



United States Department of Agriculture

Marketing and
Regulatory
Programs

Agricultural
Marketing
Service

Specialty
Crops
Program

Commodity Specification for Shelled Tree Nuts

April 2019

Non-Discrimination Policy: In accordance with Federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, the USDA, its Agencies, offices, and employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, religion, sex, gender identity (including gender expression), sexual orientation, disability, age, marital status, family/parental status, income derived from a public assistance program, political beliefs, or reprisal or retaliation for prior civil rights activity, in any program or activity conducted or funded by USDA (not all bases apply to all programs). Remedies and complaint filing deadlines vary by program or incident.

Persons with disabilities who require alternative means of communication for program information (e.g., Braille, large print, audiotape, American Sign Language, etc.) should contact the responsible Agency or USDA's TARGET Center at (202) 720-2600 (voice and TTY) or contact USDA through the Federal Relay Service at (800) 877-8339. Additionally, program information may be made available in languages other than English.

To file a program discrimination complaint, complete the USDA Program Discrimination Complaint Form, AD-3027, found online at [How to File a Program Discrimination Complaint](#) and at any USDA office or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632-9992. Submit your completed form or letter to USDA by: (1) mail: U.S. Department of Agriculture, Office of the Assistant Secretary for Civil Rights, 1400 Independence Avenue, SW, Washington, D.C. 20250-9410; (2) fax: (202) 690-7442; or (3) email: program.intake@usda.gov.

USDA is an equal opportunity provider, employer, and lender.

Commodity Specification for Shelled Tree Nuts
Table of Contents

GENERAL	1
U.S. Standards.....	1
Exceptions to U.S. Standards.....	1
Order of Precedence.....	1
Product Origin.....	1
Kosher Products.....	2
Packing Season.....	2
Grade of Shelled Tree Nuts.....	2
LABELS AND PACKAGING	3
Primary Containers (Packages and Labeling).....	3
Secondary Containers (case) for Commercial Labels.....	3
Secondary Containers (case) for Non-Commercial Labels.....	4
UNIVERSAL PRODUCT CODES (UPC)	4
PALLETIZATION REQUIREMENTS	4
Pallets.....	4
Unitization.....	5
Sampling.....	5
Shipment and Delivery.....	5
Quantity Tolerance.....	5
INDIVIDUAL COMMODITY SPECIFICATIONS	5
Shelled Almonds.....	5
Shelled, Slivered Almonds.....	6
Shelled Walnuts.....	7
Pistachio Nuts in the Shell.....	8
INSPECTION AND CHECKLOADING	9
Requirements.....	9
Procedures.....	10
FAILURE TO MEET SPECIFICATIONS	10
EXHIBITS	11
Exhibit 1 - Required Markings for Non-Commercial Shipping Containers.....	11
Exhibit 2 - Alternative Label for Shipping Containers.....	12
Exhibit 3 - Sample Alternative Label for Shipping Containers.....	13
Exhibit 4 - Universal Product Codes.....	14
Exhibit 5 - “Please Recycle” Symbol and Statement.....	15
Exhibit 6 - “Corrugated Recycles” Symbol and Statement.....	16
Exhibit 7 - USDA Symbol.....	17
Exhibit 8 - Symbols for Kosher Products.....	18

GENERAL

U.S. Standards

Shelled tree nuts produced under this Commodity Specification must meet the requirements specified in the applicable United States Standards for Grades of shelled nuts (U.S. Standards) effective on the date of the Solicitation/Invitation for Bid (IFB). The U.S. Standards are published separately and are incorporated herein and made a part of this Commodity Specification.

Exceptions to U.S. Standards

Additional exceptions may be specified in the applicable Solicitation/IFB. Any exceptions contained in the applicable Solicitation/IFB shall have precedence over the requirements contained herein, for that Solicitation/IFB only.

Order of Precedence

If the contract documents are inconsistent or contradictory, the following order of precedence will prevail: IFB, Master Solicitation, Amendments to the Commodity Specifications, and Commodity Specifications and/or Supplement(s).

