



RULE-MAKING ORDER

(RCW 34.05.360)

CR-103 (10/1/89)

Agency: Agriculture

Permanent Rule

Emergency Rule

(1) Date of adoption: April 11, 1991

(2) Purpose: To amend rules that provide standards for organic crop production, and set recordkeeping requirements for organic food producers.

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

Repealed:

Amended: Chapter 16-154 WAC, Chapter 16-156 WAC, Chapter 16-158 WAC

Suspended:

(4) Authority for adoption:

Statute: Chapter 15.86 RCW Organic Food Products

Other Authority:

(5.1) PERMANENT RULE ONLY

Pursuant to notice filed as WSR 91-05-006 on February 7, 1991 (date).

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

Definitions of "approved" and "prohibited" in WAC 16-154-030 were clarified.

(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)

CODE REVISER USE ONLY

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C. Alan Pettibone

SIGNATURE

TITLE: Director, Dept. of Agriculture

DATE: 4/11/91

Chapter 16-154 WAC

((RULES-PERTAINING-TO-SALE-OF-ORGANIC-FOODS))
ORGANIC CROP PRODUCTION STANDARDSAMENDATORY SECTION (Amending Order 1901, filed 8/29/86)

WAC 16-154-010 ((FERTILIZATION,--SOIL--AMENDMENT,--WEED-AND-PEST CONTROL*)) PURPOSE. ((Producers-of-food-marketed--as--"organic,"--may use-the-following-substances-in-the-production-of-that-food:

- (1)-Fertilization-and-soil-amendment:
 - (a)-Micro-organisms;
 - (b)-Micro-biological-products;
 - (c)--Materials--consisting-of-or-derived-or-extracted-solely-from plants,--animals,--or--mineral--bearing--rocks---and---not---otherwise adulterated;
 - (d)-Gypsum;
 - (e)-Natural-or-amino-acid-chelated-trace-elements-for-known-deficiencies-as-determined-by-soil-and/or-tissue-testing;
 - (f)-Soluble-aquatic-plant-products;
 - (g)-Unadulterated-fish-fertilizers;
 - (h)---Treated---sludge---(provided---that---it---falls---within---EPA guidelines);
- (2)-Weed,--pest,--and-disease-control,--in-addition-to-the-above:
 - (a)-Botanicals;
 - (b)-Predatory-and-parasitic-insects;
 - (c)-Host-specific-bacterial-and-viral-pesticides;
 - (d)-Bordeaux-mixture;
 - (e)-Lime-sulphur;
 - (f)-Dormant-oils;
 - (g)-Summer-oils;
 - (h)-Soap-and-detergents;
 - (i)-Lures-and-traps;
- (3)-Veterinary-medicines-for-the-treatment-of-specific--livestock or-poultry-diseases-or-maladies-in-no-event-administered-within-ninety days-of-slaughter.
- (4)--The--application--of--aromatic--petroleum-solvents,--nicotine sprays,--diesel,--and-other-petroleum-fractions-used-as-weed--or--carrot oil--is--prohibited.)) 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 organic crop production, and sets recordkeeping requirements for organic crop producers.

AMENDATORY SECTION (Amending Order 1901, filed 8/29/86)

WAC 16-154-020 ((RECORDS*)) PRINCIPLES OF ORGANIC FOOD PRODUCTION. ((All--producers--who--sell-farm-products-identified-as-organic shall-keep-accurate-records-of-the-location-of-the--acreage--used--for growing--such-products-and-the-additions,--excluding-water,--made-to-the soil-or-applied-to-the-plants--or--added--to--irrigation--water.---Such records-shall-be-retained-for-two-years-after-date-of-such-sale.)) The department recognizes that organic food production involves a holistic approach to farming in which farmers attempt to work in harmony with nature. It also recognizes that the foundation of organic farming lies in the soil, and that by providing a healthy soil ecosystem through encouraging soil tilth and microbiological activity, organic farmers produce healthy plants which are resistant to disease and other pests. Organic farms are those farms which strive to limit

inputs, stress preventative pest control, and maintain healthy, vibrant soils. Organic farmers are working to develop a sustainable agricultural system of regional food production which is economically, environmentally, and socially viable.

