

February 9, 2016

**Notice of Minor Amendments
To the Marketing Order For Processing Strawberries
Amendments Become Effective February 15, 2016**

The California Department of Food and Agriculture, upon the recommendation of the Processing Strawberry Advisory Board (PSAB), has approved minor amendments to the Marketing Order for Processing Strawberries (PSAB Marketing Order). These amendments (attached) become effective on February 15, 2016.

The amendments involve the following changes:

- Modifying the structure of the Board so that each processor has the discretion to have one member and one alternate on the Board.
- Adopting a clear dockage provision for both Grades 1 and 2 that aligns with the existing dockage provision for Grade 1WC.
- Requiring all processors to report certain data so that the PSAB can calculate and disseminate average annual producer price information.

An updated version of the Marketing Order that incorporates these amendments is available at www.cdfa.ca.gov/mkt/mkt. If you have any questions regarding these amendments, please call Gabe Moreno, Manager of the PSAB, at (831) 724-5454 or Dennis Manderfield of this office at (916) 900-5018.

Sincerely,



Robert Maxie, Chief
Marketing Branch

Attachment

2016 (0209) | 2016 (0209) | 2662



Minor Amendments

To the Marketing Order for Processing Strawberries

Effective February 15, 2016

Additions are shown in ***Bold Italics*** and deletions are shown as ~~Strikethrough~~.

The minor amendments below have three distinct primary purposes and therefore they are divided into three groups as follows:

- Amendments Related to Each Processor Having an Opportunity to be Represented on the Board
- Amendments Related to Adopting a Dockage Provision for Both Grades 1 and 2 that Aligns with the Existing Dockage Provision for Grade IWC
- Amendment Related to Mandatory Reporting of Information Needed to Calculate Statewide Average Annual Producer Price

Amendments Related to Each Processor Having Opportunity to be Represented on the Board

Article II, Section A is amended as follows:

Section A. ESTABLISHMENT, MEMBERSHIP AND TERM OF OFFICE

1. An Advisory Board to be known as the Processing Strawberry Board of California is hereby established ~~and shall consist of nine (9) members~~ to assist the Department in the administration of said Marketing Order. The Board shall be composed of ~~nine (9)~~ ***representatives of*** processors who utilize strawberries for strawberry products, all of whom shall be appointed by the Department. ***Each processor will have the discretion to be represented on the Board by one member and one alternate. Therefore, the size of the Board will vary from year to year depending upon the number of processors who express an interest in having representatives on the Board.***

2. There ~~shall~~ ***may*** be an alternate member for each member of the Board.

3. Members and alternate members shall be appointed by the Department from nominations received for that purpose ***from processors interested in being represented on the Board.***

4. The term of office of the members and alternate members of the Board shall be one (1) year beginning on the first day of January and continuing at the pleasure of the Department until December 31 of the same year or until their successors have been appointed and have qualified.

5. Notwithstanding other provisions of Article II, and upon recommendation of the Board, the Department may appoint one (1) member and one (1) alternate member to the Board to represent the general public, in addition to the processor members of the Board provided for in this Section A. Such persons shall not be affiliated in any way with respect to the production or marketing of processed strawberries and shall have all of the rights and privileges, including voting, of any other member appointed pursuant to Article II. The term of office shall be as close as possible to one (1) full year and shall terminate on December 31.

Article II, Section B is amended as follows:

Section B. NOMINATIONS FOR BOARD MEMBERSHIP

The Department shall ~~cause to be held, contact all processors prior to December 31 during the last quarter of each year, a meeting or meetings of persons affected by this Marketing Order for the purpose of obtaining nominations of persons eligible to serve as members and alternate members of the Board to inquire about their interest in having representation on the Board for the subsequent year. Interested processors will be asked to nominate a member and an alternate to represent their respective firm. If during this annual nomination inquiry a processor chooses to not have representation on the Board for the following year, the processor must wait until the next annual nomination inquiry before being afforded the opportunity to once again nominate representatives of their firm to serve on the Board.~~

Article II, Section G is amended as follows:

Section G. VACANCIES

The Department shall fill any vacancy occasioned by the removal, death, resignation or disqualification of any member or alternate member of the Processing Strawberry Advisory Board of California. ~~In making such selection, the Department may take into consideration any nominations made by the remaining members of the Board.~~ *When a vacancy occurs, the Department shall ask the respective processor involved to provide a recommended replacement from their firm.*

**Amendments Related to Adopting a Dockage Provision for Both Grades 1 and 2
that Aligns With the Existing Dockage Provision for Grade 1WC**

Article III, Section C is amended as follows:

Section C. GRADE NO. 1. Fresh strawberries consist of berries which have been harvested in a recognized safe manner, and are of similar varietal characteristics which are firm and meet the color and other requirements specified below, and are free from defects as defined, within the specified tolerances.

Color: Berries must have not less than eighty percent (80%) red color characteristic of the variety.

Berries having more than twenty percent (20%) green color are considered immature and are classified as culls.

Berries having a dull or lifeless appearance or which are grayish or brownish in color are considered overripe.

Defects: Defective strawberries mean those berries which are damaged by various causes and are unacceptable for processing.

A. The following are considered damage:

1. Dryness - when damaged by seeds which are prominent or excessive and the berry is materially dehydrated, tough, or leathery.
2. Discernible insect or worm injury or worm holes, bird pecks, or slug damage.
3. Sunburn.
4. Water-soaked or water-logged berries.
5. Cat faces or undeveloped berries - berries with clusters of seeds or a seedy seam or having a hardened seedy or fibrous area in the flesh.
6. Stems and caps - all stems, bracts, or sepals must be entirely removed. Berries shall be considered defective if they have whole or partial caps, stems, or sepals present.
7. Soft - a soft berry is one that will not hold its form, consistency, or shape, or a berry that has lost its firm texture, or will "rag" in the washing.
8. Dirt means that the berry shows dirt which will not wash off in the ordinary process of washing.
9. Mashed or crushed berries.

B. Free from decay, mold, or fungus growth or any type of rot.

C. Berries under five-eighths inch (5/8") in diameter when measured at right angles to a straight line running from the stem to the apex.

Defects, including defects of color, damage, decay, or undersized berries, described above, may not average more than five percent (5%) by weight, of the strawberries in any lot. ***Defects of five percent (5%) or less will be accepted without dockage, but when all defects exceed five percent (5%), the total defect percentage will be claimed as dockage.***

Article III, Section E is amended as follows:

Section E. GRADE NO. 2. Fresh strawberries, with stems not intentionally removed, which are defective but (1) which are not water-soaked or waterlogged, moldy, rotten, affected by fungus growth or any type of rot; and (2) which do not have more than 50 percent green color.

Defects, including defects of color and decay, may not average more than five percent (5%) by weight, of the strawberries in any lot. Defects of five percent (5%) or less will be accepted without dockage, but when all defects exceed five percent (5%), the total defect percentage will be claimed as dockage.

Amendment Related to Mandatory Reporting of Information Needed to Calculate Statewide Average Annual Producer Price

Article IX, Section B is added as follows:

Section B. INFORMATION NEEDED TO CALCULATE STATEWIDE AVERAGE ANNUAL PRODUCER PRICE.

Each year all processors shall report certain specified data to the PSAB so that the PSAB can calculate and disseminate statewide average annual price statistics. The required information shall be submitted in the form required by the PSAB and shall include but not be limited to prices, volumes and district origin for all grades of strawberries in both the conventional and the organic categories.

Subsequent sections in Article IX are renumbered to reflect the insertion of this new section.