Product Origin

1. Commodities delivered pursuant to this Commodity Specification shall have originated from crops that have been 100 percent grown, processed, and packed in the United States, its territories or possessions, the Commonwealth of Puerto Rico, or the Trust Territories of the Pacific Islands, (hereinafter referred to as the United States). See the Master Solicitation.
2. If the contractor handles any commodity originating from sources other than the United States, the contractor must have a written plan to segregate the commodity. This segregation plan will include an identification and record system for all commodities to ensure they are completely segregated and cannot be used to fulfill purchase orders awarded by USDA. Such segregation plan must be made available, within 10 days of purchase order award, to representatives of the Agricultural Marketing Service (AMS).
3. The contractor must maintain positive written documentation records evidencing 100 percent domestic origin to the grower level. Contractors must also ensure that the documentation provided by any subcontractors demonstrates the same level of traceability. The burden of proof of compliance is on the contractor.
4. Documentation may include load or warehouse storage receipts for raw product (i.e., bin tags), product blend (formulation) records, product coding explanations, finished product warehousing records, shipping or payment records, or other documentation or

evidence that clearly establishes the product's domestic origin.

5. Contractors must provide the domestic origin certification and supporting documentation records to representatives of the AMS, Specialty Crops Program, Specialty Crops Inspection (SCI) Division (USDA Inspector) when requesting inspection service. USDA Inspectors will select and review at least one code for each purchase order or contract to determine compliance with the Agency's domestic origin requirements.
6. Such records must be available for review by the Government in accordance with FAR 52.214-26. In the event of an audit, AMS auditors will examine as many codes as is necessary to verify compliance.
7. Self-certifications by contractors and subcontractors will not be accepted.
8. Failure to observe this requirement may lead to suspension or debarment, purchase order termination, and penalties at Title 18, Section 1001 of the U.S. Code concerning falsification of information.

Kosher Products

Occasionally, USDA solicits offers to sell KOSHER products. Such products are identified on the solicitation with the letter “K” incorporated into the WBSCM material descriptions (see Exhibit 4 for specific products.) These products shall comply with applicable dietary (kosher) laws as established by the “613 Council of Kashruth.” Manufacturing plants shall be certified for compliance with the aforementioned requirement by contacting the Board of Jewish Education of Greater New York (BJENY) at 646-472-5366. **At no cost to the vendor**, a rabbinic supervisor will be sent to certify compliance of the manufacturing plant with the dietary (kosher) laws. Vendors must not bid on these purchase units unless they can be properly certified.

For other products, when commercial Kosher certification is requested in the solicitation, products must bear one of the Kosher certification symbols illustrated in Exhibit 8.

Packing Season

All shelled tree nuts must be from the current packing season/crop year, unless otherwise specified in the applicable Solicitation/IFB.

Grade of Shelled Tree Nuts

All shelled tree nuts must be U.S. Commercial Grade (as defined in the U. S. Standards) unless otherwise specified in Section II, Individual Product Specifications, herein or the applicable Solicitation/IFB.

LABELS AND PACKAGING

Primary Containers (Packages and Labeling)

1. Vendors have the option to use commercial labeling and packaging which meets all applicable FDA requirements and contains a code which allows traceability of the product in the event of a recall or they may use non-commercial packaging and labeling as specified in the Master Solicitation.
2. The processors' own commercially acceptable "brand" labels may be used on all Solicitations/IFBs unless prohibited by the Solicitation/IFB. Distributor's "brand" labels are not acceptable.
3. All products must be packed in new, commercially acceptable primary containers (packages). Shelled tree nuts shall be packed only in the container size and type specified in the applicable Solicitation/IFB. The primary package must be suitably code marked so that the product can be identified with related inspection certificates.
4. Product packed in bags must be effectively heat sealed.
5. For packages **3 pounds or less**, labels must also meet the following formatting criteria:
 - a. Must include, at a minimum, Two (2) colors, in addition to black and or white.
 - b. Must incorporate a graphic (photo or illustration) depicting the product/contents on the principal display panel if the packages are not clear or contain an adequate viewing window.
 - c. Suitably code marked so that the product can be identified with related inspection certificates.

