

905.19 Liquidation after suspension or termination. Upon the suspension or termination of this part or of any provision hereof, the Market Administrator, or such person as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the Market Administrator's office, and dispose of all funds and property then in his possession or under his control, together with claims for any funds which are unpaid and owing at the time of such suspension or termination. Any funds collected pursuant to the provisions of this part, over and above the amounts necessary to meet outstanding obligations and the expenses necessarily incurred by the Market Administrator or such person in liquidating and distributing such funds, shall be distributed to the contributing handlers and producers in an equitable manner.*† [Art. XVI, sec. 5]

PART 906—FRESH LETTUCE, PEAS, AND CAULIFLOWER GROWN IN WESTERN WASHINGTON

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Section 906.1 Excerpt from findings. The Secretary of Agriculture, acting under the authority vested in him by section 8c of the Agricultural Adjustment Act (49 Stat. 753, 50 Stat. 246; 7 U.S.C., Sup., 608c), orders that the handling of lettuce, peas, and cauliflower grown in western Washington, in the current of interstate or foreign commerce, or so as directly to burden, obstruct, or affect interstate or foreign commerce in such commodities, from

and after May 4, 1936, shall be in conformity to, and in compliance with, the terms and conditions of this part.*† [Excerpt from findings]

*§§ 906.1 to 906.17, inclusive, issued under the authority contained in sec. 8c, 49 Stat. 753, 50 Stat. 246; 7 U.S.C., Sup., 608c.

†The source of §§ 906.1 to 906.17, inclusive, is Order 6, Department of Agriculture, Apr. 29, 1936, effective May 4, 1936. (Order Ser., AAA)

906.2 Definitions. As used in this part:

(a) "Secretary" means the Secretary of Agriculture of the United States.

(b) "Act" means the Agricultural Adjustment Act, approved May 12, 1933 (48 Stat. 31; 7 U.S.C. Chapter 26), as amended.

(c) "Person" means individual, partnership, corporation, association, or any other business unit.

(d) "Lettuce" means any and all varieties of lettuce grown in western Washington for sale for consumption in fresh form.

(e) "Peas" means any and all varieties of peas grown in western Washington for sale for consumption in fresh form.

(f) "Cauliflower" means any and all varieties of cauliflower grown in western Washington for sale for consumption in fresh form.

(g) "Grower" means any person engaged in producing lettuce, peas, or cauliflower in western Washington.

(h) "To ship" means to convey or cause to be conveyed, in the current of interstate or foreign commerce, or so as directly to burden, obstruct, or affect interstate or foreign commerce, by railroad, truck, boat, or in any other manner whatsoever, but not as a common carrier for another person.

(i) "To handle" means to ship, market, sell, consign, or in any way deal in lettuce, peas, or cauliflower whether as owner, agent, or otherwise in the current of interstate or foreign commerce, or so as directly to burden, obstruct, or affect interstate or foreign commerce.

(j) "Handler" means any person engaged in shipping, marketing, handling, selling, consigning or dealing in, in person, or as or through an agent, broker, or representative or otherwise, lettuce, peas, or cauliflower, from or within western Washington in the current of interstate or foreign commerce or so as directly to burden, obstruct, or affect interstate or foreign commerce.

(k) "Control Committee" means the Control Committee established pursuant to § 906.3.

(l) "Proration Committee" means the Proration Committee established pursuant to § 906.3.

(m) "Western Washington" means that part of the State of Washington lying west of the summit of the Cascade Mountains.

(n) "District" means the several geographical areas within western Washington designated and described as follows:

Auburn District, comprising that part of King County lying south of a line extending due east and west through the center of the city of Thomas; Sumner District, comprising Pierce County;

Seattle District, comprising that portion of King County, lying east of Puget Sound, south of the south line of Snohomish County, north of a line due east and west through the center of Riverton and west of Lake Washington, and a line extended due north from the northernmost point of said lake to the Snohomish county line, and a line due south from the southernmost point of said lake to its intersection with the above-described southern boundary of said district;

Kent District, comprising that portion of King County lying north of a line due east and west through the center of the city of Thomas, east of Puget Sound and bounded on the north and east by the southerly boundary of the Seattle District, and by a line drawn from the southeastern corner of said Seattle District to the intersection of the southerly boundary of said Kent District with the eastern boundary of King County;

Lake District, comprising that portion of King County lying east of the Seattle District and north of the Kent District;

North District, comprising the counties of Snohomish, Skagit, Whatcom, and Clallam; and

Grays Harbor District, comprising that part of western Washington not included within the other districts.

