

# Informal Rule Making Action

## Marketing Order No. 905 (M O 905)

Rules Subcommittee recommends handlers furnish the committee with a list of the growers and their contact information whose fruit they handled each season.

1. Section 905.71 Other Information. Upon request of the committee, made with the approval of the Secretary, every handler shall furnish the committee, in such manner and at such times as it prescribes, such other information as will enable it to perform its duties under this subpart.

[22 FR 10734, Dec. 27, 1957. Redesignated at 26 FR 12751, Dec. 30, 1961, as amended at 42 FR 59371, Nov. 17, 1977]

2. The recommended effective date is June 15, 2013. The fiscal period for M O 905 is August 1 of any year until July 31 of the following year, both dates inclusive. The fresh Florida citrus season begins normally in mid September and ends the following June. Most handlers have finished packing in early to mid May with a few continuing until mid June. The recommended effective date of June 15, 2013 would give the handlers (shippers) sufficient time to furnish the committee with a complete list of the growers and their contact information whose fruit they handled during the 2012-13 season. It would also give the committee staff ample time to prepare a list of growers prior to the 2103-14 season, which begins on August 1, 2013.
3. Currently there is not a comprehensive list of Florida citrus growers available within the Florida citrus industry. In addition, the grower lists that are maintained by the different Florida citrus grower organizations are not published and they are not separated by how the grower markets their fruit. M O 905 does not have an effective or accurate way to contact or communicate with the Florida citrus growers, which market their fruit in the fresh channel of trade and regulated by the order.
4. In the case of M O 905, the handlers (shippers) prepare the grower's fruit for market by washing, grading and sizing the fruit to meet the CAC's regulations. The shippers also collect the committee's assessments from their growers and pay the assessments directly to the CAC. Therefore, in the past the major communication from the CAC has been through the shippers and not directly with the growers. In fact, all mandated Florida citrus grower assessments are collected from either the processor (processed fruit) or the handler (fresh fruit) not the individual grower and so there has not been a list of Florida citrus growers developed.
5. By requiring each shipper to furnish to the committee, at the end of each fiscal period, a list of the growers and their contact information whose fruit they handled during the season would give the committee an accurate grower list so the committee can communicate directly to the Florida citrus growers that supply their fruit to the fresh market and are regulated under M O 905.
6. There are no viable alternatives to the committee's recommendation.

7. The committee will have an accurate list of the Florida citrus growers whose fruit is subject the M O 905.
8. Small businesses will not be adversely impacted by the recommendation as it will allow the committee to better communicate with the smaller Florida citrus growers.
  - a. The cost of implementing this regulation would be minimal on handlers.
  - b. The cost of this action would not be greater on the small handlers.
9. Vote on the recommendation and discussion of the reasons for any dissenting votes. The committee will discuss this at their July 17<sup>th</sup> meeting but we do not expect many if any dissenting votes.
10. During the Rules Subcommittee's consideration of this recommendation there we some concerns that some growers would not want to be placed on a list that would be subject to the Freedom of Information Act. Also, there were some concerns by shippers of releasing a list of growers whose fruit they handled during the season. However, the subcommittee is recommending the list would not be by shipper but would be an alphabetical list of all the growers who supplied fruit to a shipper during the season. In the end, the subcommittee determined having an accurate list of growers that are regulated under M O 905 would be beneficial to the entire Florida citrus industry.