



RULE-MAKING ORDER
(RCW 34.05.360)

CR-103 (10/1/89)

Agency: **DEPARTMENT OF AGRICULTURE**

Permanent Rule
 Emergency Rule

(1) Date of adoption: **May 6, 1992**

(2) Purpose: **Establish standards for the production of organic meat and dairy products; amend Chapter 16-156 WAC to allow producers of organic meat and dairy products to be certified by the Department of Agriculture.**

(3) Citation of existing rules affected by this order:
Repealed:
Amended: **16-156**
Suspended:

(4) Authority for adoption:
Statute: **Chapter 15.96 RCW**
Other Authority:

(5.1) **PERMANENT RULE ONLY**
Pursuant to notice filed as WSR 92-07-052 on March 12, 1992 (date).
Describe any changes other than editing from proposed to adopted version:
(See reverse side of page)

(5.2) **EMERGENCY RULE ONLY**
Pursuant to RCW 34.05.350 the agency for good cause finds:
 (a) 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.
 (b) 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:

(5.3) Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?
 Yes No If yes, explain:

(6) Effective date of rule:
Permanent Rules **Emergency Rules**
 31 days after filing Immediately
 Other (specify) _____ * Later (specify) _____
*(If less than 31 days after filing, specific finding in 5.3 under RCW 34.05.380(3) is required)

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CODE REVISER'S OFFICE
STATE OF WASHINGTON
FILED

MAY 06 1992

TIME: 1:41
WSR: 92-11-001

NAME (TYPE OR PRINT)
MICHAEL V. SCHWISOW

TITLE
Deputy Director

DATE
5/6/92

Chapter 16-162 WAC

ANIMAL PRODUCTION STANDARDS FOR ORGANIC MEAT AND DAIRY PRODUCTS

NEW SECTION

WAC 16-162-010 PURPOSE. This chapter is promulgated pursuant to RCW 15.86.060 wherein the director is authorized to adopt rules for the proper administration of the Organic Food Products Act. This chapter provides standards for the production of organic meat and dairy products.

NEW SECTION

WAC 16-162-025 CERTIFICATION. Producers of organic animal products seeking certification as an organic food producer may apply for certification under chapter 16-156 WAC.

NEW SECTION

WAC 16-162-030 DEFINITIONS. As used in this chapter:

- (1) "Approved" means any material or practice which meets the required criteria or standards for use in the production of organic animal products.
- (2) "Department" means the department of agriculture of the state of Washington.
- (3) "Director" means the director of the department of agriculture or his or her duly authorized representative.
- (4) "Drug" means any chemical substance or noninfectious biological substance, which may be administered to or used on or for animals, as an aid in the diagnosis, treatment, or prevention of disease or other abnormal condition, for the relief of pain or suffering, to control or improve any physiological or pathological condition, or to affect the structure or function of the animal.
- (5) "Material" means any substance or mixture of substances that is used internally or externally in the production of animals or animal products.
- (6) "Prohibited" means any material or practice which is disallowed in the production of organic animal products.
- (7) "Recommended" means that the stated materials or practices are encouraged.
- (8) "Remedy" means anything that relieves or cures a disease.
- (9) "Required" means any material or practice which must be used or followed for the production of organic animal products.

NEW SECTION

WAC 16-162-031 "ORGANICALLY PRODUCED MEAT." Meat and meat products that have been produced from an animal which has, along with its mother, been raised in compliance with the provisions of this chapter

from the date of its birth through slaughter may be labeled and sold as "organic" or "organically produced."

In addition:

(1) Meat and meat products that have been produced from an animal raised for beef which has been raised in compliance with the provisions of this chapter for at least twelve months prior to slaughter may be labeled and sold as "organic" or "organically produced"; and

(2) Meat and meat products that have been produced from birds which have been raised in compliance with the provisions of this chapter from one day after hatching may be labeled and sold as "organic" or "organically produced."

NEW SECTION

WAC 16-162-032 "ORGANICALLY PRODUCED MILK." Milk produced from an animal which has been raised in compliance with this chapter since the conception of the offspring which causes lactation may be labeled and sold as "organic" or "organically produced."

NEW SECTION

WAC 16-162-033 "ORGANICALLY PRODUCED EGGS." Eggs produced from hens which have been raised in compliance with this chapter since one day after hatching may be labeled and sold as "organic" or "organically produced."

NEW SECTION

WAC 16-162-050 LIVING CONDITIONS. (1) Required:

(a) Organic producers must provide, when appropriate, their animals with access to fresh air and daylight.

(b) Every animal must have enough room to get up, lie down, turn around, groom, and stretch its limbs.

(c) Stock facilities must be clean and sanitary.

