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(10-31-11)

See Page 7 for Privacy Act and Paperwork Reduction Act Statements.
U.S. DEPARTMENT OF AGRICULTURE Form Approved – OMB No. 0560-0120
Farm Service Agency
United States Warehouse Act

ADDENDUM TO THE PROVIDER AGREEMENT TO ELECTRONICALLY FILE AND MAINTAIN ORANGE JUICE WAREHOUSE RECEIPTS

This Addendum between (a) _____ (Provider)

and the Farm Service Agency (FSA) authorizes the Provider to establish and maintain a database and system, referred to as a central filing system (CFS), for the purpose of electronically filing orange juice electronic warehouse receipts issued under the United States Warehouse Act (USWA) and permits the Provider to accept the filing of electronic warehouse receipts from other than USWA licensed warehouse operators in such electronic data filing system. Such electronically filed warehouse receipts for orange juice are hereafter referred to as “Electronic Warehouse Receipts (EWRs).”

Orange juice is defined as the unfermented juice obtained from mature oranges of the species *citrus sinensis* or its hybrids or as specified in the Federal Food, Drug, and Cosmetic Act at 21 CFR 146.140 through 154, subject to the disapproval of DACO.

Notwithstanding any Federal law or Department of Agriculture (USDA) data security restrictions, nothing contained herein should be interpreted or construed by a Provider so as to deny cooperation with a State licensing authority with respect to access to examination or investigation data stored in a CFS by a State licensed warehouse.

The Provider shall not warrant nor guarantee any part of the underlying transaction or activity that involves the use the Provider’s CFS to perfect or consummate such a transaction or activity. The underlying transaction or activity shall be administered and governed by applicable Federal or State rule of law.

This Addendum sets forth the Provider's minimum requirements for operational management, EWR record formatting, reporting requirements and the protocols to be used in the transmission of such information.

I. Common Computing Environment and eAuthentication

The Provider will, at a minimum, make available a common computing environment to the users of their CFS that offers nondiscriminatory access and ability to logon remotely to the Provider’s CFS through an eAuthentication method recognized by FSA. Before accepting an EWR into their CFS as issued, the Provider will, at a minimum, authenticate the warehouse receipt signer as the person authorized by the warehouse operator to issue the EWR.

II. Receipt Record Data Requirements

FSA, in administration of the USWA, the regulations found at 7 CFR Part 735, the Provider Agreement to Electronically File and Maintain Warehouse Receipts and United States Warehouse Act Documents and this Addendum, may, at any time, require the Provider to furnish information beyond the minimum requirements shown in this Addendum.

A. Required Record Data

The Provider shall, at a minimum, make the elements listed below available to every USWA and non-USWA licensed warehouse operator issuing EWRs in their CFS. The Provider shall ensure that all fields are completed by all warehouse operators. The Provider shall advise warehouse operators that it is the warehouse operator’s responsibility to supply the necessary data to complete each element, as applicable, when generating a EWR.

License number, if applicable*

Provider Warehouse Code

Depositor

Holder

Receipt number and License type, US if Federally licensed, the two letter Postal abbreviation if State licensed, or NL if not licensed or unregulated, will without

exception of the receipt be displayed in front of the receipt number and shown as an integral part of the receipt number.

Paper Warehouse Receipt Number (if applicable)

Issuance date (date issuance file is received and accepted in the Provider’s system)

Receipt status

Indicate whether the receipt is “Not Negotiable” or “Negotiable” according to the nature of the receipt

Cancellation date (date cancellation file is received and accepted in the Provider’s system)

Name of warehouse

Location of receiving warehouse (City) and (State)

Warehouse Operator (legal entity of warehouse operator)

Location receipt issued (City) and (State)

Quantity (number of units)

Quantity Units (Type of Units – Metric Tons, Long Tons, Pounds)

Packaging Type (bulk)

Storage Start Date

Rate of storage charges

Amount of prepaid storage charges, (if applicable)

Date through which storage has been prepaid, (if applicable)

Date converted to EWR, (when applicable)

Date converted to Paper WHR, (when applicable)

*Enter Federal or State warehouse license number, if not licensed, zero fill field.

