

South Texas Onions: Provisional Regulatory Text Amendments
Last Revised: 09/22/25

Proposal #1 Lower CR Threshold

Change: Revise § 959.84 to reduce termination voting threshold from less than two-thirds to more than 50 percent.

Explanation of MDD Proposed Reg Text Change: The current proposed text from STOC, as it reads, is not strictly a majority (less than 50 percent means that exactly half or a tie vote could continue the order). MDD recommends using language from other marketing orders with majority threshold provisions (Walla Walla Onions, CA Kiwifruit, and Tart Cherries) for consistency with other federal marketing order (see below edits in red).

CURRENT REG TEXT	STOC PROPOSED REG TEXT	MDD PROPOSED REG TEXT
<p>§ 959.84 Termination.</p> <p>(d) The Secretary shall conduct a referendum within six years after the effective date of this paragraph and every sixth year thereafter to ascertain whether continuance is favored by producers. The Secretary would consider termination of this part if less than two-thirds of the growers voting in the referendum and growers of less than two-thirds of the volume of onions represented in the referendum favor continuance.</p>	<p>§ 959.84 Termination.</p> <p>(d) The Secretary shall conduct a referendum within six years after the effective date of this paragraph and every sixth year thereafter to ascertain whether continuance is favored by producers. The Secretary would consider termination of this part if less than fifty percent of the growers voting in the referendum and growers of less than fifty percent of the volume of onions represented in the referendum favor continuance.</p>	<p>§ 959.84 Termination.</p> <p>(d)The Secretary shall conduct a referendum within six years after the effective date of this paragraph and every sixth year thereafter to ascertain whether continuance is favored by producers. The Secretary would consider termination of this part if continuance is not favored by a majority of growers who, during a representative period determined by the Secretary, have been engaged in the production of onions in the production area.</p>

Proposal #2 Add Marketing Promotion, Including Paid Advertisement

Change: Revise § 959.48 to add marketing promotion, including paid advertisement.

Explanation of MDD Proposed Reg Text Change: In other federal marketing orders with both contribution authority and marketing promotion, including paid advertising, the marketing order provides for how such projects will be paid. MDD recommends adding language describing how projects shall be funded for clarity and consistency with other federal marketing orders (see below edits in red).

CURRENT REG TEXT	STOC PROPOSED REG TEXT	MDD PROPOSED REG TEXT
<p>§ 959.48 Research and development.</p> <p>The committee, with the approval of the Secretary, may establish or provide for the establishment of production research, marketing research, and development projects designed to assist, improve, or promote the marketing, distribution, consumption or efficient production of onions. The expenses of such projects shall be paid from funds collected pursuant to § 959.42.</p>	<p>§ 959.48 Research and development.</p> <p>The committee, with approval of the Secretary, may establish or provide for the establishment of production research, marketing research, development projects, and marketing promotion, including paid advertising, designed to assist, improve, or promote the marketing, distribution, consumption, or efficient production of onions. The expenses of such projects shall be paid from funds collected pursuant to § 959.42.</p>	<p>§ 959.48 Research and development.</p> <p>The committee, with approval of the Secretary, may establish or provide for the establishment of production research, marketing research, development and marketing promotion, including paid advertising, designed to assist, improve, or promote the marketing, distribution, consumption, or efficient production of onions. The expenses of such projects shall be paid from funds collected pursuant to this part.</p>

Proposal #4 Add Public Member Seat

Change #1: Define Public Member Under § 959.22 rather than the Definitions subsection.

Explanation of MDD Proposed Reg Text Change: No other marketing order includes a definition for a public member under the Definitions subsection. MDD's proposal will add the proposed description of a public member to the regulatory text under § 959.22 to satisfy STOC's need to (see below edits in red).

CURRENT REG TEXT	STOC PROPOSED REG TEXT	MDD PROPOSED REG TEXT
<p>§ 959.22 Establishment and membership.</p> <p>The South Texas Onion Committee, consisting of thirteen members, eight of whom shall be producers and five of whom shall be handlers, is hereby established. For each member of the Committee there shall be an alternate. Producer members and alternates shall not have a proprietary interest in or be employees of a handler organization.</p>	<p>§ 959.22 Establishment and membership.</p> <p>The South Texas Onion Committee, consisting of thirteen members, eight of whom shall be producers and five of whom shall be handlers, and one of whom shall be a public member, is hereby established. For each member of the Committee there shall be an alternate. Producer members and alternates shall not have a proprietary interest in or be employees of a handler organization..</p>	<p>§ 959.22 Establishment and membership.</p> <p>The South Texas Onion Committee, consisting of thirteen members, eight of whom shall be producers and five of whom shall be handlers, and one of whom shall be a public member, is hereby established. For each member of the Committee there shall be an alternate. Producer members and alternates shall not have a proprietary interest in or be employees of a handler organization. The public member and alternate shall not have a proprietary interest in a producer or handler organization.</p>

Change #2: Update Selection section (§ 959.26) for clarity and improve the alignment with this section's subject and intent.

