Agricultural Marketing Service, USDA

§ 983.57 Substandard pistachios.  

The committee shall, with the approval of the Secretary, establish such reporting and disposition procedures as it deems necessary to ensure that pistachios which do not meet aflatoxin and quality requirements are not shipped for human consumption in

§ 983.56 Inspection, certification and identification.  

Upon recommendation of the committee and approval of the Secretary, all pistachios that are required to be inspected and certified in accordance with this part shall be identified by appropriate seals, stamps, tags, or other identification to be affixed to the containers by the handler. All inspections shall be at the expense of the handler. Provided, That for handlers making shipments from facilities located in an area where inspection costs for inspector travel and shipment of samples for aflatoxin testing would otherwise exceed the average of those same inspection costs for comparable handling operations located in Districts 1 and 2, such handlers may be reimbursed by the committee for the difference between their respective inspection costs and such average, or as otherwise recommended by the committee and approved by the Secretary.

§ 983.55 Reinspection.  

The Secretary, upon recommendation of the committee, may establish rules and regulations to establish conditions under which pistachios would be subject to reinspection.

§ 983.54 Commingling.  

Certified lots may be commingled with other certified lots, but the commingling of certified and uncertified lots shall cause the loss of certification for the commingled lots.

§ 983.53 Testing of minimal quantities.  

(a) Aflatoxin.  Handlers who handle less than 1 million pounds of assessed weight per year have the option of utilizing both of the following methods for testing for aflatoxin:  

(1) The handler may have an inspector sample and test his or her entire inventory of hulled and dried pistachios for the aflatoxin certification before further processing.  

(2) The handler may segregate receipts into various lots at the handler’s discretion and have an inspector sample and test each specific lot. Any lots that are found to have aflatoxin exceeding the level established by the committee and approved by the Secretary may be certified by an inspector to be negative as to aflatoxin. Any lots that are found to have aflatoxin exceeding the level established by the committee and approved by the Secretary may be tested after reworking in the same manner as specified in §983.52.  

(b) Quality. The committee may, with the approval of the Secretary, establish regulations regarding the testing of minimal quantities of pistachios for quality.

§ 983.52 Failed lots/ rework procedure.  

(a) Substandard pistachios. Each lot of substandard pistachios may be reworked to meet aflatoxin or quality requirements. The committee may establish, with the Secretary’s approval, appropriate rework procedures.  

(b) Failed lot reporting. If a lot fails to meet the aflatoxin and/or the quality requirements of this part, a failed lot notification report shall be completed and sent to the committee within 10 working days of the test failure. This form must be completed and submitted to the committee each time a lot fails either aflatoxin or quality testing. The accredited laboratories shall send the failed lot notification reports for aflatoxin tests to the committee, and the handler, under the supervision of an inspector, shall send the failed lot notification reports for the lots that do not meet the quality requirements to the committee.

[77 FR 36123, June 18, 2012]

§ 983.51 Refusal of weight.  

If the handler utilizes the inspector sample with aflatoxin testing, the handler may refuse to ship the lot that fails the aflatoxin test, provided that the handler documents the refusal and submits the failed lot notification report to the committee within 10 working days of the test failure.  

§ 983.50 Inspection and certification of shipments.  

In addition to the examination and sampling of the shipment as required by §§ 983.51 through 983.53, each shipment shall be inspected and certified by an inspector.

§ 983.49 Reporting requirements.  

The handler shall report the results of aflatoxin testing to the committee within 10 working days of the test failure.  

§ 983.48 Quality testing.  

The handler shall test the lots for quality requirements of this part.

§ 983.47 Commingling.  

Certified and uncertified lots may be commingled, but the commingling of certified and uncertified lots shall cause the loss of certification for the commingled lots.

§ 983.46 Quality testing.  

The committee may establish regulations regarding the testing of minimal quantities of pistachios for quality.

§ 983.45 Aflatoxin testing.  

The committee may establish regulations regarding the testing of minimal quantities of pistachios for aflatoxin.

§ 983.44 Inspection and certification.  

The committee may establish rules and regulations to establish conditions under which pistachios would be subject to reinspection.

[74 FR 56540, Nov. 2, 2009]

§ 983.43 Reinspection.  

Upon recommendation of the Secretary and approval of the committee, the Secretary may establish rules and regulations to establish conditions under which pistachios would be subject to reinspection.

[74 FR 56540, Nov. 2, 2009, as amended at 77 FR 36123, June 18, 2012]