

(A) the single organization of pork producers in a State that is—

- (i) organized under the laws of the State in which such association operates; and
- (ii) recognized by the chief executive officer of such State as representing the pork producers of such State; or

(B) if such organization does not exist on January 1, 1986, an organization that represents not fewer than 50 pork producers who market annually, in the aggregate, not less than 10 percent of the volume (measured in pounds) of porcine animals marketed in such State.

(17) The term “to market” means to sell or to otherwise dispose of a porcine animal, pork, or pork product in commerce.

(Pub. L. 99-198, title XVI, § 1613, Dec. 23, 1985, 99 Stat. 1607.)

#### § 4803. Pork and pork product orders

(a) To carry out this chapter, the Secretary shall, in accordance with this chapter, issue and, from time to time, amend orders applicable to persons engaged in—

- (1) the production and sale of porcine animals, pork, and pork products in the United States; and
- (2) the importation of porcine animals, pork, or pork products into the United States.

(b) The Secretary may issue such regulations as are necessary to carry out this chapter.

(Pub. L. 99-198, title XVI, § 1614, Dec. 23, 1985, 99 Stat. 1609.)

#### § 4804. Notice and hearing

During the period beginning on January 1, 1986, and ending 30 days after receipt of a proposal for an initial order submitted by any person affected by this chapter, the Secretary shall—

- (1) publish such proposed order; and
- (2) give due notice of and opportunity for public comment on such proposed order.

(Pub. L. 99-198, title XVI, § 1615, Dec. 23, 1985, 99 Stat. 1609.)

#### § 4805. Findings and issuance of orders

##### (a) Necessary findings

After notice and opportunity for public comment have been provided in accordance with section 4804 of this title, the Secretary shall issue and publish an order if the Secretary finds, and sets forth in such order, that the issuance of such order and all terms and conditions thereof will assist in carrying out this chapter.

##### (b) Number of orders in effect at a time

Not more than one order may be in effect at a time.

##### (c) Effective date

An order shall become effective on a date that is not more than 90 days following the publication of such order.

##### (d) Terms and conditions

An order shall contain such terms and conditions as are required in sections 4806 through

4809 of this title and, except as provided in section 4810 of this title, no others.

(Pub. L. 99-198, title XVI, § 1616, Dec. 23, 1985, 99 Stat. 1609.)

#### § 4806. National Pork Producers Delegate Body

##### (a) Establishment and appointment

The order shall provide for the establishment and appointment by the Secretary, not later than 60 days after the effective date of such order, of a National Pork Producers Delegate Body.

##### (b) Membership; number of producer members; number of importer members

(1) The Delegate Body shall consist of—

(A) producers, as appointed by the Secretary in accordance with paragraph (2), from nominees submitted as follows:

(i) in the case of the initial Delegate Body appointed by each State in accordance with section 4807 of this title.

(ii) in the case of each succeeding Delegate Body, each State association shall submit nominations selected by such association pursuant to a selection process that—

- (I) is approved by the Secretary;
- (II) requires public notice of the process to be given at least one week in advance by publication in a newspaper or newspaper of general circulation in such State and in pork production and agriculture trade publications; and
- (III) that provides complete and equal access to the nominating process to every producer who has paid all assessments due under section 4809 of this title and not demanded a refund under section 4813 of this title,

or pursuant to an election of nominees conducted in accordance with section 4807 of this title.

(iii) In the case of a State that has a State association that does not submit nominations or that does not have a State association, such State shall submit nominations in a manner prescribed by the Secretary; and

(B) importers, as appointed by the Secretary in accordance with paragraph (3).

(2) The number of producer members appointed to the Delegate Body from each State shall equal at least two members, and additional members, allocated as follows:

(A) Shares shall be assigned to each State—

(i) for the 1986 calendar year, on the basis of one share for each \$400,000 of farm market value of porcine animals marketed from such State (as determined by the Secretary based on the annual average of farm market value in the most recent 3 calendar years preceding such year), rounded to the nearest \$400,000; and

(ii) for each calendar year thereafter, on the basis of one share for each \$1,000 of the aggregate amount of assessments collected (minus refunds under section 4813 of this title) in such State from persons described in section 4809(a)(1)(A) and (B) of this title, rounded to the nearest \$1,000.