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that State situated south of such counties.

[20 FR 4177, June 15, 1955. Redesignated at 26 FR 12751, Dec. 30, 1961]

§915.5 Avocados.

Avocados means all varieties of avocados grown in the production area.

§915.6 Fiscal year.

Fiscal year means the twelve-month period ending March 31 of each year.

§915.7 Committee.

Committee means the Avocado Administrative Committee established pursuant to §915.20.

§915.8 Grower.

Grower is synonymous with producer and means any person who produces avocados for market and who has a proprietary interest therein: *Provided*, That as used in §915.22 the term grower shall include only those who have a proprietary interest in the production of 10 or more bearing avocado trees.

[19 FR 3439, June 11, 1954, as amended at 22 FR 3513, May 21, 1957. Redesignated at 26 FR 12751, Dec. 30, 1961]

§915.9 Handler.

Handler is synonymous with shipper and means any person (except a common or contract carrier transporting avocados owned by another person) who handles avocados or causes avocados to be handled.

§915.10 Handle.

Handle means to sell, consign, deliver, or transport avocados within the production area or between the production area and any point outside thereof: *Provided*, That such term shall not include: (a) The sale or delivery of avocados to a handler, registered as such with the committee in accordance with such rules and regulations as it may prescribe with the approval of the Secretary, who has facilities within the production area for preparing avocados for market; (b) the delivery of avocados to such a handler solely for the purpose of having such avocados prepared for market; or (c) the transportation of avocados by a handler, so registered with the committee, from the grove to his

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packing facilities within the production area for the purpose of having such avocados prepared for market. In the event a grower sells his avocados to a handler who is not so registered with the committee, such grower shall be the first handler of such avocados.

[19 FR 3439, June 11, 1954, as amended at 20 FR 4177, June 15, 1955. Redesignated at 26 FR 12751, Dec. 30, 1961]

§915.11 District.

District means the applicable one of the following described subdivisions of the production area:

(a) *District 1* shall include Miami-Dade County.

(b) *District 2* shall include all of the production area except Miami-Dade County.

[19 FR 3439, June 11, 1954, unless otherwise noted. Redesignated at 26 FR 12751, Dec. 30, 1961 as amended at 73 FR 6837, Feb. 6, 2008]

§915.12 Export.

Export means to ship avocados to any destination which is not within the 48 contiguous States of the District of Columbia of the United States or Canada.

[43 FR 39322, Sept. 5, 1978]

ADMINISTRATIVE BODY

§915.20 Establishment and membership.

(a) There is hereby established an Avocado Administrative Committee consisting of nine members, each of whom shall have an alternate who shall have the same qualifications as the member for whom he is an alternate. Five of the members and their respective alternates shall be growers who shall not be handlers of avocados produced by others or employees of such handlers. Four of the members and their respective alternates shall be handlers or employees of handlers. The five members of the committee who shall be growers who shall not be handlers of avocados produced by others or employees of such handlers are referred to as "grower" members of the committee; and the four members who shall be handlers or employees of handlers are referred to as "handler" members of the committee. Four of the five grower members shall be producers of

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avocados in District 1, and one grower member shall be a producer of avocados in District 2. Three of the four handler members shall be handlers, or employees of handlers, of avocados in District 1, and one handler member shall be a handler, or an employee of a handler, of avocados in District 2. No handler or handler organization shall be permitted to have more than one handler member and alternate on the committee from each district: *Provided*, That this requirement may be waived by the Secretary in the event that there are not enough persons available to be nominated and selected to serve on the committee.

(b) The committee may be increased by one public member and an alternate. Persons for the public member positions would be nominated by the committee and selected by the Secretary. The committee, with the approval of the Secretary, shall prescribe qualifications, term of office and the procedure for nominating the public member and alternate.

[19 FR 3439, June 11, 1954. Redesignated at 26 FR 12751, Dec. 30, 1961, as amended at 30 FR 917, Jan. 29, 1965; 43 FR 39322, Sept. 5, 1978; 52 FR 7118, Mar. 9, 1987]

§ 915.21 Term of office.

The term of office of each member and alternate member of the committee shall begin April 1, and shall terminate March 31 of the following year. Members and alternate members shall serve in such capacities for the portion of the term of office for which they are selected and qualify and until their respective successors are selected and have qualified. The consecutive terms of office of members shall be limited to three terms.

§ 915.22 Nomination.

(a) *Initial members.* Nominations for each of the five initial grower members and four initial handler members of the committee, together with nominations for the initial alternate members for each position, may be submitted to the Secretary by individual growers and handlers. Such nominations may be made by means of group meetings of the growers and handlers concerned in each district. Such nominations, if made, shall be filed with the Secretary

no later than ten calendar days prior to the effective date hereof. In the event nominations for initial members and alternate members of the committee; or the filed pursuant to, and within the time specified in, this section, the Secretary may select such initial members and alternate members without regard to nominations, but selections shall be on the basis of the representation provided for in § 915.20.

(b) *Successor members.* (1) The committee shall hold or cause to be held a meeting or meetings of growers and handlers in each district to designate nominees for successor members and alternate members of the committee; or the committee may conduct nominations in Districts 1 and 2 by mail in a manner recommended by the committee and approved by the Secretary. Such nominations shall be submitted to the Secretary by the committee not later than March 1 of each year. The committee shall prescribe procedural rules, not inconsistent with the provisions of this section, for the conduct of nomination.

(2) Only growers may participate in the nomination and election of nominees for grower members and their alternates. Each grower shall be entitled to cast only one vote for each nominee to be elected in the district in which he produced avocados. No grower shall participate in the election of nominees in more than one district in any one fiscal year.

(3) Only handlers may participate in the nomination and election of nominees for handler members and their alternates. Each handler shall be entitled to cast only one vote for each nominee to be elected in the district in which such handler handles avocados. Each vote shall be weighted by the volume of avocados shipped by such handler during the immediately preceding twelve-month period, January through December.

[19 FR 3439, June 11, 1954, as amended at 22 FR 3513, May 21, 1957. Redesignated at 26 FR 12751, Dec. 30, 1961, as amended at 40 FR 52605, Nov. 11, 1975; 40 FR 59719, Dec. 30, 1975; 52 FR 7118, Mar. 9, 1987; 73 FR 6837, Feb. 6, 2008]