

Subpart—Order Regulating Handling**Definitions****§ 991.01 Secretary.**

Secretary means the Secretary of Agriculture of the United States, or any other officer or employee of the U.S. Department of Agriculture who is, or who may be, authorized to perform the duties of the Secretary of Agriculture of the United States.

§ 991.02 Act.

Act means Public Act No. 10, 73rd Congress, as amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*; 48 Stat. 31, as amended).

§ 991.03 Person.

Person means an individual, partnership, corporation, association, or any other business unit.

§ 991.04 Hops and Hop Products.

(a) *Hops* means and includes all kinds and varieties of *Humulus lupulus* or *Humulus americanus* grown and harvested in the United States, whether loose, packaged or baled and all pellets, powder, oils, extracts and/or lupulin derived therefrom.

(b) Alpha Acid hops are those varieties that are primarily used for their bittering value. Aroma hops are those varieties primarily used for their aroma characteristics.

§ 991.05 Production Area.

Production area means all States with commercial production of hops and shall be divided into the following districts:

- (a) District 1—Washington
- (b) District 2—Oregon
- (c) District 3—Idaho and California

§ 991.06 Producer.

Producer is synonymous with *grower* and means any person engaged in a proprietary capacity in the commercial production of hops. Any producer with multiple legal entities under his/her control (e.g. common Board of directors, common ownership, common banking, etc. * * *), shall be, for voting purposes only, included under the primary entity and shall be entitled to one vote.

§ 991.07 Handler.

Handler means any person who handles hops.

§ 991.08 Handle.

Handle means to prepare hops for market, acquire hops from a producer, use hops commercially of one's own production, sell, transport or ship (except as a common or contract carrier

of hops owned by another) or otherwise place hops into the current of commerce within the production area or from the area to points outside thereof, except that:

(a) The preparation for market of hops by producers, not dealers or users of the product, or;

(b) The sale, transportation or shipment of such hops by a producer to a handler of record within the production area, and;

(c) The transfer of excess hops by the producer to another producer to enable that producer to fill a deficiency in an annual allotment, shall not be construed as handling.

§ 991.09 Marketing Year.

Marketing year means the 12 months from August 1 to the following July 31, inclusive.

§ 991.10 Crop.

Crop means hops produced by a producer during the marketing year.

§ 991.11 Salable Quantity.

Salable Quantity means the total quantity of hops that handlers may purchase from, or handle on behalf of, producers during the marketing year.

§ 991.12 Annual Allotment.

Annual Allotment means that portion of the Salable Quantity prorated to a producer.

§ 991.13 New Producer.

The term *New Producer* means a person who has not grown hops prior to 2003. The term *New Producer* specifically excludes any person who has previously been granted Hop Commission grower number or an allotment base in any capacity, either as an individual, or as an owner, officer or operator of any business entity.

Administrative Committee**§ 991.15 Establishment and Membership.**

(a) A Hop Administrative Committee consisting of eight members, each of whom shall have an alternate, is hereby established to administer the terms and provisions of this part. Five of the members and their alternates shall be producers in District 1, Two members and their alternates shall be producers in District 2; and One member and his/her alternate shall be producers in District 3. An additional member and his/her alternate shall represent the public and shall be an ex-officio member of the Committee without a vote.

(b) Representation on the Committee shall be by independent producers as follows:

(1) Position 1 for District 1, Sub District 1 shall be all that portion of the State of Washington lying north of the south line of Township 12 N.

(2) Position 2 for District 1, Sub District 2 shall be all that portion of the State of Washington lying south of the south line of Township 12 N. and west of the east line of Range 20 E.

(3) Position 3 for District 1, Sub District 3 shall be all areas of the state of Washington not included in Sub District 1 or Sub District 2.

(4) Position 4 is an at large position and shall be all of District 1.

(5) Position 5 is an at large position and shall be all of District 1.

(6) Position 6 shall be all of District 2.

(7) Position 7 shall be all of District 2.

(8) Position 8 shall be all of District 3.

(c) The committee may change sub-district boundaries in District 1 to reflect significant changes in numbers of producers.

(d) Each Committee shall select officers consisting of a Chairman, Vice Chairman, Secretary and Treasurer and these officers shall constitute the Executive Sub Committee.

§ 991.16 Eligibility.

Each member and alternate of the Committee shall be, at the time of his/her selection and during his/her term of office, a producer or an officer or employee of a producer, in the district or sub district for which selected: *Provided*, That these requirements shall not apply to the public member and the alternate public member.

§ 991.17 Term of Office.

The term of office of each member and alternate member of the Committee shall be for a period of 3 years: *Provided*, that the members initially selected for Positions 1, 2 and 5 shall serve for terms ending on December 31, 2006, and the members initially selected for Positions 3, 7 and 8 shall serve for terms ending on December 31, 2007, and the members initially selected for Positions 4 and 6 shall serve for terms ending on December 31, 2008. Committee members shall serve in such capacity and for the term of office for which they are selected and have qualified and until their respective successors are selected and have qualified. No member shall serve more than two consecutive terms as member and no alternate shall serve more than two consecutive terms as alternate.

§ 991.18 Nominations.

(a) Nominations for producer members of the Committee and their