

§ 900.1

- 900.108 Mediator's report.
- 900.109 Mediation agreement.
- 900.110 Application for arbitration.
- 900.111 Inquiry by the Administrator.
- 900.112 Notification.
- 900.113 Submission.
- 900.114 Designation of arbitrator.
- 900.115 Hearing.
- 900.116 Award.
- 900.117 Approval of award.
- 900.118 Costs.

Subpart—Miscellaneous Regulations

- 900.200 Definitions.
- 900.201 Investigation and disposition of alleged violations.
- 900.210 Disclosures of information.
- 900.211 Penalties.

Subpart—Procedure for Conduct of Referenda To Determine Producer Approval of Milk Marketing Orders To Be Made Effective Pursuant to Agricultural Marketing Agreement Act of 1937, as Amended

- 900.300 General.
- 900.301 Definitions.
- 900.302 Associations eligible to vote.
- 900.303 Conduct of referendum.
- 900.304 Who may vote.
- 900.305 Duties of referendum agent.
- 900.306 Notice of the referendum.
- 900.307 Time for voting.
- 900.308 Tabulation of ballots.
- 900.309 Confidential information.
- 900.310 Supplementary instructions.
- 900.311 Submittals or requests.

Subpart—Procedure for Determining the Qualification of Cooperative Milk Marketing Associations

- 900.350 General statement.
- 900.351 Applications for qualification.
- 900.352 Confidential information.
- 900.353 Qualification standards.
- 900.354 Inspection and investigation.
- 900.355 Annual reporting.
- 900.356 Listing of qualified associations.
- 900.357 Denial of application; suspension or revocation of determination of qualification.

Subpart—Procedure for the Conduct of Referenda in Connection With Marketing Orders for Fruits, Vegetables, and Nuts Pursuant to the Agricultural Marketing Agreement Act of 1937, as Amended

- 900.400 General.
- 900.401 Definitions.
- 900.402 Voting.
- 900.403 Instructions.
- 900.404 Subagents.

7 CFR Ch. IX (1–1–11 Edition)

- 900.405 Ballots.
- 900.406 Referendum report.
- 900.407 Confidential information.

Subpart—Public Information

AVAILABILITY OF PROGRAM INFORMATION, STAFF MANUALS AND INSTRUCTIONS, AND RELATED MATERIAL

- 900.500 General.
- 900.501 Public inspection and copying.
- 900.502 Indexes.
- 900.503 Request for records.
- 900.504 Appeals.

Subpart—Information Collection

- 900.600 General.
- 900.601 OMB control numbers assigned pursuant to the Paperwork Reduction Act.

Subpart—Assessment of Exemptions

- 900.700 Exemption from assessments.
- AUTHORITY: 7 U.S.C. 601–674 and 7 U.S.C. 7401.

SOURCE: 25 FR 5907, June 28, 1960, unless otherwise noted.

Subpart—Rules of Practice and Procedure Governing Proceedings To Formulate Marketing Agreements and Marketing Orders

AUTHORITY: 7 U.S.C. 610.

§ 900.1 Words in the singular form.

Words in this subpart in the singular form shall be deemed to import the plural, and vice versa, as the case may demand.

§ 900.2 Definitions.

As used in this subpart, the terms as defined in the act shall apply with equal force and effect. In addition, unless the context otherwise requires:

(a) The term *Act* means Public Act No. 10, 73 Congress (48 Stat. 31), as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937 (50 Stat. 246), as amended.

(b) The term *Department* means the United States Department of Agriculture.

(c) The term *Secretary* means the Secretary of Agriculture of the United States, or any officer or employee of the Department to whom authority has

Agricultural Marketing Service, USDA

§ 900.4

heretofore been delegated, or to whom authority may hereafter be delegated, to act for the Secretary.

(d) The term *judge* means any administrative law judge appointed pursuant to 5 U.S.C. 3105, and assigned to conduct the proceeding.

(e) The term *Administrator* means the Administrator of the Agricultural Marketing Service or any officer or employee of the Department to whom authority has been delegated or may hereafter be delegated to act for the Administrator.

(f) [Reserved]

(g) The term FEDERAL REGISTER means the publication provided for by the act of July 26, 1935 (49 Stat. 500), and acts supplementary thereto and amendatory thereof.

(h) The term *hearing* means that part of the proceeding which involves the submission of evidence.

(i) The term *marketing agreement* means any marketing agreement or any amendment thereto which may be entered into pursuant to section 8b of the act.

(j) The term *marketing order* means any order or any amendment thereto which may be issued pursuant to section 8c of the act, and after notice and hearing as required by said section.

(k) The term *proceeding* means a proceeding upon the basis of which a marketing agreement may be entered into or a marketing order may be issued.

(l) The term *hearing clerk* means the hearing clerk, United States Department of Agriculture, Washington, DC.

[25 FR 5907, June 28, 1960, as amended at 26 FR 7796, Aug. 22, 1961; 28 FR 579, Jan. 23, 1963; 37 FR 8059, Apr. 25, 1972; 38 FR 29798, Oct. 29, 1973; 67 FR 10829, Mar. 11, 2002]

§ 900.3 Proposals.

(a) A marketing agreement or a marketing order may be proposed by the Secretary or by any other person. If any person other than the Secretary proposes a marketing agreement or marketing order, he shall file with the Administrator a written application, together with at least four copies of the proposal, requesting the Secretary to hold a hearing upon the proposal. Upon receipt of such proposal, the Administrator shall cause such investigation to be made and such consideration

thereof to be given as, in his opinion, are warranted. If the investigation and consideration lead the Administrator to conclude that the proposed marketing agreement or marketing order will not tend to effectuate the declared policy of the act, or that for other proper reasons a hearing should not be held on the proposal, he shall deny the application, and promptly notify the applicant of such denial, which notice shall be accompanied by a brief statement of the grounds for the denial.

(b) If the investigation and consideration lead the Administrator to conclude that the proposed marketing agreement or marketing order will tend to effectuate the declared policy of the act, or if the Secretary desires to propose a marketing agreement or marketing order, he shall sign and cause to be served a notice of hearing, as provided in this subpart.

§ 900.4 Institution of proceeding.

(a) *Filing and contents of the notice of hearing.* The proceeding shall be instituted by filing the notice of hearing with the hearing clerk. The notice of hearing shall contain a reference to the authority under which the marketing agreement or marketing order is proposed; shall define the scope of the hearing as specifically as may be practicable; shall contain either the terms or substance of the proposed marketing agreement or marketing order or a description of the subjects and issues involved and shall state the industry, area, and class of persons to be regulated, the time and place of such hearing, and the place where copies of such proposed marketing agreement or marketing order may be obtained or examined. The time of the hearing shall not be less than 15 days after the date of publication of the notice in the FEDERAL REGISTER, as provided in this subpart, unless the Administrator shall determine that an emergency exists which requires a shorter period of notice, in which case the period of notice shall be that which the Administrator may determine to be reasonable in the circumstances: *Provided*, That, in the case of hearings on amendments to marketing agreements or marketing orders, the time of the hearing may be less than 15 days but shall not be less