



RULE-MAKING ORDER

(RCW 34.05.360)

CR-103 (7/10/97)

| | | | | | | | | |
|--|--|--|------------------------|--|--------------------------------------|---|--|--|
| Agency: Department of Agriculture | | <input checked="" type="checkbox"/> Permanent Rule | | | | | | |
| (1) Date of adoption: January 10, 2003 | | <input type="checkbox"/> Emergency Rule | | | | | | |
| | | <input type="checkbox"/> Expedited Adoption | | | | | | |
| | | <input type="checkbox"/> Expedited Repeal | | | | | | |
| (2) Purpose: Chapter 16-157 WAC sets standards for the certification of organic producers, processors, and handlers. The rule provides the application, inspection, sampling, fee schedule and certification criteria for obtaining organic and transitional certification. The rule adopts the 2001 National Organic Program. Fees are increased to recover the full cost of the program as required by statute. | | | | | | | | |
| (3) Citation of existing rules affected by this order: | | | | | | | | |
| Repealed: WAC 16-157-100, 16-157-110, 16-157-200, 16-157-280 | | | | | | | | |
| Amended: WAC 16-157-020, 16-157-030, 16-157-220 through 16-157-270, 16-157-290 | | | | | | | | |
| Suspended: | | | | | | | | |
| (4) Statutory authority for adoption: Chapter 15.86 RCW | | | | | | | | |
| Other Authority: | | | | | | | | |
| PERMANENT RULE ONLY (Including EXPEDITED ADOPTION) | | | | | | | | |
| Adopted under notice filed as WSR 02-22-088 (11/5/02) and 02-24-006 on 11/21/02 (date). | | | | | | | | |
| Describe any changes other than editing from proposed to adopted version: None | | | | | | | | |
| EMERGENCY RULE ONLY | | | | | | | | |
| Under RCW 34.05.350 the agency for good cause finds: | | | | | | | | |
| <input type="checkbox"/> (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. | | | | | | | | |
| <input type="checkbox"/> (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: | | | | | | | | |
| EXPEDITED REPEAL ONLY | | | | | | | | |
| Under Preproposal Statement of Inquiry filed as WSR _____ on _____ (date) | | | | | | | | |
| (5.3) Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?: | | | | | | | | |
| <input checked="" type="checkbox"/> Yes <input checked="" type="checkbox"/> No <i>mjw</i> If Yes, explain: RCW 15.86.070(2) as amended. Reference chapter 220, Laws of 2002 legislative permission was granted to exceed the fiscal growth factor requirements. | | | | | | | | |
| (6) Effective date of rule: | | CODE REVISER USE ONLY | | | | | | |
| <table border="0"> <tr> <td>Permanent Rules or Expedited Repeal</td> <td>Emergency Rules</td> </tr> <tr> <td><input checked="" type="checkbox"/> 31 days after filing</td> <td><input type="checkbox"/> Immediately</td> </tr> <tr> <td><input type="checkbox"/> Other (specify) _____*</td> <td><input type="checkbox"/> Later (specify)</td> </tr> </table> | | Permanent Rules or Expedited Repeal | Emergency Rules | <input checked="" type="checkbox"/> 31 days after filing | <input type="checkbox"/> Immediately | <input type="checkbox"/> Other (specify) _____* | <input type="checkbox"/> Later (specify) | |
| Permanent Rules or Expedited Repeal | Emergency Rules | | | | | | | |
| <input checked="" type="checkbox"/> 31 days after filing | <input type="checkbox"/> Immediately | | | | | | | |
| <input type="checkbox"/> Other (specify) _____* | <input type="checkbox"/> Later (specify) | | | | | | | |
| * (If less than 31 days after filing, specific finding in 5.3 under RCW 34.05.380(3) is required) | | | | | | | | |
| Name (Type or Print) Valoria H. Loveland | | | | | | | | |
| Signature <i>Valoria H. Loveland</i> | | | | | | | | |
| Title Director | Date 1/10/03 | TIME 4:15 PM WSR 02-03-044 | | | | | | |

**Note: If any category is left blank, it will be calculated as zero.
No descriptive text.**

Count by whole WAC sections only, from the WAC number through the history note.
A section may be counted in more than one category.

