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HANDLING REGULATIONS FOR ONIONS GROWN IN SOUTH TEXAS 2019 SEASON

SECTION 959.115 PLANTING REPORTS

Each handler shall furnish every two weeks during the planting season to the committee, on a form provided by the committee, the number of acres of onions planted by the handler or growers for whom the handler packs onions during such period and the location of such plantings.

SECTION 959.237 ASSESSMENT RATE

On June 7, 2017, the Committee voted to increase the assessment rate from \$0.05 to \$0.065 per 50-pound equivalent for South Texas onions.

SECTION 959.322 HANDLING REGULATIONS

During the period beginning **March 1** and ending **June 4**, no handler shall handle onions, including onions for peeling, chopping, and slicing, unless they comply with paragraphs (a) **Grade Requirements** through (c) **Inspection** or (d) **Minimum Quantity Exemption** or (e) **Special Purpose Shipments** of this section; except that onions handled during the period **June 5** through **July 15** shall comply with paragraphs (c) **Inspection** or (d) **Minimum Quantity Exemption** or (e) **Special Purpose Shipments** of this section.

(a) Grade Requirements

Not to exceed 20 percent defects of U. S. No. 1 grade. In percentage grade lots, tolerances for serious damage shall not exceed 10 percent including not more than 2 percent decay. Double the lot tolerance shall be permitted in individual packages in percentage grade lots. Application of tolerances in the United States onion standards shall apply to in-grade lots.

(b) Size Requirements

- (1) **"Small"** - 1 to 2-1/4 inches in diameter, and limited to whites only;
- (2) **"RePacker"** or **"Prepacker"** - 1-3/4 to 3 inches in diameter, with 60 percent or more 2 inches in diameter or larger;
- (3) **"Medium"** - 2 to 3-1/2 inches in diameter; or
- (4) **"Jumbo"** or **"Large"** - 3 inches or larger in diameter; or
- (5) **"Colossal"** - 3-3/4 inches or larger in diameter;

Tolerances for size in the U. S. onion standards shall apply except that for **"repacker"** and **"medium"** sizes not more than 20 percent, by weight, of

onions in any lot may be larger than the maximum diameter specified. Application of tolerances in U. S. onion standards shall apply.

(c) **Inspection**

- (1) No handler may handle any onions regulated hereunder, except pursuant to paragraphs **(d) Minimum Quantity Exemption**, **(e)(1) Special Purpose Shipments**, or **(e)(2) Experimental shipments** of this section unless an inspection certificate has been issued by the Federal or Federal-State Inspection Service, Texas Cooperative Inspection Program, covering them and the certificate is valid at the time of shipment. City destinations shall be listed on inspection certificates and release forms.
- (2) No handler may transport by motor vehicle or cause such transportation of any shipment of onions for which an inspection certificate is required unless each such shipment is accompanied by a copy of the inspection certificate applicable thereto or the shipment release form furnished by the inspection service identifying truck lots to which a valid inspection certificate is applicable. A copy of such inspection certificate or shipment release form shall be surrendered upon request to the Texas Department of Agriculture personnel designated by the committee.
- (3) For purposes of operation under this part each inspection certificate, shipment release form, or committee form required as evidence of inspection is hereby determined to be valid for a period not to exceed 72 hours following completion of inspection as shown on the certificate.
- (4) Handlers shall pay assessments on all assessable onions according to the provisions of Section 959.42.

(d) **Minimum Quantity Exemption**

Any handler may handle, other than for resale, up to, but not to exceed 110 pounds of onions per day without regard to the requirements of this section, but this exemption shall not apply to any shipment or any portion thereof of over 110 pounds of onions.

