

STATE OF CALIFORNIA
DEPARTMENT OF FOOD AND AGRICULTURE
MARKETING BRANCH



CALIFORNIA DEPARTMENT OF
FOOD & AGRICULTURE

CALIFORNIA CITRUS RESEARCH PROGRAM

Effective October 24, 1968
Incorporating Amendments through August 1, 2011

CALIFORNIA CITRUS RESEARCH PROGRAM

Originally Effective October 24, 1968
With Amendments Through August 1, 2011

ARTICLE 1

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 of 1937, Chapter 1 of Part 2, Division 21 of the Agricultural Code, as amended, or as the same may be hereafter amended.

2. "Department" means the Department of Food and of Agriculture of the State of California.

3. "Citrus Improvement Program" "Citrus Research Program" or "Program" means, unless the context otherwise indicates, this Program which is issued by the Department pursuant to the provisions of the Act. *(Amended 3/25/78)*

4. "Citrus Advisory Board," "Citrus Research Board," "Advisory Board," and "Board" are synonymous and mean the Citrus Advisory Board created pursuant to Article II of this Program. *(Amended 3/25/78)*

5. "Person" means an individual, partnership, firm, corporation, association, subsidiary, affiliate or other business unit.

6. "Citrus" for the purpose of this Program, means edible fruits of the family Rutaceae, commonly called citrus, and including all hybrids 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, citrus as defined in this Program in a quantity of any variety of citrus of 750 or more standard field boxes or their equivalent delivered to a processor or a handler during a marketing season. *(Amended 11/8/09)*

8. "Standard Field Box" means a container equivalent to 40 pounds. *(Amended 11/8/09)*

9. "Sell" means to offer for sale, expose for sale, have in possession for sale, exchange, barter, or trade, citrus as defined herein.

10. "Ship" means to transport or cause to be transported by any means whatsoever, citrus as defined herein.

11. "Market", unless the context indicated 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 or other activity performed for the purpose of preparing citrus for market or of marketing citrus or citrus products.

13. "Handler" means any person engaged within this State as distributor of citrus or as a processor of citrus who first receives or obtains such citrus from the producer thereof and shall include any producer of citrus who performs any of the functions of a distributor or of a processor.

14. "Fiscal Period" or "Marketing Season" means the period from October 1, of any year through September 30, of the following year. *(Amended 8/1/11)*

ARTICLE 2

CITRUS ADVISORY BOARD

Section A. ESTABLISHMENT, MEMBERSHIP, AND TERM OF OFFICE.

1. An Advisory Board to be known as the Citrus Advisory Board is hereby established and shall consist of eleven (11) members to assist the Department in the administration of this Program. The Board shall be composed of producers as herein defined.

2. There shall be an alternate member for each member of the Board. The alternate shall be selected in the same manner and for the same term as the member.

3. Members and alternate members shall be appointed by the Department from nominations received for that purpose.

4. Membership on the Board shall be by districts as follows:

a. District 1 shall have eight (8) members and eight (8) alternate members and shall be composed of that part of the State of California west of a line drawn due north and south through White Water and north of a line drawn due east and west through Gorman, but excluding San Luis Obispo and Santa Barbara Counties. *(Amended 7/5/96, 8/31/05 and 8/1/11)*

b. District 2 shall have two (2) members and two (2) alternate members and shall be composed of that part of the State of California west of a line drawn due north and south through White Water and south of a line drawn due east and west through Gorman, but including San Luis Obispo and Santa Barbara counties. *(Amended 7/5/96, 8/31/05 and 8/1/11)*

c. District 3 shall have one (1) member and one (1) alternate member and shall be comprised of that part of the State of California east of a line drawn north and south through White Water. *(Amended 8/1/89 and 7/5/96)*

(Paragraph regarding member-at-large provision was amended out 7/1/92. Paragraph regarding marketing affiliation provision was amended out 9/1/95.)

5. Notwithstanding other provisions of this 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 eleven (11) 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 citrus and shall have all of the rights and privileges, including voting, of any other member or alternate member of the Board. The regular term of office of any member or respective alternate member appointed pursuant to this Subsection shall be as close as possible to three (3) full years and shall terminate on July 31 of the applicable fiscal period, provided that such member or alternate member shall be eligible for reappointment by the Department but not to exceed two consecutive terms. *(Amended 8/1/11)*

Section B. NOMINATION OF MEMBERS OF ADVISORY BOARD.

1. Nominations for the initial Advisory Board shall be made at the public hearing held for the purpose of formulating this Program.

