

Chapter 16-160 WAC
REGISTRATION OF MATERIALS FOR ORGANIC FOOD PRODUCTION

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WAC

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DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

16-160-025	What materials are approved for use in organic food production, processing and handling? [Statutory Authority: Chapter 15.86 RCW. WSR 99-16-054, § 16-160-025, filed 7/30/99, effective 8/30/99.] Repealed by WSR 03-03-045, filed 1/10/03, effective 2/10/03. Statutory Authority: Chapter 15.86 RCW.
16-160-030	Do I need to register my brand name material with the organic food program? [Statutory Authority: Chapters 15.86 and 34.05 RCW. WSR 07-17-017, § 16-160-030, filed 8/6/07, effective 9/6/07. Statutory Authority: Chapter 15.86 RCW. WSR 99-16-054, § 16-160-030, filed 7/30/99, effective 8/30/99; WSR 91-05-007, § 16-160-030, filed 2/7/91, effective 3/10/91.] Repealed by WSR 10-19-018, filed 9/8/10, effective 10/9/10. Statutory Authority: RCW 15.86.060, 15.86.130, and chapter 34.05 RCW.
16-160-035	Brand name materials list. [Statutory Authority: Chapters 15.86 and 34.05 RCW. WSR 07-17-017, § 16-160-035, filed 8/6/07, effective 9/6/07. Statutory Authority: Chapter 15.86 RCW. WSR 03-03-045, § 16-160-035, filed 1/10/03, effective 2/10/03; WSR 99-16-054, § 16-160-035, filed 7/30/99, effective 8/30/99.] Repealed by WSR 10-19-018, filed 9/8/10, effective 10/9/10. Statutory Authority: RCW 15.86.060, 15.86.130, and chapter 34.05 RCW.
16-160-040	How do I apply for registration? [Statutory Authority: Chapters 15.86 and 34.05 RCW. WSR 07-17-017, § 16-160-040, filed 8/6/07, effective 9/6/07. Statutory Authority: Chapter 15.86 RCW. WSR 99-16-054, § 16-160-040, filed 7/30/99, effective 8/30/99; WSR 91-05-007, § 16-160-040, filed 2/7/91, effective 3/10/91.] Repealed by WSR 10-19-018, filed 9/8/10, effective 10/9/10. Statutory Authority: RCW 15.86.060, 15.86.130, and chapter 34.05 RCW.
16-160-050	When do registrations expire? [Statutory Authority: Chapter 15.86 RCW. WSR 99-16-054, § 16-160-050, filed 7/30/99, effective 8/30/99; WSR 91-05-007, § 16-160-050, filed 2/7/91, effective 3/10/91.] Repealed by WSR 10-19-018, filed 9/8/10, effective 10/9/10. Statutory Authority: RCW 15.86.060, 15.86.130, and chapter 34.05 RCW.
16-160-060	What criteria are used to determine if a brand name material is approved? [Statutory Authority: Chapters 15.86 and 34.05 RCW. WSR 07-17-017, § 16-160-060, filed 8/6/07, effective 9/6/07. Statutory Authority: Chapter 15.86 RCW. WSR 03-03-045, § 16-160-060, filed 1/10/03, effective 2/10/03; WSR 99-16-054, § 16-160-060, filed 7/30/99, effective 8/30/99; WSR 91-20-013, § 16-160-060, filed 9/20/91, effective 10/21/91; WSR 91-05-007, § 16-160-060, filed 2/7/91, effective 3/10/91.] Repealed by WSR 10-19-018, filed 9/8/10, effective 10/9/10. Statutory Authority: RCW 15.86.060, 15.86.130, and chapter 34.05 RCW.
16-160-070	Application fees. [Statutory Authority: Chapters 15.86 and 34.05 RCW. WSR 07-17-017, § 16-160-070, filed 8/6/07, effective 9/6/07. Statutory Authority: Chapter 15.86 RCW. WSR 03-03-045, § 16-160-070, filed 1/10/03, effective 2/10/03; WSR 99-16-054, § 16-160-070, filed 7/30/99, effective 8/30/99; WSR 91-05-007, § 16-160-070, filed 2/7/91, effective 3/10/91.] Repealed by WSR 10-19-018, filed 9/8/10, effective 10/9/10. Statutory Authority: RCW 15.86.060, 15.86.130, and chapter 34.05 RCW.
16-160-080	Inspections. [Statutory Authority: Chapters 15.86 and 34.05 RCW. WSR 07-17-017, § 16-160-080, filed 8/6/07, effective 9/6/07.] Repealed by WSR 10-19-018, filed 9/8/10, effective 10/9/10. Statutory Authority: RCW 15.86.060, 15.86.130, and chapter 34.05 RCW.
16-160-090	Denial or revocation of a registration. [Statutory Authority: Chapters 15.86 and 34.05 RCW. WSR 07-17-017, § 16-160-090, filed 8/6/07, effective 9/6/07. Statutory Authority: Chapter 15.86 RCW. WSR 99-16-054, § 16-160-090, filed 7/30/99, effective 8/30/99; WSR 91-05-007, § 16-160-090, filed 2/7/91, effective 3/10/91.] Repealed by WSR 10-19-018, filed 9/8/10, effective 10/9/10. Statutory Authority: RCW 15.86.060, 15.86.130, and chapter 34.05 RCW.
16-160-100	Labeling of registered brand name materials and use of organic logo. [Statutory Authority: Chapters 15.86 and 34.05 RCW. WSR 07-17-017, § 16-160-100, filed 8/6/07, effective 9/6/07. Statutory Authority: Chapter 15.86 RCW. WSR 99-16-054, § 16-160-100, filed 7/30/99, effective 8/30/99; WSR 91-05-007, § 16-160-100, filed 2/7/91, effective 3/10/91.] Repealed by WSR 10-19-018, filed 9/8/10, effective 10/9/10. Statutory Authority: RCW 15.86.060, 15.86.130, and chapter 34.05 RCW.
16-160-110	Organic material registration logo. [Statutory Authority: Chapters 15.86 and 34.05 RCW. WSR 07-17-017, § 16-160-110, filed 8/6/07, effective 9/6/07. Statutory Authority: Chapter 15.86 RCW. WSR 99-16-054, § 16-160-110, filed 7/30/99, effective 8/30/99.] Repealed by WSR 10-19-018, filed 9/8/10, effective 10/9/10. Statutory Authority: RCW 15.86.060, 15.86.130, and chapter 34.05 RCW.

