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UNITED STATES DEPARTMENT OF AGRICULTURE

BEFORE THE SECRETARY OF AGRICULTURE

Docket No. 16-0016-AO-FV
AMS-SC-16-0011; SC16-989-1

In re:

Raisins Produced From Grapes Grown in California;
Hearing on Proposed Amendment of Marketing
Order No. 989

APPEARANCES:

On Behalf of the U.S. Department of Agriculture:

Rupa Chilukuri, Esq., U.S. Department of Agriculture Office of General Counsel Trial Attorney

Melissa Schmaedick, U.S. Department of Agriculture Agricultural Marketing Service Senior Marketing Specialist

Geronimo Quinones, U.S. Department of Agriculture Agricultural Marketing Service Senior Marketing Specialist

Maria Stobbe, U.S. Department of Agriculture Agricultural Marketing Service Senior Marketing Specialist California Marketing Field Office Marketing Order and Agreement Division

Marc McFetridge, U.S. Department of Agriculture Agricultural Marketing Service Agricultural Economist

On Behalf of the Raisin Administrative Committee:

Debbie Powell, Interim President and General Manager, Raisin Administrative Committee

Dori Rothweiler, Field Representative Raisin Administrative Committee, and Project Coordinator for the California Raisin Marketing Board

Monte Schutz, Chairman, Raisin Administrative Committee

BEFORE:

Chief Judge Bobbie J. McCartney

ORDER CERTIFYING TRANSCRIPT

Pursuant to 5 U.S.C. § 553 and notice published in the Federal Register, 81 Fed. Reg. 23650 (April 22, 2016), a hearing on the proposed amendments to the marketing order that regulates the handling of raisins produced from grapes grown in California (Marketing Order No. 989, 7 CFR Part 989) was held on May 3 and 4, 2016, in Clovis, California.

On May 27, 2016, two volumes of transcript, one for each hearing day, were filed with the Department of Agriculture (USDA) Hearing Clerk.

On July 8, 2016, the Agricultural Marketing Service (AMS) filed proposed corrections to the record transcript of the hearing. No objections having been raised, those proposed corrections are hereby **ADOPTED** as follows:

May 3, 2016:

Page	Line/Exhibit	Correction
4	Ex 7	Add at end of document "Provided by RBA"
5	Ex 18	Strike "Spate", insert "of Steve Spate" after "Testimony"
5	Ex 19	Insert at the end title "for 2008-09"
5	Ex 20	Insert at the end title "for 2009-10"
5	Ex 21	Insert at the end title "for 2010-11"
5	Ex 22	Insert at the end title "for 2011-12"
5	Ex 23	Insert at the end title "for 2012-13"
5	Ex 24	Insert at the end title "for 2013-14"
5	Ex 25	Insert at the end title "for 2014-15"
5	Ex 26	Insert "Rick" before "Stark"
5	Ex 27	Insert "Rick" before "Stark"
5	Ex 28	Insert "Sonet" before "Van"

Page	Line/Exhibit	Correction
5	Ex 29	Insert "Kalem" before "Barserian"
5	Ex 30	Insert "Jeff" before "Milinovich", insert ": Quality control" after "Milinovich"
5	Ex 31	Insert "Jeff" before "Milinovich", insert ": Regulations for different market destinations" after "Milinovich"
5	Ex 32	Insert "Richard" before "Sahatjian"
5	Ex 33	Insert "Barry" before "Kriebel"
13	4 & 5	Insert "er" at the end of the word "farm", strike the first appearance of "for", insert "of" before "grape"
13	10	Insert "Van" before "Zyl"
13	11	Capitalize the letter "V" in "van"
14	6	Strike the letter "e" at the end of "Propose" and insert "al" at the end of the word
19	18	Change last word from "then" to "than"
27	9	Add the letter "s" at the end of the word "Proposal"
31	20	Change the word "Rath" to "RAC"
36	21	Change "REINHART" to "RYMER" and correct the spelling "Jeffrey Reinhart" to "Jeffery Rymer"
37	1	Change "REINHART" to "RYMER"
37	4	Change "REINHART" to "RYMER"
41	18	Add the letters "ad" to the beginning of the word "minister"
43	9	Remove the letter "g" at the end of the word "Raising"
46	16	Replace the "2015/2015" to read "2014/2015"
68	11	Change the word "growers" to "handlers"
71	13	Change "perspective" to "prospective"
76	19	Change "Schmaedick" to "Chilukuri"
75	3	Change the word "changed" to "charged"
76	20	Replace the word "on" with "off'
85	13	Replace the words "okra toxin" with "ochratoxin"
86	12	Replace "CRB" with "CRMB"
89	20	Replace "41416" with "4-14-16"
90	3	Replace "41416" with "4-14-16"