*†[Art. I]

906.3 Supervisory bodies—(a) Control Committee membership.

A control committee is hereby established consisting of eleven (11) members. The members and their respective alternates shall be as follows:

(1) F. H. Hogue, Jr., Kent, Washington, as member, R. J. Rogers, Kent, Washington, as alternate, to represent the Kent District;

(2) E. K. Saito, Kent, Washington, as member, K. Hanada, Kent, Washington, as alternate, to represent the Kent District;

(3) John Yasumura, Auburn, Washington, as member, Harry Kuramoto, Auburn, Washington, as alternate, to represent the Auburn District;

(4) T. Sakahara, Sumner, Washington, as member, J. Yoshioka, Sumner, Washington, as alternate, to represent the Sumner District;

(5) Lloyd Pickering, Montesano, Washington, as member, Lee Foster, Montesano, Washington, as alternate, to represent the Grays Harbor District;

(6) John Zanassi, Woodinville, Washington, as member, H. E. Fleming, Seattle, Washington, as alternate, to represent the Seattle District;

(7) Henry Aries, Kirkland, Washington, as member, T. Matsuoka, Bellevue, Washington, as alternate, to represent the Lake District;

(8) Carl Nelson, Marysville, Washington, as member, Garvik Olsen, East Stanwood, Washington, as alternate, to represent the North District;

(9) J. A. Oliver, Kent, Washington, as member, George Berlin, Kent, Washington, as alternate, as representative at large;

(10) R. E. Wooden, Kent, Washington, as member, C. R. Walters, Bothell, Washington, as alternate, as representative at large; and

(11) Ed Orton, Sumner, Washington, as member, R. K. Sonneman, Auburn, Washington, as alternate, as representative at large.

The members and alternates named in this paragraph shall hold office for a term ending December 31, 1938, and until their successors are selected and shall qualify.

NOTE: Membership given as of June 1, 1938.

The successors to the above-named members of the Control Committee and their respective alternates shall be selected by the Secretary from nominations made by the handlers as hereinafter provided. Nominations for such successors shall be by an election in which all handlers shall be entitled to participate. In any such election, each handler shall be entitled to cast but one vote on behalf of himself, his agents, partners, affiliates, subsidiaries, and representatives for each nominee to be selected.

The number of nominees to be selected and the method of selecting members and alternates shall be as follows: For each member and each respective alternate two persons shall be nominated. Each of such nominees (except nominees at large) shall be either a handler whose principal place of business is in the district, or a grower who

produces lettuce, peas, or cauliflower in the district for which he is nominated. From nominations made for the district of Kent, the Secretary shall select two members and an alternate for each member to represent said district. From nominations made for each of the districts of Auburn, Sumner, Grays Harbor, Seattle, Lake, and North, the Secretary shall select one member and his alternate to represent said districts, respectively. From nominations made at large the Secretary shall select three members and their respective alternates.

(b) Proration Committee membership. A proration committee is hereby established consisting of thirteen (13) members. Of this number six (6) members and their respective alternates shall be handlers and six (6) members and their respective alternates shall be growers. The members and their respective alternates shall be as follows:

- (1) E. K. Saito, as member, and K. Hanada, as alternate;
- (2) F. H. Hogue, Jr., as member, and R. J. Rogers, as alternate;
- (3) Lee Foster, as member, and Marvin Witner, as alternate;
- (4) Roy Maeda, as member, and M. Taketa, as alternate;
- (5) T. Sakahara, as member, and Juro Yoshioka, as alternate;
- (6) D. Vitulli, as member, and T. Matsuoka, as alternate;
- (7) J. Yasumura, as member, and George Yasumura, as alternate;
- (8) John Zanassi, as member, and Henry Arles, as alternate;
- (9) T. Namba, as member, and W. Makiyama, as alternate;
- (10) Tony R. Morimizu, as member, and U. Yoshioka, as alternate;
- (11) H. S. Kuramoto, as member, and Thomas Iseri, as alternate;
- (12) S. Kamo, as member, and D. Kajitani, as alternate; and
- (13) Floyd Oles, as member, and J. A. Oliver, as alternate.