2. For the purpose of obtaining nominations to subsequent Boards, the Department shall cause to be held a meeting or meetings of producers in each district in California described in this Article. Such nomination meetings shall be held annually not later than July 15. *(Amended 8/1/11)*

3. Insofar as practical, producers shall nominate not less than three (3) producers eligible to serve as a member of the Advisory Board for each member position available.

4. The Board shall recommend nomination procedures applicable to Boards subsequent to the initial Advisory Board.

Section C. SELECTION AND APPOINTMENT OF MEMBERS OF ADVISORY BOARD.

In appointing the members and alternates of the Advisory Board, the Department shall select eleven (11) members and eleven (11) alternate members from the nominees selected by producers. Such appointments shall be consistent with the provisions of Sections A and B hereof. Insofar as practicable, the Department shall include in its selection representatives of producers for all varieties of citrus.

Section D. FAILURE TO NOMINATE. In the event nominations are not made pursuant to Sections A and B of Article II and within the time specified therein, the Department may select members and alternate members, without regard to nominations, from the individuals who are or who represent members of groups entitled to submit nominations as described in said Section A Article II.

Section E. QUALIFICATION. Any person appointed by the Department as a member or as an alternate for a member of the Advisory Board shall qualify by filing with the Department a written acceptance and such other documents as may be required.

Section F. ALTERNATE MEMBERS.

1. An alternate member of the Board shall, in the absence of the member for whom he or she is an alternate, sit in the place and stead of such member at any meeting of the Board and shall have all the powers, duties and privileges of the member while attending any such meetings. In the event of the death, removal, resignation or disqualification of a member, his or her alternate shall act in his or her place and stead until a successor to such member is selected and has qualified.

2. Whenever a member and the respective alternate member are absent from a duly noticed and assembled Board meeting and there is not a quorum of the Board, or three-fourths of the producer members of the Board when considering minor amendments to the Program, the Chairman presiding at the meeting shall designate alternate members who are present but not serving as members, to sit in the place and stead of absent members. For each vacant position, the Chairman first shall designate an alternate member who is from the same district as the absent member. If there is not an eligible alternate member from the same district as the absent member, the Chairman then shall designate an alternate member without regard to districts to serve in the place and stead of the absent member. This paragraph does not apply to the public member and alternate public member positions. *(Amended 8/1/89, 9/1/95 and 6/15/98)*

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 Citrus Advisory Board. In making such selection, the Department may take into consideration any nominations made by the remaining members of the Board.

Section H. ORGANIZATION.

1. The Citrus Advisory Board shall not perform any of its duties nor exercise any of the powers herein granted when more than four (4) vacancies in its membership exist.

2. A quorum of the Advisory Board shall consist of not less than a majority of the currently filled member positions. Any recommendation of the Board to the Department shall require an affirmative vote of a majority of the currently filled member positions. *(Amended 6/15/98)*

Section I. EX-OFFICIO MEMBERS. Each year the Board may recommend and the Department may approve the participation of ex-officio members in any or all deliberations of the advisory Board; provided, that such participants shall not be counted in determining the presence of a quorum nor may they participate in the voting.

Section J. COMMITTEES.

1. Agricultural Chemical Residues Committee.

a. A committee is hereby established to assist the Advisory Board and the Department in administering the research and quality assurance program on agricultural chemical residues as described in Article III hereof. The committee shall be known as the Committee on Agricultural Chemical Residues.

b. The Department shall appoint the members of the Committee on Agricultural Chemical Residues from recommendations made by the Advisory Board.

2. Variety Improvement and Registration and Certification Committee.

a. A committee is hereby established to assist the Advisory Board and the Department in administering a program for variety improvement and nursery stock registration and certification as described in Article IV hereof. The committee shall be known as the Committee on Variety Improvement and Registration and Certification.

b. The Department shall appoint the members of the Committee on Variety Improvement and Registration and Certification from recommendations made by the Advisory Board.

3. The duties of the Committee on Agricultural Chemical Residues and the Committee on Variety Improvement and Registration and Certification shall be defined by the Board, subject to the approval of the Department.

4. The Advisory Board may recommend, and the Department may appoint, such other committees as may be deemed necessary to assist the Board and the Department in performing duties authorized pursuant to this Program.

Section K. EXPENSES. The members of the Board, including ex officio members, and of any committees provided for herein above may be reimbursed for allowable expenses necessarily incurred by them in the performance of their duties and in the exercise of their powers hereunder, but no such member shall receive a salary in the performance of such duties.