93	21	Replace the words "okra toxin" with "ochratoxin"
93	22	Replace the words "okra toxin" with "ochratoxin"
98	11	Replace "CRB" with "CRMB"
132	13	Replace "Oenology" with "Enology"
137	3	Change "him" to "her"
146	21	Change "Schmaedick" to "Chilukuri"
151	18	Replace "OIG" with "PED"
159	15	Replace "Oenology" with "Enology"
162	11	Replace "Counsel" with "Committee"
1655	14	Change "Schmaedick" to "Sonet Van Zyl"
176	17	Replace "RDA" with "RBA"
187	6	Replace "organiz" with "organization"
188	14 & 15	Change "Glenn" to "Glen"
208	18	Replace "Delray" with "Del Rey"
228	16	Replace "mem" with "me"
231	16	Remove the word "at" before "30"
231	18	Remove "box for a toxin" replace with
261	10	Change "product" to "produce"
267	13	Change 'destiny" to "destination"

May 4, 2016:

27	12	Replace "mode" with 'mold"
55	4	Replace "FISMA" with "FSMA"
67	6	Replace "John Marthadal" with "Jon Marthedal"
88	22	Replace "differentients" with "differences"
98	9	Replace "SHERIDAN" with "MCCARTNEY"
103	18	Change "Horn" to "Horne"
104	1	Change "Horn" to "Horne"

119	22	Add the letter "A" to "ILP" to read "AILP"

On July 21, 2016, the Raisin Administrative Committee (RAC) emailed to the parties proposed corrections to the record transcript of the hearing. The hard copy was filed on July 25, 2016. No objections having been raised, except as to RAC's proposed correction to May 3, 2015 292:4 to delete "as much as I" which objection was **GRANTED**, those proposed corrections are hereby **ADOPTED** as follows:

May 3, 2016

Page	Line/Exhibit	Correction
289	5	change "head" to "heard"
130	21	change "Steven R. Spate" to "Rick Stark"
132	2	change "Sunmaid" to "Sun-Maid"
132	3	change "Sunmaid" to "Sun-Maid"
132	13	change "Oenology" to "Enology"
132	15	change "County's" to "County"
132	20	change "test" to "pest"
134	3	change "productions" to "production"
138	6	change "Christiansen" to "Christensen"
138	6	change "Dane" to Daane"
138	7	change "Mick Dekusian" to "Nick Dokoozlian"
142	20	change "CMRB" to "CRMB"
13	12	change "Agriculture" to "Viticulture"
159	19	change "taking" to "completing"
160	6	change "a" with "the"
73	19	change "rules" to "ruled"
73	20	change "consists" to "constitutes"
73	20	remove "of"
75	3	change "changed" to "charged"
83	10	after the word "District" add numeric word "three"
85	13	change "okra toxin" to "ochratoxin"
86	12	change "CRB" to "CRMB"
88	5	change "referencing" to "reference"

May 4, 2016

Page	Line/Exhibit	Correction
27	12	change "mode" to "mold"

I hereby certify that to the best of my knowledge and belief, the transcript of the testimony given during the hearing is a true rendition of the testimony, except for any remaining obvious or immaterial spelling, typographical, or grammatical errors, and with the corrections as adopted hereinabove. In accordance with 7 C.F.R. § 900.10, the corrections identified above shall be made by the Hearing Clerk upon the official record copy of the transcript. It should be noted that there may be overlap in the proposed corrections.