WAC 16-160-010 Purpose of this chapter. This chapter specifies the process for registering companies and listing materials approved for use in organic production, processing and handling on the department's brand name materials list, also known as the organic input material list. This chapter is promulgated pursuant to chapter 109, Laws of 2010 to implement the brand name materials list.

[Statutory Authority: RCW 15.86.130 and 15.86.140. WSR 23-20-066, § 16-160-010, filed 9/28/23, effective 9/28/23. Statutory Authority: RCW 15.86.060, 15.86.130, and chapter 34.05 RCW. WSR 10-19-018, § 16-160-010, filed 9/8/10, effective 10/9/10. Statutory Authority: Chapter 15.86 RCW. WSR 03-03-045, § 16-160-010, filed 1/10/03, effective 2/10/03; WSR 99-16-054, § 16-160-010, filed 7/30/99, effective 8/30/99; WSR 91-05-007, § 16-160-010, filed 2/7/91, effective 3/10/91.]

WAC 16-160-020 Definitions. As used in this chapter:

"Animal manure" means feces, urine, other excrement, and bedding produced by livestock that has not been composted.

"Authorized representative" means either the registrant or a person authorized by the registrant to act on the registrant's behalf and bind the registrant for purposes of this chapter and registration on the brand materials list.

"Compost" means the product of a managed process through which microorganisms break down plant and animal materials into more available forms suitable for application to the soil.

"Crop production aid" means any substance, material, structure, or device that is used to aid a producer of an agricultural product except for fertilizers and pesticides.

"Department" means the department of agriculture of the state of Washington.

"Director" means the director of the department of agriculture or the director's designee.

