

U.S. DEPARTMENT OF AGRICULTURE
AGRICULTURAL MARKETING SERVICE
FRUIT AND VEGETABLE PROGRAMS

ADMINISTRATIVE COMMITTEE FOR PISTACHIOS
CONFIDENTIAL PRODUCER/HANDLER AND PUBLIC MEMBER
QUALIFICATION AND ACCEPTANCE STATEMENT

The following information is required for use by the Secretary of Agriculture to determine the eligibility and willingness of nominees to serve on the Administrative Committee for Pistachios. Please fill in all applicable spaces and sign your name after completing the entire form.

NAME

\_\_\_\_\_

BUSINESS NAME (if different from above)

TAX ID NUMBER

\_\_\_\_\_

\_\_\_\_\_

MAILING ADDRESS (City, State, and Zip)

E-MAIL ADDRESS

\_\_\_\_\_

\_\_\_\_\_

TELEPHONE NUMBER (include area code)

FAX NUMBER (including area code)

\_\_\_\_\_

\_\_\_\_\_

See attached definitions for public member, producer, handler, affiliation, and proprietary capacity.

ARE YOU A PISTACHIO PRODUCER? (Please check one)

YES [ ] NO [ ] (If No, go to \* Other Information below)

NUMBER OF YEARS YOU HAVE BEEN A PRODUCER OF PISTACHIOS \_\_\_\_\_ (Years)

DURING THE MOST RECENT SEASON, I PRODUCED \_\_\_\_\_ (pounds) OF PISTACHIOS ON \_\_\_\_\_ (acres)
IN DISTRICTS \_\_\_\_\_ (see instructions for districts definitions and please circle as many as apply)
(1, 2, OR 3)

NAME OF FIRM(S) THAT HANDLED YOUR PISTACHIOS DURING THE MOST RECENT SEASON:

\_\_\_\_\_

\*OTHER INFORMATION CONCERNING EXPERIENCE OR ELIGIBILITY (Public Members and Alternate Public Members):

\_\_\_\_\_

ARE YOU CURRENTLY A HANDLER? (Please check one) YES [ ] NO [ ]

ARE YOU AFFILIATED WITH ANY OTHER PISTACHIO HANDLER (PACKER) OR PRODUCER AS AN EMPLOYEE, OFFICER, DIRECTOR, OR IN ANY OTHER CAPACITY? (Please check one) For example, do you have any ownership or control of any handler or grower entity, either directly or through a corporation, cooperative, partnership, etc.?

YES [ ] NO [ ] (If "Yes," What Is Your Affiliation?) (See Definition Attached)

AFFILIATION: \_\_\_\_\_

SIGNATURE IS REQUIRED ON REVERSE OF QUESTIONNAIRE

DO YOU HAVE A FINANCIAL INTEREST OR PROPRIETARY CAPACITY IN AN ORGANIZATION THAT IS INVOLVED IN PRODUCING, HANDLING, GRADING, OR MARKETING PISTACHIOS? PLEASE LIST MEMBERSHIP IN INDUSTRY ORGANIZATIONS:

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ARE YOU A MEMBER OF A PRODUCER COOPERATIVE, COOPERATIVE MARKETING ASSOCIATION, COOPERATIVE BARGAINING ASSOCIATION, HANDLER COOPERATIVE, SHAREHOLDER IN A CORPORATION, LIMITED LIABILITY CORPORATION, TRUST, ASSOCIATION, OR ANY OTHER ORGANIZATION(S) FURTHERING THE INTEREST OF PISTACHIO PRODUCERS OR HANDLERS? IF SO, STATE THE NAME OF EACH, THE TYPE OR ORGANIZATION, AND YOUR POSITION IN ANY AND ALL ORGANIZATIONS IN WHICH YOU ARE AFFILIATED OR A MEMBER:

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Marketing order committee members in their official capacities are prohibited from taking any action specifically designed to influence legislation, including any attempt to influence public opinion concerning legislation. Committee members may not communicate with any official of a State or Federal legislative body for the purpose of attempting to influence legislation. Committee members are also prohibited from attempting to influence State or Federal government actions or policies or those of foreign governments, except as specifically authorized under the marketing order or expressly approved by the Secretary. Committee members are specifically precluded from authorizing the expenditure of marketing order funds for the purpose of attempting to influence legislation or government actions. These same prohibitions apply to committee managers, staff, and contractors except that committee managers may consult with U.S. Department of Agriculture employees during the pendency of informal rulemaking actions.

