

Notices

Federal Register

Vol. 62, No. 237

Wednesday, December 10, 1997

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[Docket No. FV97-357]

Information About Legislative Changes in Civil Penalties for a Misrepresentation or Misbranding Violation Under the Perishable Agricultural Commodities Act (PACA)

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Notice.

SUMMARY: In accordance with the Debt Collection Improvement Act of 1996 (Public Law 104-134), this document gives notice to the public of a 10 percent increase in the civil penalties found in § 46.45 of the PACA regulations which outlines the procedures for administering the misrepresentation or misbranding provisions under section 2(5) of the PACA (7 U.S.C. 499b(5)).

VIOLATION:

1st
2nd
3rd	\$220
4th	\$385
5th	\$550
6th	\$1,100
7th	\$2,200

The informal disposition of misrepresentation violations is not limited to seven occurrences and will be considered for further violations.

Dated: December 3, 1997.

Robert C. Keeney,
Deputy Administrator,
Fruit and Vegetable Programs.

[FR Doc. 97-32244 Filed 12-9-97; 8:45 am]

BILLING CODE 3410-02-P

DATE: December 10, 1997.

ADDITIONAL INFORMATION: Contact Charles W. Parrott, Assistant Chief, PACA Branch, Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, P.O. Box 96456, Room 2095-South, Washington, D.C. 20090-6456; telephone (202) 720-4180; fax (202) 690-4413.

SUPPLEMENTARY INFORMATION: Public Law 104-134, the Debt Collection Improvement Act of 1996, which amended the Federal Civil Penalties Inflation Act of 1990 (Public Law 101-410), requires that all civil monetary penalties be increased periodically to keep pace with inflation. The first adjustment to a penalty may not exceed 10 percent of the original penalty and applies only to those violations occurring after the effective date of the increase, September 2, 1997.

The PACA establishes a code of fair trading practices covering the marketing of fresh and frozen fruits and vegetables in interstate and foreign commerce. The PACA protects growers, shippers, distributors, and retailers dealing in those commodities by prohibiting unfair and fraudulent practices. The Department of Agriculture's Agricultural Marketing Service (AMS) enforces the PACA.

Under section 2(5) of the PACA, it is a violation a commission merchant,

dealer, or broker to misrepresent by word, act, mark, stencil, label, statement, or deed, the character, kind, grade, quality, quantity, size, pack, weight, condition, degree, or maturity, or State, country, region of origin of any perishable agricultural commodity received, shipped, sold, or offered to be sold in interstate or foreign commerce. Provided the violations are not repeated or flagrant, the dealer, commission merchant, or broker who violated the misbranding provisions may admit to the violation, or violations, and pay a monetary penalty in lieu of a formal proceeding for the suspension or revocation of its license.

By regulation published in the **Federal Register** (62 FR 40924) on July 31, 1997, the maximum penalty was increased by 10 percent, from \$2,000 to \$2,200, effective September 2, 1997. In addition to the \$2,200 maximum penalty, the PACA regulations (7 CFR 46.45(c)) set forth the sanction policy that includes informal warning letters and lesser monetary penalties that AMS may assess against a dealer, commission merchant or broker for a misbranding violation, depending on the seriousness of the violation and the number of previous violations committed by the violator company. The amended schedule for informal disposition of these violations is as follows:

DISPOSITION:

Warning Letter
Warning Letter

IF SERIOUS VIOLATION:

IF VERY SERIOUS VIOLATION:

3rd	\$220	\$275
4th	\$385	\$550
5th	\$550	\$1,100
6th	\$1,100	\$2,200
7th	\$2,200	\$2,200

DEPARTMENT OF AGRICULTURE

Forest Service

Eagle Bird Project; Idaho Panhandle National Forests, Shoshone County, ID

AGENCY: Forest Service, USDA.

ACTION: Notice of intent to prepare an environmental impact statement.

SUMMARY: The St. Joe Ranger District of the Idaho Panhandle National Forest is considering vegetation, road and trail activities in the Eagle Bird Project. The

project area is located approximately 13 miles east of the town of Avery on the St. Joe River.

The interdisciplinary team has reviewed the current conditions which indicated the project area could benefit from treatment. The purpose and need is summarized below.

1. Restore properly functioning hydrologic conditions.
2. At the project level, implement the Idaho Governor's Bull Trout Plan.
3. Move vegetation toward historical conditions.
4. Reduce the risk of mountain pine beetle in the