(e) **Special Purpose Shipments**

- (1) The minimum grade, size, quality, and inspection requirements set forth in paragraphs **(a) Grade Requirements** through **(c) Inspection** of this section shall not be applicable to shipments of onions for charity, relief, export, and processing (**Canning and Freezing**) if handled in accordance with paragraph **(f) Safeguards** of this section.
- (2) **Experimental shipments**
Upon approval by the committee, onions may be shipped for experimental purposes exempt from regulations issued pursuant to Sections 959.42, 959.52 and 959.60, provided they are handled in accordance with the safeguard provisions of paragraph **(f) Safeguards** of this section.

(3) **Onions failing to meet requirements**

Onions failing to meet the grade and size requirements of this section, and not exempt under paragraphs **(d) Minimum Quantity Exemption** or **(e) Special Purpose Shipments** of this section, may be handled only pursuant to Section 959.126. Such onions not handled in accordance with paragraph **(f) Safeguards** of this section shall be mechanically mutilated at the packing shed rendering them unsuitable for fresh market.

(f) **Safeguards**

Each handler making shipments of onions for charity, relief, export, *processing **(Canning and Freezing)**, or experimental purposes shall:

- (1) Apply to the committee for and obtain a Certificate of Privilege to make such shipments;
- (2) Furnish reports of each shipment made under the applicable Certificate of Privilege;
- (3) Such reports, in accordance with Section 959.80, shall be furnished to the committee in such manner, on such forms and at such times as it may prescribe. Each handler shall maintain records of such shipments pursuant to §959.80(c), and the records shall be subject to review and audit by the committee to verify reports thereon.
- (4) In addition to provisions in the preceding paragraphs, each handler making shipments for processing shall:
 - (i) Weigh or cause to be weighed each shipment prior to, or upon arrival at the processor.
 - (ii) Attach a copy of the weight ticket to a completed copy of the Report of Special Purpose Onion Shipment and return both promptly to the committee office.
 - (iii) Make each shipment directly to the processor or the processor's subcontractor, and attach a copy of the Report of Special Purpose Shipment.
 - (iv) Each processor or processor's subcontractor who receives cull onions shall weigh the onions upon receipt, complete the Report of Special Purpose Shipment which accompanies each load and mail it immediately to the committee office.
 - (v) Each processor who receives cull onions shall make available at its business office at any reasonable time during business hours, copies of all applicable purchase orders, sales contracts, or disposition documents for examination by the Department or by the committee, together with any other information, which the Department or the committee may deem necessary to enable it to determine the disposition of the onions.
 - (vi) If a processor employs a subcontractor for any stage of processing, such processor shall be responsible for ensuring that the subcontractor accounts for all quantities of onions received and processed or

otherwise disposed of, and that the subcontractor reports to the committee in the same manner and frequently as the processor.

- (5) Cull onions transported in bags shall be transported in unlabeled bags or shall have labeled bags reversed so that the label is not visible.

*Note: Canning purposes: **"ONIONS MUST BE COOKED TO WHERE THE CONSISTENCY OF THE ONIONS IS CHANGED."**

(g) Definitions

"U. S. Onion Standards" means the United States Standards for Grades of Bermuda-Granex-Grano Type Onions (7CFR 51.3195 - 51.3209), or the United States Standards for Grades of Onions (Other Than Bermuda-Granex-Grano and Creole Types) (7CFR 51.2830 - 51.2854), whichever is applicable to the particular variety, or variations thereof specified in this section. The term "U. S. No. 1" shall have the same meaning as set forth in these standards. "Processing" means cooking or freezing the onions in such a way, or with such other food components, that the consistency of the product is changed. Canning and freezing shall be considered forms of processing. All other terms used in this section shall have the same meaning as when used in Marketing Agreement No. 143, as amended, and this part.

SECTION 980.117 IMPORT REGULATIONS

During the period beginning on March 10 through June 4 of each marketing year, imported onions, not including pearl and cipolline onions, shall comply with the minimum grade, size, quality, and maturity requirements imposed under this marketing order.

Marketing Agreement No. 143 and Order 959, both as amended, regulate the handling of onions grown in designated counties in South Texas. It is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). The South Texas Onion Committee, established under the order, is responsible for its administration.

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