

**§ 959.9**

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

**§ 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 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.

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**§ 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:

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*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 approve, the reapportionment of members among districts, and the reestablishment of districts within the production area. In recommending any such changes, the committee shall give consideration to:

(a) Shifts in onion acreage within the districts and within the production area during recent years;

(b) The importance of new production in its relation to existing districts;

(c) The equitable relationship of committee membership and districts;

(d) Economies to result for producers in promoting efficient administration due to redistricting or reapportionment of members within districts; and

(e) Other relevant factors. No change in districting or in apportionment of members within districts may become effective less than 30 days prior to the date on which terms of office begin each year and no recommendations for such redistricting or reapportionment may be made less than six months prior to such date.

### § 959.26 Selection.

The Secretary shall select members and respective alternates from districts established pursuant to § 959.24 or § 959.25. Initial selections shall be as follows:

*District No. 1:* 3 producer members and alternates; 1 handler member and alternate.

*District No. 2:* 2 producer members and alternates; 1 handler member and alternate.

*District No. 3:* 3 producer members and alternates; 2 handler member and alternates.

*District No. 4:* 1 handler member and alternate.

*District No. 5:* 2 producer members and alternates; 2 handler members and alternates.

### § 959.27 Nomination.

The Secretary may select the members of the committee and alternates from nominations which may be made in the following manner:

(a) A meeting or meetings of producers and handlers shall be held for each district to nominate members and alternates for the committee. For nominations to the initial committee, the meetings may be sponsored by the United States Department of Agriculture or by any agency or group requested to do so by such department. For nominations for succeeding members and alternates on the committee, the committee shall hold such meetings or cause them to be held prior to June 15 of each year, after the effective date of this subpart, or by such other date as may be specified by the Secretary;

(b) At each such meeting at least one nominee shall be designated for each position as member and for each position as alternate member on the committee;

(c) Nominations for committee members and alternates shall be supplied to the Secretary in such manner and form as he may prescribe, not later than July 1 of each year, or by such other date as may be specified by the Secretary;

(d) Only producers may participate in designating producer nominees, and only handlers may participate in naming handler nominees. In the event a person is engaged in producing or handling onions in more than one district, such person shall elect the district within which he may participate as aforesaid in designating nominees;

(e) Regardless of the number of districts in which a person produces or handles onions, each such person is entitled to cast only one vote on behalf of himself, his agents, subsidiaries, affiliates, and representatives in designating nominees for committee members and alternates. An eligible voter's privilege of casting only one vote as aforesaid shall be construed to permit