"Fertilizer" means a single or blended substance containing one or more recognized plant nutrients which is used primarily for its plant nutrient content and which is designed for use or claimed to have value in promoting plant growth.

"Label" means a display of written, printed, or graphic material on the immediate container of an agricultural product or any such material affixed to any agricultural product or affixed to a bulk container containing an agricultural product, except for package liners or a display of written, printed, or graphic material which contains only information about the weight of the product.

"Labeling" includes all written, printed, or graphic material accompanying an agricultural product at any time or written, printed, or graphical material about the agricultural product displayed at retail stores about the product.

"Livestock production aid" means any substance, material, structure, or device that is used to aid a producer in the production of livestock such as parasiticides, medicines, feed additives.

"Manufacturer" means a person that compounds, produces, granulates, mixes, blends, repackages, or otherwise alters the composition of materials.

"Material" means any substance or mixture of substances that is intended to be used in agricultural production, processing, or handling.

"National Organic Program" means the program administered by the United States Department of Agriculture pursuant to 7 C.F.R. Part 205, which implements the federal Organic Food Production Act of 1990 (7 U.S.C. Sec. 6501 et seq.).

"Organic waste-derived material" means grass clippings, leaves, weeds, bark, plantings, prunings, and other vegetative wastes, uncontaminated wood waste from logging and milling operations, food wastes, food processing wastes, and materials derived from these wastes through composting. "Organic waste-derived material" does not include products that include biosolids as defined in chapter 70.95J RCW.

"Person" means any natural person, firm, partnership, exchange, association, trustee, receiver, corporation, and any member, officer, or employee thereof or assignee for the benefit of creditors.

"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; and

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

"Postharvest material" means any substance, material, structure, or device that is used in the postharvest handling of agricultural products.

"Processing aid" means a substance that is added to a food:

(a) During processing, but is removed in some manner from the food before it is packaged in its finished form;

(b) During processing, is converted into constituents normally present in the food, and does not significantly increase the amount of the constituents naturally found in the food; and

(c) For its technical or functional effect in the processing but is present in the finished food at insignificant levels and does not have any technical or functional effect in that food.

"Registrant" means the person registering a material on the brand name materials list under the provisions of this chapter.

"Soil amendment" means any substance that is intended to improve the physical characteristics of the soil, except for fertilizers and pesticides.

"Spray adjuvant" means any product intended to be used with a pesticide as an aid to the application or to the effect of the pesticide and that is in a package or container separate from the pesticide. Spray adjuvant includes, but is not limited to, wetting agents, spreading agents, deposit builders, adhesives, emulsifying agents, deflocculating agents, and water modifiers or similar agent with or without toxic properties of its own intended to be used with any other pesticide as an aid to its application or to its effect. Spray adjuvant does not include products that are only intended to mark the location where a pesticide is applied.

"USDA" means the United States Department of Agriculture.

[Statutory Authority: RCW 15.86.060, 15.86.130, and chapter 34.05 RCW. WSR 10-19-018, § 16-160-020, filed 9/8/10, effective 10/9/10. Statutory Authority: Chapter 15.86 RCW. WSR 03-03-045, § 16-160-020, filed 1/10/03, effective 2/10/03; WSR 99-16-054, § 16-160-020, filed

7/30/99, effective 8/30/99; WSR 91-05-007, § 16-160-020, filed 2/7/91, effective 3/10/91.]

WAC 16-160-120 Applications. (1) Registration with the department and listing of a material on the brand name materials list is voluntary. While registration is not required for a material to be used or sold in this state, registration is necessary for a material to be included on the department's organic input material list.

(2) The listing of a material on the organic input material list under this chapter does not guarantee acceptance for use in organic production, processing, or handling by organic certifying agents other than the department. The department is not liable for any losses or damage that occurs as a result of use of a material listed on the organic input material list.

[Statutory Authority: RCW 15.86.130 and 15.86.140. WSR 23-20-066, § 16-160-120, filed 9/28/23, effective 9/28/23. Statutory Authority: RCW 15.86.060, 15.86.130, and chapter 34.05 RCW. WSR 10-19-018, § 16-160-120, filed 9/8/10, effective 10/9/10.]