Secondary Containers (case) for Commercial Labels

1. Primary containers shall be further enclosed within new, corrugated fiberboard cartons (cases) acceptable by common or other carriers for safe storage and transportation to destinations.
2. Case flaps, gaps, and other openings may not exceed 1 inch and must be fully sealed with tape. The tape used must be clear and of commercially acceptable width and strength. The tape must extend at least two inches down the sides or ends.
3. Mixing and matching of commercial and non-commercial labeling methods will not be acceptable.
4. Two or more different commercial labels will not be acceptable within a shipping unit (truck load).

Secondary Containers (case) for Non-Commercial Labels

Packages with non-commercial labels shall be further enclosed within new, corrugated fiberboard cartons (cases) acceptable by common or other carriers for safe transportation to destinations. Flaps, gaps and other openings may not exceed 1 inch and must be fully sealed with tape. The tape used, must be clear and of commercially acceptable width and strength. The tape must extend at least two inches down the sides or ends.

Cases must be marked in such a manner that they contain all the required symbols, statements and information contained in Exhibits 1, 2 or 3 as applicable.

Use of USDA Symbol is optional.

Cases may be marked by printing or stenciling or by preprinted, self-adhesive stickers. Self-adhesive stickers must be affixed to the case in such a manner that they cannot be removed intact.

Exact arrangement and adherence to font size is not required. The case markings must be clearly marked, easily read, and substantially the same as specified in Exhibit 1, 2 or 3 as applicable.

Exhibit 3 shows an alternative placard that may be applied to a non-commercial, new, corrugated fiberboard case acceptable by common or other carriers for safe transportation to destinations. This placard must be affixed to the case in such a manner that it cannot be removed intact.

Cases must have the recycling statement shown in Exhibit 5, "Please Recycle" Symbol and Statement or Exhibit 6, "Corrugated Recycles" Symbol and Statement.

UNIVERSAL PRODUCT CODES (UPC)

Contractor UPCs are acceptable for primary containers with commercial labels and/or secondary fiberboard cases enclosing commercially labeled product.

UPCs are not required for commercial labeling with tray pack shipping containers.

Products with alternative, non-commercial labels must use the UPCs listed in Exhibit 4 on the primary and secondary containers.

PALLETIZATION REQUIREMENTS

Pallets

Products must be on 48 X 40-inch, non-reversible, flush stringer, and partial four-way entry. New pallets must be good quality wood. Used pallets must be No.1 hardwood or its equivalent in new softwood. **Broken or damaged pallets are unacceptable.** If pallet exchange is desired, the contractor shall arrange for pallet exchange with consignees. USDA is in no way responsible for arrangement of pallet exchange.

Unitization

Each delivery unit of canned fruit must be unitized. Shipping cases must be stacked and secured from top to bottom, so that each container and layer of containers becomes an integral part of the pallet. Either stretch wrapping with plastic film or “lock ‘n pop” is acceptable. The palletized product must be loaded in the conveyance in such a way that will prevent shifting and damage to the containers of product.

Sampling

Samples to determine grade, size, and microbiological examination will be drawn by the Federal or Federal-State Inspection Service prior to roasting (unless otherwise specified). Microbiological examination will be performed by the laboratory designated by the Federal or Federal- State Inspection Service or specified in the individual commodity specification.

Shipment and DeliveryQuantity Tolerance

Contractor will be allowed a tolerance on the final delivery of plus or minus 50 cases of product from each shipping point named in the purchase order.

INDIVIDUAL COMMODITY SPECIFICATIONSShelled Almonds

1. Grade: U.S. No. 1 Grade prior to roasting, which includes a chip and scratch allowance of 10 percent.
 - a. Mission variety must meet all the requirements of U.S. No. 1 grade with the exception of an additional 10 percent chip and scratch allowance (20% total) prior to roasting.
2. Types:
 - a. Whole Natural and Whole Roasted
 - b. U.S. No. 1 pieces, as contained the United States Standards for Grades of Shelled Almonds of March 24, 1997
3. Group: Nonpareil, California, Neplus, or Mission
4. Size: 30 –32
5. Pack Size: 25 lb. and 12/2 lb.
6. Chemical:

