

UNITED STATES DEPARTMENT OF AGRICULTURE
AGRICULTURAL MARKETING SERVICE

**MARKETING AGREEMENT, AS AMENDED,
REGULATING THE HANDLING OF SWEET CHERRIES
GROWN IN DESIGNATED COUNTIES IN WASHINGTON**

The parties hereto, in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937 (7 U.S.C. §§ 601-674, Act), and in accordance with the applicable rules of practice and procedure effective thereunder (7 CFR Part 900), desire to enter into this Agreement amending the Marketing Agreement regulating the handling of sweet cherries grown in designated counties in Washington; and each party hereto agrees that such handling shall, from the effective date of this Marketing Agreement, be in conformity to, and in compliance with, the provisions of said Marketing Agreement as hereby amended.

The provisions of §§ 923.1 to 923.71, inclusive, of Marketing Order No. 923, as amended (7 CFR § 923) by the order annexed to and made a part of the decision of the Secretary of Agriculture (Secretary) with respect to a proposed amendment of said Marketing Agreement and Order regulating the handling of sweet cherries grown in designated counties in Washington, plus the following additional provisions shall be, and the same hereby are, the terms and conditions hereof; and the specified provisions of said annexed order are hereby incorporated into this Agreement as if set forth in full herein:

§ 923.72 *Counterparts.*

This Agreement may be executed in multiple counterparts and when one counterpart is signed by the Secretary, all such counterparts shall constitute, when taken together, one and the same instrument as if all signatures were contained in one original.

§ 923.73 *Additional parties.*

After the effective date hereof, any handler may become a party to this Agreement if a counterpart is executed by such handler and delivered to the Secretary. This Agreement shall take effect as to such new contracting party at the time such counterpart is delivered to the Secretary, and the benefits, privileges, and immunities conferred by this agreement shall then be effective as to such new contracting party.

§ 923.74 *Order with Marketing Agreement.*

Each signatory handler hereby requests the Secretary to issue, pursuant to the Act, an order providing for regulating the handling of sweet cherries in the same manner as is provided in this Agreement.

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 OMB 0581-0189. 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.

§ 923.75 Authorization to correct typographical errors.

The undersigned hereby authorizes the Deputy Administrator, or Acting Deputy Administrator, Specialty Crops Program, Agricultural Marketing Service, United States Department of Agriculture, to correct any typographical errors which may have been made in this Marketing Agreement.

§ 923.76 Record of sweet cherries handled.

The undersigned certifies that during the period _____, 20__ through _____, 20__, he handled _____ tons of sweet cherries covered by this Marketing Agreement.

IN WITNESS WHEREOF, the contracting parties, acting under the provisions of the Act, for the purpose and subject to the limitations therein contained, and not otherwise, have hereto set their respective signatures and seals.

By:

(Firm Name)

(Signature)¹

(Mailing Address)

(Title)

(City, State, and ZIP Code)

(Corporate Seal: if none, so state)

Date of Execution

¹If one of the contracting parties to this agreement is a corporation, my signature constitutes certification that I have the power granted to me by the Board of Directors to bind this corporation to the Marketing Agreement.

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, 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, audiotope, 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 http://www.ascr.usda.gov/complaint_filing_cust.html 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.