

FORM OF ORDER AND TRANSMITTAL BY AGENCY HAVING SINGLE HEAD

State of Washington

Department of Agriculture

(agency name)

Administrative Order No. 1968

(1) I, C. Alan Pettibone, director of the Washington State Department of Agriculture

do promulgate and adopt at Olympia, Washington (place)

the annexed rules relating to:

RCW 15.86

Certification program for producers of organic food.

(2) ALTERNATIVE A. Use only for Adoption of Permanent Rules.

This action is taken pursuant to Notice No. 88-04-073 filed with the code reviser on 2-3-88. These rules shall take effect: [X] thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2). [] at a later date, such date being

(2) ALTERNATIVE B. Use only for Adoption of Emergency Rules.

I, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is:

These rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

(3) Pursuant to the requirements of RCW 34.04.026 that "every agency shall incorporate the most specific, but in no case omit all, of the following language alternatives when adopting or amending rules" fill in statement (a), (b), or (c) as appropriate:

[X] (a) This rule is promulgated pursuant to RCW 15.86 and is intended to administratively implement that statute.

[] (b) This rule is promulgated pursuant to RCW which directs that the

(agency)

has authority to implement the provisions of

(name of act or RCW citation)

[] (c) This rule is promulgated under the general rule-making authority of the

(agency)

as authorized in RCW

(4) The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

(5) This order, after being first recorded in the order register of this agency, is herewith transmitted to the Code Reviser for filing pursuant to chapter 34.04 RCW and chapter 1-12 WAC.

STATE OF WASHINGTON APPROVED AND ADOPTED March 8 19 88

MAR 8 1988

By Michael V. Schirrow

Deputy Director

Title

CODE REVISER'S OFFICE WSR 88-07-024

Chapter 16-156 WAC

ORGANIC PRODUCER CERTIFICATION

WAC	
16-156-001	Application.
16-156-005	Standards for certification.
16-156-010	Sampling.
16-156-020	Inspection.
16-156-030	Certification.
16-156-040	Certified producer number.
16-156-050	Application for certification.
16-156-060	Fee schedule.

NEW SECTION

WAC 16-156-001 APPLICATION. Organic food producers who wish 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 food.

NEW SECTION

WAC 16-156-005 STANDARDS FOR CERTIFICATION. Standards for organic producer certification shall be as set forth in RCW 15.86.030 and WAC 16-154-010 and 16-154-020.

NEW SECTION

WAC 16-156-010 SAMPLING. At least one sample representative of a crop grown by each organic producer under the organic food certification program shall be tested for pesticide residues by the state chemist annually. 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 certification.

NEW SECTION

WAC 16-156-020 INSPECTION. The department of agriculture shall make at least one announced visit and one unannounced visit to each organic producer under the organic food certification program each year for the purpose of inspection for compliance with the standards for certification which are chapter 15.86 RCW (Organic food products) and chapter 16-154 WAC (Rules pertaining to sale of organic foods).

This inspection may entail survey of required records, examination of crops and fields, and any other information deemed necessary to the requirements of this chapter.

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 certification.

NEW SECTION

MAC 16-156-030 CERTIFICATION. Washington state department of agriculture certification of organic food producers means that analysis of the representative sample taken by the department of agriculture showed no illegal pesticide usage and inspection of the producer by the department of agriculture showed no illegal practices being followed.

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 chapters 15.86 RCW and 16-154 MAC.

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 the Washington state department of agriculture organic food certification program.

The logo to identify organic food produced under this certification program shall not be changed except for increases or decreases in size, as appropriate.

NEW SECTION

MAC 16-156-040 CERTIFIED PRODUCER NUMBER. Organic food producers who make application to the certification program shall be assigned a grower identification number by the department of agriculture. All sales from the producer to the first handler shall include the grower number on the invoice and/or other sales document.

NEW SECTION

MAC 16-156-050 APPLICATION FOR CERTIFICATION. Organic food producers who wish to apply for the producer inspection program must apply to the department by April 1, 1988, and thereafter by January 15 of each year. The application and fees shall be forwarded to the department on forms furnished by the department.

Applications made after the set deadline shall 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.

NEW SECTION

WAC 16-156-060 FEE SCHEDULE. (1) The cost per application shall be based on a sliding scale of gross dollar volume. The fee shall accompany the application.

Information on gross dollar volume shall not be disclosed to unauthorized persons.

Gross Dollar Volume	Fee
\$ 0 - \$ 10,000	\$150.00
\$ 10,000 - \$ 25,000	\$185.00
\$ 25,000 - \$ 50,000	\$350.00
\$ 50,000 - \$100,000	\$525.00
\$100,000 and Over	\$600.00

(2) Additional inspections (in addition to two inspections provided for), if required for certification by the director, shall be at \$20/Hr. + 21¢/Mile from the inspector's assigned duty station.

(3) Additional samples (in addition to one sample provided for), if required for certification by the director, shall cost an additional lab fee of one hundred ten dollars. If an additional visit must be arranged, it shall be at \$20/Hr. + 21¢/Mile from the inspector's assigned station.

SEE ILLUSTRATION
(WAC 16-156-060 Illus. 1)



produced under
Washington State Dept. of Agriculture
Organic Food Certification Program