Section L. DUTIES AND POWERS OF THE BOARD. The Board shall have the following duties and powers, which may be exercised subject to the approval of the Department:

1. To administer the provisions of this Program.
2. To recommend to the Department administrative rules and regulations relating to this Program.
3. To receive and report to the Department complaints of violations of this Program.
4. To recommend to the Department amendments to this Program.
5. To assist the Department in the assessment of members of the industry and in the collection of such assessments to cover expenses incurred by the Board and the Department in the administration of this Program.
6. To assist the Department in the collection of such necessary information and data as the Department or the Board may deem necessary to the proper administration of this Program and of the Act.
7. To keep minutes, books and records which will clearly reflect all of its meetings, acts and transactions and to provide the Department with copies of the minutes duly certified by an authorized officer of the Board. Said minutes, books and records shall at all times be subject to examination by the Department or its duly authorized representatives.
8. To employ such personnel as may be deemed necessary and to fix their compensation and terms of employment.

Section M. LIMITATION OF LIABILITY OF MEMBERS OF THE ADVISORY BOARD. The members of the Advisory Board, ex officio members, or any committees hereunder duly appointed by the Department, and the employees of such Board, shall not be held responsible individually in any way whatsoever to any producer or any other person for errors in judgment, mistakes or other acts, either of commission or omission, as principal, agent, person, or employee, except for their own individual acts of dishonesty or crime. No such person or employee shall be held responsible individually for any act or omission of any other member of the Board, committee, or employee. The liability of the Board, its committees, or employees shall be several and not joint and no member shall be liable for the default of any other member.

ARTICLE 3

QUALITY ASSURANCE PROGRAM ON AGRICULTURAL CHEMICAL RESIDUES

Section A. AGRICULTURAL CHEMICAL RESIDUE PROGRAM.

1. The Board is hereby authorized to develop and administer, subject to the approval of the Department, a program to assure wholesome citrus fruit which does not contain pesticide or other chemical residues in excess of legally permitted tolerances for those markets to which such citrus is shipped.
2. In carrying out programs to assure high quality citrus and minimal pesticide or other chemical residues, the Board may cooperate with existing industry groups and contract for whatever technical services are necessary to establish and maintain a sound research and/or control program.
3. The Board may recommend and the Department may issue regulations which prohibit preparation for market or marketing of citrus which fails to meet agricultural chemical residue tolerance standards which are or may be established for any or all markets or for any or all varieties of citrus.
4. This authority shall in no event be construed to include quality programs or regulations unrelated to pesticide or other chemical residues.

ARTICLE 4

VARIETY IMPROVEMENT RESEARCH PROGRAM

Section A. VARIETY IMPROVEMENT, REGISTRATION, AND CERTIFICATION.

1. The Board is hereby authorized to carry on or support a program of variety improvement to assure the continued freedom of citrus nursery stock from pathologically harmful viruses and economically undesirable viruses and mutations. The Board may assist or otherwise support citrus registration and certification programs.

ARTICLE 5

GENERAL RESEARCH

Section A. RESEARCH AND DEVELOPMENT AND SURVEY STUDIES. The Advisory Board is authorized to undertake, or cause to be conducted and to administer, research and development and survey programs affecting the propagation, production, harvesting, handling, processing, or preparation for market of any or all varieties of citrus. 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 citrus research and development and survey program limited only by the provisions of Section 58892 of the Act. This authority shall in no event be construed as an authority to conduct marketing research or to promote or advertise California citrus fruits.

Section B. AUTHORITY AND PROVISIONS REGARDING, AND DESIGNATION OF, CERTAIN RESEARCH PROJECTS PURSUANT TO SECTION 58892 OF THE ACT.

1. In accordance with the provisions of Section 58892 of the Act, production research for the purpose of determining the production, processing and distribution qualities of citrus may be established for the period of time necessary, not to exceed 10 years, to make such determination even though the period of time necessary may extend beyond the term of this marketing order; provided, the Department finds there is no satisfactory alternative method to accomplish the desired research; and, provided further, that the Department has determined, after conducting a public hearing as provided for in Article IV (commencing with Section 58771 of the Act), and making the necessary findings as required by Section 58813 of the Act, that such proposed research project shall be submitted for a vote of those persons being regulated; and, provided, further, that valid votes have been cast in any such vote that represent not less than 40 percent of the total number of producers of citrus of record with the Department; and, provided, still further, that, in any such voting, a favorable vote was cast by not less than 65 percent of the total number of such producers, and that such producers marketed not less than 51 percent of the total quantity of such commodity that was marketed in the next preceding marketing season by all of the producers, that cast ballots in the vote for the proposed research study. The Advisory Board may recommend and the Department may approve that the funds necessary for such research be expended by the Advisory Board annually or allocated in a lump sum and placed in a trust account established by the Department for the purpose of ensuring the completion of such project. In the event a trust fund is established, the Department may also appoint a board of trustees to assist the Department in the administration of such research project. *(Amended 9/1/82)*

