Agricultural Marketing Service, USDA

§ 947.340 Handling regulation.

No person shall handle any variety of potatoes grown in the production area, except for non-white fleshted varieties of potatoes, unless such potatoes meet the requirements specified in paragraphs (a) through (f) of this section, or unless such potatoes are handled in accordance with paragraphs (g) and (h), or (i) of this section.

(a) Grade requirements. Such potatoes grade at least U.S. No. 2.

(b) Size requirements. (1) Such potatoes shipped to points within the continental United States shall be at least 2 inches in diameter or weigh at least 4 ounces, and such potatoes shipped to export destinations shall be at least 1 1/2 inches in diameter.

(2) Red-skinned varieties of potatoes may be shipped without regard to any minimum size requirement, if they otherwise grade at least U.S. No. 1.

(3) All non-red-skinned varieties of potatoes that measure 1 1/2 inches in diameter or less may be shipped if such potatoes otherwise grade at least U.S. No. 1.

(c) Cleanness requirements. All varieties and grades—As required in the United States Standards for Grades of Potatoes, except that U.S. Commercial may be no more than “slightly dirty.”

(d) Maturity (skinning) requirements.

(1) Round and White Rose varieties: not more than “moderately skinned.”

(2) Other Long Varieties (including but not limited to Russet Burbank and Norgold): not more than “slightly skinned.”

(3) Not to exceed a total of 100 hundredweight of potatoes may be handled during any seven day period without meeting these maturity requirements. Prior to shipment of potatoes exempt from the above maturity requirements, the handler shall obtain from the committee a Certificate of Privilege.

(e) Pack. Potatoes packed in cartons shall be either: (1) U.S. No. 1 grade or better, except that potatoes that fail to meet the U.S. No. 1 grade only because of hollow heart and/or internal discoloration may be shipped provided the lot contains not more than 10 percent damage by hollow heart and/or internal discoloration, or not more than 5 percent serious damage by internal defects; or (2) U.S. No. 2 potatoes weighing at least 10 ounces.

(f) Inspection. (1) Except when relieved by paragraphs (g) and (h), or (i) of this section and paragraph (f)(2) of this section, no person shall handle potatoes without first obtaining inspection from an authorized representative of the Federal-State Inspection Service.

(2) Handlers making shipments from facilities located in an area where inspection costs would otherwise exceed...
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one and one-half times the current per-
hundredweight inspection fee, are ex-
empt from on-site inspection provided
such handler has made application to
the committee for inspection exemp-
tion on forms supplied by the com-
mittee, and provided further that such
handler signs an agreement with the
committee to report each shipment on
a daily basis and pay the committee a
sum equal to the current inspection
fee.

(3) For the purpose of operation
under this part each required inspec-
tion certificate is hereby determined,
pursuant to §947.60(c) to be valid for a
period of not to exceed 14 days fol-
lowing completion of inspection as
shown on the certificate. The validity
period of an inspection certificate cov-
ering inspected and certified potatoes
that are stored in mechanically refrig-
erated storage within 14 days of the in-
spection shall be 14 days plus the num-
ber of days that the potatoes were held
in refrigerated storage.

(4) Any lot of potatoes previously in-
spected pursuant to §947.60 and cer-
tified as meeting the requirements of
this part is not required to have addi-
tional inspection under §947.60(b) after
regrading, resorting, or repackaging
such potatoes, if the inspection certificate is
valid at the time of regrading, resort-
ing, or repackaging of the potatoes.

(g) Special purpose shipments. The
minimum grade, size, cleanliness, matur-
ity, pack and inspection requirements
set forth in paragraphs (a) through (f)
of this section shall not be applicable
to shipments of potatoes for any of the
following purposes:

(1) Certified seed, subject to applica-
tible safeguard requirements of para-
graph (h) of this section.

(2) Livestock feed: However, potatoes
may not be handled for such purposes if
destined to points outside of the pro-
duction area, except that shipments to
the counties of Benton, Franklin and Walla
Walla in the State of Washington, or to
Malheur County, Oregon, without re-
gard to the safeguard provisions of
paragraph (h) of this section.

(5) Charity: Except that shipments
for charity may not be resold if they do
not meet the requirements of the mar-
keting order, and that shipments in ex-
cess of 5 hundredweight per charitable
organization shall be subject to the
safeguard provisions of paragraph (h) of
this section.

(6) Starch manufacture.

(7) Canning, freezing, prepeeling, and
"other processing" (except starch manu-
facturing) as hereinafter defined (in-
cluding storage for such purposes).

(h) Safeguards. (1) Each handler mak-
ing shipments of certified seed outside
the district where grown pursuant to
paragraph (g) of this section shall ob-
tain from the committee a Certificate
of Privilege, and shall furnish a report
of shipments to the committee on Spe-
cial Purpose Shipment Report forms.

(2) Each handler making shipments
of potatoes pursuant to paragraphs
(g)(2) and (g)(5) of this section shall ob-
tain a Certificate of Privilege from the
committee, and shall report shipments
on Special Purpose Shipment Report
forms at such intervals as the com-
mittee may prescribe in its administra-
tive rules.

(3) Each handler making shipments
pursuant to paragraph (g)(7) of this sec-
tion may ship such potatoes only to
persons or firms designated as manu-
facturers of potato products by the
committee pursuant to §947.134. Fur-
ther, each handler making such ship-
ments shall obtain a Certificate of
Privilege from the committee and shall
promptly report each shipment to the
committee on Special Purpose Ship-
ment Report forms.

(i) Minimum quantity exemption. Any
person may handle not more than 19
hundredweight of potatoes on any day
without regard to the inspection re-
quirements of §947.60 and to the assess-
ment requirements of §947.41 of this
part except no potatoes may be handled pursuant to this exemption which do not meet the requirements of paragraphs (a), (b), (c), (d) and (e) of this section. This exemption shall not apply to any part of a shipment which exceeds 19 hundredweight.

(j) Definitions. (1) The terms U.S. No. 1, U.S. Commercial, U.S. No. 2, Size B, moderately skinned and slightly skinned shall have the same meaning as when used in the United States Standards for Grades of Potatoes (7 CFR 51.1540–51.1566) including the tolerances set forth therein.

(2) The term slightly dirty means potatoes that are not damaged by dirt.

(3) The term prepeeling means the commercial preparation in a prepeeling plant of clean, sound, fresh potatoes by washing, peeling or otherwise removing the outer skin, trimming, sorting, and properly treating to prevent discoloration preparatory to sale in one or more of the styles of peeled potatoes described in §52.2422, United States Standards for Grades of Peeled Potatoes (7 CFR 52.2421–52.2433).

(4) The term other processing has the same meaning as the term appearing in the act and includes, but is not restricted to, potatoes for dehydration, chips, shoestrings, or starch, and flour. It includes only that preparation of potatoes for market which involves the application of heat or cold to such an extent that the natural form or stability of the commodity undergoes a substantial change. The act of peeling, cooling, slicing, dicing, or applying material to prevent oxidation does not constitute “other processing.”

(5) The term non-white fleshed potatoes means all colored fleshed varieties of potatoes other than white-fleshed varieties of potatoes.

(6) Other terms used in this section shall have the same meaning as when used in Marketing Agreement No. 114, as amended, and this part.

EDITORIAL NOTE: After Jan. 1, 1979, “Budget of Expenses and Rate of Assessment” regulations (i.e. sections .200 through .299) and “Handling” regulations (i.e. sections .300 through .399), which are in effect for a year or less, will not be carried in the Code of Federal Regulations. For Federal Register citations affecting these regulations, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and on GPO Access.

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Subpart—Order Regulating Handling

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