WAC 16-160-130 General application requirements. (1) Manufacturers of materials used in organic production, processing or handling may submit an application for registration with the department's organic program.

(2) Current registrants and potential applicants may submit applications for products to be listed on the organic input material list.

(3) The department approves product applications when the applicant demonstrates the material meets the requirements for products as outlined in WAC 16-160-165.

(4) All registrations and product listings expire on December 31st of the registration year.

(5) During the term of registration, if at any time the registrant has no approved or pending product listings, the registration will be canceled.

(6) Requests for expedited review must be submitted on a form provided by the department. If approved, expedited review is billed as provided under WAC 16-160-200.

[Statutory Authority: RCW 15.86.130 and 15.86.140. WSR 23-20-066, § 16-160-130, filed 9/28/23, effective 9/28/23. Statutory Authority: RCW 15.86.060, 15.86.130, and chapter 34.05 RCW. WSR 10-19-018, § 16-160-130, filed 9/8/10, effective 10/9/10.]

WAC 16-160-140 Initial application requirements. (1) To have products listed on the organic input material list, manufacturers must register with the department. To apply for registration, applicants must submit:

(a) An application form.

(b) A material registrant agreement in which the registrant agrees to comply with chapter 16-160 WAC.

(c) The name and address of the registrant.

(d) A product application for each product to be listed on the organic input material list.

- (2) Each product application must include:
- (a) The brand name the material is sold under.
 - (b) Manufacturer information:
 - (i) Name and address of the manufacturer;
 - (ii) Contact information, including the name and phone number of the authorized representative of the registrant; and
 - (iii) List of all material manufactured at the same facility as the brand name material.
 - (c) A copy of the label or bill of lading accompanying the material and a statement of all claims made for it, including directions and precautions for use.
 - (d) The complete formula or any alternate formulations for the material, including active and inert ingredients:
 - (i) Supplier of each ingredient;
 - (ii) Percentage of ingredient in the final formula; and
 - (iii) Purpose of each ingredient in the formula.
 - (e) Ingredient information for each ingredient listed in the formula (including alternate formulas) sufficient to demonstrate compliance with USDA organic regulations (7 C.F.R. Part 205):
 - (i) Manufacturing process; and
 - (ii) Formulation, including active and inert ingredients.
 - (f) A description of the manufacturing process for the material, including all substances used for the extraction and synthesis process, if appropriate. If the manufacturing facility manufactures materials other than the material listed in the application, the application must include a plan to prevent the contamination or commingling of materials allowed or prohibited in organic agriculture.
 - (g) A flow chart, indicating movement of material from incoming ingredient to outgoing final material. The flow chart may include, but is not limited to:
 - (i) Storage facilities;
 - (ii) Equipment location; and
 - (iii) Shipping facilities.
 - (h) The intended use of the material.
 - (i) The required fee for registration.
 - (j) Applicants seeking to list fertilizers and pesticides must submit verification of a valid registration from the department's pesticide management division. This requirement may be waived if the applicant verifies the product will not be sold or distributed in Washington state.
 - (k) The department may request additional information related to the items above as necessary to demonstrate that the material meets USDA organic regulations (7 C.F.R. Part 205).
- (3) Registrants packaging or distributing materials manufactured by another person or manufacturer must submit a statement from the person or manufacturer granting access to the manufacturing facility and authorizing inspections in accordance with WAC 16-160-180.

[Statutory Authority: RCW 15.86.130 and 15.86.140. WSR 23-20-066, § 16-160-140, filed 9/28/23, effective 9/28/23. Statutory Authority: RCW 15.86.060, 15.86.130, and chapter 34.05 RCW. WSR 10-19-018, § 16-160-140, filed 9/8/10, effective 10/9/10.]

WAC 16-160-150 Renewal application requirements. (1) To renew a registration, registrants must submit:

- (a) An application form;

(b) A material registrant agreement in which the registrant agrees to comply with chapter 16-160 WAC;

(c) The name(s) of the material(s) seeking renewal;

(d) Notification of any unreported changes to the company or product information; and

(e) The required fee for renewal. Renewal applications postmarked after October 31st must include the appropriate late fee as listed under WAC 16-160-200.