The members and alternates named in this paragraph shall hold office for a term ending December 31, 1938, and until their successors are selected and shall qualify.

NOTE: Membership given as of June 1, 1938.

The successors to the above-named members of the Proration Committee, except the last named, and their respective alternates shall be selected by the Secretary from nominations made by handlers and from nominations made by growers.

Nominations for successors to (a) the six (6) members and six (6) alternates to represent handlers shall be by an election in which all handlers shall be entitled to participate, and (b) the six (6) members and six (6) alternates to represent growers shall be by an election in which all growers shall be entitled to participate. In any such election each handler and each grower shall be entitled to cast but one vote on behalf of himself, agents, partners, affiliates, subsidiaries, and representatives for each nominee to be selected. The six (6) members representing handlers and the six (6) members representing growers selected by the Secretary may submit two nominations for each of the successors to the member and alternate last above-named.

The number of nominees to be selected and the method of selecting members and alternates shall be as follows: For each member and each respective alternate two (2) persons shall be nominated. From

nominations made for each member and for each alternate the Secretary shall select respectively a member and his alternate.

(c) Failure to select nominees. In the event nominations are not made pursuant to paragraphs (a) and (b) of this section by February 1 of any year, the Secretary may select such member or alternate without regard to nominations. If nominations for successors to the last-named member and alternate of the Proration Committee are not submitted on or before March 1 of any year the Secretary may select such successors without such nomination.

(d) Term of office of committee members. Members of the Control and Proration Committees and their respective alternates, subsequent to the members and alternates named in paragraphs (a) and (b), shall be selected annually for a term of one year, beginning the first day of January, and shall serve until their respective successors shall be selected and shall qualify. Any person selected as member or alternate of the Control or Proration Committees shall qualify by filing a written acceptance of his appointment with the Secretary or with his designated representative.

(e) Vacancies. To fill any vacancy occasioned by the death, removal, resignation, or disqualification of any member of the Proration or Control Committees, a successor for his unexpired term shall be selected in the manner indicated in paragraphs (a) and (b) of this section, within twenty (20) days after such vacancy occurs. If a nomination to fill such vacancy is not made within twenty (20) days, the Secretary may select a member to fill such vacancy without regard to nominations.

(f) Organization. The members of the Control and Proration Committees shall select a chairman from their respective memberships. The Control and Proration Committees shall select such other officers and adopt such rules for the conduct of their respective business as they may deem advisable. The Control and Proration Committees shall give the Secretary or his designated agent and representatives the same notice of meetings of the respective committees as is given to members thereof.

(g) Inability of members to serve. An alternate for a member of the Control or Proration Committee shall act in the place and stead of such member in his absence, or in the event of his removal, resignation, disqualification, or death until a successor for his unexpired term has been selected.

In the event any member of the Control or Proration Committee and his alternate are both unable to attend a meeting of the Control or Proration Committee, such member or, in the event he is disqualified or the position is vacant, his alternate may designate, subject to the approval of the Secretary, a temporary substitute to attend such meeting. At such meeting the temporary substitute may act in the place and stead of the member.

The members of the Control Committee and the Proration Committee shall serve without compensation, but shall be entitled to expenses necessarily incurred in the performance of their duties hereunder.

(h) Powers and duties of Control Committee. The Control Committee shall have the following powers and duties:

(1) To administer, as hereinafter specifically provided, the terms and provisions of this part;

(2) To make, in accordance with the provisions hereinafter contained, administrative rules and regulations;

(3) To receive, investigate, and report to the Secretary of Agriculture complaints of violations of this part;

(4) To recommend to the Secretary of Agriculture amendments to this part;

(5) To act as intermediary between the Secretary and any grower or handler;

(6) To keep minute books and records which will clearly reflect all of its acts and transactions, which minute books and records shall at any time be subject to the examination of the Secretary;

(7) To furnish to the Secretary such available information as he may request;

(8) To select a managing agent and to appoint such employees as it may deem necessary and to determine the salaries and define the duties of any such employees;

(9) To perform such duties in connection with the administration of section 32 of the Act to amend the Agricultural Adjustment Act, and for other purposes (49 Stat. 774, 1151; 7 U.S.C., Sup., 612c), as may from time to time be assigned to it by the Secretary; and

(10) To confer with handlers and growers in other areas with respect to the formulation or operation of marketing agreements providing for the regulation of shipments among the several areas where lettuce, peas, or cauliflower are grown.