- a. Moisture
 - i. 3.5 percent maximum (Roasted)
 - ii. 6.5 percent maximum (Natural)
 - b. Aflatoxin: 10 ppb or less
 - c. Shelled almonds shall be treated with Propylene Oxide (PPO) or other **validated** methods **such as steam treatment that** achieves a minimum of 4 log reduction of *Salmonella* bacteria. Verification that such treatment has been performed must be provided to the USDA inspector.
 - d. **Samples for chemical, microbiological and moisture specifications will be drawn by the Federal or Federal-State Inspection Service and certified by the Dried Fruit Association of California (CDFA).**
7. Roasted can be nitrogen flushed or vacuum packed.
 8. Inspection must be done before roasting.
 9. A certificate issued by the Dried Fruit Association for conformance with the above chemical and microbiological specifications is required. (See invoices and payment)

Shelled, Slivered Almonds

1. Group: Nonpareil, California, or Neplus.
2. Prior to being slivered, must be of U.S. Standard Sheller Run
3. Size: not less than 1/8" in thickness and will pass over an 8/64 inch round hole screen with not more than 5 percent fall through by weight.
4. The slivered almonds must be inspected and certified prior to being slivered for grade and after being slivered for size by the Federal or Federal – State Inspection Service. Samples for chemical and microbiological specifications will be drawn by the Federal or Federal – State Inspection Service and certified by Dried Fruit Association of California (CDFA).
5. May be antioxidant coated
6. Chemical – before slicing
 - a. Moisture: 4.3 percent maximum
 - b. Aflatoxin: 10 ppb or less

7. Microbiological: after slicing
 - a. Total Plate Count: 10,000/gram or less
 - b. *E. coli*: Negative
 - c. Shelled almonds shall be treated with Propylene Oxide (PPO) or other **validated** methods **such as steam treatment that** achieves a minimum of 4 log reduction of *Salmonella* bacteria. Verification that such treatment has been performed must be provided to the USDA inspector.
8. The primary container (package) for Roasted almonds shall be vacuum sealed.
9. The shelled nuts must be packed to average net weight 25-pounds for almonds (shelled slivered)
10. A certificate issued by the Dried Fruit Association of California (CDFA) for conformance with the above chemical and microbiological specifications is required. (See invoices and payment)

Shelled Walnuts

1. Grade: U.S. Commercial Grade or better.
2. Variety: English or Persian **varieties of** (*Juglans regia*).
3. Size: **Must be - Pieces, or Pieces and halves, or Halves. (No mixing of size designations)**
 - a. 24/1-pounds
 - b. 30-pound
4. Color:
 - a. light amber or better
 - b. **Red (no color requirements). “Red” color shall not be mixed with “light amber,” or lighter colors.**
5. **Flavor/odor: Must have good flavor and odor and be free of any off or objectional flavors and odors.**
6. Naturally derived and may be antioxidant coated.
7. Chemical

- a. **Aflatoxin: 20 ppb or less.**
 - b. **Peroxide value (PV): less than 2.8 meq/kg or less.**
 - c. **Free fatty acid (FFA): 1.25% or less.**
8. Moisture: 4.3 percent maximum
9. Microbiological
- a. Total Plate Count: 50,000/gram maximum
 - b. *E. coli*: Negative
 - c. Shelled walnuts shall be treated with Propylene Oxide (PPO) or other **validated** methods **such as steam treatment that** achieves a minimum of 4 log reduction of *Salmonella* bacteria. Verification that such treatment has been performed must be provided to the USDA inspector.
 - d. **Samples for chemical, microbiological and moisture specifications must be drawn by the Federal or Federal-State Inspection Service and certified by the Dried Fruit Association of California (CDFA).**
 - e. A certificate issued by the Dried Fruit Association for conformance with the above chemical and microbiological specifications is required. (See invoices and payment)
10. **For loads shipping between April 1st through October 1st, the packaged walnuts must be loaded into a refrigerated trailer capable of holding air temperature not to exceed 40° F**
11. **Case markings for all shelled walnuts shall include the statement: “STORE UNDER REFRIGERATION 35 TO 40 DEGREES F.”**

Pistachio Nuts in the Shell

1. **Grade: Prior to roasting the pistachios must be U.S. Extra No. 1 as defined in the United States Standards for Grades of Pistachio Nuts in the Shell.**
2. **Size: Large – 21 to 25 average number of nuts per ounce.**
3. **Moisture: average must not exceed 7 percent.**
4. **Sodium: Shall not exceed 120 mg per 1 oz. as evidenced by Nutritional Facts Panel.**
5. **Fumigation: The pistachios shall be treated with Propylene Oxide (PPO) or other validated methods such as steam treatment that achieves a minimum of 4 log**

reduction of *Salmonella* bacteria. Verification that such treatment has been performed must be provided to the USDA inspector.