2. For the purposes of this Section B and Section 58892 of the Act, the research projects hereby designated which may be so established or continued for a period of up to 10 years beyond the term of this marketing order are the projects under Articles III and IV hereof entitled, "Quality Assurance Program" and "Citrus Clonal Protection" in the 1981-82 budget of this Program; provided, that other qualifying project(s) under Articles III, IV, or V hereof may be so established or continued, if approved in accordance with the provisions of this Section B and Section 58892 of the Act. *(Amended 9/1/82)*

ARTICLE 5.5

PEST AND DISEASE CONTROL

Section A. DETECTION, CONTROL AND PREVENTION

The Board may recommend and the Department may approve measures to assist in the prevention or reduction of losses in the California citrus industry caused by insects, predators, disease, or parasite infestations.

The Board may conduct or arrange for the detection, prevention, and control of insects, predators, diseases, or parasites affecting the California citrus industry. Such activities may include the establishment and operation of inspection, spraying, dusting, fumigating, or other control measures as permitted by law. *(Amended 12/1/08)*

ARTICLE 6

BUDGETS AND RATE OF ASSESSMENT

Section A. RECOMMENDATIONS OF BUDGETS AND RATES OF ASSESSMENT BY THE BOARD. At the beginning of each fiscal year hereunder and as may be necessary thereafter, the Board shall recommend to the Department a budget or budgets of estimated expenditures and reserves for the administration and enforcement of this Program and the activities authorized hereunder. The Board shall also recommend a rate or rates of assessment calculated to provide adequate funds to defray the proposed expenditures and reserves as set forth in said budget or budgets; provided, however, that the rate of assessment for the 2008–2009 marketing season on all varieties and kinds of citrus shall not exceed \$0.036 per standard field box or the equivalent thereof and provided further that for each marketing season thereafter the rate or rates of assessment shall not exceed \$0.065 per standard field box or the equivalent thereof. The rate or rates of assessment need not be the same for all varieties or kinds of citrus but shall be based upon the needs of the program. *(Amended 12/1/08 and 11/8/09)*

Section B. APPROVAL OF BUDGETS AND FIXING OF RATES OF ASSESSMENT BY THE DEPARTMENT. If the Department finds that the recommended budgets and rates of assessment are proper and equitable and calculated to provide such funds as may be necessary to properly carry out the provisions of this Program, it may approve such budgets and rates; provided, however, that in no event shall such rates of assessment exceed the maximum rate authorized by the Act.

Section C. PAYMENT AND COLLECTION OF ASSESSMENTS. The obligation to pay assessments under this Program shall apply to the producer for all citrus marketed by him or her. To facilitate collection, each processor or handler of citrus shall pay the applicable assessment on all citrus received by him or her from a producer at the rates approved by the Department pursuant to the provisions of this Program. The processor or handler may, however, deduct any assessment paid for and on behalf of a producer from any money owed by the processor or handler to the producer. The Department shall verify that proper payment has been made by processors or handlers for and on behalf of producers. Any assessments levied hereunder shall constitute a personal debt of every person so assessed and shall be due and payable to the Department upon demand. In the event of failure by any person to pay any assessment payable hereunder, the Department may file a complaint against such person in a State court of competent jurisdiction for the collection thereof pursuant to the provisions of Section 58929 of the Act. The Department may add to any unpaid assessment a collection expense penalty not to exceed ten percent (10%) of such unpaid assessment.

Section D. REFUNDS. Any money collected as assessments during a marketing season and not expended in connection with this Program may, at the discretion of the Department, be refunded after the close of any marketing season upon a pro rata basis to all persons from whom assessments were collected; or all or a portion of such money as may be recommended by the Board and approved by the Department may be carried over into the next marketing season if the Department finds that such money may be required in defraying the costs of this Program in such succeeding season.

Section E. BONDS. The Department may require that any and all persons handling substantial funds collected pursuant to the provisions of this Program shall execute and deliver to the Department a bond or bonds in such amount as the Department may designate with surety thereon satisfactory to the Department conditioned upon the faithful performance of the duties of such person pursuant to the provisions of this Citrus Improvement Program.

ARTICLE 7

BOOKS AND RECORDS

Section A. BOOKS AND RECORDS. Any and all persons subject to the provisions of this Program shall maintain books and records reflecting their operations under this Program and shall furnish to the Department or its duly authorized or designated representative, such information as may be, from time to time, requested by them relating to operations under this Program and shall permit the inspection by said Department, or its duly authorized or designated representatives, of such portions of such books and records as relate to operations under said Program.

