

## Agricultural Marketing Service, USDA

## § 948.120

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

### § 948.90 Personal liability.

No member or alternate of any 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, agent, or employee, except for acts of dishonesty, willful misconduct or gross negligence.

### § 948.91 Separability.

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

### § 948.92 Amendments.

Amendments to this subpart may be proposed from time to time by a committee or by the Secretary.

## Subpart—Rules and Regulations

### GENERAL

SOURCE: 26 FR 5219, June 10, 1961, unless otherwise noted. Redesignated at 26 FR 12751, Dec. 30, 1961.

### § 948.100 Order.

*Order* means §§ 948.1 to 948.92 (Order No. 948 as amended) regulating the handling of Irish potatoes grown in the State of Colorado.

### § 948.101 Terms.

The terms used in this subpart shall have the same meaning as when used in §§ 948.1 to 948.92.

### § 948.102 Communications.

Unless otherwise provided in §§ 948.1 to 948.92, or by specific direction of an area committee, all reports, applications, submittals, requests and communications in connection with the order shall be addressed to the office of the

committee for the area in which the potatoes involved are grown.

### § 948.103 Fiscal period.

Pursuant to § 948.10, the fiscal periods for each area shall be as follows:

(a) Area No. 1 and Area No. 3 shall begin July 1 and end June 30, of the following year, both dates inclusive;

(b) Area No. 2 shall begin September 1 and end August 31, of the following year, both dates inclusive. The 1986-87 fiscal period which began July 1, 1986, will be extended two months to August 31, 1987.

[52 FR 12515, Apr. 17, 1987]

EFFECTIVE DATE NOTE: At 57 FR 61774, Dec. 29, 1992, in § 948.103, in paragraph (a), the words "Area No. 1 and" were suspended indefinitely.

### § 948.104 Term of office.

(a) Pursuant to § 948.55, the two-year term of office for area committee members and alternates shall be as follows:

(1) Area No. 1 and Area No. 2 shall begin June 1 and end May 31 of the second year following;

(2) Area No. 3 shall begin May 1 and end April 30 of the second year following.

(b) The one-year term of office of Colorado Potato Committee members shall begin as of June 1 of each year.

[52 FR 12515, Apr. 17, 1987]

EFFECTIVE DATE NOTE: At 57 FR 61774, Dec. 29, 1992, in § 948.104, in paragraph (a)(1), the words "Area No. 1 and" were suspended indefinitely.

### SAFEGUARDS

SOURCE: Sections 948.120 through 948.126 appear at 26 FR 10792, Nov. 18, 1961, unless otherwise noted. Redesignated at 26 FR 12751, Dec. 30, 1961.

### § 948.120 General.

Whenever shipments of potatoes for special purposes under § 948.23 are relieved in whole or in part from grade and size regulations issued under § 948.22 the committee shall require information and evidence as to the manner, methods, and timing of such shipments as safeguards against the entry of any such potatoes into trade channels other than those for which intended. Such information and evidence

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shall include the requirements set forth below with respect to Certificates of Privilege.

### § 948.121 Qualification.

Before handling potatoes for special purposes which do not meet regulations issued under § 948.22 a handler must qualify with the committee to handle shipments for special purposes. To qualify he must (a) apply for and receive a Certificate of Privilege indicating his intent to so handle potatoes; (b) agree to comply with reporting and other requirements set forth in §§ 948.121 to 948.125, inclusive, with respect to such shipments; and (c) receive approval of the committee to so handle potatoes. Such approval will be based upon evidence furnished in his application for a Certificate of Privilege, and other information available to the committee.

### § 948.122 Application.

(a) Application for Certificate of Privilege shall be made in person, by telephone, or on forms furnished by the committee. Each application may contain, but need not be limited to, the name and address of the handler; the quantity by grade, size, quality and variety of the potatoes to be shipped; the mode of transportation; the consignee; the destination; the purpose for which the potatoes are to be used; a certification to the United States 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 for the purposes stated in § 948.120.

(b) [Reserved]

### § 948.123 Approval.

The committee or its duly authorized agents shall give prompt consideration to each application for a Certificate of Privilege. Approval of an application based upon a determination as to whether the information contained therein and other information available to the committee supports approval, shall be evidenced by the issuance of a Certificate of Privilege to the applicant. Each certificate shall cover a specified period, and specified

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qualities and quantities of potatoes to be sold or transported to the designated consignee for the purposes declared.

### § 948.124 Reports.

Each handler of potatoes shipping under Certificates of Privilege shall supply the committee with reports as requested by the committee or its duly authorized agents showing the name and address of the shipper; the car or truck identification; the loading point; destination; consignee; the inspection certificate number when inspection is required; and any other information deemed necessary by the committee.

### § 948.125 Disqualification.

The committee from time to time may conduct surveys of handling of potatoes for special purposes requiring Certificates of Privilege to determine whether handlers are complying with the requirements and regulations applicable to such certificates. Whenever the committee finds that a handler or consignee is failing to comply with requirements and regulations applicable to handling of potatoes in special outlets, and requiring such certificates, a Certificate or Certificates of Privilege issued such handler may be rescinded and further certificates denied. Such disqualification shall apply to, and not exceed, a reasonable period of time as determined by the committee but in no event shall it extend beyond the end of the succeeding fiscal period. Any handler who has a certificate rescinded or denied may appeal to the committee in writing for reconsideration of his disqualification.

### § 948.126 General cull regulation.

(a) No handler shall handle potatoes grown in the State of Colorado which do not meet the requirements of U.S. No. 2 or better grade, or are less than 1½ inches in diameter.

(b) This General Cull Regulation shall remain in effect until suspended or modified pursuant to § 948.20(a)(2).

(c) The term U.S. No. 2 grade has the same meaning as when used in the U.S. Standards for Potatoes (§§ 51.1540 to 51.1556 of this title), or amendments thereto or modifications thereof.