

**UNITED STATES DEPARTMENT OF AGRICULTURE
AGRICULTURAL MARKETING SERVICE
FRUIT AND VEGETABLE PROGRAMS**

CONFIDENTIAL MEMBER/ALTERNATE QUALIFICATION AND ACCEPTANCE STATEMENT

First Name		Last Name	
Business Name/Employer			
Occupation/ Title		Years in Occupation	
Mailing Address			
Phone Number		Fax Number	
E-Mail Address			
Position	<input type="checkbox"/> Producer <input type="checkbox"/> Handler <input type="checkbox"/> Retail <input type="checkbox"/> Foodservice <input type="checkbox"/> Public <input type="checkbox"/> Importer		
Area	<input type="checkbox"/> Zone 1 – CA, WA, OR, HI, & AK <input type="checkbox"/> Zone 2 – AZ, MT, ND, WY, SD, ID, NV, UT <input type="checkbox"/> Zone 3 – NM, CO, NE, MN, IA, KS, OK, TX, MO, AR, LA <input type="checkbox"/> Zone 4 – WI MI, OH, IL, IN, KY, TN, MS, AL, GA <input type="checkbox"/> Zone 5 – ME, NH, VT, NY, CT, MA, PA, NJ, WV, VA, MD, DE, RI, NC, SC, FL, DC		
Do you have a financial interest or proprietary capacity in the production or handling of leafy green vegetables?			<input type="checkbox"/> YES <input type="checkbox"/> NO
Are you a member of a producer cooperative, cooperative marketing association, cooperative bargaining association, handler cooperative, shareholder in a corporation, limited liability corporation, trust, association, or any other organization furthering the interest of leafy green vegetable producers or handlers? If so, state the name of each, the type or organization, and your position in any and all organizations in which you are affiliated or a member.			<input type="checkbox"/> YES <input type="checkbox"/> NO

Marketing order committee members in their official capacities are prohibited from taking any action specifically designed to influence legislation, including any attempt to influence public opinion concerning legislation. Committee members may not communicate with any official of a State or Federal legislative body for the purpose of attempting to influence legislation. Committee members are also prohibited from attempting to influence State or Federal government actions or policies or those of foreign governments, except as specifically authorized under the marketing order or expressly approved by the Secretary. Committee members are specifically precluded from authorizing the expenditure of marketing order funds for the purpose of attempting to influence legislation or government actions. These same prohibitions apply to committee managers, staff, and contractors except that committee managers may consult with U.S. Department of Agriculture employees during the pendency of informal rulemaking actions.

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If marketing order committee or subcommittee members are sued individually or jointly for errors in judgment mistakes or other acts either of omission or commission (except for acts of dishonesty, willful misconduct, or gross negligence) in the conduct of their duties under the marketing agreement or order, they may be authorized legal defense by the Department of Justice (DOJ). Alternatively, legal defense may be provided through private counsel, if recommended by the Department of Agriculture (USDA) and approved by DOJ. USDA and DOJ enjoy an excellent working relationship with respect to providing legal representation for committee members and employees, either by DOJ or through authorized private counsel. USDA is committed to a comprehensive legal defense policy of all committee members and employees acting within the scope of their authorized committee duties and responsibilities.

Marketing order committee members are expected to maintain an appropriate level of conduct and professionalism at all committee meetings. Failure to do so may result in removal from office.

CERTIFICATION STATEMENT

I certify I meet the eligibility requirements of the National Leafy Greens Marketing Agreement, have read and agree to comply with committee membership requirements as outlined in this form, and that I am willing to serve on the Administrative Committee.

Signature		Date	
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DEFINITIONS

§970.26 ELIGIBILITY. Each producer or handler member of the Committee and alternate member shall be, at the time of his or her selection and throughout his or her term of office, a producer or a handler, or an officer or employee of a producer or handler in the zone for which selected. The retail, foodservice, importer, and public members and alternate members may not be engaged in a proprietary capacity in the production or handling of leafy green vegetables. The retail, foodservice and importer members and alternates shall be, at the time of their selection and throughout their term of office, an owner, officer, or employee for the seat selected.

§970.17 PRODUCER is synonymous with grower and means any person engaged in a proprietary capacity in the production of leafy green vegetables for sale or delivery to a signatory of this agreement.

§970.11 HANDLER means any person who handles; *Provided*, that, this definition does not include a retailer, a foodservice distributor or outlet, or a fresh produce broker, except to the extent that such a person is otherwise engaged in handling.

§970.10 HANDLE means to receive, acquire, sell, process, ship, distribute, or import leafy green vegetables in their natural form, including both raw agricultural commodities and fresh cut, packaged products; *Provided*, that handle does not include the act of brokering the purchase or sale of leafy green vegetables whether for the purpose of manufacturing fresh-cut leafy green packaged products or not. This definition does not include retail sales or the act of selling by a retailer or foodservice distributor or outlet.

§970.14 MANUFACTURE is synonymous with process and means to change fresh leafy green vegetables from their natural form into fresh-cut, packaged products; *Provided*, that manufacture does not apply to retailer or foodservice distributor or operator except to the extent that such a person is otherwise engaged in manufacturing for non-retail purposes.

Note: The following statements are made in accordance with the Privacy Act of 1974 (U.S.C. 552a) and the Paperwork Reduction Act of 1995, as amended. The authority for requesting the information to be supplied on this form is the Agricultural Marketing Agreement Act of 1937, Secs. 1-19, 48 Stat. 31, as amended, (U.S.C. 601-674). Furnishing the requested information is necessary for the administration of the marketing agreement program. Submission of the Tax Identification Number (TIN) is mandatory, and will be used to validate ballots and determine affiliation or entity identity. Please note that ballots will not become invalid if a TIN is not disclosed.

According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is XXXX-XXXX. The time required to complete this information collection is estimated to average 5 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

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To file a complaint of discrimination, write to USDA, Director, Office of Civil Rights, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410, or call (800) 795-3272 (voice) or (202) 720-6382 (TDD). USDA is an equal opportunity provider and employer.