Section B. CONFIDENTIAL INFORMATION. Any information obtained by any person pursuant to the provisions of this Article shall be confidential and shall not be disclosed by him or her to any other person save to a person with like right to obtain the same or any attorney employed by the Department or the Advisory Board to give legal advice thereupon or by court order.

Section C. IMMUNITY. No person shall be excused from attending and testifying or from producing documentary evidence before the Department in obedience to the subpoena of the Department on the ground or for the reason that the testimony or evidence, documentary or otherwise, required of him or her may tend to incriminate him or her or subject him or her to a penalty or forfeiture. But no natural person shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transactions, matter or thing concerning which he or she may be so required to testify, or produce evidence, documentary or otherwise, before the Department on obedience to a subpoena issued by the Department.

ARTICLE 8

APPEALS

Section A. APPEALS. Any person affected by this Citrus Improvement Program may petition the Department to review any order or decision of the Advisory Board or any of its subcommittees. Any such petition must be filed in writing setting forth the facts upon which it is based.

Section B. EFFECT OF APPEAL. Pending the disposition of any appeal set forth in Section A of this Article, the parties shall abide by the order or decision of said Advisory Board, unless the Department shall rule otherwise. The Department shall, if the facts stated show reasonable grounds, grant any order or decision upon which an appeal is taken.

ARTICLE 9

AGENTS

Section A. AGENTS. The Secretary of the Department may, by designation in writing, name any person or persons, including officers or employees of the California Department of Food and Agriculture, to act as its agent or agents, with respect to any provision of this Citrus Improvement Program.

ARTICLE 10

RELATION TO OTHER LEGISLATION

Section A. ANTI-TRUST LAWS. In any civil or criminal action or proceeding for violation of the Cartwright Act, the Unfair Practices Act, the Fair Trade Act, Section 16600 of the Business and Professions Code, or any rule or statutory or common law against monopolies or combinations in restraint of trade, proof that the act complained of was done in compliance with the provisions of this Program and in furtherance of the purposes and provisions of the Act, shall be a complete defense to such action or proceeding.

ARTICLE 11

SEPARABILITY

Section A. SEPARABILITY. If any section, sentence, clause, or part of this Program is for any reason held to be invalid or unconstitutional, or the applicability thereof to any person, circumstance, or thing is held to be invalid or unconstitutional, such decision shall not affect the remaining portions of this Program. The Department and the signatories to the assents to this Program hereby declare that it would have issued this Program and each sentence, section, clause, or part thereof, and each of the signatories to the assents would have assented to each sentence, section, clause, or part thereof, despite the fact that one or more sections, sentences, clauses, or parts thereof be declared invalid or unconstitutional.

ARTICLE 12

EFFECTIVE TIME AND TERMINATION

Section A. EFFECTIVE TIME. This Program shall become effective on the date specified by the Department and shall continue in effect until suspended or terminated by the Department, or by operation of law in accordance with the provisions of the Act; provided, that beginning in 1972 and every five (5) years thereafter, the Department shall conduct a referendum of the producers to determine whether or not the Program should be terminated.

Section B. TERMINATION. Pursuant to the provisions of Section 59081 of the Agricultural Code, the Department shall suspend or terminate this Program, or any provision thereof, whenever it finds, after a public hearing duly noticed and held in accordance with the provisions of Article 6 of Chapter 1, Division 21 of said Agricultural Code, that this Program, or any provisions thereof, is contrary to or does not tend to effectuate the declared purposes or provisions of the Act within the standards and subject to the limitations and restrictions therein imposed; provided, that such suspension or termination shall not become effective until expiration of the then current marketing season. The Department shall also suspend the provisions or terminate this Program in accordance with the provisions of Section 59082, 59084 or 59085 of the Act.

Section C. EFFECT OF TERMINATION, SUSPENSION OR AMENDMENT. Unless otherwise expressly provided for in the notice of amendment, suspension or termination, no amendment, suspension, or termination of the Program issued by the Department shall either (a) affect, waive or terminate any right, duty, obligation or liability which shall have arisen or may thereafter arise in connection with any other provisions of said Program, not so amended, suspended or terminated; (b) release, condone or dismiss any violation of said Program occurring prior to the effective time of such amendment, suspension or termination; (c) affect or impair any right or remedy of the Department or of any person with respect to any such violation; or (d) affect any liabilities pursuant to the provisions of this Program.