

market, that are marketed, except that such term shall not include mushrooms that are commercially marinated, canned, frozen, cooked, blanched, dried, packaged in brine, or otherwise processed, as may be determined by the Secretary.

**(10) Person**

The term “person” means any individual, group of individuals, partnership, corporation, association, cooperative, or any other legal entity.

**(11) Producer**

The term “producer” means any person engaged in the production of mushrooms who owns or who shares the ownership and risk of loss of such mushrooms and who produces, on average, over 500,000 pounds of mushrooms per year.

**(12) Promotion**

The term “promotion” means any action determined by the Secretary to enhance the image or desirability of mushrooms, including paid advertising.

**(13) Research**

The term “research” means any type of study to advance the image, desirability, marketability, production, product development, quality, or nutritional value of mushrooms.

**(14) Secretary**

The term “Secretary” means the Secretary of Agriculture.

**(15) State and United States**

The terms “State” and “United States” include the 50 States of the United States, the District of Columbia, and the Commonwealth of Puerto Rico.

(Pub. L. 101-624, title XIX, §1923, Nov. 28, 1990, 104 Stat. 3855.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 6104 of this title.

**§ 6103. Issuance of orders**

**(a) In general**

To effectuate the declared policy of section 6101(b) of this title, the Secretary, subject to the procedures provided in subsection (b) of this section, shall issue orders under this chapter applicable to producers, importers, and first handlers of mushrooms. Any such order shall be national in scope. Not more than one order shall be in effect under this chapter at any one time.

**(b) Procedures**

**(1) Issuance of an order**

The Secretary may propose the issuance of an order under this chapter, or an association of mushroom producers or any other person that will be affected by this chapter may request the issuance of, and submit a proposal for, such an order.

**(2) Publication of order**

Not later than 60 days after the receipt of a request and proposal by an interested person for an order, or when the Secretary determines

to propose an order, the Secretary shall publish the proposed order and give due notice and opportunity for public comment on the proposed order.

**(3) Issuance of order**

After notice and opportunity for public comment are given, as provided in paragraph (2), the Secretary shall issue the order, taking into consideration the comments received and including in the order provisions necessary to ensure that the order is in conformity with the requirements of this chapter. Such order shall be issued and, if approved by producers and importers of mushrooms as provided in section 6105(a) of this title, shall become effective not later than 180 days following publication of the proposed order.

**(c) Amendments**

**(1) In general**

The Secretary, from time to time, may amend any order issued under this section.

**(2) Application of chapter**

The provisions of this chapter applicable to an order shall be applicable to amendments to the order.

(Pub. L. 101-624, title XIX, §1924, Nov. 28, 1990, 104 Stat. 3856.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 6105 of this title.

**§ 6104. Required terms in orders**

**(a) In general**

Each order issued under this chapter shall contain the terms and conditions prescribed in this section.

**(b) Mushroom Council**

**(1) Establishment and membership of Council**

**(A) Establishment**

The order shall provide for the establishment of, and selection of members to, a Mushroom Council that shall consist of at least 4 members and not more than 9 members.

**(B) Membership**

Except as provided for in paragraph (2), the members of the Council shall be mushroom producers and importers appointed by the Secretary from nominations submitted by producers and importers in the manner authorized by the Secretary, except that no more than one member may be appointed to the Council from nominations submitted by any one producer or importer.

**(2) Appointments**

**(A) In general**

In making appointments, the Secretary shall take into account, to the extent practicable, the geographical distribution of mushroom production throughout the United States, and the comparative volume of mushrooms imported into the United States.

**(B) Units**

In establishing such geographical distribution of mushroom production, a whole State