

## Agricultural Marketing Service, USDA

## § 983.12

producer or handler who is: A producer or handler that directly, or indirectly through one or more intermediaries, owns or controls, or is controlled by, or is under common control with the producer or handler specified; or a producer or handler that directly, or indirectly through one or more intermediaries, is connected in a proprietary capacity, or shares the ownership or control of the specified producer or handler with one or more other producers or handlers. As used in this part, the term “control” (including the terms “controlling”, “controlled by”, and “under the common control with”) means the possession, direct or indirect, of the power to direct or cause the direction of the management and policies of a handler or a producer, whether through voting securities, membership in a cooperative, by contract or otherwise.

### § 983.4 Aflatoxin.

*Aflatoxin* is one of a group of mycotoxins produced by the molds *Aspergillus flavus* and *Aspergillus parasiticus*. Aflatoxins are naturally occurring compounds produced by molds, which can be spread in improperly processed and stored nuts, dried fruits and grains.

### § 983.5 Aflatoxin inspection certificate.

*Aflatoxin inspection certificate* is a certificate issued by an accredited laboratory or by a USDA laboratory.

### § 983.6 Assessed weight.

*Assessed weight* means pounds of inshell pistachios, free of internal defects as defined in § 983.39(b)(4) and (5), with the weight computed at 5 percent moisture, received for processing by a handler within each production year: *Provided*, That for loose kernels, the actual weight shall be multiplied by two to obtain an inshell weight; or based on such other elements as may be recommended by the committee and approved by the Secretary.

EFFECTIVE DATE NOTE: At 72 FR 69141, Dec. 7, 2007, in § 983.6, the words “free of internal defects as defined in § 983.39(b)(4) and (5)” were suspended, effective December 10, 2007.

### § 983.7 Certified pistachios.

*Certified pistachios* are those for which aflatoxin inspection and minimum quality certificates have been issued.

EFFECTIVE DATE NOTE: At 72 FR 69141, Dec. 7, 2007, in § 983.7, the words “and minimum quality” were suspended, effective December 10, 2007.

### § 983.8 Committee.

*Committee* means the administrative committee for pistachios established pursuant to § 983.32.

### § 983.9 Confidential data or information.

*Confidential data or information* submitted to the committee consists of data or information constituting a trade secret or disclosure of the trade position, financial condition, or business operations of a particular entity or its customers.

### § 983.10 Department or USDA.

*Department or USDA* means the United States Department of Agriculture.

### § 983.11 Districts.

(a) *Districts* shall consist of the following:

(1) *District 1* consists of Tulare, Kern, San Bernardino, San Luis Obispo, Santa Barbara, Ventura, Los Angeles, Orange, Riverside, San Diego, and Imperial Counties of California.

(2) *District 2* consists of Kings, Fresno, Madera, and Merced Counties of California.

(3) *District 3* consists of all counties in California where pistachios are produced that are not included in Districts 1 and 2.

(b) With the approval of the Secretary, the boundaries of any district may be changed by the committee to ensure proper representation. The boundaries need not coincide with county lines.

[69 FR 17850, Apr. 4, 2004, as amended at 72 FR 69141, Dec. 7, 2007]

### § 983.12 Domestic shipments.

*Domestic shipments* means shipments to the fifty states of the United States or to territories of the United States and the District of Columbia.