(2) Prohibited:

Practices that are contrary to humane treatment guidelines, good sanitation practices, and good animal health programs.

NEW SECTION

WAC 16-162-070 DISEASE PREVENTION AND CONTROL. A proper herd health program should include strategies for disease prevention, parasite control, and disease treatment. Producers of organic animal products shall market only healthy animals and animal products, and shall never deny treatment to an animal in order that it may be labeled or sold as organic.

(1) The following practices are recommended:

(a) Quarantine and fecal exams for all incoming stock.

(b) Adequate pasture rotation and good pasture management.

(c) Maintaining and cleaning facilities regularly.

- (d) Periodic fecal exams and the culling of seriously infested animals.
- (e) Vector and intermediate host control.
- (f) Biological control methods.
- (g) Maintaining dusting wallows for poultry.
- (2) The following materials or practices are approved for use in the production of organic animal products:
 - (a) Rotenone and pyrethrum insecticides for external parasite control and for fly management, only if labeled for such use.
 - (b) Natural materials used in homeopathic, naturopathic, and herbal remedies.
 - (c) Tamed iodine, alcohol, and/or hydrogen peroxide as a disinfectant.
 - (d) Vaccinations against endemic disease.
 - (e) Sodium hypochlorite (bleach), for use on machinery and facilities.
 - (f) Steam sterilization of equipment.
- (3) Prohibited materials and practices. The disease prevention and control materials and practices that are prohibited for use in the production of organic animal products includes but is not limited to the following:
 - (a) Administration of hormones or subtherapeutic levels of antibiotics.
 - (b) The use of synthetic internal parasiticides on a routine basis.
 - (c) Synthetic internal parasiticides used within twelve months of slaughter, milk production, or egg production.
 - (d) Antibiotics used within thirty days or twice the FDA withdrawal time, whichever is longer, in the production of organic milk.
 - (e) Antibiotics used within twelve months in the production of organic meat or eggs.

NEW SECTION

- WAC 16-162-100 RECORDKEEPING. (1) All organic stock must be ear tagged or individually marked with the exception of poultry, which may be identified by flock.
- (2) Records must be kept of:
 - (a) All medications administered (including dates, dosages, and sources);
 - (b) All feeds bought and fed;
 - (c) All feed supplements used; and
 - (d) The weight of slaughter animals at slaughter.
 - (3) All records must be kept from birth or purchase and for two years after sale or slaughter.
 - (4) Receipts for stock and materials must be kept to insure a complete audit trail.
 - (5) Inadequate recordkeeping may constitute cause for the director to prohibit labeling or marketing animal products as "organic" or "organically produced."

AMENDATORY SECTION (Amending WSR 90-02-001, filed 12/21/89, effective 1/21/90)

WAC 16-156-001 APPLICATION. Organic food producers and transition to organic food producers who ((wish)) desire to obtain certification under this chapter must submit an application and pay prescribed fees to the department on an annual basis. This application must include a sworn statement that they have over the past year, and will continue throughout the year for which the application is made, fully comply with the statute and rules for production of organic and/or transition to organic food.

~~((Transition--to--organic--food--producers--who--wish--certification--under--this--chapter--must--also--submit--an--application--and--pay--prescribed--fees--to--the--department--on--an--annual--basis.--This--application--must--include--a--sworn--statement--that--they--have--since--last--harvest--and--will--continue--throughout--the--year--for--which--application--is--made,--fully--comply--with--the--statute--and--rules--for--production--of--organic--foods.))~~

Each application shall be accompanied by a completed grower information form which will remain on file at the department of agriculture office.

NEW SECTION

WAC 16-156-003 PURPOSE. This chapter is promulgated pursuant to RCW 15.86.070 wherein the director is authorized to adopt rules establishing a certification program for producers of organic or transition to organic food.

AMENDATORY SECTION (Amending WSR 91-09-028, filed 4/11/91, effective 5/12/91)

WAC 16-156-005 STANDARDS FOR CERTIFICATION. Standards for organic food producer and transition to organic food producer certification shall be as set forth in RCW 15.86.030 and rules adopted pursuant to chapter ~~((16-154-WAC))~~ 15.86 RCW.

AMENDATORY SECTION (Amending WSR 90-02-001, filed 12/21/89, effective 1/21/90)

WAC 16-156-010 SAMPLING. A sample representative of a ~~((crop grown))~~ food product grown, raised, or produced by organic food producers and transition to organic food producers under the organic food certification program may be tested for pesticide residues or other contaminants whenever the director deems it necessary ~~((for))~~ to grant, renew, deny, or revoke certification. ~~((These samples shall be collected by the department of agriculture in a representative manner at the producer's farm.))~~

It shall be the producer's responsibility to arrange for and bear the costs for any additional testing which is deemed necessary by the director ~~((for))~~ to grant, renew, deny, or revoke certification.

