

Agricultural Marketing Service, USDA

§ 955.113

such powers, to act in the premises whenever such action is deemed advisable.

§ 955.85 Personal liability.

No member or alternate of the committee or any employee or agent thereof, shall be held personally responsible, either individually or jointly with others, in any way whatsoever, to any handler or to any person for errors in judgment, mistakes, or other acts, either of commission or omission, as such member, alternate, employee, or agent, except for acts of dishonesty, willful misconduct, or gross negligence.

§ 955.86 Separability.

If any provision of this part is declared invalid, or the applicability thereof to any person, circumstance, or thing is held invalid, the validity of the remainder of this part, or the applicability thereof to any other person, circumstance, or thing shall not be affected thereby.

§ 955.87 Amendments.

Amendments to this part may be proposed, from time to time, by the committee or by the Secretary.

MARKETING AGREEMENT

§ 955.90 Counterparts.

This agreement may be executed in multiple counterparts and when one counterpart is signed by the Secretary, all such counterparts shall constitute, when taken together, one and the same instrument as if all signatures were contained in one original.

§ 955.91 Additional parties.

After the effective date thereof, any handler may become a party to this agreement if a counterpart is executed by such handler and delivered to the Secretary. This agreement shall take effect as to such new contracting part at the time such counterpart is delivered to the Secretary, and the benefits, privileges, and immunities conferred by this agreement shall then be effective as to such new contracting party.

§ 955.92 Order with marketing agreement.

Each signatory hereby requests the Secretary to issue, pursuant to the Act, an order providing for regulating the handling of Vidalia onions in the same manner as is provided for in this agreement.

Subpart—Rules and Regulations

§ 955.101 Vidalia Onion Handler Report.

(a) Each handler shall furnish shipping reports with the Vidalia Onion Committee on a monthly basis. Such reports shall be made on forms provided by the Committee and shall include:

- (1) The name and address of the handler;
- (2) Monthly period covered by the report;
- (3) Total quantity of Vidalia onions received;
- (4) Total fresh market shipments of Vidalia onions;
- (5) Shipment volume coming from acreage owned by the handler;
- (6) Total assessments owed;
- (7) Volume of onions packed under contract for another handler and those handler names;
- (8) Onions sold to another handler; and
- (9) Information on onions placed in Controlled Atmosphere storage.

(b) Handlers shall file reports each fiscal period beginning the first month they make shipments and shall continue filing reports until they submit a final report for the season. Each such report shall be filed with the Committee not later than 5 p.m. on the tenth day of each month following the month in which any shipments were made. Should the tenth day of the month fall on a weekend or holiday, reports are due by the first business day following the tenth day of the month.

[67 FR 41816, June 20, 2002, as amended at 71 FR 34509, June 15, 2006; 78 FR 28120, May 14, 2013]

§ 955.113 Fiscal period.

Pursuant to § 955.13, *fiscal period* shall mean the period beginning January 1 and ending December 31 of each year,