

**§ 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.

**§ 983.14 Handle.**

*Handle* means to engage in:

(a) Receiving pistachios;  
(b) Hulling and drying pistachios;  
(c) Further preparing pistachios by sorting, sizing, shelling, roasting, cleaning, salting, and/or packaging for marketing in or transporting to any and all markets in the current of interstate or foreign commerce; and/or

(d) Placing pistachios into the current of commerce from within the production area to points outside thereof: *Provided*, however, that transportation within the production area between handlers and from the orchard to the processing facility is not handling

**§ 983.15 Handler.**

*Handler* means any person who handles pistachios.

**§ 983.16 Inshell pistachios.**

*Inshell pistachios* means pistachios that have a shell that has not been removed.

**§ 983.17 Inspector.**

*Inspector* means any inspector authorized by the USDA to inspect pistachios.

**§ 983.18 Lot.**

*Lot* means any quantity of pistachios that is submitted for testing purposes under this part.

**§ 983.19 Minimum quality requirements.**

*Minimum quality requirements* are permissible maximum defects and minimum size levels for inshell pistachios and kernels specified in § 983.39.

**§ 983.20 Minimum quality certificate.**

*Minimum quality certificate* is a certificate issued by the USDA or Federal/State Inspection Service.

**§ 983.21 Part and subpart.**

*Part* means the order regulating the handling of pistachios grown in the State of California, and all rules, regulations and supplementary orders issued there under. The aforesaid order regulating the handling of pistachios grown in California shall be a subpart of such part.

**§ 983.22 Person.**

*Person* means an individual, partnership, limited liability corporation, corporation, trust, association, or any other business unit.

**§ 983.23 Pistachios.**

*Pistachios* means the nuts of the pistachio tree of the genus *Pistacia vera* grown in the production area whether inshell or shelled.

**§ 983.24 Processing.**

*Processing* means hulling and drying pistachios in preparation for market.

**§ 983.25 Producer.**

*Producer* means any person engaged within the production area in a proprietary capacity in the production of pistachios for sale.

**§ 983.26 Production area.**

*Production area* means the State of California.

**§ 983.27 Production year.**

*Production year* is synonymous with "fiscal period" and means the period beginning on September 1 and ending on August 31 of each year or such other period as may be recommended by the committee and approved by the Secretary. Pistachios harvested and received in August of any year shall be applied to the subsequent production year for marketing order purposes.

**§ 983.28 Proprietary capacity.**

*Proprietary capacity* means the capacity or interest of a producer or handler that, either directly or through one or more intermediaries, is a property owner together with all the appurtenant rights of an owner including the right to vote the interest in that capacity as an individual, a shareholder, member of a cooperative, partner, trustee or in any other capacity with respect to any other business unit.

**§ 983.29 Secretary.**

*Secretary* means the Secretary of Agriculture of the United States or any officer or employee of the United States Department of Agriculture who is, or who may hereafter be, authorized to act in his/her stead.

**§ 983.30 Shelled pistachios.**

*Shelled pistachios* means pistachio kernels, or portions of kernels, after the pistachio shells have been removed.

**§ 983.31 Substandard pistachios.**

*Substandard pistachios* means pistachios, inshell or shelled, which do not comply with the maximum aflatoxin and/or minimum quality regulations of this part.

**Administrative Committee****§ 983.32 Establishment and membership.**

There is hereby established an administrative committee for pistachios to administer the terms and provisions

of this part. This committee, consisting of eleven (11) member positions, each of whom shall have an alternate, shall be allocated as follows:

(a) *Handlers*. Two of the members shall represent handlers, as follows:

(1) One handler member nominated by one vote for each handler; and

(2) One handler member nominated by voting based on each handler casting one vote for each ton (or portion thereof) of the assessed weight of pistachios processed by such handler during the two production years preceding the production year in which the nominations are made.

(b) *Producers*. Eight members shall represent producers. Producers within the respective districts shall nominate four producers from District 1, three producers from District 2 and one producer from District 3. The Secretary, upon recommendation of the committee, may reapportion producer membership among the districts to ensure proper representation.

(c) *Public member*. One member shall be a public member who is neither a producer nor a handler and shall have all the powers, rights and privileges of any other member of the committee. The public member and alternate public member shall be nominated by the committee and selected by the Secretary.

**§ 983.33 Initial members and nomination of successor members.**

Nomination of committee members and alternates shall follow the procedure set forth in this section or as may be changed as recommended by the committee and approved by the Secretary.

(a) *Initial members*. Nominations for initial grower and handler members shall be conducted by the Secretary by either holding meetings of handlers and producers, or by mail.

(b) *Successor members*. Subsequent to the first nomination of committee members under this part, persons to be nominated to serve on the committee as producer or handler members shall be selected pursuant to nomination procedures that shall be established by the committee with the approval of the Secretary: *Provided*, That:

(1) Any qualified individuals who seek nomination as a producer member shall submit to the committee an intent to seek office in one designated district on such form and with such information as the committee shall designate; ballots, accompanied by the names of all such candidates, with spaces to indicate voters' choices and spaces for write-in candidates, together with voting instructions, shall be mailed to all