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Amendments update

Egg Board assessments

LANCASTER — President Carter has signed into law amendments to the Egg Research and Consumer Information Act, Public Law 93-428 and 96-276.

New enforcement provisions of the amendments dealing with compliance and delinquency of American Egg Board assessments and reports became effective on that date. Other provisions will be presented to egg producers for referendum sometime next year.

New statutory provisions give the Secretary of Agriculture authority to impose civil penalties or issue cease and desist orders against persons found to be

in violation of the Act, the Order or regulations thereunder, after such persons are provided with an opportunity for an administrative hearing. Provision is made for judicial review of the Secretary's final decision in an appropriate federal court of appeals.

Prior to the amendment, statutory provisions required that all actions for enforcement had to be prosecuted in the U.S. federal courts.

The Secretary may assess a civil penalty of not less than \$500 or more than \$5000 against any person found to be in violation of the Act, Order or Regulations, and he

can also issue cease and desist orders to prevent continuing violations.

Each failure to collect or remit assessments for all eggs handled, or file reports to the American Egg Board when due is a separate offense for penalty purposes.

The amended statute provides for penalties within the minimum and maximum dollar limits for each reporting period during which noncompliance continues. Before any penalty or cease and desist order can be issued, the affected person must be notified and provided with an opportunity for hearing with or without legal counsel, at a location convenient to the individual.

Hearings are presided over by an administrative law judge and conducted in accordance with published rules of practice issued by the USDA. Initial decision resulting from such hearings is subject to review by the Secretary before it becomes final.

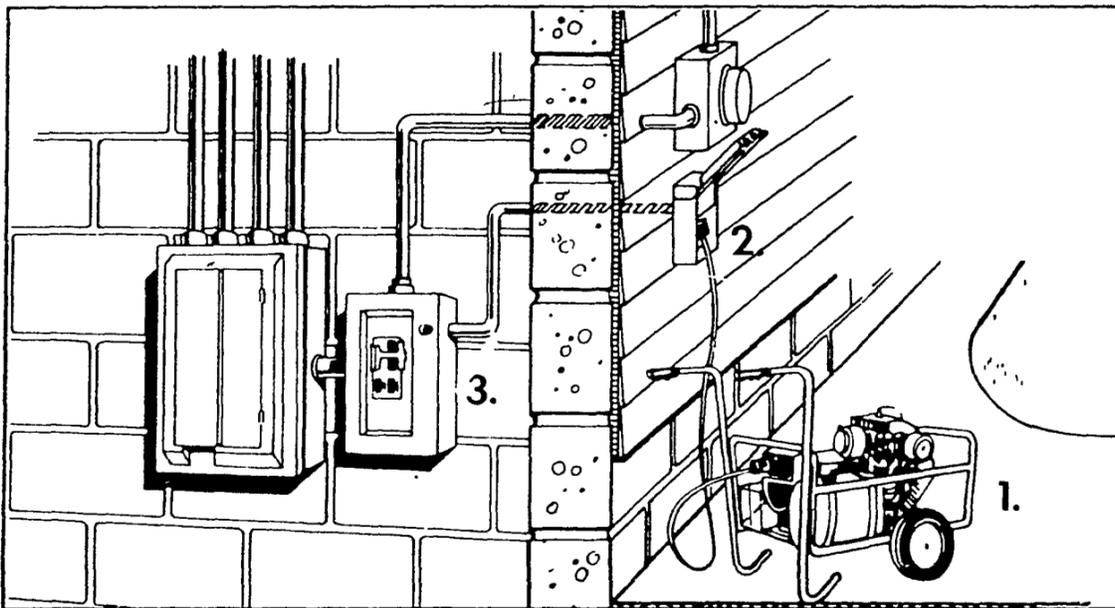
Provision also is made for an appeal from the Secretary's final decision in the U.S. Court of Appeals for the violator's residence or place in business, or for the District of Columbia. Any appeal must be filed within 30 days after the Secretary's final order.

Any person who fails to comply with a final cease and desist order after the opportunity for appeal is exhausted is subject to not more than \$500 for each day that such failure to comply continues. But before the penalties are assessed, the affected person must be provided with an opportunity for hearing and judicial review.

The compliance and delinquency provisions also provide for civil penalties assessed by the Secretary to be recovered by the U.S. Department of Justice in a suit in the federal courts in instances when any person so assessed fails to pay the fine. In this event, the Secretary's order assessing the civil penalty is not subject to review.

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3. Transfer Switch.

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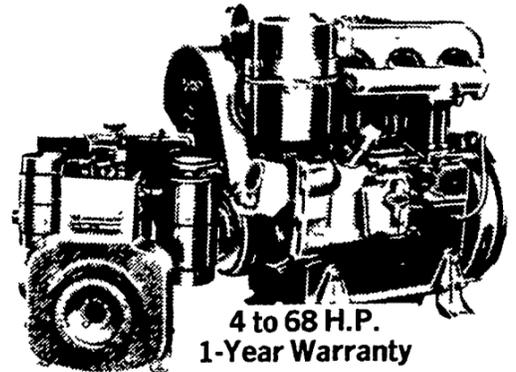
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