(i) Powers and duties of the Proration Committee. The Proration Committee shall have the following powers and duties:

(1) To administer, as hereinafter specifically provided, those provisions of this part under its jurisdiction; and

(2) To adopt administrative rules and regulations for the performance of its duties under this part.

(j) Voting procedure and removal or suspension of members. Any decision of the Control Committee shall be by the affirmative vote of not less than seven (7) members who have qualified by filing their written acceptance and who are eligible to vote. Any decision of the Proration Committee shall be by the affirmative vote of not less than eight (8) of its members who have qualified by filing their written acceptance and who are eligible to vote, at least four (4) of whom shall be members selected by growers.

The members of the Control and Proration Committees (including successors, alternates, or other persons selected by the Secretary) and any agent or employee appointed or employed by such committees shall be subject to removal or suspension by the Secretary at any time. Each action of the Control and Proration Committees shall be subject to the continuing right of the Secretary to disapprove of the same at any time, and upon such disapproval, shall be deemed null and void except as to acts done in reliance thereon or in compliance therewith.

(k) Funds and other property. All funds received by the Control Committee pursuant to any of the provisions of this part shall be used solely for the purposes herein specified and the Secretary may require the Control Committee and its members to account for all receipts and disbursements.

The managing agent selected by the Control Committee shall also be the managing agent for the Proration Committee, and shall have charge of all books, records, and other property of said committees. He shall act as secretary to all sub-committees which may be selected or appointed. Upon the death, resignation, removal, or expiration of the term of office of any member of the Control or Proration Committees or of the managing agent, all books, records, funds and other property in his possession shall be delivered to the Control Committee or to his successor in office, and such assignments and other instruments shall be executed as may be necessary to vest in the Control Committee or his successor full title to all the books, records, funds, and other property in his possession or under his control.*† [Art. II]

906.4 Period proration—(a) Determination of regulation periods. Whenever the Proration Committee deems it advisable to regulate the flow of shipments of lettuce, peas, or cauliflower in the current of interstate or foreign commerce during any particular period or periods within the season, it shall recommend to the Secretary the establishment of a regulation period or series of regulation periods, including the time of commencement and duration thereof. Such recommendation shall be made at a meeting of the Proration Committee held at least forty-eight (48) hours prior to the commencement of such recommended regulation period or series of regulation periods. The Proration Committee shall promptly notify handlers and growers of such recommendation and such notice shall contain a direction to handlers and growers to make the applications required pursuant to § 906.4 (b).

Based upon the recommendations made pursuant to this paragraph or other information, the Secretary may establish a regulation period or series of regulation periods, if he has reason to believe that regulation of shipments of lettuce, peas, or cauliflower in the current of interstate or foreign commerce, during any particular period or periods within the season, will tend to effectuate the declared policy of the Act.

Whenever the Secretary establishes a regulation period or series of regulation periods, he shall notify the Proration Committee of the establishment thereof. The Proration Committee shall give notice of any regulation of shipments established by the Secretary by issuing a press release and by such other means as the Proration Committee deems necessary to give immediate information of such order to the growers and handlers affected thereby.

(b) Applications by handlers. Each handler (including any grower who has not given a handler authority to handle his lettuce, peas, or cauliflower shipments) desiring to ship lettuce, peas, or cauliflower during such regulation period, shall make application

to the Proration Committee for an allotment at such time and in such manner as said committee may prescribe. Applications shall be substantiated in such manner as the Proration Committee may prescribe. Each handler shall state in his application the quantity of lettuce, peas, or cauliflower which he has available and intends to ship during such regulation period. Such statement will show (1) the quantity which he owns and (2) the quantity which he has authority to handle for each owner or grower thereof, together with the name of each such owner or grower. During any such regulation period, any quantity prohibited from shipment, pursuant to § 906.5, shall not be considered as available for shipment for the purposes of this section.

