

**§ 959.1**

959.126 Handling of culls.

**Subpart—Assessment Rates**

959.237 Assessment rate.

**Subpart—Handling Regulations**

959.322 Handling regulation.

AUTHORITY: 7 U.S.C. 601-674.

**Subpart—Order Regulating Handling**

SOURCE: 26 FR 704, Jan. 25, 1961, unless otherwise noted. Redesignated at 26 FR 12751, Dec. 30, 1961.

DEFINITIONS

**§ 959.1 Secretary.**

*Secretary* means the Secretary of Agriculture of the United States, or any officer or employee of the Department to whom authority has heretofore been delegated, or to whom authority may be hereafter delegated, to act in his stead.

**§ 959.2 Act.**

*Act* means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (sections 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674).

**§ 959.3 Person.**

*Person* means an individual, partnership, corporation, association or any other business unit.

**§ 959.4 Production area.**

*Production area* means the counties of Val Verde, Kinney, Uvalde, Medina, Wilson, Karnes, Goliad, Victoria, Calhoun, Maverick, Zavala, Frio, Atascosa, Dimmit, La Salle, McMullen, Live Oak, Bee, Refugio, Webb, Duval, Jim Wells, San Patricio, Nueces, Zapata, Jim Hogg, Brooks, Kleberg, Kenedy, Starr, De Witt, Aransas, Hidalgo, Willacy, and Cameron, in the State of Texas.

**§ 959.5 Onions.**

*Onions* means all varieties of *Allium cepa* commonly known as onions grown within the production area and marketed dry.

**7 CFR Ch. IX (1-1-01 Edition)**

**§ 959.6 Handler.**

*Handler* is synonymous with *shipper* and means any person (except a common or contract carrier of onions owned by another person) who handles onions or causes onions to be handled.

**§ 959.7 Handle.**

*Handle* or *ship* means to package, load, sell, transport, or in any way to place onions in the current of the commerce within the production area or between the production area and any point outside thereof. Such term shall not include the transportation, sale, or delivery of field-run onions to a person in the production area who is a registered handler.

[27 FR 227, Mar. 9, 1962, as amended at 34 FR 6440, Apr. 12, 1969]

**§ 959.8 Registered handler.**

*Registered handler* means any person with adequate facilities within the production area for preparing onions for commercial market, who customarily does so, and who is so recorded by the committee, or any person who has access to such facilities within the production area, and has recorded with the committee his ability and willingness to assume customary obligations of preparing onions for commercial market.

**§ 959.9 Producer.**

*Producer* means any person engaged in a proprietary capacity in the production of onions for market.

**§ 959.10 Grading.**

*Grading* is synonymous with *preparation for market* and means the sorting or separation of onions into grades, sizes, and packs for market purposes.

**§ 959.11 Grade and size.**

*Grade* means any of the established grades of onions, and *size* means any of the established sizes of onions as defined and set forth in the United States Standards for Bermuda-Granex Type Onions (§§ 51.3195 to 51.3209 of this title) or any other United States Standards for onions, or amendments thereto or modifications thereof, or variations based thereon, recommended by the

## Agricultural Marketing Service, USDA

## § 959.25

committee and approved by the Secretary.

### § 959.12 Pack.

*Pack* means a quantity of onions specified by grade, size, weight, or count, or by type or condition of container, or any combination of these recommended by the committee and approved by the Secretary.

[27 FR 2278, Mar. 9, 1962]

### § 959.13 Container.

*Container* means a box, bag, crate, hamper, basket, package, or any other receptacle used in the packaging, transportation, sale, shipment or other handling of onions.

### § 959.14 Varieties.

*Varieties* means and includes all classifications, subdivisions, or types of onions according to those definitive characteristics now or hereafter recognized by the United States Department of Agriculture or recommended by the committee and approved by the Secretary.

### § 959.15 Committee.

*Committee* means the South Texas Onion Committee, established pursuant to § 959.22.

### § 959.16 Fiscal period.

*Fiscal period* means the annual period beginning and ending on such dates as may be approved by the Secretary pursuant to recommendations of the committee.

### § 959.17 District.

*District* means each of the geographic divisions of the production area initially established pursuant to § 959.24 or as reestablished pursuant to § 959.25.

### § 959.18 Export.

*Export* means to ship onions to any destination which is not within the 48 contiguous States, or the District of Columbia, of the United States.

## COMMITTEE

### § 959.22 Establishment and membership.

The South Texas Onion Committee, consisting of seventeen members, ten of whom shall be producers and seven of whom shall be handlers, is hereby established. For each member of the committee there shall be an alternate. Producer members and alternates shall not have a proprietary interest in or be employees of a handler organization.

### § 959.23 Term of office.

(a) The term of office of committee members and their respective alternates shall be for two years and shall begin as of August 1 and end as of July 31. The terms shall be so determined that about one-half of the total committee membership shall terminate each year.

(b) Committee members and alternates shall serve during the term of office for which they are selected and have qualified, or during that portion thereof beginning on the date on which they qualify during such term of office and continuing until the end thereof, and until their successors are selected and have qualified.

### § 959.24 Districts.

To determine a basis for selecting committee members, the following districts of the production area are hereby initially established:

*District No. 1:* (Coastal Bend) The Counties of Victoria, Calhoun, Goliad, Refugio, Bee, Live Oak, San Patricio, Aransas, Jim Wells, Nueces, Kleberg, Brooks, Kenedy, Duval, and McMullen in the State of Texas.

*District No. 2:* (Laredo) The Counties of Zapata, Webb, and Jim Hogg in the State of Texas.

*District No. 3:* (Lower Valley) The Counties of Cameron, Hidalgo, Starr, and Willacy in the State of Texas.

*District No. 4:* (Wilson-Karnes) The Counties of DeWitt, Wilson, Atascosa, and Karnes in the State of Texas.

*District No. 5:* (Winter Garden) The Counties of Val Verde, Frio, Kinney, Uvalde, Medina, Maverick, Zavala, Dimmit, and La Salle in the State of Texas.

### § 959.25 Redistricting.

The committee may recommend, and pursuant thereto, the Secretary may