6. Microbiological

To be determined prior to roasting:

- a. Aflatoxin: 15ppb or less.**

To be determined after roasting:

- b. Total Aerobic Plate Count: 10,000/gram or less**
- c. *E. coli*: Negative**
- d. *Salmonella*: Negative in 25 grams**

7. Package size/type: 24/1 or 12/2 pound (as specified in the Solicitation/IFB) clear poly

8. Truckload case count: 1,640 cases

9. If shipping point is not also the facility where the pistachios are packaged into household size bags for distribution, then the shipper will supply the packaging point (facility) with the U.S. Grading Certificate as well as a Certificate of Analysis (COA) showing the results of moisture and microbiological results.

INSPECTION AND CHECKLOADING

Requirements

Representatives of the AMS, Specialty Crops Program, SCI Division (USDA Inspector) must perform the inspection and checkloading. See the Master Solicitation. **The cost of inspection, samples taken for inspection, mailing of review samples submitted for evaluation, and any chemical analysis required for testing shall be for the account of the Contractor.**

The shelled tree nuts shall be inspected, certified, and **Positive Lot Identification** made by the Federal or Federal-State Inspection Service in accordance with the Agricultural Marketing Act of 1946. Subject to See the Master Solicitation, the acceptable. Notice by the USDA Inspector that a designated lot scheduled for shipment does not meet requirements of the purchase order shall constitute rejection of such lot.

Inspection for grade will have been performed within 30 days prior to shipment for Shelled Nuts, with the exception of roasted almonds. Inspection for grade will have been performed within 60 days prior to shipment for roasted almonds.

Whether each lot offered meets the product and container requirements of the purchase order must be determined on the basis of representative sample units. Representative sample units will

Effective Date: April 2019

Page 10 of 18

be graded according to the Regulations Governing Inspection and Certification of Shelled Nuts and Vegetables and Related Products (7 C.F.R. part 51), and United States Standards for Condition of Food Containers (7 C.F.R. part 42.140), effective on the date of the Solicitation/IFB.

Procedures

The Contractor must give the USDA Inspector at least **72 hours advance notice** when scheduling inspection service. Contractors are encouraged to submit requests for inspection in writing with verifiable receipt notice, such as email, to alleviate possible miscommunication.

FAILURE TO MEET SPECIFICATIONS

Any lot which fails applicable specifications prescribed herein will be rejected as not acceptable for delivery. If any lot of shelled nuts fails to meet the product or packaging requirement, the Contractor may request in writing that USDA accept delivery of the lot. USDA may, at its option, accept delivery, provided that the purchase price is the purchase order price less a discount, to be determined by the Contracting Officer.

EXHIBITS**Exhibit 1 - Required Markings for Non-Commercial Shipping Containers**

(All printing to be in black ink)

<u>BOTH SIDE PANELS</u>	<u>BOTH END PANELS</u>
PRODUCT NAME	PRODUCT NAME
1/ 2/	PURCHASE ORDER NO. 3/
USDA SYMBOL – <u>USDA Symbol is Optional</u>	4/
STORE IN COOL, DRY PLACE	
5/	

Product name must be printed or stenciled on a separate line in letters at least three-fourths inch high, and all other information must be in letters less than three-fourths inch but at least three-eighths inch high. The USDA Food Symbol must be printed, stamped, or labeled and be of sufficient size to stand out prominently. Case markings must be limited to case codes and those contained in this Exhibit.

- 1/ Insert any additional product style, pack, packing media, or further definition as applicable; (i.e. Sliced, Cut, Chopped, etc.).
- 2/ Insert the size and number of packages per case, i.e. 24/1, 30 pound.
- 3/ Insert the last five digits of the purchase order number.
- 4/ Insert name of Packer and Packer's Address - City, State, and Zip Code. This information can be placed on the end panels or the side panels.
- 5/ Insert Universal Product Code (see Exhibit "4").

