



RULE-MAKING ORDER

W-103 (June 2004)
(Implements RCW 34.05.360)

Agency: Washington State Department of Agriculture

- Permanent Rule**
 Emergency Rule

Effective date of rule:

Permanent Rules

- 31 days after filing.
 Other (specify) _____ (If less than 31 days after filing, a specific finding under RCW 34.05.380(3) is required and should be stated below)

Effective date of rule:

Emergency Rules

- Immediately upon filing.
 Later (specify) _____

Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?

- Yes No If Yes, explain:

Purpose: Chapter 16-157 WAC, Organic Food Standards and Certification, adopts the National Organic Program and provides certification for producers, processors and handlers wishing to obtain organic certification. The rule sets fees for obtaining certification and provides organic certification logos for those parties certified under the rule. Organic certification is also offered for retail food stores. The proposed amendments are necessary to improve the efficiency of the WSDA Organic Food Program and enable it to provide better service to organic producers.

Citation of existing rules affected by this order:

Repealed:
 Amended: WAC 16-157-220
 Suspended:

Statutory authority for adoption: RCW 15.86 and 34.05

Other authority :

PERMANENT RULE ONLY (Including Expedited Rule Making)

Adopted under notice filed as WSR 05-18-089 on September 7, 2005 (date).
 Describe any changes other than editing from proposed to adopted version: There are no changes from the proposed version filed on September 7, 2005.

If a preliminary cost-benefit analysis was prepared under RCW 34.05.328, a final cost-benefit analysis is available by contacting: N/A

Name: _____ phone () _____
 Address: _____ fax () _____
 e-mail _____

EMERGENCY RULE ONLY

Under RCW 34.05.350 the agency for good cause finds:

- That immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.
 That state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this finding:

Date adopted: October 28, 2005

NAME (TYPE OR PRINT)
 Valoria H. Loveland

SIGNATURE


TITLE
 Director

CODE REVISER USE ONLY

CODE REVISER'S OFFICE
 STATE OF WASHINGTON
 FILED

OCT 28 2005

TIME 12:38 AM/PM AM PM
 WSR 05-22-055

**Note: If any category is left blank, it will be calculated as zero.
No descriptive text.**

**Count by whole WAC sections only, from the WAC number through the history note.
A section may be counted in more than one category.**

The number of sections adopted in order to comply with:

Federal statute:	New	_____	Amended	_____	Repealed	_____
Federal rules or standards:	New	_____	Amended	_____	Repealed	_____
Recently enacted state statutes:	New	_____	Amended	_____	Repealed	_____

The number of sections adopted at the request of a nongovernmental entity:

New	_____	Amended	_____	Repealed	_____
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The number of sections adopted in the agency's own initiative:

New	_____	Amended	<u>1</u>	Repealed	_____
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The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New	_____	Amended	_____	Repealed	_____
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The number of sections adopted using:

Negotiated rule making:	New	_____	Amended	_____	Repealed	_____
Pilot rule making:	New	_____	Amended	_____	Repealed	_____
Other alternative rule making:	New	_____	Amended	<u>1</u>	Repealed	_____

AMENDATORY SECTION (Amending WSR 03-03-044, filed 1/10/03, effective 2/10/03)

WAC 16-157-220 Producer fee schedule. Producers who wish to apply for the organic food certification program must apply to the department each year.

(1) The cost per application shall be based on the following fee schedule.

(a) Renewal applicants -

Application fees must be based on the previous calendar year's sales of organic food. In the event that the current calendar year's sales exceed the previous year's sales, the department may bill the producer for the additional fee. In the event that the current calendar year's sales are less than the previous year's sales, the producer may request a refund for the reduced fee. In addition, renewal applications postmarked after (~~March~~) February 1, must pay a late fee of seventy-five dollars. Renewal applicants that are adding additional sites to their organic certification must pay a new site fee of fifty dollars for each additional site.

(b) New applicants -

Application fees must be based on an estimate of the current year's sales of organic food. In the event that the current calendar year's sales exceed the estimate, the department may bill the producer for the additional fee. In the event that the current calendar year's sales are less than the estimate, the producer may request a refund for the reduced fee. In addition, new applicants must pay a one hundred dollar new applicant fee. New applicants that are seeking organic certification for more than one site must pay a site fee of fifty dollars for each additional site. The fee shall accompany the application.

SALES		ANNUAL FEE
\$ 0 -	\$ 15,000	.....\$ 200
\$ 15,001 -	\$ 20,000	.....\$ 225
\$ 20,001 -	\$ 25,000	.....\$ 280
\$ 25,001 -	\$ 30,000	.....\$ 335
\$ 30,001 -	\$ 35,000	.....\$ 390
\$ 35,001 -	\$ 42,500	.....\$ 470
\$ 42,501 -	\$ 50,000	.....\$ 560
\$ 50,001 -	\$ 65,000	.....\$ 670
\$ 65,001 -	\$ 80,000	.....\$ 835
\$ 80,001 -	\$100,000	.....\$ 1,000
\$100,001 -	\$125,000	.....\$ 1,150
\$125,001 -	\$150,000	.....\$ 1,300
\$150,001 -	\$175,000	.....\$ 1,450
\$175,001 -	\$200,000	.....\$ 1,600

SALES		ANNUAL FEE
\$200,001 -	\$240,000	.....\$ 1,750
\$240,001 -	\$280,000	.....\$ 1,900
\$280,001 -	\$325,000	.....\$ 2,050
\$325,001 -	\$375,000	.....\$ 2,200
\$375,001 -	\$425,000	.....\$ 2,450
\$425,001 -	\$500,000	.....\$ 2,700
\$500,001 -	\$750,000	.....\$ 3,000
\$750,001 -	(\$7,000,000)	..\$2,200 plus 0.11% of
	<u>and up</u>	gross organic sales
((over	\$7,000,000	.....\$10,000))

(2) Transitional acreage fee - In addition to the producer application fee, each applicant must pay a fee of ~~((five))~~ fifty dollars per ~~((acre))~~ site for the land for which they are requesting transitional certification.