(2) Registrants packaging or distributing materials manufactured by another person or manufacturer must submit a statement from the person or manufacturer granting access to the manufacturing facility and authorizing inspections in accordance with WAC 16-160-180 every five years.

(3) Full disclosure of the complete formula of the material, including active and inert ingredients, and any other information necessary to demonstrate compliance is required every five years.

[Statutory Authority: RCW 15.86.130 and 15.86.140. WSR 23-20-066, § 16-160-150, filed 9/28/23, effective 9/28/23. Statutory Authority: RCW 15.86.060, 15.86.130, and chapter 34.05 RCW. WSR 10-19-018, § 16-160-150, filed 9/8/10, effective 10/9/10.]

WAC 16-160-160 Updating an application. If any changes to the information provided in an initial or renewal application occurs at any time after the application is submitted, the registrant must immediately submit the corrected information to the department for review. This information includes, but is not limited to, changes in material formulation, ingredient suppliers, manufacturing facilities or processes, labels or other production or marketing processes. The corrected information must be provided in writing. Failure by the registrant to provide correction to the information provided in an application may result in suspension or revocation of the registration, either in part or in full.

[Statutory Authority: RCW 15.86.130 and 15.86.140. WSR 23-20-066, § 16-160-160, filed 9/28/23, effective 9/28/23. Statutory Authority: RCW 15.86.060, 15.86.130, and chapter 34.05 RCW. WSR 10-19-018, § 16-160-160, filed 9/8/10, effective 10/9/10.]

WAC 16-160-165 Product requirements. Products listed on the organic input material list must meet all requirements in this section. If at any time a listed product or product application is found to be in violation of one or more of these requirements, the company's registration may be denied, suspended, or revoked as provided under WAC 16-160-220. Products must:

(1) Meet the requirements of the USDA organic regulations (7 C.F.R. Part 205) and be approved for use in organic production, processing, or handling in accordance with the USDA organic regulations (7 C.F.R. Part 205). Materials may not be prohibited for use in the production or handling of organics per section 205.105 of the USDA organic regulations, and may not be otherwise prohibited for use in organic production and handling by the National Organic Program.

(2) Be clearly distinguishable from other products.

[Statutory Authority: RCW 15.86.130 and 15.86.140. WSR 23-20-066, § 16-160-165, filed 9/28/23, effective 9/28/23.]

WAC 16-160-170 Confidential information. Any information provided to the department under this chapter that the registrant desires to claim as exempt from disclosure under the provisions of chapter 42.56 RCW, the Public Records Act, or as a trade secret under chapter 19.108 RCW, the Uniform Trade Secrets Act, or other statute must be clearly designated as confidential. However, the determination of whether the information is exempt from disclosure will be based solely upon chapter 42.56 RCW or other applicable law.

[Statutory Authority: RCW 15.86.060, 15.86.130, and chapter 34.05 RCW. WSR 10-19-018, § 16-160-170, filed 9/8/10, effective 10/9/10.]

WAC 16-160-180 Inspections. (1) By applying for registration on the brand name materials list, the registrant expressly grants to jurisdiction of the state of Washington in all matters related to the registration.

(2) By applying for registration on the brand name materials list, the registrant expressly grants the department or other organic certifying agent or inspection agent approved by the National Organic Program the right to enter the registrant's premises during normal business hours or at other reasonable times to:

(a) Inspect the portion of the premises where the materials, inputs or ingredients are stored, produced, manufactured, packaged or labeled;

(b) Inspect records related to the sales, storage, production, manufacture, packaging or labeling of the material, inputs or ingredients; and

(c) Obtain samples of materials, inputs or ingredients.

(3) Inspections may be conducted as a condition of ongoing compliance, after receiving an initial or a renewal application, notification of a change to an application, upon receipt of a complaint, or as required by the National Organic Program. Inspections may be announced or unannounced.

(4) Should the registrant or manufacturer refuse to allow inspection of the premises or records or fail to provide samples, the registration on the brand name materials list is canceled as provided under WAC 16-160-220. The department shall deny applications for registration where the registrant refuses to allow the inspection of the premises or records, or fails to provide samples as provided in this section.

