Agricultural Marketing Service, USDA

§ 905.149 Procedure for permitting growers to ship tree run citrus fruit.

(a) Tree run citrus fruit. Tree run citrus fruit as referenced in this section is defined in the Florida Department of Citrus (FDOC) regulation 20–35.006, which specifies that “Tree run grade is that grade of naturally occurring sound and wholesome citrus fruit which has not been separated either as to grade or size after severance from the tree.” Wholesomeness is as defined in FDOC regulation 20–62.002. The tree
run citrus fruit shipped under this provision also must be from the applying grower’s own grove.

(b) Application. A grower shall apply to ship tree run fruit using a Grower Tree Run Certificate Application, furnished by the committee. Such application shall contain, but not be limited to: the name, address, and phone number of the grower; legal description of the grove(s) from which citrus will be shipped; variety of citrus produced on the identified grove(s); approximate number of boxes produced on the identified grove(s); and a certification to the U.S. Department of Agriculture and to the committee as to the truthfulness of the information shown thereon; and any other appropriate information or documents deemed necessary by the committee or its duly authorized agents.

(c) Approval. The committee or its duly authorized agents shall give prompt consideration to each application for a Grower Tree Run Certificate. Approval of an application will be based upon a determination as to whether the information contained therein and on whether other information available to the committee supports an application’s approval. Approval of an application shall be evidenced by the issuance of a Grower Tree Run Certificate to the applicant. Each certificate shall expire at the end of the fiscal period.

(d) Suspension or denial of a Grower Tree Run Certificate. The committee may investigate the handling of tree run shipments under a Grower Tree Run Certificate to determine whether growers are complying with the requirements and regulations applicable to such certificates. Whenever the committee finds that a grower is failing to comply with the requirements and regulations applicable to such certificates, the Grower Tree Run Certificate issued to such grower may be suspended or, in the case of an application for the issuance of an initial Grower Tree Run Certificate, may be denied. Such suspension of a certificate shall be for a reasonable period of time as determined by the committee, but in no event shall it extend beyond the end of the fiscal period. In the case of the denial of an application for the issuance of an initial certificate, such certificate shall be denied until the applicant comes into compliance with the requirements and regulations applicable to such certificates. Prior to suspending or denying an application for a Grower Tree Run Certificate, the committee shall give the grower reasonable advance notice in writing of its intention and the facts and reasons therefor, and afford the grower an opportunity, either orally or in writing, to present opposing facts and reasons. The grower shall be informed of the committee’s determination in writing and in a timely manner.

(e) To qualify for a Grower Tree Run Certificate, each such grower must notify the committee prior to the first shipment of tree run Florida citrus fruit of the grower’s intent to ship such citrus, submit an application on forms supplied by the committee, and agree to other requirements as set forth in this section with respect to such shipments.

(f) The handling of tree run citrus under a Grower Tree Run Certificate shall be exempt from the provisions of §§905.52 and 905.53 and the regulations issued thereunder, under the following conditions:

1. A grower may only ship up to 150 13⁄5 bushel boxes per variety, per shipment.
2. A grower may only ship up to 3,000 boxes per variety per season.
3. Each grower shall apply to the Citrus Administrative Committee and receive a Grower Tree Run Certificate prior to shipping their own tree run Florida citrus fruit.
4. Each grower of citrus shipping under a Grower Tree Run Certificate shall supply the committee with reports on each shipment as requested by the committee, on forms supplied by the committee, providing the following information: The name and address of the grower, along with the grower’s Grower Tree Run Certificate number; the legal description of the grove; the variety and amount of citrus shipped; the date the fruit was shipped; and the truck/trailer license number. A copy of the form will be completed for each shipment. One copy of the report will be forwarded by the grower to the committee office within 10 days after such
shipment, and one copy of the report will accompany each shipment and be
given to the Road Guard Station.

(5) Each container of tree run fruit
shipped under a Grower Tree Run Cer-
tificate shall be labeled with or contain
the name and address of the grower
shipping under the Grower Tree Run
Certificate.


§ 905.150 Eligibility requirements for
public member and alternate mem-
ber.

(a) The public member shall be nei-
ther a producer nor a handler of Flor-
ida citrus fruit and shall have no direct
financial interest in the production or
marketing of citrus fruit (except as a
consumer of agricultural products).

(b) The public member should be able
to devote sufficient time and express a
willingness to attend Committee ac-
tivities regularly and become familiar
with the background and economics of
the industry.

(c) The public member must be a
resident of the production area.

(d) The public member should be
ominated by the Citrus Administra-
tive Committee and should serve a 1-
year term which coincides with the
term of office of producer and handler
members of the Committee.

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§ 905.153 Procedure for determining
handlers’ permitted quantities of
red seedless grapefruit when a por-
tion of sizes 48 and 56 of such vari-
ety is restricted.

(a) For the purposes of this section,
the prior period specified in §905.52 is
hereby established as an average week
within the immediately preceding
three seasons. Each handler’s average
week shall be computed by adding the
total volume of red seedless grapefruit
handled in the immediately preceding
three seasons and dividing the total by
99. The average week for handlers with
less than three previous seasons of
shipments shall be calculated by add-
ing the total volume of shipments for
the seasons they did ship red seedless
grapefruit, divide by the number of sea-
sons, divide further by 33. If crop condi-
tions limit shipments from any or all
of the immediately preceding three
season(s), the committee may use a
prior season or seasons for the purposes
calculating an average week. New
handlers with no record of shipments
could ship size 48 and 56 red seedless
grapefruit as a percentage of total
shipments equal to the percentage ap-
plied to other handlers’ average week;
once such handlers have recorded ship-
ments, their average week shall be cal-
culated as an average of total ship-
ments for the weeks they have shipped
red seedless grapefruit during the cur-
rent season. When used in the regula-
tion of red seedless grapefruit, the
term season means the weeks begin-
ning the third Monday in September
and ending the first Sunday in the fol-
lowing May. The term regulation period
means the 22-week period beginning the
third Monday in September of the
current season.

(b) When a size limitation restricts
the shipment of a portion of sizes 48
and 56 red seedless grapefruit during a
particular week as provided in §905.52,
the committee shall compute the quan-
tity of sizes 48 and 56 red seedless
grapefruit that may be shipped by each
handler by multiplying the handler’s
calculated average week shipments of
such grapefruit by the percentage es-
stablished by regulation for red seedless
grapefruit for that week. Such set per-
centage may vary from week to week
but shall not be less than 25 percent in
any week.

(c) The committee shall notify each
handler of the quantity of size 48 and 56
red seedless grapefruit such handler
may handle during a particular week.

(d) During any regulation week for
which the Secretary has fixed the per-
centage of sizes 48 and 56 red seedless
grapefruit, any person who has re-
ceived an allotment may handle, in ad-
dition to their total allotment avail-
able, an amount of size 48 and 56 red
seedless grapefruit up to 10 percent
greater than their allotment. The
quantity of the overshipment shall be
deducted from the handler’s allotment
for the following week. Overshipments
will not be allowed during the last
week of regulation. If the handler fails
to use his or her entire allotment, the
undershipment is not carried forward
to the following week. Each handler