

§ 956.163

7 CFR Ch. IX (1–1–14 Edition)

§ 956.163 Handling for specified purposes.

(a) Assessment and container marking requirements specified in this part shall not be applicable to shipments of onions for any of the following purposes:

(1) Shipments of Walla Walla Sweet Onions for relief or to charitable institutions: *Provided*, That such shipments must be donated and not sold in order for this exemption to apply;

(2) Shipments of Walla Walla Sweet Onions for livestock feed;

(3) Shipments of Walla Walla Sweet Onions for planting and for plants;

(4) Shipments of Walla Walla Sweet Onions as salad onions;

(5) Shipments of Walla Walla Sweet Onions for all processing uses including, pickling, peeling, dehydration, juicing, or other processing;

(6) Shipments of Walla Walla Sweet Onions for disposal;

(7) Shipments of Walla Walla Sweet Onions for seed.

(b) *Market preparation outside the production area.* (1) Persons desiring to ship or receive Walla Walla sweet onions for grading, packing, or storing outside the production area, but within Oregon and Washington, shall apply to the Committee on a “*Shippers/Receivers Application for Certificate of Privilege*” form. Such application shall contain the following:

(i) Company name, contact name, address, contact telephone numbers, date, and signature of the applicant;

(ii) Whether the applicant is the shipper or receiver;

(iii) Agreement to provide a *Special Purpose Shipment Report* to the Committee as required after shipping or receiving Walla Walla sweet onions for grading, packing, or storing out of the production area under a Certificate of Privilege.

(iv) Certification by the applicant that all provisions of the rules and regulations of this part will be adhered to including, but not limited to, any grade, size, quality, maturity, pack, or container requirements that may be currently in effect;

(v) Certification by the applicant, if a receiver under the Certificate of Privilege, that they will forward to the

Committee office all assessments due on Walla Walla sweet onions handled.

(vi) Such other information as the Committee may require.

(2) Each approved applicant shall furnish to the Committee a *Special Purpose Shipment Report* form no later than thirty (30) days after the final shipment of sweet onions are shipped or received pursuant to the Certificate of Privilege. That report shall contain the following information:

(i) Company name, contact name, address, contact telephone numbers, signature, and date;

(ii) Names of shippers or receivers who have either shipped Walla Walla sweet onions out of the production area or received the same;

(iii) The total quantity of Walla Walla sweet onions shipped or received under this section during the period covered;

(iv) Certification by the receiver that all assessments due on Walla Walla sweet onions handled under the respective Certificate of Privilege are being forwarded to the Committee; and

(v) Such other information as the Committee may require.

(3) The Committee may cancel any Certificate of Privilege if proof satisfactory to the Committee is obtained that any Walla Walla sweet onions shipped or received were done so contrary to the provisions of this section. Upon cancellation of such Certificate of Privilege the shipper or receiver may appeal to the Committee for reconsideration.

[62 FR 18026, Apr. 14, 1997, as amended at 69 FR 22382, Apr. 26, 2004]

§ 956.180 Reports.

(a) Each handler shall furnish to the Committee, no later than May 31 each year, a preseason *Walla Walla Sweet Onion Handler Registration Form*. Such form shall include:

(1) Company name, contact name, mailing and physical addresses, contact telephone numbers, and signature of handler;

(2) Season covered by registration;

(3) Brand names or labels to be used; and

(4) Estimated number of acres of fall planted and spring planted Walla Walla

Agricultural Marketing Service, USDA

Pt. 958

Sweet Onions to be packed during the season.

(b) Each handler shall furnish to the Committee a *Handler's Statement of Walla Walla Sweet Onion Shipments* containing the information in paragraphs (a)(1), (a)(2), and (a)(3) of this section, except that gift box and roadside stand sales shall be exempt from paragraph (a)(2) of this section: *Provided*, That for Walla Walla Sweet Onions handled prior to September 1, such report shall be furnished to the Committee by September 30, and that for Walla Walla Sweet Onions handled during the period September 1 through May 31, such report shall be furnished to the Committee no later than thirty (30) days after the end of the month in which such onions were handled:

(1) The number of 50 lb. equivalents of Walla Walla Sweet Onions shipped by each handler during each week of the shipping season and the total for the season;

(2) The geographical regions as defined by the Committee to which each shipment is made;

(3) The name, address, and signature of each handler; and

(4) The name of each producer and the number of 50 lb. equivalents of Walla Walla Sweet Onions that were handled on behalf of or acquired from that producer.

[69 FR 22382, Apr. 26, 2004, as amended at 75 FR 34347, June 17, 2010]

§ 956.202 Assessment rate.

On and after January 1, 2008, an assessment rate of \$0.22 per 50-pound bag or equivalent is established for Walla Walla sweet onions.

[73 FR 35888, June 25, 2008]

PART 958—ONIONS GROWN IN CERTAIN DESIGNATED COUNTIES IN IDAHO, AND MALHEUR COUNTY, OREGON

Subpart—Order Regulating Handling

DEFINITIONS

Sec.
958.1 Secretary.
958.2 Act.
958.3 Person.
958.4 Production area.
958.5 Onions.

958.6 Handler.
958.7 Handle.
958.8 Grading.
958.9 Grade and size.
958.10 Producer.
958.11 Committee.
958.12 Fiscal period.
958.13 Variety or varieties.
958.14 Export.
958.15 District.
958.16 Pack.
958.17 Container.

ADMINISTRATIVE COMMITTEE

958.20 Establishment and membership.
958.21 Procedure.
958.22 Selection.
958.23 Term of office.
958.24 Powers.
958.25 Duties.
958.26 Expenses.
958.27 Districts.
958.28 Nominations.
958.29 Failure to nominate.
958.30 Vacancies.

EXPENSES AND ASSESSMENTS

958.40 Expenses.
958.41 Budget.
958.42 Assessments.
958.43 Accounting.
958.44 Reserve fund.
958.45 Accounting of funds upon termination of the order.
958.46 Contributions.

RESEARCH AND DEVELOPMENT

958.47 Research and development.

REGULATION

958.50 Marketing policy.
958.51 Recommendations for regulations.
958.52 Issuance of regulations.
958.53 Handling for specified purposes.
958.54 Minimum quantities.
958.55 Notification of regulations.
958.56 Safeguards.

INSPECTION

958.60 Inspection and certification.

REPORTS

958.65 Reports.

EFFECTIVE TIME AND TERMINATION

958.70 Effective time.
958.71 Termination.
958.72 Proceeding after termination.
958.73 Effect of termination or amendment.

MISCELLANEOUS PROVISIONS

958.81 Compliance.
958.82 Right of the Secretary.
958.83 Duration of immunities.
958.84 Agents.