



### **To the Industry**

We want to raise awareness about the continued labor shortage in our industry. This has become a very serious struggle for our industry and the outlook for this shortage is not going away. The shortage has caused issues in our packing sheds last year and is projected to continue into this year. We want to encourage growers to reach out to their processors to start the conversations about how this summer's pack is going to work. We hope that by raising awareness now, better decisions can be made during the heat of harvest this summer. Again, please don't wait to call your processor to start the communication channels now for the upcoming season.

Mike VanAgtmael, CMI Chairman  
Curtis Rowley, CIAB Chairman

### **Amendments to the Marketing Order**

At its February meeting, the CIAB adopted a number of proposed amendments to the order. These are set out below. Justifications for these proposals are required by the USDA and have been drafted. The justifications set out the reasons for the needed changes. These justifications will be sent to the USDA to start the official process for amending the order.

#### **Constituency**

Two of the amendments address the "sales constituency" difficulties encountered by the tart cherry industry as a result of the USDA's interpretation and application of the judge's decision in the Burnette Foods, Inc. v USDA lawsuit. The two amendments, "Grower Sales Constituency" and "Alternate Sales Constituency" address the constituency concept and return it to what it was prior to the USDA's reinterpretation of this term. A grower's sales constituency will be determined by the handler to which he or she sells the majority of his/her cherries in any given season. Any other handlers to which a grower sells lesser amounts of cherries will not be considered a "constituency" for purposes of being elected to or seated on the CIAB. A grower's "constituency" will remain the same throughout his/her term of office and will not change. For both grower and the handler members' seats, the alternate can be from the same constituency.

#### **Term of Office**

A related amendment regarding members and alternates on the CIAB specifies that the "Term of Office" of the board members and alternates be from June 1 of the year elected to May 31 three years later. This amendment changes the seating of a new board from September to June. With this change, the same board that determines the preliminary OSF will also oversee the determination of the final OSF. This makes practical sense and keeps the same board making both decisions. The terms of office are still 3 years. They just start earlier in the year.

#### **Seats on the CIAB for the Districts**

Seats on the CIAB are allocated to the districts in §930.20(b). Under the proposed amendment, reassessment of district representation will be done every five years and will be based upon the maximum production of a district during the five-year period. The five-year period was chosen to make the time frames used throughout the order consistent with each other. The maximum production was chosen to allow each district to maximize its representation on the board and for insuring better stability of representation on the CIAB. Also, there is a proposed process under which a district can petition for a reassessment of representation if there are substantial changes to the district that would justify the reallocation of seats.

#### **Exemption from Regulation**

Another proposed amendment is about exemption from restriction for the various districts in any given year. One of the changes is the elimination of the term "processed production" from the language of §930.52 (d) and replacing it with "production". This term "processed" had no practical importance for determining exemption from regulation. All cherries in each season are accounted for and used in the OSF and for exemption. Total production is what

determines whether or not a district is exempt from regulation. Thus, the term “processed” has no practical purpose in determining exemptions. Another change to this section of the order was to make the determination about whether a district is subject to volume regulation in a given year based upon a five-year average rather than a three-year average production. Again, the 5-year period was for consistency of the various time periods within the order. A historical review of the CIAB’s records showed that this change would not have changed any district’s status regarding regulation.

### **Timing of Nominations sent to the Secretary**

A procedural change is being recommended concerning the number of days in which nominations to the board must be sent by the CIAB to the Secretary of the USDA. This time period is to be changed from 120 days to 60 days. This will make administration of the board election process much more efficient for the staff of the CIAB.

### **Voting Procedures**

Another issue for discussion by the board was the way voting for the board seats should be done. There was no consensus on the CIAB about how this idea should be structured. The Board will continue its discussion on this topic. This change in voting procedures does not require an amendment to the order. Such a change can be done by informal rulemaking. The board voted to move forward with the process of electronic voting so in the future you will be able to use DocuSign or a similar application to cast your ballot. The board also agreed to assign a subcommittee to look further into the voting procedures. This matter will be discussed at future CIAB meetings.

### **Promotion Update**

The Weber Shandwick team continues to focus efforts on promoting U.S. -grown tart cherries as an on-trend ingredient for new food and beverage innovations and consumer enjoyment. Our team is forging ahead with our long-term growth plan to inspire product development at major food and beverage manufacturers in addition to our short-term plan to drive awareness of the taste and health benefits to our consumer audience.

### **Consumer Earned Media Coverage**

Tart cherries continue to earn editorial coverage in leading consumer outlets. Recent top placements include [Southern Living](#), [Food & Wine](#), [Fox News](#), [PureWow](#), [Fox News](#) and more. The team hosted a virtual media event in January which highlighted the science-backed sleep and recovery benefits of tart cherries and distributed a [pre-packaged news article](#) to local news outlets that highlighted the superfruit’s benefits.

### **Consumer Social Media Effort**

Through our focused effort on consumer social media, we shared tart cherry recipes and nutrition information including a Pinterest holiday baking campaign, an Instagram campaign highlighting superfruit recipes and branded recipes for industry organizations. Looking ahead, we will partner with a food influencer to feature tart cherry pie filling hacks and share pie recipes for March’s Pi Day, on March 14.