Explanation of MDD Proposed Reg Text Change: § 959.26 covers the selection of producer and handler members from districts 1 and 2. STOC's proposal to add paragraph (c) to § 959.26 does not align with the section's subject and intent and could lead to confusion. This is because the public member is neither a producer nor handler, and they are not restricted to serve based on District. MDD's proposal adds alternative and more specific language into the first paragraph of § 959.26 to reflect STOC's desires while gaining more clarity about the public member selection. MDD also proposes adding a geographic parameter so it's clearer to who is eligible to serve in the public member and alternate public member seat (see below edits in red).

CURRENT REG TEXT	STOC PROPOSED REG TEXT	MDD PROPOSED REG TEXT
<p>§ 959.26 Selection.</p> <p>The Secretary shall select members and respective alternates from districts established pursuant to <u>§ 959.24</u> or <u>§ 959.25</u>,.Selections shall be as follows:</p> <p>(a) District No. 1. Five producer members and alternates; three handler members and alternates.</p> <p>(b) District No. 2. Three producer members and alternates; two handler members and alternates.</p>	<p>§ 959.26 Selection.</p> <p>The Secretary shall select members and respective alternates from districts established pursuant to <u>§ 959.24</u> or <u>§ 959.25</u>,.Selections shall be as follows:</p> <p>(a) District No. 1. Five producer members and alternates; three handler members and alternates.</p> <p>(b) District No. 2. Three producer members and alternates; two handler members and alternates.</p> <p>(c) Public Member. One public member and alternate</p>	<p>§ 959.26 Selection.</p> <p>The Secretary shall select members and respective alternates from districts established pursuant to <u>§ 959.24</u> or <u>§ 959.25</u>, with the exception of the public member and alternate member, who shall be a resident of Texas but may reside outside the production area and shall be selected by the Secretary in his or her discretion. Selections shall be as follows:</p> <p>(a) District No. 1. Five producer members and alternates; three handler members and alternates.</p> <p>(b) District No. 2. Three producer members and alternates; two handler members and alternates.</p> <p>(e) Public Member. One public member and alternate</p>

Change #3: Under Nominations section (§ 959.27) to describe who nominates the public member and alternate and when the nomination occurs.

Explanation of MDD Proposed Reg Text Change: Other federal marketing orders, like Vidalia onions, include language about who nominates the public member and alternate public member, and when the nomination period occurs. MDD’s proposal adds paragraph (f) to the § 959.27 for clarity and consistency with other federal marketing orders. This also helps to streamline the nomination process for STOC to save time and resources. All seats (grower, handler and public) will be nominated at the same time through one process (see below edits in red).

CURRENT REG TEXT	STOC PROPOSED REG TEXT	MDD PROPOSED REG TEXT
<p>959.27 Nomination.</p> <p>The Secretary may select the members of the committee and alternates from nominations which may be made in the following manner:</p> <p>(a) A meeting or meetings of producers and handlers shall be held for each district to nominate members and alternates for the committee. For nominations to the initial committee, the meetings may be sponsored by the United States Department of Agriculture or by any agency or group requested to do so by such department. For nominations for succeeding members and alternates on the committee, the committee shall hold such meetings or cause them to be held prior to June 15 of each year, after the effective date of this subpart, or by such other date as may be specified by the Secretary;</p>	<p>§ 959.27 Nomination.</p> <p>The Secretary may select the members of the committee and alternates from nominations which may be made in the following manner:</p> <p>(a) A meeting or meetings of producers and handlers shall be held for each district to nominate members and alternates for the committee. For nominations to the initial committee, the meetings may be sponsored by the United States Department of Agriculture or by any agency or group requested to do so by such department. For nominations for succeeding members, public members, and alternates on the committee, the committee shall hold such meetings or cause them to be held prior to June 15 of each year, after the effective date of this subpart, or by such other date as may be specified by the Secretary;</p>	<p>§ 959.27 Nomination.</p> <p>The Secretary may select the members of the committee and alternates from nominations which may be made in the following manner:</p> <p>(a) A meeting or meetings of producers and handlers shall be held for each district to nominate members and alternates for the committee. For nominations to the initial committee, the meetings may be sponsored by the United States Department of Agriculture or by any agency or group requested to do so by such department. For nominations for succeeding members, and alternates on the committee, the committee shall hold such meetings or cause them to be held prior to June 15 of each year, after the effective date of this subpart, or by such other date as may be specified by the Secretary;</p>