NEW SECTION

WAC 16-154-030 DEFINITIONS. As used in this chapter:

(1) "Active ingredient" means any ingredient which will prevent, destroy, repel, control, or mitigate pests, or which will act as a plant regulator, defoliant, desiccant, or spray adjuvant.

(2) "Approved" means any material or practice which meets the required criteria or standards for use in organic food production.

(3) "Defoliant" means any substance or mixture of substances intended to cause the leaves or foliage to drop from a plant with or without causing abscission.

(4) "Department" means the department of agriculture of the state of Washington.

(5) "Desiccant" means any substance or mixture of substances intended to artificially accelerate the drying of plant tissues.

(6) "Director" means the director of the department of agriculture or his or her duly authorized representative.

(7) "Inert ingredient" means an ingredient which is not an active ingredient.

(8) "Material" means any pesticide, plant regulator, defoliant, desiccant, spray adjuvant, fertilizer, soil amendment, growth regulator, or other substance or mixture of substances which is intended to be used in agricultural production or post-harvest use.

(9) "Pesticide" means, but is not limited to:

(a) Any substance or mixture of substances intended to prevent, destroy, control, repel, or mitigate any insect, rodent, nematode, mollusk, fungus, weed, and any other form of plant or animal life or virus (except virus on or in living man or other animal) which is normally considered to be a pest or which the director may declare to be a pest;

(b) Any substance or mixture of substances intended to be used as a plant regulator, defoliant, or desiccant;

(c) Any substance or mixture of substances intended to be used as a spray adjuvant; and

(d) Any other substances intended for such use as may be named by the director by regulation.

(10) "Plant regulator" means any substance or mixture of substances intended through physiological action, to accelerate or retard the rate of growth or maturation, or to otherwise alter the behavior of ornamental or crop plants but shall not include substances insofar as they are intended to be used as plant nutrients, trace elements, nutritional chemicals, plant inoculant, or soil amendments.

(11) "Prohibited" means any material or practice which is disallowed in organic food production, handling, or processing.

(12) "Spray adjuvant" means any wetting agent, spreading agent, deposit builder, adhesive, emulsifying agent, deflocculating agent, water modifier, or similar agent with or without toxic properties of its own intended to be used with any other pesticide as an aid to the application or to the effect thereof, and which is in a package or container separate from that of the pesticide with which it is to be used.

NEW SECTION

WAC 16-154-040 ORGANIC FOOD PRODUCTION GUIDELINES. The following are guidelines for organic food production. Major soil nutrients are listed with suggestions on how these nutrients can be supplied in an organic agroecosystem. Suggestions concerning the management of weeds, insects, disease, and vertebrates are also provided. This list is offered as a reference for growers who are unfamiliar with organic farming or its underlying principles. This list is not meant to be comprehensive. The department strongly suggests that organic food producers use a variety of resources for information concerning organic food production.

(1) Nitrogen: Green manures and leguminous cover crops; composted animal manures; bacterial inoculant for soil, legumes and compost; soy, cottonseed, and vegetable meal; blood, fish, or feather meal; and foliar sprays in conjunction with a soil building program.

(2) Phosphorus: Composted manures high in phosphorus (poultry, guano); colloidal, soft, and hard rock phosphate; mycorrhizae to activate rock phosphate.

(3) Potassium: Cover crops that activate potassium; mined granite, greensand, basalt, feldspar, langbenite, and potassium sulfate.

(4) Secondary minerals: Kelp and seaweed extracts and powders; dolomite, gypsum, keiserite, langbenite, limestone, potassium sulfate, and rock phosphate from mined sources; oyster, clam, and crab shells; composts made from a variety of materials.

(5) Micronutrients: Liquid or powdered seaweed extract, kelp meal, rock powders, chelates made with natural chelating agents.

(6) Growth promoter, activators and inoculants: Herbal preparations, seaweed extract, rhizobial inoculants, bio-dynamic preparations, cyanobacteria, humates, naturally occurring microbes.

(7) Weed management: Rotations with competitive cover crops, timely mowing or cultivation, mulching with organic materials, living mulches, weeder geese, grazing, careful sanitation to prevent introduction of weed seeds.

(8) Disease management: Removal of diseased tissue from growing areas, control of moisture levels, herbal or plant-derived sprays, mineral sprays, fungicidal soaps, vinegar and other natural substances, lime sulfur, bordeaux and elemental sulfur.

