

Motion to Recommend Volume Regulations: 2017 Handler Withholding

2017 Handler Withholding:

1. Pursuant to CFR Section 929.51, the Cranberry Marketing Committee recommends to the Secretary of Agriculture of the United States that the Secretary establish a Handler Withholding under Section 929.54, with a free percentage set at 85% and a restricted percentage for handlers of **15% for the 2017 cranberry crop**.
2. The Committee further recommends that the regulation issued by the Secretary shall include clarification that **any handler, at the handler's discretion, may meet up to 50% of its obligation to withhold from handling restricted fruit in any form other than whole fruit, based on equivalent volumes** as set forth in the Cranberry Forms Equivalency Table attached as Exhibit 1.
3. The Committee further recommends that the regulation issued by the Secretary shall include clarification that handlers may comply with their obligations with respect to Restricted Fruit after receiving (picked, weighed, sampled for percent usable) and prior to cleaning subject to inspector certification. This clarification has authority under Sections 929.54(b) and (c).
4. The Committee also recommends that the regulation **exempt USDA certified organic cranberries**, from being treated as restricted fruit.
5. The Committee also recommends that for every handler on record for the 2016 crop year, the regulation **exempts the first 125,000 barrels of fruit it handles**, with no transferability in the event a handler handles less than this amount.
6. The Committee recommends that the regulation issued by the Secretary shall include the provision that transfers of Restricted Cranberries be subject to Section 929.56 (a) –(b) but that Section 929.56(c) – (h) be deemed inapplicable.
7. The Committee recommends that regulation issued by the Secretary shall provide that the outlets for excess fruit shall be subject to the language in Section 929.61 and 929.104, provided that paragraph (b) of that section shall not apply to paragraphs (a)(2)-(4), with no further noncompetitive outlets.
8. The Committee further recommends that the regulation issued by the Secretary shall specify that each handler must submit a disposal plan to the Committee by June 1, 2018

and certify to the Committee the completion of their obligation to withhold from handling and dispose or otherwise properly divert all of their restricted cranberries by no later than August 31, 2018.

9. The Committee further recommends that a subcommittee be formed on an expedited basis to establish appropriate forms and documentation to be used in the Committee's oversight of handlers' compliance with the regulation, with such forms and documentation to be recommended to the Secretary as soon as is practicable, and requests that they be reviewed as soon as is allowable.
10. The Committee further recommends that all inspection costs be the responsibility of the handler.
11. All delivered product will be reported and assessments applied.
12. The Committee further recommends that the regulation issued by the Secretary include any other adjustment, clarification or modification to the current Cranberry Marketing Order regulations as necessary and appropriate to carry out the intentions of this vote and to effectively and efficiently implement the 2017 Handler Withholding described herein.