(c) Revision of application. The Proration Committee shall check the accuracy of any application filed pursuant to paragraph (b) of this section and, subject to the opportunity for applicants to be heard, under such rules as may be prescribed by the said committee, shall revise the same when necessary to conform to the check.

(d) Available and intended for shipment. From the applications filed with the Proration Committee pursuant to paragraph (b) hereof, as the same may be revised pursuant to paragraph (c) hereof, said committee shall list the quantity of lettuce, peas, or cauliflower which each handler has available and intends for shipment during such regulation period and compute the total quantity which all handlers have available and intend to ship during such regulation period.

(e) Advisable shipments. The Proration Committee shall determine for each regulation period the total quantity of lettuce, peas, or cauliflower which it deems advisable to be shipped during such regulation period. In determining such advisable quantity, said committee shall give consideration to the supply of and demand for lettuce, peas, or cauliflower for which regulation is contemplated.

(f) Allotments. The Proration Committee shall compute the allotment percentage by dividing the quantity deemed advisable to be shipped, determined pursuant to paragraph (e), by the total quantity available and intended for shipment, computed pursuant to paragraph (d) of this section. Said committee shall compute the allotment of each applicant by applying the allotment percentage to each applicant's quantity of lettuce, peas, or cauliflower available and intended for shipment, as listed pursuant to paragraph (d) of this section. Thereupon said committee shall report to the Secretary its computations made pursuant to this paragraph, and to paragraphs (d) and (e) of this section, together with all information and data on which such computations are based.

(g) Determination of allotments by the Secretary. From the reports and computations made pursuant to this section or any other available information the Secretary shall determine: (1) the quantity of lettuce, peas, or cauliflower available and intended for shipment by each handler during such regulation period; (2) the total quantity of lettuce, peas, or cauliflower available and intended for shipment by all handlers during such period; (3) the total quantity

of lettuce, peas, or cauliflower advisable for shipment during such period; (4) the allotment percentage for such period; and (5) the allotment for each handler during such period.

The Secretary shall advise the Proration Committee of the determinations made pursuant to this paragraph, and the committee shall notify each handler of his allotment and of the allotment percentage.

Each handler shall apportion the quantity of lettuce, peas, or cauliflower represented by his allotment equitably among the growers whose lettuce, peas, or cauliflower he has authority to ship (including lettuce, peas, or cauliflower produced by such handler).

(h) Transfer of allotments. Subject to procedure, rules, and regulations prescribed by the Proration Committee and approved by the Secretary, handlers to whom allotments have been made may transfer such allotments, in whole or in part. The amount of such transfers shall be deducted from the allotment of the transferor and added to the allotment of the transferee.

(i) Overshipment and undershipment. No handler shall handle lettuce, peas, or cauliflower during any proration period in excess of the allotment fixed for him by the Secretary, except for additional allotment transferred to him pursuant to the foregoing provisions of this section: Provided, however, That an overshipment of an allotment by a handler of lettuce, peas, or cauliflower of not more than one-half ($\frac{1}{2}$) car, if said quantity was loaded to complete the filling of a fractional part of a car of such handler's allotment and is reported to the Proration Committee within twenty-four (24) hours after such shipment, shall not be a violation of this part. Any such overshipment shall be deducted from such handler's next succeeding allotment.

Any undershipment of an allotment by a handler shall be reported to the Proration Committee within twenty-four (24) hours thereafter, and the amount of such undershipment may be shipped during such handler's next succeeding allotment period, and during no other allotment period.

(j) Termination of proration period. Based upon the recommendation of the Proration Committee, or any other information, the Secretary may terminate any proration period if proration is rendered unnecessary by reason of increased demand, reduction in the available supply, or other causes, so that the continuation of such regulation would not tend to effectuate the declared policy of the Act.

