

**November 19, 2021**

## **TO PECAN PRODUCERS, IMPORTERS AND HANDLERS**

The United States Department of Agriculture (USDA) is reaching out to pecan producers, importers, and handlers to provide information regarding the Pecan Promotion, Research, and Information Order, 7 *CFR* 1223, (Order) and the American Pecan Promotion Board (APPB), which administers the program.

The Order became effective on February 12, 2021, which established a research and promotion program whose mission is to share the benefits of pecans with consumers through promotion, public relations, and education, while engaging in research to better serve customers and producers. The Secretary of Agriculture recently appointed 10 domestic producers and 7 importer members to the APPB who will guide these market-enhancing activities designed to increase demand for pecans. USDA is charged with oversight of this program to ensure its fiscal accountability and integrity. In accordance with the Federal Act, 7 *U.S.C.* 7411-7425, and Order:

- Producers and importers who produce or import 50,000 pounds or more of inshell pecans (25,000 pounds or more of shelled pecans), on average for four fiscal periods are required to pay the assessment.
- APPB assessment rates are \$0.02 per pound on all inshell pecans and \$0.04 per pound on all shelled pecans.
- Domestic assessments are remitted by the first handler for the producer, while importers are responsible for remitting their own. If a producer is acting as its own first handler, the producer will remit. Please complete the enclosed First Handler/Importer Report form and submit it every month along with a payment for assessments.
- Assessments are due 10 calendar days after the end of the previous month. For example, November assessments are due by December 10. Due to complexities in starting this program, October 2021 assessments are due as soon as possible, but no later than December 10, 2021.
- Producers or importers seeking a de minimis exemption must submit annually the Application for Exemption from Assessment and the appropriate documentation to the APPB. Producers or importers must produce domestically or import, on average for four fiscal periods, less than 50,000 pounds of inshell pecans (25,000 pounds of shelled pecans).
- Producers or importers seeking an organic exemption, must submit annually the Organic Exemption Request Form (AMS-15) and the appropriate documentation to APPB.

Records must be maintained for three years beyond the fiscal period of their applicability and are subject to inspection. Failure to pay assessments and file reports will result in penalties. For updates and to download forms, visit this website: <https://www.ams.usda.gov/rules-regulations/research-promotion/pecan>. Also, please feel free to copy the forms for your monthly assessment submission.

If you have questions regarding the APPB or assessments, please contact Maggie Pepper at [mpepper@armstrongbackus.com](mailto:mpepper@armstrongbackus.com) or (325) 653-6854 or Alex Caryl at [Alexandra.Caryl@usda.gov](mailto:Alexandra.Caryl@usda.gov) or (202) 253-4768.