AMENDATORY SECTION (Amending WSR 91-09-028, filed 4/11/91, effective 5/12/91)

WAC 16-156-020 INSPECTION. The department of agriculture shall make at least one announced visit and ~~((any--unannounced))~~ may make additional visits ((deemed)) as the director deems necessary to each organic food producer and transition to organic food producer under the organic food certification program each year for the purpose of inspection for compliance with the standards for certification which are found in chapter 15.86 RCW (Organic food products) and ~~((chapter 16-154-WAC-(organic-crop-production-standards))rules adopted pursuant to chapter 15.86 RCW.~~

~~((this))~~ Inspections may entail survey of required records, examination of crops and fields, and any other information deemed necessary to the requirements of ~~((this-chapter))~~ chapter 15.86 RCW or any rules adopted thereunder.

It shall be the producer's responsibility to arrange for and bear the costs for any additional inspections which are deemed necessary by the director ~~((for))~~ to grant, renew, deny, or revoke certification.

AMENDATORY SECTION (Amending WSR 90-02-001, filed 12/21/89, effective 1/21/90)

WAC 16-156-030 CERTIFICATION. Washington state department of agriculture certification of organic food producers and transition to organic food producers means that any analysis of the representative samples taken by the department of agriculture showed no ~~((illegal pesticide))~~ prohibited material usage or other contaminants and inspection of the producer by the department of agriculture showed no ~~((illegal))~~ prohibited practices being followed as defined in chapter 15.86 RCW or rules adopted thereunder.

Organic food producers who apply under this program will be able to use the words, "produced under Washington state department of agriculture organic food certification program" in their labeling as long as their practices comply with ~~((this-chapter-and))~~ chapter ~~((s))~~ 15.86 RCW ~~((and-16-154-WAC))~~ or any rules adopted thereunder.

Food produced under this organic food certification program may be identified by the use of the attached logo. This logo shall only be used for food produced ~~((under))~~ by producers who have been certified by the Washington state department of agriculture organic food certification program.

Transition to organic food producers who apply under this program will be able to use the words "produced under Washington department of agriculture transition to organic food certification program" in their labeling as long as their practices comply with this chapter and chapter 15.86 RCW and ~~((chapter-16-154-WAC))~~ rules adopted thereunder.

Food produced under this transition to organic food certification program may be identified by use of the attached logo. This logo shall only be used for food produced ~~((under))~~ by producers who have been certified by the Washington state department of agriculture's transition to organic food certification program.

In no event shall food be sold as Washington certified organic or Washington certified transition to organic prior to an on-site inspection ~~((being))~~ made by the department of agriculture and a grower information form being ~~((on-file))~~ filed with the department of agriculture and organic food producer certification being granted for that crop year.

The logos to identify organic food and transition to organic food produced under this certification program ~~((s))~~ shall not be changed except for increases or decreases in size, as appropriate.

AMENDATORY SECTION (Amending WSR 91-09-028, filed 4/11/91, effective 5/12/91)

WAC 16-156-035 DECERTIFICATION. Whenever the director finds that a producer who has been certified under this program has:

- (1) Violated the standards for certification which are set forth in RCW 15.86.030 or any rules adopted under chapter 15.86 RCW;
- (2) ~~((Has))~~ filed an application for certification which is false or misleading in any particular;
- (3) ~~((Has))~~ violated any of the provisions of this chapter; or
- (4) ~~((Has))~~ Failed to provide records as required by WAC 16-154-060 or 16-162-100;

The director may issue an order revoking that producer's certification under this program or he may issue an order directing the producer to take other appropriate action to correct the violation. If appropriate action is taken, the producer will be returned to its previous status under the program.

Any producer who has received notice that its certification may be revoked under this section may apply for a hearing under the Washington Administrative Procedure Act, chapter 34.05 RCW. ~~((Such application must be in writing, addressed to the director of the Washington department of agriculture and be received in the Olympia administrative offices not later than twenty days from the date of the notice of the opportunity to apply for a hearing.))~~

AMENDATORY SECTION (Amending WSR 90-02-001, filed 12/21/89, effective 1/21/90)

WAC 16-156-050 APPLICATION FOR CERTIFICATION. Organic food producers and transition to organic food producers who wish to apply for the ~~((producer inspection))~~ organic food certification program must apply to the department by January 15 of each year. The application ~~((and fees))~~, accompanied by the appropriate fee shall be ~~((forwarded))~~ submitted to the department on forms furnished by the department.

Applications made after the set deadline may be processed as the department can schedule the initial inspections, provided that the producer may still conduct business as provided in RCW 15.86.050.