### **B2B Paid Media**

Our B2B efforts are ramping up with the goal of capturing interest leading up to harvest. The Weber Shandwick team is developing tart cherry campaigns for LinkedIn, Prepared Foods and SmartBrief as they are top sources of ingredient information for product developers. We will also be participating in the Research Chefs Association annual conference to host an educational session with chefs, food scientists and culinary media to promote tart cherries with ingredient decision makers and inspire tart cherry usage across food and beverage applications.

### **New Product Innovations**

As part of our B2B effort, we continue to track new tart cherry products that hit the marketplace. Below is an update on domestic verification status of products that were recently introduced:

- [Cooper Street Cherry White Chunk Twice-Baked Cookies](#) - Awaiting Verification
- [Nutsola Cherry Max Bites](#) - Verified U.S.-grown

## Share Your Thoughts on the Industry

Please join us at a CIAB meeting. You are welcome to share your thoughts, concerns, or question during our public comment period. We will have a Zoom meeting on April 26 and an in-person/hybrid meeting in Grand Rapids/Zoom on June 21. Please visit our website at [www.cherryboard.org](http://www.cherryboard.org) to register.

## Board Elections

The CIAB board elections are currently underway. Below are the current member results.

### **District 1, Northern MI, Grower Member**

Robert Sherman

### **District 2, Central MI, Grower Member**

David Hackert

### **District 4, New York, At-Large Member**

Zachary DeBadts

### **District 8, Washington, Handler Member**

Bryce Dorsing, Royal Ridge Fruits

Nominations ballots were mailed to growers and emailed to handlers on February 23, 2022, for the alternate positions. Please cast your vote. Nomination ballots must be received in the CIAB office no later than 5 p.m. Eastern Time, March 8, 2022. Below are the alternate nominees.

### **District 1, Northern MI, Grower Alternate**

Glenn LaCross

Ted Sherman

### **District 2, Central MI, Grower Alternate**

Michael Hackert

### **District 4, New York, At-Large Alternate**

Tom Facer

### **District 8, Washington, Handler Alternate**

Kevin Dorsing, Royal Ridge Fruits

## Orchard Mapping

The orchard mapping updates were mailed out the beginning of February 2022 and must be postmarked by April 18, 2022. These mapping updates are necessary for us to have current maps; should there be restriction for 2022 it will allow for block diversion. If there are no maps on file, your only option would be tank diversion.

CY 2021 was the first year we included a paragraph titled “Authorization for Release of Production Information to Your Insurance Carrier”. This paragraph asks for the name of your insurance carrier that you are allowing us (CIAB) to send production information to after harvest. Also please include what years you are authorizing us to release. You can put in “all” or “any” or if you just want the current year put in CY 22. Do not forget to sign and date it. We often will receive a request for 50-60 production reports at a time and our policy is to have your permission first. Having this authorization signed ahead of time by you, will expedite the release of your production numbers to your insurance agent. Otherwise, it involves us reaching out to you; emailing (when possible) or calling, leaving messages (if necessary) to obtain your authorization. Please take a look and even if you do not have orchard mapping changes, send this form back to us (email or mail) with your authorization completed. Please note, if you send this signed form back to us, our policy is to send you the same production information we send to your insurance agent.

If you need a Grower Diversion Application for mapping purposes, they can be found on our website.

<https://www.cherryboard.org/forms> or call our office and we will forward one to you.

## Handle/Handler

As you prepare for the upcoming harvest season, we would like to clarify what the criteria of handle/handler is. Handle means the process to brine, can, concentrate, freeze, dehydrate, pit, press or puree cherries, or in any other way convert cherries commercially into a processed product. Any company that receives tart cherries directly from a

grower, processes them and moves those tart cherries or the products made for them into the stream of commerce is a “handler.” Any grower that processes their own cherries into a finished goods product such as juice is a “handler.” If a grower has tart cherries custom packed, they are a “handler.” A “handler” under the order is subject to the requirements of the order per the [Code of Federal Regulations](#) (CFR). Code sections §930.10 and §930.11.

## We are Going Digital

To get information to the industry in a timely manner and also save the industry thousands of dollars. If you have not already done so, please send your email address to [info@cherryboard.org](mailto:info@cherryboard.org) or contact our office via phone.

## CIAB Contact Information

If you have any questions or concerns, please contact our office via phone or e-mail. We are in the process of phasing out our P.O. Box, so please update your records to our street address.

### Phone:

Office: (517) 669-1070

Toll-Free: (888) 639-2422

### E-Mail:

Heather Weber, [hweber@cherryboard.org](mailto:hweber@cherryboard.org)

Joy McDevitt, [jmcdevitt@cherryboard.org](mailto:jmcdevitt@cherryboard.org)

### Address:

12800 Escanaba Dr., Suite A

Dewitt, MI 48820

## Calendar March 2022 – June 2022

### March 2022

**Mar. 8:** Grower and handler alternate board ballots must be received in CIAB office

**Mar. 10:** Form 3 Sales/Inventory Report due for the period ending Feb. 28

### April 2022

**Apr. 18:** New or Revised Orchard maps and application due

**Apr. 26:** CIAB Board Meeting via Zoom

### June 2022

**Jun. 10:** Form 3 Sales/Inventory Report due for the period ending May 31

**Jun. 21:** CIAB Board Meeting (Hybrid), DoubleTree, Grand Rapids, MI