

whole or in part by the market administrator or by an agent engaged by and responsible to him.

(b) *Producers cooperative association.* In the case of producers for whom a cooperative association is actually performing as determined by the Secretary, the services set forth in paragraph (a) of this section each handler, in lieu of the deduction specified in paragraph (a) of this section, shall make such marketing service deductions as are authorized by producer-members, and pay the money so deducted to the cooperative association on or before the 20th day after the end of the month.

### PART 1033—MILK IN THE OHIO VALLEY MARKETING AREA

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AUTHORITY: Secs 1-19, 48 Stat. 31, as amended 7 U.S.C. 601-674.

SOURCE: 40 FR 27464, June 30, 1975, unless otherwise noted.

#### GENERAL PROVISIONS

##### § 1033.1 General provisions.

The terms, definitions, and provisions in part 1000 of this chapter are hereby incorporated by reference and made a part of this order.

#### DEFINITIONS

##### § 1033.2 Ohio Valley marketing area.

The *Ohio Valley marketing area* hereinafter called the "marketing area", means all the territory, by designated

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zones, within the boundaries of the following geographical units, including all waterfront facilities connected therewith and all territory occupied by government (municipal, State or Federal) reservations, installations, institutions, or other similar establishments if any part thereof is within the listed geographical units:

(a) "Zone 1" shall include the following territory:

**OHIO COUNTIES**

Fulton, Hancock, Henry, Lucas, Putnam, Sandusky (Woodville and Madison Townships only), Seneca, Wood.

**MICHIGAN COUNTIES**

Lenawee (Blissfield, Deerfield, Ogden, Palmyra, and Riga Townships only). Monroe (except Ash, Berlin, Dundee, Exeter, London, and Milan Townships).

(b) "Zone 2" shall include the following territory:

**OHIO COUNTIES**

Allen, Auglaize, Crawford, Darke, Hardin, Logan, Marion, Mercer, Morrow, Richland, Shelby, Union, Van Wert (city of Delphos only), Wyandot.

(c) "Zone 3" shall include the following territory:

**OHIO COUNTIES**

Butler, Champaign, Clark, Clinton, Coshocton (except Adams Township), Delaware, Fairfield, Fayette, Franklin, Greene, Guernsey (except Oxford, Londonderry, and Millwood Townships), Hocking, Knox, Licking, Madison, Miami, Montgomery, Morgan, Muskingum, Noble, Perry, Pickaway, Preble, Warren.

(d) "Zone 4" shall include the following territory:

**OHIO COUNTIES**

Adams, Athens, Brown, Clermont, Gallia, Hamilton, Highland, Jackson, Lawrence, Meigs, Pike, Ross, Scioto, Vinton, Washington.

**KENTUCKY COUNTIES**

Boone, Boyd, Bracken, Campbell, Grant, Greenup, Harrison, Kenton, Lewis, Mason, Pendleton, Robertson.

**INDIANA COUNTIES**

Dearborn, Ohio.

**WEST VIRGINIA COUNTIES**

Calhoun, Gilmer, Pleasants, Ritchie, Wirt, Wood.

(e) "Zone 5" shall include the following territory:

**KENTUCKY COUNTIES**

Floyd, Johnson, Lawrence, Magoffin, Martin, Pike.

**WEST VIRGINIA COUNTIES**

Boone, Cabell, Fayette, Jackson, Kanawha, Lincoln, Logan, Mason, Mingo, Putnam, Raleigh, Roane, Wayne, Wyoming.

[40 FR 27464, June 30, 1975, as amended at 52 FR 3414, Feb. 4, 1987. Redesignated at 58 FR 27814, May 11, 1993]

**§ 1033.3 Route disposition.**

*Route disposition* means a delivery, either directly or through any distribution facility (including disposition from a plant store or by a vendor or vending machine), of a fluid milk product classified as Class I pursuant to § 1033.40(a), except a delivery to a plant. However, for the single purpose of determining the qualification of a plant as a pool distributing plant packaged fluid milk products transferred as Class I milk from a plant (except a plant from which no fluid milk products are distributed to wholesale or retail outlets in the marketing area) to another plant shall be considered as route disposition of the transferor-plant and shall be considered as route disposition in the marketing area to the extent of the transferee-plant's route disposition in the marketing area.

[42 FR 11234, Feb. 28, 1977. Redesignated and amended at 58 FR 27814, May 11, 1993]

**§ 1033.4 Plant.**

(a) Except as provided in paragraph (b) of this section, *plant* means the land and buildings, together with their surroundings, facilities, and equipment, constituting a single operating unit or establishment which contains stationary holding facilities and which is operated for the bulk handling or processing of milk or milk products (including filled milk).

(b) The term "plant" shall not include distribution points (separate facilities used primarily for the transfer to vehicles of packaged fluid milk