



RULE-MAKING ORDER

(RCW 34.05.360)

CR-103 (10/1/89)

Agency: Agriculture

- Permanent Rule
- Emergency Rule

(1) Date of adoption: 12/15/89

(2) Purpose: Allow certification of Transition to Organic Producers, amend fee schedule, set standards for decertification and allow for more flexibility in inspection procedures.

(3) Citation of existing rules affected by this order:

- Repealed:
- Amended: 16-154 WAC
- Suspended:

(4) Authority for adoption:

- Statute: Chapter 15.86 RCW
- Other Authority:

(5.1) **PERMANENT RULE ONLY**

Pursuant to notice filed as WSR 89-20-035 on 10/2/89 (date).

Describe any changes other than editing from proposed to adopted version:

None

(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
- Other (specify) _____ *
- Immediately
- Later (specify) _____

* (If less than 31 days after filing, specific finding in 5.3 under RCW 34.05.380(3) is required)

CODE REVISER USE ONLY

CODE REVISER'S OFFICE
STATE OF WASHINGTON
FILED

DEC 21 1989

TIME: 8:55 AM
WSR 90-02-001

NAME (TYPE OR PRINT)
C. Allan Pettibone

SIGNATURE
C. Allan Pettibone

TITLE
Director, Dept. of Agriculture

DATE
11/15/89

Chapter 16-156 WAC

ORGANIC PRODUCER AND TRANSITION TO ORGANIC PRODUCER CERTIFICATIONAMENDATORY SECTION (Amending Order 1968, filed 3/8/88)

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.

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 food.

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

AMENDATORY SECTION (Amending Order 1968, filed 3/8/88)

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

AMENDATORY SECTION (Amending Order 1968, filed 3/8/88)

WAC 16-156-010 SAMPLING. ~~((At-least-one))~~ A sample representative of a crop grown by ~~((each))~~ organic producers and transition to organic producers under the organic food certification program ~~((shall))~~ may be tested for pesticide residues ~~((by-the-state-chemist annually))~~ whenever the director deems it necessary for 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 certification.

AMENDATORY SECTION (Amending Order 1968, filed 3/8/88)

WAC 16-156-020 INSPECTION. The department of agriculture shall make at least one announced visit and ~~((one))~~ any unannounced visit deemed necessary to each organic producer and transition to 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.

AMENDATORY SECTION (Amending Order 1968, Filed 3/8/88)

WAC 16-156-030 CERTIFICATION. Washington state department of agriculture certification of organic food producers and transition to organic producers means that any analysis of the representative samples 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 WAC.

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.

Transition to organic 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.

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 the Washington state department of agriculture's transition to organic 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 grower information form being on file with the department of agriculture.

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

NEW SECTION

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 and WAC 16-154-010 and 16-154-020;

(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 16-154-020;

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 Order 1968, filed 3/8/88)

WAC 16-156-040 CERTIFIED PRODUCER NUMBER. Organic food producers and transition to 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.

AMENDATORY SECTION (Amending Order 1968, filed 3/8/88)

WAC 16-156-050 APPLICATION FOR CERTIFICATION. Organic food producers and transition to organic 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))~~ 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.

AMENDATORY SECTION (Amending Order 1968, filed 3/8/88)

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)

Gross Income-----	Annual Fee
\$ 0 - \$12,000	\$150
\$12,000 - \$15,000	\$185
\$15,000 - \$20,000	\$200
\$20,000 - \$25,000	\$275
\$25,000 - \$35,000	\$350
\$35,000 - \$50,000	\$500
\$50,000 - \$65,000	\$600
\$65,000 - \$80,000	\$750
\$80,000 - \$100,000	\$900
\$100,000 - \$150,000	\$1,000
\$150,000 - \$200,000	\$1,200
\$200,000 - \$280,000	\$1,400
\$280,000 - \$375,000	\$1,500
\$375,000 - \$500,000	\$2,000
\$500,000 and up	\$2,500

(2) Additional inspections (in addition to two inspections provided for), if required for certification by the director, shall be at \$20/hr. + ((2¢)) .24¢/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. + ((2¢)) .24¢/mile from the inspector's assigned station.

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



SEE ILLUSTRATION
(WAC 16-156-060 illus. 2)

STATE OF WASHINGTON



produced under

Washington State Dept. of Agriculture
Organic Food Certification Program

TRANSITIONAL