(5) Inspections must be documented on a form approved by the department. Inspections conducted by an inspection body other than the department will be accepted when a review determines that the inspection document is sufficient to demonstrate compliance with the USDA organic regulations (7 C.F.R. Part 205).

[Statutory Authority: RCW 15.86.130 and 15.86.140. WSR 23-20-066, § 16-160-180, filed 9/28/23, effective 9/28/23. Statutory Authority: RCW 15.86.060, 15.86.130, and chapter 34.05 RCW. WSR 10-19-018, § 16-160-180, filed 9/8/10, effective 10/9/10.]

WAC 16-160-190 Recordkeeping requirements. (1) Registrants must maintain records sufficient to verify that the materials are approved for use in organic production, processing, or handling and comply with the USDA organic regulations (7 C.F.R. Part 205). These records may include:

- (a) Records pertaining to incoming raw materials:
 - (i) Invoices/bills of lading;
 - (ii) Transportation documentation;
 - (iii) Material safety data sheets;
 - (iv) Storage documentation.
 - (b) Production records:
 - (i) Material formulations;
 - (ii) Dates of production;
 - (iii) Amount of ingredients used in each batch;
 - (iv) Amount of final materials;
 - (v) Sampling and/or laboratory analyses;
 - (vi) Lot identification and tracking;
 - (vii) Other records maintained during manufacturing.
 - (c) Finished material records:
 - (i) Packaging documentation;
 - (ii) Sales documentation;
 - Purchase orders;
 - Receipts;
 - Shipping documents;
 - (iii) Storage documentation.
- (2) Records shall be maintained for six years.

[Statutory Authority: RCW 15.86.130 and 15.86.140. WSR 23-20-066, § 16-160-190, filed 9/28/23, effective 9/28/23. Statutory Authority: RCW 15.86.060, 15.86.130, and chapter 34.05 RCW. WSR 10-19-018, § 16-160-190, filed 9/8/10, effective 10/9/10.]

WAC 16-160-200 Fees. To receive or maintain registration, businesses must submit an application packet and fees to the department each year.

(1) **New application fee:** A new application fee is due with each annual application for registration.

(a) A new application fee includes a company fee which is assessed based on the operation's total gross annual income from the previous year. Total gross annual income is not limited to the sales or distribution of registered products.

Total gross annual income in previous calendar year	New company fee due
\$0 - \$249,999	\$125.00
\$250,000 - \$999,999	\$250.00
\$1,000,000 - \$4,999,999	\$500.00
\$5,000,000 - \$19,999,999	\$1,000.00
\$20,000,000 - \$49,999,999	\$1,750.00
\$50,000,000 - and up	\$2,400.00

(b) Businesses who do not wish to disclose their gross annual income may instead choose to pay the maximum company fee of \$2,400.

(c) A new application fee includes a product fee which is assessed based on the total number of products included in the application. The product fee is \$350 per product application.

(d) While a registrant's account is active, with either listed products or products pending evaluation, companies may submit applications for new products without incurring a company fee. The product fee is \$350 per product included in subsequent applications.

(2) **Renewal fee:** A renewal fee must be submitted annually by October 31st with each renewal application.

(a) A renewal fee includes a company fee which is assessed based on the operation's total gross annual income from the previous year. Total gross annual income is not limited to the sales or distribution of registered products.

Total gross annual income in previous calendar year	Renewing company fee due
\$0 - \$249,999	\$125.00
\$250,000 - \$999,999	\$250.00
\$1,000,000 - \$4,999,999	\$500.00
\$5,000,000 - \$19,999,999	\$1,000.00
\$20,000,000 - \$49,999,999	\$1,750.00
\$50,000,000 - and up	\$2,400.00

(b) Companies who do not wish to disclose their gross annual income may instead choose to pay the maximum company fee of \$2,400.

(c) A renewal fee includes a product fee which is assessed based on the total number of products being renewed. The product fee is \$350 per renewing product.

(d) Renewal applications and fees submitted after October 31st must include a late fee in addition to the appropriate company and product fees. Renewal applications submitted after February 2nd will not be accepted, and applicants must reapply as new applicants.

