

## Agricultural Marketing Service, USDA

## § 928.151

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

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

(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.

[36 FR 22360, Nov. 25, 1971, as amended at 65 FR 70284, Nov. 22, 2000]

EFFECTIVE DATE NOTE: At 66 FR 29219, May 30, 2001, § 928.150 was suspended indefinitely.

#### § 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

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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.**

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

(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 containers 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 manner approved by the committee indicating immaturity; and (3) an agreement to promptly submit such reports on immature papayas handled at such times as may be required by the com-

mittee. The application shall be signed by the applicant or an authorized employee of the applicant and filed with the committee.

(d) If approved by the committee, the applicant's name shall be placed on the committee's list of approved immature papaya handlers. The applicant shall be notified of the committee's action.

(e) The committee may reject an application for just cause, such as a handler's past failure to comply with the requirements for the handling of immature papayas or his past failure to promptly submit reports as may be required under paragraph (c)(3) of this section and may also, for like causes, immediately suspend upon written notice, authorization previously granted a handler to handle immature papayas and remove his name from the list of approved immature papaya handlers.

[42 FR 17422, Apr. 1, 1977, as amended at 65 FR 70284, Nov. 22, 2000]

EFFECTIVE DATE NOTE: At 66 FR 29219, May 30, 2001, § 928.152 was suspended indefinitely.

**§ 928.153 Minimum quantities exemption.**

(a) Any producer may apply to the committee to handle papayas he or she produces direct to consumers exempt from the provisions of §§ 928.41, 928.52, 928.53, and 928.55. Such application shall show:

(1) The name and address of the producer;

(2) The location of the orchard, the acreage in such orchard, and the estimated production thereof;

(3) The location at which the producer will sell the papayas to consumers; and

(4) An agreement to submit such reports as may be required by the committee.

(b) Upon approval of the producer's application, such producer may sell not to exceed a total of 100 pounds of papayas during any one day direct to consumers for home use and not for resale.

[45 FR 50325, July 29, 1980]

**§ 928.160 Utilization reports.**

(a) Each handler shall file with the Papaya Administrative Committee, not later than the 15th day of each month, a duly executed PAC Form 1 reporting