(9) Insect management: Preventive management such as the use of resistant varieties, timing to avoid cycles of pest emergence, intercropping, rotations, and balanced plant nutrition. Use of herbal sprays, rock powders, diatomaceous earth, dormant oils, parasitic nematodes, introduction of predators, habitat enhancement to encourage beneficial predators, sticky traps, microbial and viral diseases, pheromone trapping and monitoring, and mating disruption.

(10) Vertebrate management: Traps, repellent crops, noise, sanitation, habitat enhancement for bird and mammal predators.

(11) Post-harvest handling: Good sanitation, refrigeration, pheromone trapping.

NEW SECTION

WAC 16-154-050 ORGANIC CROP PRODUCTION STANDARDS. (1) Buffer zones. Crops harvested and marketed as "organic," "organically grown," or "transition to organic" shall be grown, raised, or produced within the meaning of RCW 15.86.030 at least twenty-five feet from the nearest application of prohibited materials.

(2) Soil building.

(a) In order for a crop to be considered "organically grown" a soil building program must be in place for at least three years, except for those crops grown hydroponically. In order for a crop to be considered "transition to organic" a soil building program must be

in place for at least one year, except for those crops grown hydroponically.

(b) Upon request by the department producers of organic crops shall demonstrate their soil building programs and the department shall restrict producers from using the terms "organic," "organically grown," or "transition to organic" on crops grown without adequate soil building programs. An adequate soil building program includes using humic building materials such as manure, compost, cover crops, and rock minerals which build or maintain soil organic matter. Demonstration of soil building programs shall entail documentation of soil inputs and soil testing.

(3) Transplants.

(a) Annuals must be grown in an organic environment from seed through harvest. Annual transplants must be organically grown in order to meet the organic crop production standards.

(b) Nonorganically grown perennial transplants will be considered "organic" after they have been grown in organic soil for one year.

(4) Seeds. Untreated seeds and/or seeds treated with materials approved for organic food production are permitted for organic food production. The use of synthetic insecticides on or in seeds is prohibited. Seeds treated with fungicides may be used if the grower can demonstrate through written documentation that untreated seeds are unavailable. Strawberry crowns and potatoes are considered seeds for the purpose of this section.

NEW SECTION

WAC 16-154-060 RECORDS. All producers who sell farm products identified as organic shall keep accurate records of the location of the acreage used for growing such products and the additions, excluding water, made to the soil or applied to the plant or added to irrigation water. Such records shall be retained for two years after date of such sale.

NEW SECTION

WAC 16-154-070 MATERIALS LIST FOR ORGANIC FOOD PRODUCTION--FERTILIZERS, GROWTH PROMOTERS, AND SOIL AMENDMENTS. (1) Approved materials. The following list of fertilizers, growth promoters, and soil amendments are approved for use in organic crop production. Some approved materials have certain restrictions regarding their use. These restrictions are noted in the list. ALWAYS CAREFULLY READ THE LABEL AND ANY OTHER DOCUMENTATION. All materials must be applied with awareness and care for the environment and in compliance with all state and federal laws.

(a) Algae.

(b) Animal manure: Excessive use of animal manure can lead to nitrate contamination of ground water. Heavy nitrogen use can also lead to high nitrate levels in leafy greens. Raw manure may be applied to:

(i) Any green manure crop;

(ii) Any perennial crop;

(iii) Any crop not for human consumption; and

(iv) Any crop for human consumption, if such crop is harvested after a reasonable period of time after the most recent application of raw manure, but in no event shall such period be less than sixty days.

(c) Blood meal.

(d) Blue-green algae or cyanobacteria.

(e) Bone meal.