<p>(b) At each such meeting at least one nominee shall be designated for each position as member and for each position as alternate member on the committee;</p> <p>(c) Nominations for committee members and alternates shall be supplied to the Secretary in such manner and form as he may prescribe, not later than July 1 of each year, or by such other date as may be specified by the Secretary;</p> <p>(d) Only producers may participate in designating producer nominees, and only handlers may participate in naming handler nominees. In the event a person is engaged in producing or handling onions in more than one district, such person shall elect the district within which he may participate as aforesaid in designating nominees;</p> <p>(e) Regardless of the number of districts in which a person produces or handles onions, each such person is entitled to cast only one vote on behalf of himself, his agents, subsidiaries, affiliates, and representatives in designating nominees for committee members and alternates. An eligible voter's privilege of casting only one vote as aforesaid</p>	<p>(b) At each such meeting at least one nominee shall be designated for each position as member and for each position as alternate member on the committee;</p> <p>(c) Nominations for committee members and alternates shall be supplied to the Secretary in such manner and form as he may prescribe, not later than July 1 of each year, or by such other date as may be specified by the Secretary;</p> <p>(d) Only producers may participate in designating producer nominees, and only handlers may participate in naming handler nominees. In the event a person is engaged in producing or handling onions in more than one district, such person shall elect the district within which he may participate as aforesaid in designating nominees;</p> <p>(e) Regardless of the number of districts in which a person produces or handles onions, each such person is entitled to cast only one vote on behalf of himself, his agents, subsidiaries, affiliates, and representatives in designating nominees for committee members and alternates. An eligible voter's privilege of casting only one vote as aforesaid</p>	<p>(b) At each such meeting at least one nominee shall be designated for each position as member and for each position as alternate member on the committee;</p> <p>(c) Nominations for committee members and alternates shall be supplied to the Secretary in such manner and form as he may prescribe, not later than July 1 of each year, or by such other date as may be specified by the Secretary;</p> <p>(d) Only producers may participate in designating producer nominees, and only handlers may participate in naming handler nominees. In the event a person is engaged in producing or handling onions in more than one district, such person shall elect the district within which he may participate as aforesaid in designating nominees;</p> <p>(e) Regardless of the number of districts in which a person produces or handles onions, each such person is entitled to cast only one vote on behalf of himself, his agents, subsidiaries, affiliates, and representatives in designating nominees for committee members and alternates. An eligible voter's privilege of casting only one vote as aforesaid</p>
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<p>shall be construed to permit a voter to cast one vote for each position to be filled in the respective district in which he elects to vote.</p>	<p>shall be construed to permit a voter to cast one vote for each position to be filled in the respective district in which he elects to vote.</p>	<p>shall be construed to permit a voter to cast one vote for each position to be filled in the respective district in which he elects to vote.</p> <p>(f) The producer and handler members of the committee shall nominate the public member and alternate. Eligible producers and handlers may suggest nominees for the public member and alternate at meetings held to nominate members and alternates. Nominations for the public member and alternate shall be made in accordance with the procedures set forth in paragraph (c).</p>
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Change #4: Add text to Alternate members section (§ 959.31) regarding the public member alternate.

Explanation of MDD Proposed Reg Text Change: MDD’s proposal adds regulatory text to explain that only the public member alternate may serve in the absence of the public member. This creates consistency with federal other marketing order text.

CURRENT REG TEXT	STOC PROPOSED REG TEXT	MDD PROPOSED REG TEXT
<p>§ 959.31 Alternate members.</p> <p>An alternate member of the committee shall act in the place and stead of the member for whom he is an alternate, during such member's absence or when designated to do so by the member for whom he is an alternate. In the event both a member of the committee and his alternate are unable to attend a committee meeting, the member or his alternate or the committee (in that order) may designate another alternate from the same district and the same group (handler or grower) to serve in such member's place and stead. In the event of the death, removal, resignation, or disqualification of a member, his alternate shall act for him until a successor of such member is selected and has qualified. The committee may request the attendance of alternates at any or all meetings, notwithstanding the expected or actual presence of the respective members.</p>	<p>STOC did not initially propose an edit to this section of the reg text.</p>	<p>§ 959.31 Alternate members.</p> <p>An alternate member of the committee shall act in the place and stead of the member for whom he is an alternate, during such member's absence or when designated to do so by the member for whom he is an alternate. In the event both a member of the committee and his alternate are unable to attend a committee meeting, the member or his alternate or the committee (in that order) may designate another alternate from the same district and the same group (handler or grower) to serve in such member's place and stead. Only the public member's alternate is authorized to serve in the place and stead of the public member. In the event of the death, removal, resignation, or disqualification of a member, his alternate shall act for him until a successor of such member is selected and has qualified. The committee may request the attendance of alternates at any or all meetings, notwithstanding the expected or actual presence of the</p>

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