



CALIFORNIA DEPARTMENT OF
FOOD & AGRICULTURE

Karen Ross, Secretary

January 7, 2013

**NOTICE OF ISSUANCE OF MINOR AMENDMENTS TO THE
CALIFORNIA MELON RESEARCH PROGRAM
REGARDING CHANGES AND ADDITIONS TO DEFINITIONS AND ADDING
POST-HARVEST RESEARCH TO THE PROGRAM'S AUTHORITY
PURSUANT TO SECTION 59111 OF THE FOOD AND AGRICULTURE CODE**

Attention California Melon Producers and Handlers:

The California Department of Food and Agriculture, upon recommendation of the California Melon Research Board, has approved minor amendments to the California Melon Research Program (Melon Program). The minor amendments are attached to this notice as Exhibit A and will become effective on January 12, 2013.

In brief, the amendments do the following:

1. Adopts the definitions "handler" and "producer" from the California Cantaloupe Program.
2. Adds the definitions of "packer" and "distributor" from the California Cantaloupe Program.
3. Adds the authority to conduct post-harvest research to the Melon Program.

These amendments were made to bring the Melon Program definitions in line with the California Cantaloupe Program definitions and to allow the Melon Program to conduct post-harvest research to address the issues that have led to the recent melon recalls.

If you have questions about these amendments please call David Hillis at 916-900-5018.

Sincerely,

Robert Maxie, Chief
Marketing Branch

Attachment

2013 0103 2013 0104 0897



CALIFORNIA MELON RESEARCH PROGRAM

ARTICLE I
DEFINITIONS

Section A. DEFINITION OF TERMS. As used in this Program, the following terms shall have the following meanings:

1. “Act” means the California Marketing Act being Chapter 1 of Part 2, Division 21 of the Agricultural Code, or as the same may be hereafter amended.
2. “Department” means the Department of Agriculture of the State of California.
3. “California Melon Research Program,” “Melon Research Program,” or “Program” means, unless the context otherwise indicates, this marketing order which is issued by the Department pursuant to the provisions of the Act.
4. “Melon Research Board,” “Research Board,” “Melon Board,” and “Board” are synonymous and mean the Melon Research Board created pursuant to Article II of the Program.
5. “Person” means an individual, partnership, firm, corporation, association, subsidiary, affiliate, or other business unit.
6. “Melons” for purposes of this Program, mean the fruits of the species *Cucumis melo* including cantaloupes, honeydews, honeyballs, casabas, crenshaws, Persians, Santa Claus, and similar varieties thereof, which are produced for commercial purposes within the State of California.
7. “Producer” means any person engaged within this State in the business of producing, or causing to be produced for market, melons in a quantity of 5,000 standard boxes or more or their equivalent delivered to a ~~processor~~ packer or a handler during a marketing season.
(Amended 1/12/2013)
8. “Standard Box” with respect to cantaloupes means standard container number 41, commonly known as “jumbo cantaloupe crate”, or its equivalent, as defined in Sections 1404.5 and 1404.8 of the California Administrative Code, and such “standard box” shall be considered to have a net weight of eighty (80) pounds. With respect to melons other than cantaloupes, “standard box” means standard fiberboard container number 44K, or its equivalent, as defined in Sections 1441.5 and 1441.7 of the California Administrative Code, and such standard box shall be considered to have a net weight of thirty (30) pounds.
9. “Sell” means to offer for sale, expose for sale, have in possession for sale, exchange, barter, or trade melons.

10. “Ship” means to transport melons or cause them to be transported by any means whatsoever.

11. “Market”, unless the context indicates otherwise, shall be synonymous with the phrase to market and shall mean to sell, ship, distribute or otherwise handle.

12. “Processor” means any person engaged within this State in the operation of receiving, grading, packing into an authorized container or other activity performed for the purpose of preparing melons for market or of marketing melons in fresh or processed form in a quantity of 5,000 standard boxes or more or their equivalent during a marketing season.

13. “Packer” means any person engaged within this state in the operation of receiving, grading, packing into an authorized container or other activity performed for the purpose of preparing melons for market or of marketing melons in fresh form in a quantity of 5,000 standard boxes or more or their equivalent during a marketing season. (Added 1/12/2013)

14. “Distributor” means any person that engages in the operation of selling, marketing, or distributing, in intrastate commerce melons which he/she has produced or purchased or acquired from a producer or which he/she is marketing in behalf of a producer, whether as owner, agent, employee, broker, or otherwise, in a quantity of 5,000 standard boxes or more or their equivalent during a marketing season. It does not, however, include a retailer, except a retailer that purchases or acquires from, or handles on behalf of any producer, melons which were not previously subjected to regulation by this Marketing Order. (Added 1/12/2013)

135. “Handler” means any person engaged within this State as a distributor of melons or as a ~~processor~~ packer of melons in a quantity of 5,000 standard boxes or more or their equivalent during a marketing season, who first receives or obtains such melons from producers thereof and shall include any producer of melons who performs any of the functions of a distributor or of a ~~processor~~ packer. (Amended 1/12/2013)

146. “Marketing Season”, “Fiscal Year”, and “Fiscal Period” are synonymous and mean the period beginning March 1 of any year and extending through the last day of February of the following year. (Amended 12/15/06)

ARTICLE III

GENERAL RESEARCH

Section A. RESEARCH AND DEVELOPMENT AND SURVEY STUDIES. The Board is authorized to undertake, or cause to be conducted and to administer, research, development and survey programs with respect to varietal development, production, harvesting, post-harvesting, and transportation from field to processing points on any or all varieties of melons; provided, that such research may include research to determine the carrying quality of new varieties of melons and improved strains of existing varieties of melons. With the approval of the Department, the Board may expend money, enter into contracts with qualified research agencies and do all things necessary and proper in the conduct of a melon research and development and survey program limited by the provisions of Section 58892 of the Act. (Amended 1/12/2013)