- (f) Boron products.
- (g) Biodynamic preparations.
- (h) Chelates: Chelated micronutrient sprays may be used in conjunction with soil and/or plant tissue tests. Amino acid, ligno-sulphate, citric acid, malic acid, tartaric acid, and other di- and tri-acid chelates are acceptable.
- (i) Chilean nitrate (see sodium nitrate).
- (j) Cocoa bean hulls: Needs to be tested for pesticide residues
- (k) Compost.
- (l) Cottonseed meal: Needs to be tested for pesticide residues.
- (m) Cyanobacteria or blue-green algae.
- (n) Diatomaceous earth: Use a dust mask when applying to prevent lung irritation.
- (o) Dolomite: May cause buildup of magnesium.
- (p) Enzymes: Acceptable if derived microbiologically from natural materials and not fortified with synthetic plant nutrients.
- (q) Epsom salts or magnesium sulphate.
- (r) Fish emulsions: Forms which are "fortified" with urea or other synthetic plant nutrients are prohibited. Phosphoric acid used as a stabilizer in fish emulsion cannot exceed one percent by weight of $P_2 O_5$.
- (s) Fish meal.
- (t) Gibberellic acid: Acceptable if made without synthetic substances.
- (u) Grape, apple, and other pomaces.
- (v) Greensand.
- (w) Guano, bat, or bird.
- (x) Gypsum.
- (y) Hoof and horn meal.
- (z) Humates: Humates are usually natural deposits which are mined and may contain high trace mineral contents. Acceptable if derived from leonardite, lignite, or coal.
- (aa) Humic acid derivatives: These are extracts of humates which may be made with either natural or unnatural processes. These are only acceptable if derived from natural sources and not fortified.
- (bb) Iron sulfate.
- (cc) Kelp extracts.
- (dd) Kelp meal.
- (ee) Kieserite.
- (ff) K-mag or sul-po-mag.
- (gg) Leather meal or tankage: Needs to be tested for heavy metals.
- (hh) Limestone.
- (ii) Manure: See (b) animal manure.
- (jj) Microbial soil inoculants.
- (kk) Mined materials.
- (ll) Mulches: Plastic mulches must not be incorporated into soil.
- (mm) Mushroom compost: Needs to be tested for pesticide residues.
- (nn) Peat moss: Unfortified forms only.
- (oo) Perlite.
- (pp) Phosphate rock.
- (qq) Potassium sulfate.
- (rr) Rock phosphate.
- (ss) Shells, ground: Oyster, clam, lobster, and crab.
- (tt) Sodium nitrate: Discouraged because of high sodium content. Cannot be used as the primary source of nitrogen. Sodium nitrate can be used for up to twenty percent of total nitrogen inputs. Total nitrogen is defined as pounds of nitrogen from all sources including, in part, manure, blood meal, compost, green manures, cover crops, and fish meal.
- (uu) Spent controlled atmosphere lime.
- (vv) Sugar beet lime: Needs to be tested for pesticide residues.
- (ww) Sulfur, elemental: Direct application to soil discouraged.
- (xx) Sulfates of zinc or iron.
- (yy) Sul-po-mag or K-Mag.

(zz) Vermiculite.

(aaa) Wood ashes.

(bbb) Worm castings.

(ccc) Zinc sulfate.

(2) Prohibited materials. The fertilizers, growth promoters, and soil amendments that are prohibited for use in organic crop production includes but is not limited to the following:

(a) Ammonia products.

(b) Calcium nitrate.

(c) Fortified humic acid derivatives.

(d) Growth regulators, synthetic.

(e) Hydrated lime.

(f) Magnesium nitrate.

(g) Mono-ammonium phosphate.

(h) Muriate of potash.

(i) Phosphoric acid.

(j) Potassium nitrate.

(k) Super phosphate.

(l) Triple phosphate.

(m) Urea.

(n) Vitamin B-1.

NEW SECTION

WAC 16-154-080 MATERIALS LIST FOR ORGANIC FOOD PRODUCTION--INSECT PEST CONTROL MATERIALS AND PRACTICES. (1) Approved materials. The following list of pest control materials and practices for insects, mites, and other invertebrates are approved for use in organic crop production. Some approved materials have certain restrictions regarding their use. These restrictions are noted in the list. ALWAYS CAREFULLY READ THE LABEL AND ANY OTHER DOCUMENTATION. All materials must be applied with awareness and care for the environment and in compliance with all state and federal laws.

(a) *Bacillus thuringiensis*: Liquid forms containing xylene are prohibited.

(b) Beneficial insects.

(c) Boric acid: Cannot be used on edible plant parts.

(d) Codling moth granulosis virus.

(e) Cryolite or sodium fluoaluminate: The mined material from Greenland is permitted.

(f) Diatomaceous earth: Use a dust mask when applying to prevent lung irritation.

