

§931.11

other specifications as may be established by the committee, with the approval of the Secretary.

§931.11 Grower.

Grower is synonymous with *producer* and means any person who produces pears for fresh market and who has a proprietary interest therein.

§931.12 Handler.

Handler is synonymous with *shipper* and means any person (except a common or contract carrier transporting pears owned by another person) who handles pears.

§931.13 Handle.

Handle or *ship* means to sell, deliver, consign, or transport pears within the production area or between the production area and any point outside thereof: *Provided*, That the term *handle* shall not include the transportation within the production area from the orchard where grown to a packing facility located within such area for preparation for market.

§931.14 District.

District means the applicable one of the following described subdivisions of the production area, or such other subdivisions as may be prescribed pursuant to §931.31(m):

(a) *Wenatchee District* shall include the counties of King, Chelan, Douglas, Grant, Lincoln, Spokane in the State of Washington, and all other counties in Washington lying north thereof.

(b) *Yakima District* shall include all of the State of Washington not included in the Wenatchee District or in the Hood River-White Salmon District.

(c) *Mid-Columbia District or the Hood River-White Salmon District* shall include those counties in the State of Oregon not included in the Medford District and the counties of Skamania and Klickitat in the State of Washington.

(d) *Medford District* shall include the Counties of Jackson, Josephine, Curry, Coos, Douglas, Lane, and Klamath in the State of Oregon.

§931.15 Export.

Export means to ship pears to any destination which is not within the 48

7 CFR Ch. IX (1-1-05 Edition)

contiguous States, or the District of Columbia of the United States.

§931.16 Pack.

Pack means the specific arrangement, size, weight, count, or grade of a quantity of pears in a particular type and size of container, or any combination thereof.

§931.17 Container.

Container means a box, bag, crate, lug, basket, carton, package, or any other type of receptacle used in the packaging or handling of pears.

ADMINISTRATIVE BODY

§931.20 Establishment and membership.

There is hereby established a Northwest Fresh Bartlett Pear Marketing Committee consisting of fourteen (14) members, each of whom shall have an alternate who shall have the same qualifications as the member for whom his is an alternate. Eight (8) of the members and their respective alternates shall be growers or officers or employees of growers. Six (6) of the members and their respective alternates shall be handlers or officers or employees of handlers. Each district shall be represented on the committee by two (2) grower members and their respective alternates who are producers of pears in such districts. The Yakima and Medford Districts shall each be represented on the committee by two (2) handler members and the Wenatchee and Mid-Columbia Districts each by one (1) handler member who are handlers of pears in the respective district.

§931.21 Term of office.

The term of office of each member and alternate member of the committee shall be for two years beginning July 1 and ending June 30: *Provided*, That the term of office of one-half of the initial grower members and alternates and one-half of the initial handler members and alternates from the Yakima and Medford Districts and the handler member and alternate from the Wenatchee District shall end June 30, 1966. Members and alternate members shall serve in such capacities for the

Agricultural Marketing Service, USDA

§ 931.26

portion of the term of office for which they are selected and have qualified and until their respective successors are selected and have qualified.

§ 931.22 Nomination.

(a) *Initial members.* Nominations for each of the initial members of the committee, together with nominations for the initial alternate members for each position, may be submitted to the Secretary by individual growers and handlers. Such nominations may be made by means of separate group meetings of the growers and handlers concerned in each district, which shall be publicized and open to all growers and handlers. Such nominations, if made, shall be filed with the Secretary no later than the effective date of this part. In the event nominations for initial members and alternate members of the committee are not filed pursuant to, and within the time specified in this section, the Secretary may select such initial members and alternate members without regard to nominations, but selections shall be on the basis of the representation provided for in § 931.20.

(b) *Successor members.* (1) The committee shall hold or cause to be held, not later than June 1 of each year, separate meetings of growers and handlers in each district for the purpose of designating nominees for successor members and alternate members of the committee, which shall be publicized and open to all growers and handlers. At each such meeting, a chairman and a secretary shall be designated by the growers and handlers eligible to participate therein. The chairman shall announce at the meeting the results of nominations for member or alternate member and shall submit promptly to the committee a complete report concerning such meeting. The committee shall, in turn, promptly submit a copy of each such report to the Secretary.

(2) Only growers, including duly authorized officers or employees of growers, who are present at such nomination meetings may participate in the nomination and election of nominees for grower members and their alternates. Each grower shall be entitled to cast only one vote for each nominee to be elected in the district in which he

produces pears. No grower shall participate in the election of nominees in more than one district in any one fiscal year. If a person is both a grower and a handler of pears, such person may vote either as a grower or as a handler but not as both.

(3) Only handlers, including duly authorized officers or employees of handlers, who are present at such nomination meetings may participate in the nomination and election of nominees for handler members and their alternates. Each handler shall be entitled to cast only one vote for each nominee to be elected in the district in which he handles pears. No handler shall participate in the election of nominees in more than one district in any one fiscal year. If a person is both a grower and a handler of pears, such person may vote either as a grower or as a handler but not as both.

§ 931.23 Selection.

From the nominations made pursuant to § 931.22 or from other qualified persons, the Secretary shall select the eight grower members of the committee, the six handler members of the committee, and an alternate for each such member.

§ 931.24 Failure to nominate.

If nominations are not made within the time and in the manner prescribed in § 931.22, the Secretary may, without regard to nominations, select the members and alternate members of the committee on the basis of the representation provided for in § 931.20.

§ 931.25 Acceptance.

Any person selected by the Secretary as a member or as an alternate member of the committee shall qualify by filing a written acceptance with the Secretary promptly after being notified of such selection.

§ 931.26 Vacancies.

To fill any vacancy occasioned by the failure of any person selected as a member or as an alternate member of the committee to qualify, or in the event of the death, removal, resignation, or disqualification of any member or alternate member of the committee, a successor for the unexpired term of