

PART 983—PISTACHIOS GROWN IN CALIFORNIA

Subpart—Order Regulating Handling

DEFINITIONS

- Sec.
- 983.1 Accredited laboratory.
- 983.2 Act.
- 983.3 Affiliation.
- 983.4 Aflatoxin.
- 983.5 Aflatoxin inspection certificate.
- 983.6 Assessed weight.
- 983.7 Certified pistachios.
- 983.8 Committee.
- 983.9 Confidential data or information.
- 983.10 Department or USDA.
- 983.11 Districts.
- 983.12 Domestic shipments.
- 983.14 Handle.
- 983.15 Handler.
- 983.16 Inshell pistachios.
- 983.17 Inspector.
- 983.18 Lot.
- 983.19 Minimum quality requirements.
- 983.20 Minimum quality certificate.
- 983.21 Part and subpart.
- 983.22 Person.
- 983.23 Pistachios.
- 983.24 Processing.
- 983.25 Producer.
- 983.26 Production area.
- 983.27 Production year.
- 983.28 Proprietary capacity.
- 983.29 Secretary.
- 983.30 Shelled pistachios.
- 983.31 Substandard pistachios.

ADMINISTRATIVE COMMITTEE

- 983.32 Establishment and membership.
- 983.33 Initial members and nomination of successor members.
- 983.34 Procedure.
- 983.35 Powers.
- 983.36 Duties.

MARKETING POLICY

- 983.37 Marketing policy.

REGULATIONS

- 983.38 Aflatoxin levels.
- 983.39 Minimum quality levels.
- 983.40 Failed lots/rework procedure.
- 983.41 Testing of minimal quantities.
- 983.42 Commingling.
- 983.43 Reinspection.
- 983.44 Inspection, certification and identification.
- 983.45 Substandard pistachios.
- 983.46 Modification or suspension of regulations.

REPORTS, BOOKS AND RECORDS

- 983.47 Reports.
- 983.48 Confidential information.

- 983.49 Records.
- 983.50 Random verification audits.
- 983.51 Verification of reports.

EXPENSES AND ASSESSMENTS

- 983.52 Expenses.
- 983.53 Assessments.
- 983.54 Contributions.
- 983.55 Delinquent assessments.
- 983.56 Accounting.
- 983.57 Implementation and amendments.

MISCELLANEOUS PROVISIONS

- 983.58 Compliance.
- 983.59 Right of the Secretary.
- 983.60 Personal liability.
- 983.61 Separability.
- 983.62 Derogation.
- 983.63 Duration of immunities.
- 983.64 Agents.
- 983.65 Effective time.
- 983.66 Suspension or termination.
- 983.67 Termination.
- 983.68 Procedure upon termination.
- 983.69 Effect of termination or amendment.
- 983.70 Exemption.

Subpart—Rules and Regulations

- 983.138 Samples for testing.
- 983.141 Procedures for exempting handlers from minimum quality testing.
- 983.143 Reinspection.
- 983.147 Reports.
- 983.170 Handler exemption.

Subpart—Assessment Rate

- 983.253 Assessment rate.

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

SOURCE: 69 FR 17850, Apr. 4, 2004, unless otherwise noted.

DEFINITIONS

§ 983.1 Accredited laboratory.

An *accredited laboratory* is a laboratory that has been approved or accredited by the U.S. Department of Agriculture for testing aflatoxin.

§ 983.2 Act.

Act means Public Act No. 10, 73rd Congress (May 12, 1933), as amended and as re-enacted and amended by the Agricultural Marketing Order Act of 1937, as amended (48 Stat. 31, as amended; 7 U.S.C. 601 *et seq.*).

§ 983.3 Affiliation.

Affiliation. This term normally appears as “affiliate of”, or “affiliated with”, and means a person such as a

Agricultural Marketing Service, USDA

§ 983.12

producer or handler who is: A producer or handler that directly, or indirectly through one or more intermediaries, owns or controls, or is controlled by, or is under common control with the producer or handler specified; or a producer or handler that directly, or indirectly through one or more intermediaries, is connected in a proprietary capacity, or shares the ownership or control of the specified producer or handler with one or more other producers or handlers. As used in this part, the term “control” (including the terms “controlling”, “controlled by”, and “under the common control with”) means the possession, direct or indirect, of the power to direct or cause the direction of the management and policies of a handler or a producer, whether through voting securities, membership in a cooperative, by contract or otherwise.

§ 983.4 Aflatoxin.

Aflatoxin is one of a group of mycotoxins produced by the molds *Aspergillus flavus* and *Aspergillus parasiticus*. Aflatoxins are naturally occurring compounds produced by molds, which can be spread in improperly processed and stored nuts, dried fruits and grains.

§ 983.5 Aflatoxin inspection certificate.

Aflatoxin inspection certificate is a certificate issued by an accredited laboratory or by a USDA laboratory.

§ 983.6 Assessed weight.

Assessed weight means pounds of inshell pistachios, free of internal defects as defined in § 983.39(b)(4) and (5), with the weight computed at 5 percent moisture, received for processing by a handler within each production year: *Provided*, That for loose kernels, the actual weight shall be multiplied by two to obtain an inshell weight; or based on such other elements as may be recommended by the committee and approved by the Secretary.

EFFECTIVE DATE NOTE: At 72 FR 69141, Dec. 7, 2007, in § 983.6, the words “free of internal defects as defined in § 983.39(b)(4) and (5)” were suspended, effective December 10, 2007.

§ 983.7 Certified pistachios.

Certified pistachios are those for which aflatoxin inspection and minimum quality certificates have been issued.

EFFECTIVE DATE NOTE: At 72 FR 69141, Dec. 7, 2007, in § 983.7, the words “and minimum quality” were suspended, effective December 10, 2007.

§ 983.8 Committee.

Committee means the administrative committee for pistachios established pursuant to § 983.32.

§ 983.9 Confidential data or information.

Confidential data or information submitted to the committee consists of data or information constituting a trade secret or disclosure of the trade position, financial condition, or business operations of a particular entity or its customers.

§ 983.10 Department or USDA.

Department or USDA means the United States Department of Agriculture.

§ 983.11 Districts.

(a) *Districts* shall consist of the following:

(1) *District 1* consists of Tulare, Kern, San Bernardino, San Luis Obispo, Santa Barbara, Ventura, Los Angeles, Orange, Riverside, San Diego, and Imperial Counties of California.

(2) *District 2* consists of Kings, Fresno, Madera, and Merced Counties of California.

(3) *District 3* consists of all counties in California where pistachios are produced that are not included in Districts 1 and 2.

(b) With the approval of the Secretary, the boundaries of any district may be changed by the committee to ensure proper representation. The boundaries need not coincide with county lines.

[69 FR 17850, Apr. 4, 2004, as amended at 72 FR 69141, Dec. 7, 2007]

§ 983.12 Domestic shipments.

Domestic shipments means shipments to the fifty states of the United States or to territories of the United States and the District of Columbia.