(k) Petitions for adjustments of applications for allotments. Any handler or grower dissatisfied with the revision of his application by the Proration Committee may request a reconsideration of such revision and may appeal to the Secretary. In the event of such appeal to the Secretary, the Proration Committee shall furnish a report to the Secretary setting forth the action taken and the reasons therefor. The petitioner involved shall abide by the determination of the Proration Committee pending the disposition of such petition by the Secretary.*† [Art. III]

906.5 Regulation by grades and sizes—(a) Recommendation of the Proration Committee. Whenever the Proration Committee deems it advisable to regulate the shipment of any grade or size of

lettuce, peas, or cauliflower, produced in a specified period, in the current of interstate or foreign commerce, it may so recommend to the Secretary. The Proration Committee shall furnish the Secretary all data and information upon which it acted in making such recommendation, which shall include factors affecting the supply of and demand for lettuce, peas, or cauliflower by grades and sizes thereof.

(b) Regulation of shipments. Based upon such recommendation and information furnished by the Proration Committee, or other information, the Secretary may regulate the quantity of any grade or size of lettuce, peas, or cauliflower, produced in a specified period, which may be shipped during any period. Such regulation of shipments may be accomplished by prohibiting the shipment of certain grades or sizes of lettuce, peas, or cauliflower during such period, or by prohibiting the shipment of a part of any grade or size of lettuce, peas, or cauliflower.

When the Secretary determines to regulate shipments as provided herein, he shall immediately notify the Proration Committee of such determination and the date of the commencement of such regulation period, by telegraph or any other means which he deems advisable. The Proration Committee shall immediately notify each handler of (1) the institution of such regulation period; (2) the grades or sizes, or the portions thereof, which are prohibited from shipment; and (3) any other information that the Proration Committee deems advisable under the circumstances.

(c) Exemptions. In the event a regulation period is established on lettuce, peas, or cauliflower pursuant to this section, the Proration Committee shall determine the percentage which the grades and sizes of the crop permitted to be shipped is of the total crop which could be shipped in the absence of regulation under this section. The Proration Committee shall forthwith announce this percentage and the procedure by which exemption certificates will be issued to growers pursuant to this paragraph.

If any grower of lettuce, peas, or cauliflower shall show to the Proration Committee that the regulation of shipments will allow him to ship during the period a percentage of his crop less than the percentage found in accordance with this paragraph, the Proration Committee shall issue to him an exemption certificate allowing the shipment of such a quantity of the limited grade or size as will make the percentage of his crop that may be shipped equal to the percentage found in accordance with this paragraph.

If any grower is dissatisfied with the determination by the Proration Committee with respect to such exemption certificate he may appeal to the Secretary.

(d) Charitable purposes. Nothing contained in this part shall be construed to authorize any limitation of the right to ship lettuce, peas, or cauliflower for consumption by charitable institutions or relief agencies.*† [Art. IV]

906.6 Grading and inspection. All shipments of lettuce, peas, or cauliflower shall be graded and certified on the basis of the grades now promulgated by the United States Department of Agriculture,

or as the same may be modified or changed hereafter, during each shipping season.

During such season each handler shall utilize the standard Federal-State inspection service, and pay the cost of this service. Each shipment, in whatever quantity, shall be accompanied by a standard inspection certificate or official memorandum thereof indicating its conformity to the said grades.*† [Art. V]

CROSS REFERENCE: For regulations under the Farm Products Inspection Act pertaining to the inspection and certification service for fruits, vegetables, and other products, see Part 51.

906.7 Standardization of containers. The Control Committee may prescribe specifications for containers in which lettuce, peas, or cauliflower shall be packed: Provided, however, That such specifications shall be subject to the prior approval of the Secretary. In the event standards have been or shall be promulgated for any of such containers under the standard container acts of the United States, the specifications prescribed by the Control Committee shall conform thereto.

In the event specifications have been prescribed and made effective in accordance with this section, no handler shall ship lettuce, peas, or cauliflower in containers other than those conforming with the specifications prescribed for the respective crops by the Control Committee.*† [Art. VI]

CROSS REFERENCE: For regulations under the Standard Container Acts, see Part 41.

906.8 Expenses and assessments. The Control Committee and the Proration Committee are authorized to incur such expenses as the Secretary finds may be necessary to carry out their functions under this part. The funds to cover such expenses shall be acquired by the levying of assessments as hereinafter provided.

