

DEPARTMENT OF AGRICULTURE
MARKETING AND COMMUNICATION DIVISION
ACCREDITATION AND REGULATION OF ASSOCIATIONS

(By authority conferred on the agricultural marketing and bargaining board by section 3 of Act No. 344 of the Public Acts of 1972, being S290.703 of the Michigan Compiled Laws)

R 290.101 Definition of perishable fruits and vegetables.

Rule 1. Perishable fruits and vegetables for which an association may seek accreditation are agricultural commodities that are readily susceptible to deterioration and decay or which may be protected by refrigeration, icing, ventilation, or protected from the cold, and that could be produced in commercial quantities in this state. These include, but are not limited to, apples, cherries, grapes, peaches, apricots, pears, plums, nectarines, strawberries, blueberries, raspberries, tomatoes, cucumbers, asparagus, snap beans, lima beans, cabbage, peas, cantaloupes, watermelons, carrots, cauliflower, celery, sweet corn, potatoes, lettuce, onions, peppers, squash, pumpkin, sweet potatoes, broccoli, brussels sprouts, eggplant, spinach, beets, rhubarb, watercress, parsnips, and turnips.

History: 1979 AC.

R 290.102 Marketing period of agricultural commodities.

Rule 2. The determination of the marketing period shall be stated in the agricultural marketing and bargaining board's preliminary declaration of accreditation of an association and, although it may subsequently be changed by the board in view of the evidence that an alternative period would be more appropriate, it will generally be determined as follows:

(a) The first day of the marketing period of an agricultural commodity that is delivered for sale shall be the earliest date in the previous 5 years when the commodity was first delivered by a producer in the bargaining unit to a handler. The last day of the period shall be the latest date of the preceding 5 years when the last delivery of the commodity by a producer in the bargaining unit was made.

(b) The first day of the marketing period of an agricultural commodity, produced and marketed under contract for future delivery of substantially all of a crop or periodic production of the commodity, shall be a date 150 days prior to the earliest date in the preceding 5 years when the commodity was first delivered by a producer in the bargaining unit to a handler. The last day of the period shall be the latest date in the preceding 5 years when the last delivery of the commodity by a producer in the bargaining unit was made.

History: 1979 AC.

R 290.103 Determination of minimum value at first point of sale.

Rule 3. The minimum value at first point of sale for an agricultural commodity that a person must have produced to be a producer of a commodity and included in a bargaining unit for the commodity shall be \$1,250.00. However, the agricultural marketing and bargaining board may determine that the minimum value at first point of sale should be larger or smaller based upon the evidence at the board's hearing to determine whether a proposed bargaining unit for the commodity is appropriate.

History: 1979 AC.

R 290.104 Application fee.

Rule 4. An application fee for accreditation of an association is \$175.00 for the administrative cost plus 25 cents for mailing and notification costs for each person who has previously produced sufficient quantity of the agricultural commodity to meet or exceed the minimum value at first point of sale as established by the board. Payment of the application fee, including the mailing and notification costs, must accompany all requests for accreditation.

History: 1979 AC.

R 290.105 Annual reports of accredited associations.

Rule 5. Each accredited association shall file an annual report with the agricultural marketing and bargaining board 60 days prior to the stated marketing period of the year of accreditation and each year thereafter. The report shall include:

(a) The names and addresses of members of the marketing and bargaining committee of the association and evidence that they meet the criteria established for eligibility for such committees.

(b) An accounting of expenses of the association in providing marketing services.

(c) A copy of the most recent annual financial statement.

(d) Fees to members and nonmembers.

(e) Any changes in bylaws since the previous annual report.

(f) Verification that all conditions specified under section 7 of Act No. 344 of the Public Acts of 1972 are met.

History: 1979 AC.

R 290.106 Marketing service fees.

Rule 6. Marketing service fees for marketing and bargaining services provided producers in the bargaining unit shall be based solely upon the cost incurred by the association in providing the services. The fees shall not exceed 3% of the gross value of the commodity at time of sale and shall not include costs of services to members that do not benefit nonmembers.

History: 1979 AC.