I further certify that the record includes the following exhibits:

May 3, 2016:

Exhibit No.	Description	Mark	Read
1	Notice of Hearing	29	36
2	Certificate of Mailing	33	36
3	Certificate of News Release	34	36
4	Certificate Notice of Officials	34	36
5	Testimony of Marc McFetridge	40	48
6	US Raisins; Crop Year 2000-2014	40	48
7	Natural Seedless Crop Year Report	61	66
8	CA Raisin Marketing Board, Administrative Committee	62	66
9	Testimony of Debbie Powell	73	81
10	Marketing Policy & Industry Statistics 2015	78	81
11	Marketing Policy & Industry Statistics 2014	78	81
12	Marketing Policy & Industry Statistics 2013	78	81
13	Marketing Policy & Industry Statistics 2012	78	81

Exhibit No.	Description	Mark	Recd
14	Marketing Policy & Industry Statistics 2011	79	81
15	RAC Minutes 1/27/2016	75	81
16	RAC Minutes 4/14/2016	80	81
17	CA Marketing Board Minutes 4/14/16	81	81
18	Spate Testimony	106	130
19	California Raisin Marketing Board Annual Report California Raisin Marketing	106	130
20		106	130
21	Board Annual Report California Raisin Marketing	106	130
22	Board Annual Report California Raisin Marketing	106	130
23	Board Annual Report California Raisin Marketing	106	130
24	Board Annual Report California Raisin Marketing	106	130
25	Board Annual Report California Raisin Marketing	106	130
26	Board Annual Report Stark prepared statement	131	157
27	Stark outline for additional remarks	131	157
28	Van Zyl witness statement	159	172
29	Barserian witness statement	175	201
30	Milinovich witness statement	208	241
31	Milinovich witness statement	208	241
32	Sahatjian witness statement	269	269
33	Kriebel witness statement	323	323
34	Letter on behalf of Sun-Maid, dated 11-17-14	323	323
35	Table of statistics prepared by Raisin Administrative Committee	323	323

May 4, 2016:

36	Federal Marketing Order for Raisins	13	17
37	Testimony of Jeffrey June	19	36
38	Guideline for Fruit, Vegetable, and Specialty Crop Marketing Orders, dated January 25, 1982	19	36
39	Statement of Steve Kister	38	45
40	Statement of Jane Asmar	46	63
41	Minutes of Raisin Administrative Committee Meeting January 27, 2016	64	75
42	U.S. Standards for Grades of Processed Raisins, December 1, 1978	79	79
43	7 C.F.R. 36	93	97
44	Testimony of Michael Durando	99	105
45	Letter dated July 16, 2015	99	105
46	USDA Guidelines	100	111
47	Committee Member Information Table	100	113
48	Modified Language for 989.28	100	115

Copies of this Certification of Transcript shall be served upon the parties by the Hearing Clerk. The Hearing Clerk is alsorequested to serve this Certification of Transcript by email on the following persons:

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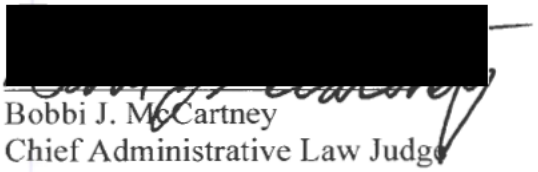
Debbie Powell - Debbie@raisins.org
Dori Williams - dori@raisins.org

So ORDERED this 9th day of August, 2016, in Washington, D.C.



Bobbi J. McCartney
Chief Administrative Law Judge