secretary, establish criteria which will serve as a guide for it to determine what constitutes a major program.

[33 FR 17847, Nov. 30, 1968, as amended at 42 FR 32764, June 28, 1977]

EXPENSES AND ASSESSMENTS

§967.60 Expenses.

The committee may incur such expenses as the Secretary finds reasonable and likely to be incurred by it during each fiscal year for its maintenance

and functioning, and for such other purposes as the Secretary determines appropriate under this part. To assist the Secretary, the committee shall submit a budget of expenses and prospective revenue to him for each season, with explanations therefor, and recommendations as to the rate of assessment for such fiscal year.

[30 FR 14266, Nov. 13, 1965. Redesignated at 33 FR 17846, Nov. 30, 1968]

§967.61 Assessment and requirements for payment.

Each first handler shall pay to the committee upon demand, his pro rata share of the expenses authorized by the Secretary for each marketing year. Each handler's pro rata share shall be the rate of assessment per unit fixed by the Secretary times the total assessable units of celery which he handles. At any time during or after a marketing year, the Secretary may increase the rate of assessment as necessary to cover authorized expenses. The payment of expenses and assessments for the maintenance and functioning of the committee may be required during periods when no regulations are in effect.

[30 FR 14266, Nov. 13, 1965. Redesignated at 33 FR 17846, Nov. 30, 1968]

§967.62 Accounting.

At the end of a fiscal year, funds in excess of such year's expenses may be placed in an operating reserve not to exceed approximately one marketing year's operational expenses or such lower limits as the committee, with the approval of the Secretary, may establish. Funds in such reserve shall be available for use by the committee for expenses authorized pursuant to §967.40. Funds in excess of those necessary to pay expenses and those placed in the operating reserve shall be refunded pro rata to handlers from whom such funds were collected.

[30 FR 14266, Nov. 13, 1965. Redesignated at 33 FR 17846, Nov. 30, 1968]

§967.63 Contributions.

The committee may accept voluntary contributions but these shall only be used to pay expenses incurred pursuant