Each handler shall pay to the Control Committee upon demand such handler's pro rata share, as is approved by the Secretary, of the expenses in the amount of three thousand three hundred fifty dollars (\$3,350) (which amount the Secretary has found will necessarily be incurred by the Control Committee and the Proration Committee during the season of 1936), or expenses in such other amount as the Secretary may later find will necessarily be incurred by said committees during such season for the maintenance and functioning of said committees during the said season as set forth in this part. Each handler's share of such expenses shall be that proportion thereof which the total quantity of lettuce, peas, or cauliflower shipped by such handler during said season is of the total quantity of lettuce, peas, or cauliflower shipped by all handlers during said season, and, such pro rata share is hereby approved by the Secretary. The initial assessment upon each handler shall be one dollar and fifty cents (\$1.50) per car, or its equivalent, of lettuce, peas, or cauliflower shipped by such handler, and said assessment shall be adjusted from time to time by the Control Committee, with the approval of the Secretary in order to provide funds sufficient in amount to cover any later finding by the Secretary of estimated expenses or the actual expenses of the Control Committee and the Proration Committee during said

season. The assessments of each handler for any season shall be due at such time and shall be payable in such installments, if any, as the Control Committee shall determine.

For seasons subsequent to the season of 1936, each handler shall pay to the Control Committee upon demand, such handler's pro rata share as is approved by the Secretary of such expenses as the Secretary may find will necessarily be incurred by the Control Committee and the Proration Committee for the maintenance and functioning of the said committees as set forth in this part.

In order to provide funds to carry out the functions of the said committees prior to the commencement of shipments in any season, handlers may make advance payments of assessments, which advance payments shall be credited to such handlers and the assessments of such handlers shall be adjusted so that such assessments are based upon the quantity of lettuce, peas, or cauliflower shipped by such handlers during such season.

At the end of each season the Control Committee shall credit each contributing handler with the excess of the amount paid by such handler above his pro rata share of the expenses, or debit such handler with the difference between his pro rata share and the amount paid by such handler. Any such debits shall become due and payable upon the demand of the Control Committee.

From funds acquired pursuant to this section the Control Committee shall pay the salaries of the employees of the Control Committee and the Proration Committee, if any, and the expenses necessarily incurred in the maintenance and functioning of said committees in the performance of their duties under this part.*† [Art. VII]

906.9 Reports. Upon the request of the Control Committee, or the Proration Committee, and in accordance with forms of reports to be supplied by the Secretary, each handler shall furnish in such manner and at such times as said committee prescribes, such information as will enable it to perform its duties under this part.*† [Art. VIII]

906.10 Liability of Control and Proration Committee members. No member of the Control or Proration Committee, nor any employee thereof, shall be held responsible individually in any way whatsoever to any handler or any other person for errors in judgment, mistakes, or other acts either of commission or omission as such member or employee, except for acts of dishonesty.*† [Art. IX]

906.11 Separability. If any provision of this part is declared invalid or the applicability thereof to any person, circumstance, or thing is held invalid, the validity of the remainder of this part or the applicability thereof to any other person, circumstance, or thing shall not be affected thereby.*† [Art. X]

906.12 Derogation. Nothing contained in this part is or shall be construed to be in derogation or in modification of the rights of the Secretary or of the United States (a) to exercise any powers granted by the Act or otherwise, or (b) in accordance with such powers to act in the premises whenever such action is deemed advisable.*† [Art. XI]

*†For statutory and source citations, see note to § 906.1.

906.13 Amendments. Amendments to this part may from time to time be proposed by the Control Committee.*† [Art. XII]

906.14 Duration of immunities. The benefits, privileges, and immunities conferred by virtue of this part shall cease upon its termination except with respect to acts done under and during the existence of this part, and benefits, privileges, and immunities conferred by this part upon any person shall cease upon its termination as to such party except with respect to acts done under and during the existence of this part.*† [Art. XIII]

906.15 Agents. The Secretary may by a designation in writing name any person (not subject to this part), including any officer or employee of the Government, or any Bureau or Division in the Department of Agriculture to act as his agent or representative in connection with any of the provisions of this part.*† [Art. XIV]

906.16 Effective time and termination. This part shall become effective at such time as the Secretary may declare above his signature attached hereto, and shall continue in force until terminated in one of the ways hereinafter specified.