Product (general product description - Frozen Concentrated Orange Juice, Not From Concentrate Orange Juice, Reduced Acid Frozen Concentrated Orange Juice, Orange Juice for Manufacturing)

Origin (state, country)

Name of person authorized to sign warehouse receipt

Remarks section (When applicable a text box for warehouse operator's remarks)

Terms and conditions (Refer to Section VII for USWA licensed warehouse operators and Section VIII for State licensed warehouse operators and Section IX for non-licensed or unregulated warehouse operators for terms and conditions that apply to each EWR that must be furnished by the warehouse operator issuing the EWRs).

Indicate "Not graded on request of the depositor", "Grade determined by State licensed grader" or "Grade determined by non-licensed grader" (or, toggle for any other statement applicable to the orange juice industry).

B. Required Elements That Can Be Modified Without the Warehouse Operator Being the Holder

FSA will allow the warehouse operator to modify the elements, "date through which storage has been paid", or "storage start date" without being the holder of the EWR. The Provider shall notify the holder of the EWR of any changes.

C. Suspending an EWR to issue an Interim Paper Warehouse Receipt

When suspending an EWR to issue an interim paper warehouse receipt, the Provider shall advise the warehouse operator to first suspend the EWR, enter the interim paper warehouse receipt number into the applicable EWR data field, and print on the face of the interim paper warehouse receipt the suspended EWR number.

D. Converting a Paper Warehouse Receipt to an EWR

When converting an outstanding paper warehouse receipt to an EWR, the Provider shall advise the warehouse operator to first take possession of and cancel the paper warehouse receipt, print the replacing EWR number on the face of the paper warehouse receipt, and enter the canceled paper warehouse receipt number into the applicable EWR data field.

E. Assignment of EWR Numbers

The Provider shall ensure that warehouse operators issue EWRs consecutively.

F. Trailer Files and Non-Required EWR Data or Information

The Provider shall make available to the users of their CFS, as an outside attachment to an EWR's secured data files, a trailer file that may contain non-required EWR data or information for associated business processes.

III. Security of Data

A. Encryption

The provider shall use only data encryption and security methods that are commonly used in the industry and which are recognized and approved by USDA.

B. Laws

The Provider shall adhere to all aspects of Federal and State public disclosure and privacy laws and regulations.

C. Notification

The Provider shall notify DACO of the name and address of the actual off-site location where the Provider's disaster-recovery records are stored.

IV. Transmission of Data

The Provider shall make available free of charge to FSA and State operated orange juice warehouse regulatory programs an internet site and/or a common computer utility program that downloads USDA approved warehouse examination data from their CFS.

V. Terms and Conditions for USWA Licensed Warehouse Operators

The following information must be recorded on all EWRs or within the warehouse operator's EWR profile. FSA will be responsible for maintaining and updating this information.

The statements:

The Warehouse Operator's business organization type (i.e. sole proprietor, incorporated, partnership, LLC, etc.) and the name of the State whose laws govern that organization (i.e. "a Texas corporation").

Insured, to what extent, by the warehouse operator against loss by fire, lightning and other risks.

The maximum amount of bond or financial assurance underwriting the warehouse receipt.

Weight was determined by a weigher licensed under the USWA.

Grade was determined by a "Federal Grader", a "Grader Licensed under the USWA", or "Not Graded on Request of Depositor."

The grade stated in this receipt is in accordance with the U. S. Standards for Grades of Orange Juice. If the grade of orange juice is that for which no official orange juice standards of the

United States are in effect, the grade or other class shall be stated in accordance with the standards, if any, adopted by the local board of trade, chamber of commerce, or by the orange

juice trade generally in the locality in which the warehouse is located, subject to the authorization of the FSA, or in the absence of these standards, in accordance with any standards authorized for the purpose by the FSA.

The applicable charges claimed by the warehouse operator for storage and other services:

Handling and other accrued charges are according to the warehouse operator's effective public tariff. The warehouse operator will furnish depositors and warehouse receipt holders the full amount of charges upon request.

In the event the relationship existing between the warehouse operator and any depositor is not that of strictly disinterested custodianship, a statement setting forth the actual relationship.