If a renewal application is submitted after:	Late fee due
October 31st	\$100.00
November 30th	\$200.00
December 31st	\$300.00

(3) **Inspection fee:** An inspection fee must be submitted after each inspection conducted by the department. The inspection fee is \$2,000.

(a) Small businesses, as defined by the Regulatory Fairness Act (chapter 19.85 RCW), qualify for a \$1,500 discount to their inspection fee.

(b) Out-of-state inspections, if necessary to determine compliance or requested by the operation, shall be charged to the operation at a rate of \$3,000 and include any travel expenses in excess of \$3,000. Out-of-state inspection fees do not replace, and are in addition to, the standard inspection fee as outlined under this section.

(4) **Samples:** Chemical analysis of samples, if required for registration or renewal, or obtained during an inspection, will be charged to the applicant at a rate established by the department or at the cost for analyses performed by another laboratory.

(5) **Expedited services:** New and renewing applicants may request expedited services. Expedited services are defined as inspections and

reviews conducted outside of the normal timelines and may be provided by the department if sufficient capacity is available to expedite the work. Fees for expedited services do not replace, and are in addition to, any other required fees as outlined in this section.

(a) Expedited services not requiring an inspection are charged a rate of \$500 to receive an evaluation and certification decision within five business days from the acceptance of the request.

(b) Expedited services requiring an inspection prior to a certification decision are charged a rate of \$750. Expedited services under this subsection take production or handling dates into consideration. The review of the inspection report will be completed within five business days from the date of the inspection.

[Statutory Authority: RCW 15.86.130 and 15.86.140. WSR 23-20-066, § 16-160-200, filed 9/28/23, effective 9/28/23. Statutory Authority: RCW 15.86.060, 15.86.130, and chapter 34.05 RCW. WSR 10-19-018, § 16-160-200, filed 9/8/10, effective 10/9/10.]

WAC 16-160-210 Labels and logos. (1) A person whose material is registered under this chapter may use the words "approved material under Washington state department of agriculture organic food program" and may use the logo specified in this section in the labeling of the material.

The logos found in this section may be printed in black and white as displayed in this chapter. Alternatively, a color version with blue leaves, circle and background may be used. Electronic copies of the logos are available by request from the department.

(2) Registered materials are not certified as organic by the department and are prohibited from making claims indicating products are "certified organic" or similar term.

(3) Materials that are not registered under this chapter are prohibited from using the statement or the logo in this section in the labeling of the material.

(4) In addition to the other limitations expressed in this chapter and chapter 15.86 RCW, registration does not imply the Washington department of agriculture endorses the use of the product, does not make any guarantee that the material performs as represented by the registrant, and does not guarantee acceptance for use in organic production by certifying agents other than the department.



[Statutory Authority: RCW 15.86.130 and 15.86.140. WSR 23-20-066, § 16-160-210, filed 9/28/23, effective 9/28/23. Statutory Authority: RCW 15.86.060, 15.86.130, and chapter 34.05 RCW. WSR 10-19-018, § 16-160-210, filed 9/8/10, effective 10/9/10.]

WAC 16-160-220 Suspension, revocation, cancellation, and denial of registrations.

(1) Registrations with the department's organic program, and applications for registration, are governed by chapter 34.05 RCW. The director may deny, suspend, cancel, or revoke a registration with the department, in part or in full, if the director determines that a registrant has failed to meet the registration criteria established under chapter 15.86 RCW or chapter 16-160 WAC, or violated any other provision under chapter 15.86 RCW or chapter 16-160 WAC.

(2) Product applications or listings will be revoked, canceled, or denied if a material fails to meet the standards for approval or is no longer approved for use in organic production, processing, or handling by the National Organic Program.

[Statutory Authority: RCW 15.86.130 and 15.86.140. WSR 23-20-066, § 16-160-220, filed 9/28/23, effective 9/28/23. Statutory Authority: RCW 15.86.060, 15.86.130, and chapter 34.05 RCW. WSR 10-19-018, § 16-160-220, filed 9/8/10, effective 10/9/10.]