The Secretary may at any time terminate this part by giving at least one (1) day's notice by means of a press release or in any other manner which the Secretary may determine.

The Secretary shall terminate or suspend the operation of this part, or of any provision thereof, whenever he finds that this part, or such provision thereof, does not tend to effectuate the declared policy of the Act.

The Secretary shall terminate this part with respect to lettuce, peas, or cauliflower, at the end of any marketing period whenever he finds that such termination is favored by a majority of the growers of lettuce, peas, or cauliflower respectively, who during the preceding marketing period, have been engaged in the production for market of lettuce, peas, or cauliflower in western Washington: Provided, That such majority have during such period produced more than fifty (50) percent of the volume of such lettuce, peas, or cauliflower produced within western Washington, but such termination shall be effective only if notice thereof is given on or before December 31 of such marketing period.

This part shall in any event terminate whenever the provisions of the Act authorizing it cease to be in effect.*† [Art. XV, secs. 1, 2]

906.17 Proceedings after termination. Upon the termination of this part the members of the Control Committee then functioning shall continue as joint trustees of all funds and property then in the possession or under the control of the Control and Proration Committees, including claims for any funds unpaid or property not delivered at the time of such termination for the purpose of liquidating all matters with respect to this part. Said trustees (a) shall continue in such capacity until discharged by the Secretary; (b) shall from time to time account for all receipts and disbursements and deliver all funds and property on hand, together with all books and records of the Control and Proration Committees and the joint trustees, to such person as the Secretary shall direct; and (c) shall, upon

the request of the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full title to all of the funds and claims vested in the Control Committee or the joint trustees pursuant to this part; and (d) shall refund to each contributing handler the excess of the amount paid by such handler above his pro rata share of expenses, or debit each handler with the difference between his pro rata share and the amount paid by any such handler, if such amount is less than his pro rata share. Any such debit shall become due and payable upon the demand of the said committee. Nothing stated herein shall be deemed to preclude the bringing of a suit for assessments levied by the Control Committee at any time prior to the termination of this part.

Any person to whom funds, property, or claims have been delivered by the Control or Proration Committee, or members thereof upon direction of the Secretary, as herein provided, shall be subject to the same obligations and duties with respect to said funds, property, or claims as are hereinabove imposed upon the members of said committees or upon said joint trustees.*† [Art. XV, sec. 3]

PART 908—WATERMELONS GROWN IN FLORIDA, GEORGIA, NORTH CAROLINA AND SOUTH CAROLINA

Sec.		Sec.	
908.1	Excerpt from findings.		(e) Notice.
908.2	Definitions.		(f) Exemptions.
908.3	Control Committee.		(g) Inspection and certification.
	(a) Membership and organization.	908.5	(h) Method of shipment.
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	(c) Powers and duties.	908.6	Reports.
	(d) Procedure.	908.7	Liability of Control Committee members.
	(e) Funds.	908.8	Separability.
908.4	Regulation of shipments.	908.9	Derogation.
	(a) Secretary may regulate.	908.10	Amendments.
	(b) Recommendation by Control Committee.	908.11	Duration of immunities.
	(c) Regulation issued by Secretary.	908.12	Agents.
	(d) Compliance with regulation.	908.13	Effective time and termination.
		908.14	Proceedings after termination.

Section 908.1 Excerpt from findings. The Secretary of Agriculture, acting under the authority vested in him by section 8c of the Agricultural Adjustment Act (49 Stat. 753, 50 Stat. 246; 7 U.S.C., Sup., 608c), orders that the handling of watermelons grown in Florida, Georgia, North Carolina and South Carolina, in the current of interstate or foreign commerce, or so as directly to burden, obstruct, or affect interstate or foreign commerce in such commodity, from and after May 12, 1936, shall be in conformity to, and in compliance with, the terms and conditions of this part.**†† [Excerpt from findings]

**§§ 908.1 to 908.14, inclusive, issued under the authority contained in sec. 8c, 49 Stat. 753, 50 Stat. 246; 7 U.S.C., Sup., 608c.

††The source of §§ 908.1 to 908.14, inclusive, is Order 8, Department of Agriculture, May 8, 1936, effective May 12, 1936. (Order Ser., AAA)