(g) Dormant oils: Use only on woody plants as a dormant spray.

(h) Garlic.

(i) Herbal preparations: May not be extracted with synthetic solvents.

(j) Insect extracts.

(k) Nematodes.

(l) Pheromones.

(m) Piperonyl butoxide (PBO): California and Oregon no longer allow the use of PBO in the production of organic food.

(n) Pyrethrums: Naturally occurring forms are allowed. The pyrethrums are highly unstable in the presence of air, light, and moisture. They have low mammalian toxicity and can cause dermatitis in humans. Use with caution.

(o) Rotenone: Use with caution. Rotenone is highly toxic to fish. Its persistence in the soil is unknown, though it loses its effectiveness within one week. Should not be used on crops nearing harvest time. Commercial rotenone comes from tropical leguminous shrubs in the genera *Lonchocarpus* and *Derris*. The active compounds, rotenoids, are present in a variety of legumes including soybeans.

(p) *Ryania*: Use with caution. The toxicological properties of *ryania* are largely unknown.

- (g) Sabadilla: Use with caution.
- (r) Soaps.
- (s) Sulfur, elemental.
- (t) Summer oils: May be used on woody plants only, carrot and/or weed oils are prohibited.
- (u) Trapping substances.
- (v) Tree seals: May be petroleum based but may not contain synthetic chemicals or fungicides.
- (w) Virus sprays.
- (2) Prohibited materials and practices. The insect pest control materials and practices that are prohibited for use in organic crop production includes but is not limited to the following:
 - (a) Abamectin or avermectin.
 - (b) Carbamates.
 - (c) Chlorinated hydrocarbons.
 - (d) Dimethyl sulfoxide.
 - (e) Methyl bromide.
 - (f) Methyl sulfoxide.
 - (g) Moth balls/crystals.
 - (h) Nicotine: Nicotine is prohibited because of extreme toxicity.
 - (i) Organophosphates.
 - (j) Plant protectants, synthetic.
 - (k) Pyrethroids, synthetic.

NEW SECTION

WAC 16-154-090 MATERIALS LIST FOR ORGANIC FOOD PRODUCTION--WEED CONTROL MATERIALS AND PRACTICES. (1) Approved materials. The following list of weed control materials and practices are approved for use in organic crop production. Some approved materials have certain restrictions regarding their use. These restrictions are noted in the list. ALWAYS CAREFULLY READ THE LABEL AND ANY OTHER DOCUMENTATION. All materials must be applied with awareness and care for the environment and in compliance with all state and federal laws.

- (a) Flaming: Broadcast and/or field burning is prohibited.
- (b) Grazing.
- (c) Herbicidal soaps.
- (d) Mechanical and cultural controls.
- (e) Mulches of organic materials.
- (f) Plastics for mulch, row covers, and solarization.
- (g) Weeder geese.
- (2) Prohibited materials and practices. The weed control materials and practices that are prohibited for use in organic crop production includes but is not limited to the following:
 - (a) Broadcast and/or field burning.
 - (b) Carrot oil.
 - (c) Field burning.
 - (d) Herbicides.
 - (e) Synthetic growth regulators.
 - (f) Weed oils.

NEW SECTION

WAC 16-154-100 MATERIALS LIST FOR ORGANIC FOOD PRODUCTION--DISEASE CONTROL MATERIALS AND PRACTICES. (1) Approved materials. The following list of disease control materials and practices are approved for use in organic crop production. Some approved materials have certain restrictions regarding their use. These restrictions are noted

in the list. ALWAYS CAREFULLY READ THE LABEL AND ANY OTHER DOCUMENTATION. All materials must be applied with awareness and care for the environment and in compliance with all state and federal laws.

(a) Antibiotics: Naturally derived antibiotics are permitted for disease control.

(b) Bordeaux mixes: Use with caution. Excessive use of bordeaux may cause buildup of copper in the soil and limit its continued use.

(c) Copper hydroxide.

(d) Copper sulfate: Use with caution. Excessive use of copper sulfate may cause buildup of copper in the soil and limit its continued use.

(e) Dormant oils: Use only on woody plants as a dormant spray.

(f) Hydrated lime: Foliar application as a fungicide only. Shall not be used as a liming material.

(g) Hydrogen peroxide.