Recycle symbols and statements can be placed on bottom panels (Exhibit "5" and "6").

Exhibit 2 - Alternative Label for Shipping Containers
(Includes all Required Information)



Product Name

Pack Size/Number

per case

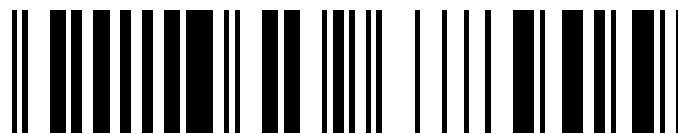
Purchase Order #

Packed by: ABC Growers

Any Town, CA 99999

USDA Symbol is Optional

STORE IN A COOL DRY PLACE



1234567891012345678910

Exhibit 3 - Sample Alternative Label for Shipping Containers



**Shelled
Walnuts**

30-pounds

Purchase Order Number XXXX

Packed by: ABC Growers

Any Town, CA 99999

USDA Symbol is Optional

STORE IN A COOL DRY PLACE

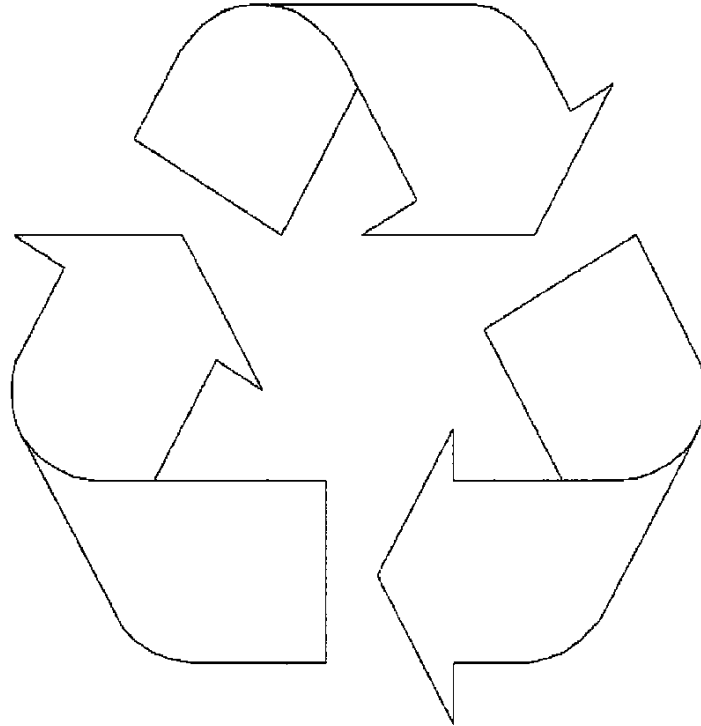


1 11 07 15001 01434 1

Exhibit 4 - Universal Product Codes

Shelled Tree Nuts	WBSCM Material	Primary Container	Secondary Container
Almonds Roasted Whole Shelled CTN (25 lb.)	100394	N/A	1 07 15001 00394 9
Walnut Eng PCS (24/1 lb.)	100908	7 15001 00908 1	1 07 15001 00908 8
Walnut Eng PCS (30 lb.)	100909	N/A	1 07 15001 00909 5
Pistachios In-Shell (12/2 lb.)	111090	7 15001 11090 9	1 07 15001 11090 6

Exhibit 5 - "Please Recycle" Symbol and Statement



**PLEASE
RECYCLE**

Exhibit 6 - “Corrugated Recycles” Symbol and Statement




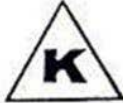







**Corrugated
Recycles**

Exhibit 7 - USDA Symbol

The USDA Symbol is Optional



Exhibit 8 - Symbols for Kosher Products

 http://oukosher.org/	 http://trianglek.org/	 http://www.ok.org/
 http://www.skskosher.com/	 http://www.kof-k.org/	 http://www.cor.ca/
 http://www.star-k.org/default.htm	 http://scrollk.org/	 http://www.kosher.org/