VI. Terms and Conditions for State or Non-Licensed Warehouse Operators

The following information must be recorded on all EWRs or within the warehouse operator's EWR profile. Each warehouse operator shall have a posted EWR profile. To the extent required under applicable State law, each State licensing authority will be responsible for maintaining and updating the EWR profile information on their licensed warehouse operators with respect to warehouse receipts and public disclosures.

The statements:

The Warehouse Operator's business organization type (i.e. sole proprietor, incorporated, partnership, LLC, etc.) and the name of the State whose laws govern that organization (i.e. "a Texas corporation").

Insured, to what extent, by the warehouse operator against loss by fire, lightning and other risks.

The authority that the warehouse operator issues warehouse receipts under, State warehouse code for State licensed warehouses, or Uniform Commercial Code.

The maximum amount of bond or financial assurance underwriting the warehouse receipt.

Weight was determined by a State of _____ "Licensed Weigher" or "Unofficial Weight by Warehouse Operator" or "Not Weighed on Request of Depositor."

Grade was determined by a "Grader licensed by the State of _____," or
"a Grader licensed by the NYBOT", or
"a Federal Grader", or
"Unofficially Graded by Warehouse Operator" or
"Not Graded on Request of Depositor."

The grade stated in this receipt is in accordance with the "U. S. Standards for Grades of Orange Juice." Or, if the grade of orange juice is that for which no official orange juice standards of the United States are in effect, the grade or other class shall be stated in accordance with the

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standards, if any, adopted by the local board of trade, chamber of commerce, or by the orange juice trade generally in the locality in which the warehouse is located, subject to the authorization of the FSA, or in the absence of these standards, in accordance with any standards authorized for the purpose by the FSA.

The applicable charges claimed by the warehouse operator for storage and other services:

Handling and other accrued charges are according to the warehouse operator's effective public tariff. The warehouse operator will furnish depositors and warehouse receipt holders the full amount of charges upon request.

In the event the relationship existing between the warehouse operator and any depositor is not that of strictly disinterested custodianship, a statement setting forth the actual relationship.

Upon surrender of this receipt and payment of all liens due the warehouse operator, said orange juice will be delivered to the order of the holder as defined in 7 CFR Part 735.

VII. Disputes

All disputes arising under this Addendum shall be determined by the application of the laws of New York State except that the laws of New York relating to the legal doctrines of the choice of law and determination of venue shall not be applicable.

VIII. Contact:

Chief, Licensing Branch
Warehouse License and Examination Division
Kansas City Commodity Office
P.O. Box 419205 – Stop 9148
Kansas City, MO 64141-6205
Phone: 816-823-1144
Fax: 816-926-1548

(a) Name of Provider

(b) Signature of Provider

(c) Title of Provider

(d) Date

(e) Signature of Deputy Administrator for Commodity Operations

(f) Date

NOTE: *The following statement is made in accordance with the Privacy Act of 1974 (5 U.S.C. 552a - as amended). The authority for requesting the information identified on this form is 7 CFR Part 735, the United States Warehouse Act (Pub. L. 106-472), and the Commodity Credit Corporation Charter Act (15 U.S.C. 714 et seq.). The information will be used to establish and maintain a database and central filing system for electronically filing orange juice warehouse receipts and electronic documents issued under the United States Warehouse Act. The information collected on this form may be disclosed to other Federal, State, Local government agencies, Tribal agencies, and nongovernmental entities that have been authorized access to the information by statute or regulation and/or as described in applicable Routine Uses identified in the System of Records Notice for USDA/FSA-2, Farm Records File (Automated) and USDA/FSA-3, Consultants File. Providing the requested information is voluntary. However, failure to furnish the requested information will result in a determination of ineligibility to obtain new licensing or retain existing licensing under the United States Warehouse Act.*

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 an OMB control number. The valid OMB control number of this information collection is 0560-0120. The time required to complete this information collection is estimated to average 30 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 provisions of appropriate criminal and civil fraud, privacy, and other statutes may be applicable to the information provided. **RETURN THIS COMPLETED FORM TO THE KANSAS CITY COMMODITY OFFICE, WAREHOUSE LICENSE AND EXAMINATION DIVISION, STOP 9148, P.O. BOX 419205, KANSAS CITY, MO 64141-6205.***

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