

## Agricultural Marketing Service, USDA

## § 1250.326

(b) Is a person who supplied or supplies laying hens, chicks, and/or started pullets to an egg farmer for the purpose of producing commercial eggs pursuant to an oral or written contractual agreement for the production of commercial eggs. Such person is deemed to be the owner of such laying hens unless it is established in writing, to the satisfaction of the Secretary or the Egg Board, that actual ownership of the laying hens is in some other party to the contract. In the event the party to an oral contract who supplied or supplies the laying hens cannot be readily identified by the Secretary or the Egg Board, the person who has immediate possession and control over the laying hens at the egg production facility shall be deemed to be the owner of such hens unless written notice is provided to the Secretary or the Egg Board, signed by the parties to said oral contract, clearly stating that the eggs are being produced under a contractual agreement and identifying the party (or parties) under said contract who is the owner of the hens.

### § 1250.306 Commercial eggs or eggs.

*Commercial eggs* or *eggs* means eggs from domesticated chickens which are sold for human consumption either in shell egg form or for further processing into egg products.

### § 1250.307 Person.

*Person* means any individual, group of individuals, partnership, corporation, association, cooperative, or any other entity.

### § 1250.308 United States.

*United States* means the 48 contiguous States of the United States of America and the District of Columbia.

### § 1250.309 Handler.

*Handler* means any person who receives or otherwise acquires eggs from an egg producer, and processes, prepares for marketing, or markets, such eggs, including eggs of his own production.

### § 1250.310 Promotion.

*Promotion* means any action, including paid advertising, to advance the image or desirability of eggs, egg prod-

ucts, spent fowl, or products of spent fowl.

### § 1250.311 Research.

*Research* means any type of research to advance the image, desirability, marketability, production, or quality of eggs, egg products, spent fowl, or products of spent fowl, or the evaluation of such research.

### § 1250.312 Marketing.

*Marketing* means the sale or other disposition of commercial eggs, egg products, spent fowl, or products of spent fowl in any channel of commerce.

### § 1250.313 Eligible organization.

*Eligible organization* means any organization, association, or cooperative which represents egg producers of any egg producing area of the United States certified by the Secretary pursuant to §1250.356.

### § 1250.314 Plans and projects.

*Plans* and *projects* means those research, consumer and producer education, advertising, marketing, product development, and promotion plans, studies, or projects pursuant to §1250.341.

### § 1250.315 Part and subpart.

*Part* means the Egg Research and Promotion Order and all rules, regulations, and supplemental order issued pursuant to the act and the order. "Subpart" refers to the aforesaid order or any other portion or segment of this part.

### § 1250.316 Representative of a producer.

*Representative of a producer* means the owner, officer, or an employee of a producer who has been duly authorized to act in the place and stead of the producer.

## EGG BOARD

### § 1250.326 Establishment and membership.

There is hereby established an Egg Board, hereinafter called the "Board," composed of 18 egg producers or representatives of egg producers, and 18 specific alternates, all appointed by

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the Secretary from nominations submitted by eligible organizations, associations, or cooperatives, or by other producers pursuant to §1250.328.

**§ 1250.327 Term of office.**

The members of the Board, and their alternates, shall serve for terms of 2 years, except initial appointments shall be, proportionately, for terms of 2 and 3 years. Each member and alternate member shall continue to serve until his successor is appointed by the Secretary and has qualified. No member shall serve for more than three consecutive terms.

**§ 1250.328 Nominations.**

All nominations authorized under §1250.326 shall be made in the following manner:

(a) Within 30 days of the approval of this order by referendum, nominations shall be submitted to the Secretary for each geographic area as specified in paragraph (d) of this section by eligible organizations, associations, or cooperatives certified pursuant to §1250.356, or, if the Secretary determines that a substantial number of egg producers are not members of, or their interests are not represented by, any such eligible organization, association, or cooperative, then from nominations made by such egg producers in the manner authorized by the Secretary;

(b) After the establishment of the initial Board, the nominations for subsequent Board members and alternates shall be submitted to the Secretary not less than 60 days prior to the expiration of the terms of the members and alternates previously appointed to the Board;

(c) Where there is more than one eligible organization, association, or cooperative within each geographic area, as defined by the Secretary, they may caucus for the purpose of jointly nominating two qualified persons for each member and for each alternate member to be appointed. If joint agreement is not reached with respect to any such nominations, or if no caucus is held within a defined geographic area, each eligible organization, association, or cooperative may submit to the Secretary two nominations for each appointment to be made;

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(d) The number of members of the initial Board, and their alternates, who shall be appointed from each area are: Area 1-3, Area 2-4, Area 3-2, Area 4-2, Area 5-4, and Area 6-3, for a total of 18 members from all areas. Changes to the Board as provided in paragraph (e) of this section shall be accomplished by determining the percentage of United States egg production in each area times 18 (total Board membership) and rounding to the nearest whole number; and

(e) After the establishment of the initial Board, the area grouping of the 48 contiguous States of the United States, including the area distribution of the 18 members of the Board and their alternates, shall be reviewed at any time not to exceed 5 years by the Board, or by a person or agency designated by the Board to perform such review, and the results shall be reported to the Secretary along with any recommendations by the Board regarding whether the delineation of the areas and the area distribution of the Board should continue without any change, or whether changes should be made in either the areas or the number of Board members to be appointed from each area, providing that each area shall be represented by not less than one Board member and any action recommended shall be subject to the approval of the Secretary.

[40 FR 59190, Dec. 22, 1975, as amended at 60 FR 66861, Dec. 27, 1995]

**§ 1250.329 Selection.**

From the nominations made pursuant to §1250.328, the Secretary shall appoint the members of the Board, and an alternate for each such member, on the basis of representations provided for in §1250.326, §1250.327, and §1250.328.

**§ 1250.330 Acceptance.**

Any person appointed by the Secretary as a member, or as an alternate member, of the Board shall qualify by filing a written acceptance with the Secretary within a period of time prescribed by the Secretary.