

§ 928.120

Maui which consists of the islands of Maui, Molokai, Lanai, and Kahoolawe; and Kalawao County.

(c) District 3 shall include the county of Honolulu which includes all of the island of Oahu.

[49 FR 44200, Nov. 5, 1984 and 50 FR 1439, Jan. 11, 1985]

§ 928.120 Committee reapportionment.

The Papaya Administrative Committee shall consist of 13 members and alternate members. Nine of the members shall represent growers, and three shall represent handlers. Seven grower members and their alternates shall represent District 1, one grower member and alternate shall represent District 2, and one grower member and alternate shall represent District 3. No grower organization shall have more than two members on the committee. The three handler members shall be nominated from the production area at large. No handler organization is permitted to have more than one handler member on the committee. One voting public member and alternate shall also be included on the committee. The eligibility requirements and nomination procedures for the public member and alternate are specified in § 928.122.

[59 FR 55336, Nov. 7, 1994]

§ 928.121 Term of office.

Pursuant to § 928.21, the term of office for each member and alternate member on the committee is reestablished to be a 24-month period beginning July 1 of each odd-numbered year and ending on the second succeeding June 30: *Provided*, That committee members currently serving on the committee shall continue to serve through June 30, 1987.

[52 FR 15489, Apr. 29, 1987]

§ 928.122 Public member eligibility requirements and nomination procedures.

(a) The public member and alternate member shall be nominated by the Papaya Administrative Committee and shall serve a two-year term which coincides with the term of the grower and handler members of the committee.

(b) Public member and alternate member candidates should be able to

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devote sufficient time to attend committee activities regularly and to familiarize themselves with the background and economics of the papaya industry.

(c) The public member and alternate member shall be residents of the production area.

(d) Public member and alternate member candidates shall not represent an agricultural interest and shall not have a financial interest in, or be associated with, the production, processing, financing, or marketing of papayas.

[54 FR 20516, May 12, 1989]

Subpart—Rules and Regulations

SOURCE: 36 FR 22360, Nov. 25, 1971, unless otherwise noted.

§ 928.141 Interest charges.

(a) Assessments levied pursuant to § 928.41 not paid within five days after the 25th of each month on papayas handled during the preceding month shall be subject to an interest charge of one and one-half percent per month.

(b) Notification that assessments are due not later than five days after the 25th of each month shall constitute a demand on a handler for the payment of the handler's pro rata share of expenses within the meaning of § 928.41(a).

[50 FR 31586, Aug. 5, 1985]

§ 928.150 Exemption from inspection.

(a) *Waivers*. A handler may handle papayas without inspection and certification, as prescribed under § 928.55, if all the following conditions are met:

(1) The handler requests the Federal-State Inspection Service to provide inspection during its regular working hours at least 2 hours in advance of the time when inspection is needed. The request need not be in writing but it shall be confirmed immediately in writing on a waiver form supplied by the inspection service;

(2) The Federal-State Inspection Service advises the handler that it is not practicable to provide inspection at the time and place designated by the handler. Such advice may be verbal but it shall be confirmed in writing by the Federal-State Inspection Service by execution of the waiver form on which

the handler submitted his written request. A confirmed copy thereof shall be forwarded by the inspection service to the office of the Papaya Administrative Committee;

(3) The Federal-State Inspection Service furnishes the handler with the number of the waiver which shall cover the fruit on which inspection is requested;

(4) When so instructed, the handler plainly and conspicuously marks one end of each container with the letter "W" and the waiver number supplied by the Federal-State Inspection Service. The letter W and the number so marked shall be not less than one-half inch in height.

EFFECTIVE DATE NOTES: 1. At 59 FR 38104, July 27, 1994, §928.150 was suspended, effective July 1, 1994.

2. At 65 FR 70284, Nov. 22, 2000, the suspension of §928.150 was removed and introductory text was added, effective Jan. 2, 2001. For the convenience of the user, the added text is set forth as follows:

§ 928.150 Exemption from inspection.

The requirements in this section apply through January 2, 2002.

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§ 928.151 Special purpose shipments.

(a) Papayas delivered to a handler for sale by the handler for the account of the grower shall be deemed a consignment only with respect to papayas which are actually sold by the handler; consignment shall not extend to those papayas delivered but disposed of by dumping as evidenced by a dumping certificate issued by the Federal-State Inspection Service. Papayas not consigned as herein defined shall not be subject to assessment levied pursuant to §928.41.

(b) Any handler may, after application for and receipt of committee approval, handle papayas to be used as animal feed exempt from the provisions of §§928.41, 928.52, 928.53, and 928.55 and the regulations issued thereunder.

(1) Such application shall be made prior to handling, on the forms provided by the committee and shall be accompanied by certification stating that the fruit will be used for the applied for purpose.

(c) Any handler may, after application for and receipt of committee approval, handle papayas exempt from the provisions of §§928.41, 928.52, 928.53, and 928.55, and the regulations issued thereunder: *Provided*, That such fruit is donated for use by charitable institutions or distribution by relief agencies.

(d) Any handler may, after application for and receipt of committee approval, handle papayas exempt from the provisions of §§928.41, 928.52, 928.53, and 928.55 and the regulations issued thereunder, for market research and development projects.

(e) Any handler may handle papayas exempt from the provisions of §§928.41, 928.52, 928.53, and 928.55 and the regulations issued thereunder, for commercial processing. Commercial processing of papayas means to can, freeze, cook, slice, dice, or pickle or convert such fruit into a beverage base for resale. All other product forms are considered fresh fruit and are subject to the provisions of the agreement and order.

§ 928.152 Maturity exemption.

(a) An immature papaya is one which has not reached the stage of maturity wherein the lower or blossom end half of the papaya shows a definite tinge of yellow.

(b) The handling of immature papayas shall be limited to papaya handlers whose name appears on the committee's current list of approved immature papaya handlers established pursuant to paragraph (c) of this section. Such papayas so handled shall be exempt from grade, size, quality, and maturity regulations issued pursuant to §§928.52 and 928.53.

(c) Any handler who desires to handle immature papayas shall, prior thereto, file with the committee an application and agreement therefor on PAC Form 7, which shall contain the following information: (1) Name and address of the applicant; (2) an agreement that contains of immature papayas handled to destinations within the State of Hawaii shall be clearly marked "Off-Grade—Immature" or "Immature" in letters not less than one-half inch in height and further that each immature papaya, regardless of destination, shall be stamped or labeled in a uniform