

**§967.72 Verification of reports and records.**

For the purpose of assuring compliance with record keeping requirements and verifying reports of producers and handlers, the Secretary and the committee, through its duly authorized employees, shall have access to any premises where applicable records are maintained, where celery is handled, and at any time during reasonable business hours shall be permitted to inspect such producer and handler premises and any and all records of such persons with respect to matters within the purview of this part.

[30 FR 14266, Nov. 13, 1965. Redesignated at 33 FR 17848, Nov. 30, 1968]

**§967.73 Confidential information.**

All reports, data, or information obtained by the committee constituting a trade secret or disclosing the trade position, financial condition, or business operations of particular producers or handlers shall be kept in the custody and under the control of one or more committee employees and shall be treated as confidential. Compilations of general reports from data submitted by producers or handlers are authorized, subject to prohibition of disclosure of individual producers' or handlers' identities or operations.

[30 FR 14266, Nov. 13, 1965. Redesignated at 33 FR 17848, Nov. 30, 1968]

## MISCELLANEOUS PROVISIONS

**§967.80 Compliance.**

No person may handle celery except in conformity with the provisions of this part.

[30 FR 14266, Nov. 13, 1965. Redesignated at 33 FR 17848, Nov. 30, 1968]

**§967.81 Right of the Secretary.**

The members and alternates of the committee and any agents, employees or representatives thereof, shall be subject to removal or suspension by the Secretary at any time. Each and every regulation, decision, determination or other act of the committee shall be subject to the continuing right of the Secretary to disapprove of the same at any time. Upon such disapproval, the disapproved action of the committee

shall be deemed null and void, except as to acts done in reliance thereon or in compliance therewith prior to such disapproval by the Secretary.

[30 FR 14266, Nov. 13, 1965. Redesignated at 33 FR 17848, Nov. 30, 1968]

**§967.82 Derogation.**

Nothing in this part is, or shall be construed to be, in derogation or in modification of the rights of the Secretary, or of the United States (a) To exercise any powers granted by the act or otherwise, or (b) in accordance with such powers, to act in the premises whenever such action is deemed advisable.

[30 FR 14266, Nov. 13, 1965. Redesignated at 33 FR 17848, Nov. 30, 1968]

**§967.83 Agents.**

The Secretary may by designation in writing, name any person, including any officer or employee of the Government, or name any agency or division in the U.S. Department of Agriculture, to act as his agent or representative in connection with any of the provisions of this part.

[30 FR 14266, Nov. 13, 1965. Redesignated at 33 FR 17848, Nov. 30, 1968]

**§967.84 Effective time.**

The provisions of this part shall become effective at such time as the Secretary may declare above his signature to this part, and shall continue in force until terminated in one of the ways specified in §967.55.

[30 FR 14266, Nov. 13, 1965. Redesignated at 33 FR 17848, Nov. 30, 1968]

**§967.85 Termination.**

(a) The Secretary may at any time terminate the provisions of this part by giving at least one day's notice by means of a press release or in any other manner which he may determine.

(b) The Secretary shall terminate the provisions of this part at the end of any fiscal year whenever he finds that such termination is favored by a majority of producers who, during the preceding fiscal year, have been engaged in the production of celery for market; provided, that such majority have, during such period produced for market

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more than 50 percent of the volume of such celery produced for market, but such termination shall be effective only if announced on or before August 1 of the then current fiscal year.

(c) The provisions of this part shall, in any event, terminate whenever the provisions of the act authorizing it cease to be in effect.

[30 FR 14266, Nov. 13, 1965. Redesignated at 33 FR 17848, Nov. 30, 1968]

**§ 967.86 Proceedings after termination.**

(a) Upon the termination of the provisions of this part, the then functioning members of the committee shall continue as joint trustees, for the purpose of liquidating the affairs of the same committee, of all the funds and property then in possession of, or under control of such committee, including claims for any funds unpaid or property not delivered at the time of such termination.

(b) The said trustees (1) shall continue in such capacity until discharged by the Secretary; (2) shall, from time to time, account for all receipts and disbursements, or deliver all property on hand, together with all books and records of the committee and of the joint trustees, to such person as the Secretary may direct; and (3) shall, upon the request of the Secretary, execute such assignments or other instruments necessary and appropriate to vest in such person full title and right to all of the funds, property, and claims vested in the committee, or the joint trustees pursuant to this part.

(c) Any funds collected pursuant to § 967.41 over and above the amounts necessary to meet outstanding obligations and expenses necessarily incurred during the operation of this part and during the liquidation period, shall be returned to handlers as soon as practicable after the termination of this part. The refund to each handler shall be represented by the excess of the amount paid by him over and above his pro rata share of the expenses.

(d) Any person to whom funds or claims have been transferred or delivered by the committee, or its members, pursuant to this section, shall be subject to the same obligations imposed

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upon the members of said committee and upon the said joint trustees.

[30 FR 14266, Nov. 13, 1965. Redesignated at 33 FR 17847, Nov. 30, 1968]

**§ 967.87 Effect of termination or amendments.**

Unless otherwise expressly provided by the Secretary, the termination of this part or of any regulation issued pursuant to this part, or the issuance of any amendment to either thereof, shall not (a) affect or waive any right, duty, obligation, or liability which shall have arisen or which may thereafter arise in connection with any provision of this part or any regulation issued hereunder, or (b) release or extinguish any violation of this part or any regulation issued hereunder, or (c) affect or impair any rights or remedies of the Secretary or any other person with respect to any such violation.

[30 FR 14266, Nov. 13, 1965. Redesignated at 33 FR 17847, Nov. 30, 1968]

**§ 967.88 Personal liability.**

No member or alternate of the committee, nor any employee or agent thereof, shall be held personally responsible, either individually or jointly with others, in any way whatsoever, to any handler, or to any other person for errors in judgment, mistakes, or other acts, either of commission or omission as such member, alternate, employee, or agent except for acts of dishonesty.

[30 FR 14266, Nov. 13, 1965. Redesignated at 33 FR 17847, Nov. 30, 1968]

**§ 967.89 Duration of immunities.**

The benefits, privileges and immunities conferred upon any person by virtue of this part shall cease upon its termination, except with respect to acts done under and during the existence of this part.

[30 FR 14266, Nov. 13, 1965. Redesignated at 33 FR 17847, Nov. 30, 1968]

**§ 967.90 Separability.**

If any provision of this part is declared invalid or the applicability thereof to any person, circumstance, or thing is held invalid, the validity of the