Agricultural Marketing Service, USDA

§ 916.110 Exemptions.

(a) Waivers. A handler may handle nectarines without inspection and certification, as prescribed under §916.55, if all the following conditions are met:

1. The handler requests the Federal-State Inspection Service to provide inspection during its regular working hours at least 2 hours in advance of the time when inspection is needed. The request need not be in writing but it shall be confirmed immediately in writing on a waiver form to be supplied by the inspection service;

2. The Federal-State Inspection Service advises the handler that it is not practicable to provide inspection at the time and place designated by the handler. This advice may be verbal but it shall be confirmed in writing by the Federal-State Inspection Service by execution of the waiver form on which the handler submitted his written request. A confirmed copy thereof shall be forwarded by the inspection service to the office of the Nectarine Administrative Committee.

3. The Federal-State Inspection Service furnishes the handler with the number of the waiver which shall cover the nectarines on which inspection is requested;

4. When instructed to do so, the handler plainly and conspicuously marks one end of each container with the letter “W” and the number supplied by the Federal-State Inspection Service. The letter W and the number shall not be less than one-half inch in height.

(b) Minimum quantities. Notwithstanding any other provision of this section, nectarines may be handled without regard to the provisions of §§916.41, 916.52, 916.53, 916.55, and 916.60 under the following conditions:

1. Such nectarines meet the grade requirements set forth in Article 30 of the Food and Agriculture Code of California.

2. Such nectarines are for home use and not for resale.

3. The net weight of such nectarines to any one vehicle during any one day does not exceed 200 pounds.

4. Such nectarines are handled by the person who produced them; and the