If marketing order committee or subcommittee members are sued individually or jointly for errors in judgment, mistakes or other acts either of mission or commission (except for acts of dishonesty, willful misconduct, or gross negligence) in the conduct of their duties under the marketing agreement or order, they may be authorized legal defense by the Department of Justice (DOJ). Alternatively, legal defense may be provided through private counsel, if recommended by the Department of Agriculture (USDA) and approved by DOJ. USDA and DOJ enjoy an excellent working relationship with respect to providing legal representation for committee members and employees, either by DOJ or through authorized private counsel. USDA is committed to a comprehensive legal defense policy of all committee members and employees acting within the scope of their authorized committee duties and responsibilities.

Marketing order committee members are expected to maintain an appropriate level of conduct and professionalism at all committee meetings. Failure to do so may result in removal from office.

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### **CERTIFICATION STATEMENT:**

**I certify I meet the eligibility requirements of the California Pistachio Marketing Order, have read and agree to comply with committee membership requirements as outlined in this form, and that I am willing to serve on the Administrative Committee for Pistachios as a:**

- \_\_\_\_\_ **Producer member/Alternate producer member**
- \_\_\_\_\_ **Handler member/Alternate handler member**
- \_\_\_\_\_ **Public member/Alternate Public member**

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**(Signature)**

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**(Date)**

## **DEFINITIONS**

**PRODUCER:** means any person engaged, within the production area and in a proprietary capacity, in the production of pistachios for sale.

**HANDLER:** means any person who handles pistachios. Handle means to engage in:

- (a) Receiving pistachios;
- (b) Hulling and drying pistachios (drying) and/or;
- (c) Further preparing pistachios by sorting, sizing, shelling, roasting, cleaning, salting, and/or packaging for marketing in or transporting to any and all markets in the current of interstate or foreign commerce: *Provided*, however, That transportation within the production area between handlers and from the orchard to the processing facility is not handling.

**PUBLIC MEMBER:** means any person who is not a producer or handler and who does not have a financial interest in any pistachio growing or handling operation.

**PROPRIETARY CAPACITY:** Proprietary capacity means the capacity or interest of a producer or handler that, either directly or through one or more intermediaries, is a property owner together with all the appurtenant rights of an owner including the right to vote the interest in that capacity as an individual, a shareholder, member of a cooperative, partner, trustee or in any other capacity with respect to any other business unit.

**AFFILIATION:** This term normally appears as "affiliate of", or "affiliated with", and means a person such as a producer or handler who is: a producer or handler that directly, or indirectly through one or more intermediaries, owns or controls, or is controlled by, or is under common control with the producer or handler specified; or a producer or handler that directly, or indirectly through one or more intermediaries, is connected in a proprietary capacity, or shares the ownership or control of the specified producer or handler with one or more other producers or handlers. As used in this part, the term "control" (including the terms "controlling", "controlled by", and "under the common control with") means the possession, direct or indirect, of the power to direct or cause the direction of the management and policies of a handler or a producer, whether through voting securities, membership in a cooperative, by contract or otherwise.

### **DISTRICTS:**

District 1 consists of Tulare, Kern, San Bernardino, San Luis Obispo, Santa Barbara, Ventura, Los Angeles, Orange, Riverside, San Diego, and Imperial counties of California.

District 2 consists of Kings, Fresno, Madera and Merced counties of California.

District 3 consists of all counties in California where pistachios are produced that are not included in Districts 1 and 2.

*Note: The following statements are made in accordance with the Privacy Act of 1974 (U.S.C. 552a) and the Paperwork Reduction Act of 1995, as amended. The authority for requesting the information to be supplied on this form is the Agricultural Marketing Agreement Act of 1937, Secs. 1-19, 48 Stat. 31, as amended, (7 U.S.C. 601-674). Furnishing the requested information is necessary for the administration of the marketing order program. Submission of the Tax Identification Number (TIN) is mandatory, and will be used to validate ballots and determine affiliation or entity identity. Please note that ballots will not become invalid if a TIN is not disclosed.*

*According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0581-0215. The time required to complete this information collection is estimated to average 10 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.*

*The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, age, disability, and where applicable, sex, marital status, familial status, parental status, religion, sexual orientation, genetic information, political beliefs, reprisal, or because all or part of an individual's income is derived from any public assistance program (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at (202) 720-2600 (voice and TDD).*

*To file a complaint of discrimination, write to USDA, Director, Office of Civil Rights, 1400 Independence Avenue, SW, Washington, D.C. 20250-9410, or call (800) 795-3272 (voice) or (202) 720-6382 (TDD). USDA is an equal opportunity provider and employer.*