(h) Lime sulfur: Foliar application as a fungicide only.

(i) Soil pasteurization.

(j) Sulfur, elemental.

(k) Tree seals: May be petroleum based but may not contain synthetic chemicals or fungicides.

(2) Prohibited materials and practices. The disease control materials and practices that are prohibited for use in organic crop production includes but is not limited to the following:

(a) Broadcast and/or field burning.

(b) Soil fumigants.

(c) Synthetic fungicides, fumigants, sterilizants, and bactericides.

NEW SECTION

WAC 16-154-110 MATERIALS LIST FOR ORGANIC FOOD PRODUCTION--VERTEBRATE CONTROL MATERIALS AND PRACTICES. (1) Approved materials. The following list of vertebrate pest control materials and practices are approved for use in organic crop production. Some approved materials have certain restrictions regarding their use. These restrictions are noted in the list. ALWAYS CAREFULLY READ THE LABEL AND ANY OTHER DOCUMENTATION. All materials must be applied with awareness and care for the environment and in compliance with all state and federal laws.

(a) Deer and rabbit repellents: Acceptable if derived from a natural source.

(b) Predators: Cats, hawks, coyotes, airborne projectiles.

(c) Rodent traps.

(d) Strychnine: Underground use only.

(e) Synthetic vitamin baits.

(2) Prohibited materials and practices. The vertebrate pest control materials and practices that are prohibited for use in organic crop production includes but is not limited to the following:

(a) Anticoagulant rodent baits

(b) Aluminum phosphide

(c) Alpha-Naphthylthiourea

(d) coumarins

(e) calcium cyanide

(f) indandiones

(g) organochlorines

(h) organo phosphates

(i) pyriminilureas

(j) phosphorus

(k) sodium fluoroacetate

(l) thallium sulfate

(m) zinc phosphide.

NEW SECTION

WAC 16-154-120 MATERIALS LIST FOR ORGANIC FOOD PRODUCTION--POST-HARVEST MATERIALS AND PRACTICES. (1) Approved materials. The following list of materials and practices are approved for post-harvest use for organic food. Some materials have certain restrictions regarding their use. These restrictions are noted in the list. All materials must be used with awareness and care for the environment and in compliance with state and federal laws.

- (a) Beneficial insects.
- (b) Carbon dioxide gas.
- (c) Chlorine dioxide.
- (d) Citric acid, naturally derived.
- (e) Controlled atmosphere.
- (f) Ethylene gas: Ethylene gas may be used on bananas only.
- (g) Fruit waxes: Natural waxes are permitted as long as they do not contain synthetic additives.
- (h) Hydrogen peroxide.
- (i) Lignosulfonates for floating tree fruits.
- (j) Soap, biodegradable.
- (k) Soda ash for floating tree fruits.
- (l) Sodium silicate for floating tree fruits.
- (2) Prohibited materials. The post-harvest materials and practices that are prohibited for use in organic crop production includes but is not limited to the following:

- (a) Antibiotics.
- (b) Artificial preservatives.
- (c) Fumigants.
- (d) Fungicides.
- (e) Irradiation.

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

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~~) chapter 16-154 WAC.

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

WAC 16-156-020 INSPECTION. The department of agriculture shall make at least one announced visit and 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}~~) (Organic crop production standards).

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 WSR 90-02-001, filed 12/21/89, effective 1/21/90)

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~~) 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 (~~16-154-020~~) 16-154-060;

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 16-156-060 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 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. ~~((+ \$24/mile from the inspector's assigned duty station))~~ plus mileage set at the rate established by the state office of financial management.

(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. ~~((+ \$24/mile from the inspector's assigned station))~~ plus mileage set at the rate established by the state office of financial management.

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



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



AMENDATORY SECTION (Amending Order 2042, filed 6/5/90, effective 7/6/90)

WAC 16-158-120 DECERTIFICATION. Whenever the director finds that an organic food processor 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~~) 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;

(4) Has failed to provide records as required by WAC (~~16-154-020~~) 16-158-050; or

(5) Has violated any provisions of chapter 69.04 or 69.07 RCW;

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

Any organic food processor 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.

This shall not preclude the department of agriculture from taking whatever action they deem appropriate under chapter 69.04 or 69.07 RCW for violations of those statutes.