

UNITED STATES DEPARTMENT OF AGRICULTURE
AGRICULTURAL MARKETING SERVICE
FRUIT AND VEGETABLE PROGRAMS

**MARKETING AGREEMENT REGULATING THE HANDLING OF PISTACHIOS
PRODUCED IN THE STATES OF CALIFORNIA, ARIZONA AND NEW MEXICO**

The parties hereto, in Order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674, the "Act"), and in accordance with the applicable rules of practice and procedure effective thereunder (7 CFR Part 900), desire to enter into this Agreement regulating the handling of pistachios produced in the states of California, Arizona and New Mexico; and each party hereto agrees that such handling shall, from the effective date of this Marketing Agreement, be in conformity to, and in compliance with, the provisions of said Marketing Agreement.

The provisions of sections 983.1-983.92, inclusive, of the Order annexed to and made a part of the decision of the Secretary of Agriculture (Secretary) with respect to a proposed Marketing Agreement and Order regulating the handling of pistachios produced in California, Arizona and New Mexico, plus the following additional provisions shall be, and the same hereby are, the terms and conditions hereof; and the specified provisions of said annexed Order are hereby incorporated into this Marketing Agreement as if set forth in full herein.

§ 983.93 Counterparts.

Handlers may sign an Agreement with the Secretary indicating their support for the Marketing Order. This Agreement may be executed in multiple counterparts by each handler. If fifty percent of the handlers, weighted by the volume of pistachios handled during a representative period, enter into such an Agreement, then a Marketing Agreement shall exist for the Pistachio Marketing Order.

§ 983.94 Additional Parties.

After the Marketing Order becomes effective, any handler may become a party to the Marketing Agreement if a counterpart is executed by him or her and delivered to the Secretary.

§ 983.95 Order with Marketing Agreement.

Each signatory handler hereby requests the Secretary to issue, pursuant to the Act, an Order providing for regulating the handling of pistachios in the same manner as is provided for in this Agreement. The undersigned hereby authorizes the Associate Deputy Administrator, Fruit and Vegetable Programs, Agricultural Marketing Service, United States Department of Agriculture, to correct any typographical errors which may have been made in this Marketing Agreement.

IN WITNESS WHEREOF, the contracting parties, acting under the provisions of the Act, for the purpose and subject to the limitations therein contained, and not otherwise, have hereto set their respective signatures and seals.

(Firm Name) BY: _____
(Signature)*

(Mailing Address) (Title)

(Corporate Seal; in none, so state)

(Date of Execution)

During the period from _____ through _____, the firm named herein handled _____ pounds of pistachios that were produced in the designated production area.

*** If one of the contracting parties to this Agreement is a corporation, my signature constitutes certification that I have the power granted to me by the Board of Directors to bind this corporation to the Marketing Agreement.**

The making of any false statements or representations in any matter within the jurisdiction of any agency of the United States, knowing it to be false, is a violation of title 18, section 1001 of the United States Code, which provides for a penalty of a fine of \$250,000 for individuals and \$500,000 for organizations or imprisonment of not more than five years, or both.

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 5 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, S.W., Washington, D.C. 20250-9410, or call (800) 795-3272 (voice) or (202) 720-6382 (TDD). USDA is an equal opportunity provider and employer.