

## NOMINATION FORM FOR HANDLER MEMBERS AND ALTERNATE HANDLER MEMBERS

Marketing Order 983 (Order), regulating the handling of pistachios grown in California, Arizona and New Mexico became effective on November 3, 2009. The Administrative Committee for Pistachios (Committee) is conducting the nomination process for membership on the 12-member committee for the seats that expire June 30, 20\_\_\_. The Committee consists of 9 producer members, 2 handler members, 1 public member and their alternates. Of the two handler members, one member shall be elected by handlers based on one vote for each ton of assessed pistachios handled during the two preceding production years, while the other member is elected based on one vote for each handler. **[PICK APPROPRIATE STATEMENT FOR THIS ELECTION: The member position for which nominations are currently being accepted is based upon one vote for each ton of pistachios handled. OR: The member position for which nominations are currently being accepted is based upon one vote for each handler entity.]** If you are interested in nominating yourself or another individual to serve on the Committee as a handler member or alternate member, please read the following information and submit the completed nomination form. To be valid, the completed nomination form must be signed, and postmarked, faxed, or hand-delivered no later than \_\_\_\_\_, 20\_\_.

### INSTRUCTIONS FOR COMPLETING THE ATTACHED NOMINATION FORM

1. Please complete the attached form if you wish to nominate yourself and/or another eligible handler to run for office as a handler member or alternate handler member on the Committee. Only handlers, including duly authorized officers or employees of handlers, may participate in the nomination of handler member nominees and their alternates. To qualify as a handler, your handling operation must receive, hull and dry pistachios and/or further prepare pistachios by sorting, sizing, shelling, roasting, cleaning, salting, and/or packaging for marketing in or transporting to any and all markets in the current of interstate or foreign commerce.
2. The Order prescribes that: (a) Not more than two members and not more than two alternate members shall be persons employed by, or affiliated with producers or handlers that are affiliated with the same handler and/or producer; (b) Only one handler member and one alternate member representing handlers shall be employed by, or affiliated with the same handler; (c) No handler, and all of its affiliated handlers, can be represented by more than one handler member; (d) A cooperative that has as its members one or more other cooperatives that are handlers shall not be considered as a handler for the purpose of nominating. Affiliation is defined as: normally appears as "affiliate of," or "affiliated with," and means a person such as a producer or handler who is: a producer or handler that directly, or indirectly through one or more intermediaries, owns or controls, or is controlled by, or is under common control with the producer or handler specified; or a producer or handler that directly, or indirectly through one or more intermediaries, is connected in a proprietary capacity, or shares the ownership or control of the specified producer or handler with one or more other producers or handlers. As used in this part, the term "control" (including the terms "controlling," "controlled by," and "under the common control with") means the possession, direct or indirect, of the power to direct or cause the direction of the management and policies of a handler or a producer, whether through voting securities, membership in a cooperative, by contract or otherwise.
3. Once all nomination forms are received, nominees will be notified of their nomination, requested to complete a confidential qualification and acceptance statement, and provided an opportunity to submit a short biographical statement, not to exceed one half page in length. The short biographical information statement will be sent to eligible handlers with balloting material.
4. The Order specifies that a 2-year term of office shall be staggered for elected handler members and alternate handler members serving on the Committee. For one handler member and alternate handler member nomination, each handler entity is entitled to one vote (Position 1). For the other handler member and alternate handler member nomination, each handler entity is entitled to cast one vote respectively for each ton of assessed weight of pistachios processed by that handler during the two production years preceding the production year in which the nominations are made (Position 2). For this nomination, the Position (1, 2) handler member position which expires on June 30, 20\_\_\_ is being filled. The eligible handler receiving the highest number of votes by position will be recommended to the U.S. Department of Agriculture (USDA) as the handler member. The eligible handler receiving the next highest number of votes by position will be recommended to the USDA as the alternate handler member. Each handler member and alternate handler member on the Committee shall be, at the time of selection and during the term of office, a pistachio handler or an officer, employee, or agent of the handler.
5. The USDA prohibits discrimination in all its programs and activities. Please see *the bottom of page 2* for more details. We request that you be mindful of the USDA's policy regarding Civil Rights and consider eligible women, minorities, and the physically challenged for membership on the Committee.
6. **The completed nomination form must be signed, and postmarked, faxed, or hand-delivered by \_\_\_\_\_, 20\_\_.** Submit the form by mail in the return envelope provided, or fax to (559) 255-6485, or hand-deliver to: Administrative Committee for Pistachios, 4938 East Yale Avenue, Suite 102, Fresno, CA 93727.

UNITED STATES DEPARTMENT OF AGRICULTURE
AGRICULTURAL MARKETING SERVICE
FRUIT AND VEGETABLE PROGRAM

ADMINISTRATIVE COMMITTEE FOR PISTACHIOS
HANDLER MEMBER AND ALTERNATE HANDLER MEMBER NOMINATION FORM

HANDLER NOMINATION FOR POSITION (1, 2) - Nominations are for the term July 1, 20\_\_ - June 30, 20\_\_.

PICK APPROPRIATE STATEMENTS FOR THIS ELECTION:

Nominees for this position will be placed on a ballot and handlers will cast 1 vote. Each vote will be weighted equally. OR: Nominees for this position will be placed on a ballot and handlers will cast 1 vote. Each vote will be weighted based on the tons of assessed pistachios received and processed by that handler during the two production years preceding the production year in which the nominations are made.

Nominations must be signed to be valid.

Name of Handler Nominee Name of Handler's Operation the Nominee Represents

Handler's Phone Number Handler's Fax Number Handler's E-mail Address

Handler's Mailing Address

Name of Handler Nominee Name of Handler's Operation the Nominee Represents

Handler's Phone Number Handler's Fax Number Handler's E-mail Address

Handler's Mailing Address

CERTIFICATION:

I certify that my employer or I currently handle pistachios and that I am eligible to nominate the above candidate(s).

Handler Name Address Phone

Signature Print Name Date

The making of any false statements or representations in any matter within the jurisdiction of any agency of the United States, knowing it to be false, is a violation of title 18, section 1001 of the United States Code, which provides for a fine or imprisonment, or both.

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 0581-0215. The time required to complete this information collection is estimated to average 20 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.

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, age, disability, and where applicable, sex, marital status, familial status, parental status, religion, sexual orientation, genetic information, political beliefs, reprisal, or because all or part of an individual's income is derived from any public assistance program (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at (202) 720-2600 (voice and TDD).

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.