

§ 201.1

9 CFR Ch. II (1–14 Edition)

POULTRY—PACKERS AND LIVE POULTRY DEALERS

- 201.100 Records to be furnished poultry growers and sellers.
- 201.108–1 Instructions for weighing live poultry or feed.
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- 201.213–201.214 [Reserved]
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- 201.216 Additional capital investments criteria.
- 201.217 Reasonable period of time to remedy a breach of contract.
- 201.218 Arbitration.

AUTHORITY: 7 U.S.C. 181–229, 229c.

DEFINITIONS

§ 201.1 Meaning of words.

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

[19 FR 4524, July 22, 1954]

§ 201.2 Terms defined.

The definitions of terms contained in the Act shall apply to such terms when used in the Regulations under the Packers and Stockyards Act, 9 CFR part 201; Rules of Practice Governing Proceedings under the Packers and Stockyards Act, 9 CFR part 202; Statements of General Policy under the Packers and Stockyards Act, 9 CFR part 203; and Organization and Functions, 9 CFR part 204. In addition the following terms used in these parts shall be construed to mean:

- (a) *Act* means the Packers and Stockyards Act, 1921, as amended and supplemented (7 U.S.C. 181 *et seq.*).
- (b) *Department* means the United States Department of Agriculture.
- (c) *Secretary* means the Secretary of Agriculture of the United States, or any officer or employee of the Department authorized to act for the Secretary.
- (d) *Administration* or *agency* means the Grain Inspection, Packers and Stockyards Administration (Packers and Stockyards Programs).
- (e) *Administrator* or *agency head* means the Administrator of the Administration or any person authorized to act for the Administrator.
- (f) *Regional Supervisor* means the regional supervisor of the Grain Inspec-

tion, Packers and Stockyards Administration (Packers and Stockyards Programs) for a given area or any person authorized to act for the regional supervisor.

(g) *Person* means individuals, partnerships, corporations, and associations.

(h) *Registrant* means any person registered pursuant to the provisions of the Act and the regulations in this part.

(i) *Stockyard* means a livestock market which has received notice under section 302(b) of the Act that it has been determined by the Secretary to come within the definition of “stockyard” under section 302(a) of the Act.

(j) *Schedule* means a tariff of rates and charges filed by stockyard owners and market agencies.

(k) *Custom Feedlot* means any facility which is used in its entirety or in part for the purpose of feeding livestock for the accounts of others, but does not include feeding incidental to the sale or transportation of livestock.

(l) [Reserved]

(m) *Principal part of performance* means the raising of, and caring for livestock or poultry, when used in connection with a livestock or poultry production contract.

(n) *Additional capital investment* means a combined amount of \$12,500 or more per structure paid by a poultry grower or swine production contract grower over the life of the poultry growing arrangement or swine production contract beyond the initial investment for facilities used to grow, raise and care for poultry or swine. Such term includes the total cost of upgrades to the structure, upgrades of equipment located in and around each structure, goods and professional services that are directly attributable to the additional capital investment. The term does not include costs of maintenance or repair.

(o) *Suspension of delivery of birds* means the failure of a live poultry dealer to deliver a new poultry flock before the date payment is due to a poultry grower for the previous flock under section 410 of the Act.

[46 FR 50510, Oct. 14, 1981, as amended at 76 FR 76888, Dec. 9, 2011]

## ADMINISTRATION

**§ 201.3 Applicability of regulations in this part.**

(a) *Applicability to live poultry dealers.* The regulations in this part when applicable to live poultry dealers shall apply to all stages of a live poultry dealer's poultry production, including pullets, laying hens, breeders and broilers, excluding egg-type pullets, hens that only produce table eggs, and breeder flocks for the egg industry.

(b) *Effective dates.* The regulations in this part, when governing or affecting contracts, shall apply to any poultry growing arrangement, swine production contract, or any other livestock or poultry contract entered into, amended, altered, modified, renewed or extended after February 7, 2012.

[76 FR 76889, Dec. 9, 2011]

**§ 201.4 Authority.**

The Administrator shall perform such duties as the Secretary may require in enforcing the provisions of the act and the regulations in this part.

[19 FR 4524, July 22, 1954. Redesignated at 76 FR 76889, Dec. 9, 2011]

## APPLICABILITY OF INDUSTRY RULES

**§ 201.5 Bylaws, rules and regulations, and requirements of exchanges, associations, or other organizations; applicability, establishment.**

(a) The regulations in this part shall not prevent the legitimate application or enforcement of any valid bylaw, rule or regulation, or requirement of any exchange, association, or other organization, or any other valid law, rule or regulation, or requirement to which any packer, stockyard owner, market agency, or dealer shall be subject which is not inconsistent or in conflict with the act and the regulations in this part.

(b) Market agencies selling livestock on commission shall not, in carrying out the statutory duty imposed upon them by section 307 of title III of the act, permit dealers, packers, or others representing interests which conflict with those of consignors, to participate, directly or indirectly, in determination of the need for, or in the establishment of, regulations governing,

or practices relating to, the responsibilities, duties, or obligations of such market agencies to their consignors.

(7 U.S.C. 181 *et seq.*)

[19 FR 4524, July 22, 1954, as amended at 44 FR 45361, Aug. 2, 1979. Redesignated at 76 FR 76889, Dec. 9, 2011]

## REGISTRATION

**§ 201.10 Requirements and procedures.**

(a) Every person operating or desiring to operate as a market agency or dealer as defined in section 301 of the Act (7 U.S.C. 201) must apply for registration. To apply, such persons must file a properly executed application for registration on a form furnished by the Agency. Each applicant must file an application for registration with the regional office for the region where the applicant has his or her primary place of business, and file and maintain a bond as required in §§ 201.27 through 201.34 (9 CFR 201.27 through 201.34).

(b) If, upon review of an application, the Administrator has reason to believe the applicant is unfit to engage in the activity for which application has been made, a proceeding shall be instituted promptly affording the applicant the opportunity for a full hearing, in accordance with the Department's Rule of Practice Governing Formal Adjudicatory Proceedings (7 CFR Subpart H), to show cause why the application for registration should not be denied. If after the hearing the application is denied, as soon as the issue(s) that formed the basis of the denial have been remedied, the applicant may file a new application for registration.

(c) Any person regularly employed on salary, or other comparable method of compensation, by a packer to buy livestock for such packer is subject to the regulation requirements of this section. Such person must be registered as a dealer to purchase livestock for slaughter on behalf of the packer.

(d) Every person clearing or desiring to clear the buying operations of other registrants must apply for registration as a market agency providing clearing services by filing a properly executed application on a form furnished by the Agency, and file and maintain a bond as required in §§ 201.27 through 201.34.