The number of sections adopted in order to comply with:

| | | | | | | |
|---|-----|----------|---------|----------|----------|----------|
| Federal statute: | New | <u>0</u> | Amended | <u>0</u> | Repealed | <u>0</u> |
| Federal rules or standards: | New | <u>0</u> | Amended | <u>6</u> | Repealed | <u>4</u> |
| Recently enacted state statutes: | New | <u>0</u> | Amended | <u>0</u> | Repealed | <u>0</u> |

The number of sections adopted at the request of nongovernmental entity:

| | | | | | | |
|--|-----|----------|---------|----------|----------|----------|
| | New | <u>0</u> | Amended | <u>0</u> | Repealed | <u>0</u> |
|--|-----|----------|---------|----------|----------|----------|

The number of sections adopted in the agency's own initiative:

| | | | | | | |
|--|-----|----------|---------|-----------|----------|----------|
| | New | <u>1</u> | Amended | <u>10</u> | Repealed | <u>4</u> |
|--|-----|----------|---------|-----------|----------|----------|

The number of sections adopted in order to clarify, streamline, or reform agency procedures:

| | | | | | | |
|--|-----|----------|---------|----------|----------|----------|
| | New | <u>0</u> | Amended | <u>0</u> | Repealed | <u>0</u> |
|--|-----|----------|---------|----------|----------|----------|

The number of sections adopted using:

| | | | | | | |
|---------------------------------------|-----|--|---------|--|----------|--|
| Negotiated rule making: | New | | Amended | | Repealed | |
| Pilot rule making: | New | | Amended | | Repealed | |
| Other alternative rule making: | New | | Amended | | Repealed | |

AMENDATORY SECTION (Amending WSR 02-10-090, filed 4/29/02, effective 5/30/02)

WAC 16-157-020 Adoption of the National Organic Program. The 2001 National Organic Program final rule, (~~((subparts A, C, D, E, sections 205.102 through 205.105, and sections 205.600 through 205.606))~~) 7 CFR Part 205, effective April 21, 2001, is adopted by reference as Washington state standards for the production and handling of organic crops, livestock and processed food products. The (~~((applicable sections of the))~~) 2001 National Organic Program final rule may be obtained from the department.

AMENDATORY SECTION (Amending WSR 02-10-090, filed 4/29/02, effective 5/30/02)

WAC 16-157-030 Definitions. As used in this chapter:

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

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

(3) (~~((("Distribute" means to offer for sale, hold for sale, sell, barter, deliver, or supply materials in this state.~~

~~((4)))~~ "Facility" includes, but is not limited to, any premises, plant, establishment, facilities and the appurtenances thereto, in whole or in part, where organic food is prepared, handled, or processed in any manner for resale or distribution to retail outlets, restaurants, and any such other facility selling or distributing to the ultimate consumer.

(~~((5) "Growing medium" means the material utilized by fungi as a substrate for growth.~~

(~~6) "Growing medium amendment" means a nutritional supplement added to the growing medium to enhance vigor and yields.~~

(~~7) "Handle" means to sell, arrange the sale of, represent, process, distribute or package organic food products.~~

(~~8) "Handler" means any person who sells, arranges the sale of, represents, processes, distributes, or packs organic food products.~~

(~~9) "Label" means all written, printed, or graphic material on the immediate container or accompanying or representing the product.~~

(~~10) "Labeling" means all labels and other written, printed, or graphic matter (a) upon any article or any of its containers or wrappers, or (b) accompanying or representing such article.~~

~~(11))~~ (4) "New applicant" means any person that applies for organic certification for the first time, or when previous certification status has expired for at least one year.

~~((12)~~ "Organic food product" means any agricultural product, including fruit, vegetable, meat, dairy, beverage and grocery, that is marketed using the term organic or any derivative of the term organic in its labeling or advertising, including using the term organic on the principal display panel, ingredients list or other locations on the label.

~~(13)~~ "Person" means any natural person, firm, partnership, exchange, association, trustee, receiver, corporation, and any other member, officer, or employee thereof or assignee for the benefit of creditors.

~~(14)~~ "Principal display panel" means that portion of the package label that is most likely seen by the consumer at the time of purchase.

~~(15))~~ (5) "Processor" means any handler engaged in the canning, freezing, drying, dehydrating, cooking, pressing, powdering, packaging, baking, heating, mixing, grinding, churning, separating, extracting, cutting, fermenting, eviscerating, preserving, jarring, slaughtering or otherwise processing organic food.

~~((16)~~ "Producer" means any person or organization who or which grows, raises or produces an agricultural product.

~~(17)~~ "Prohibited" means any material or practice which does not meet the required criteria or standards for use in the production or handling of organic or transitional agricultural products.

~~(18))~~ (6) "Renewal applicant" means any person that has received organic certification from the department in the previous year.

~~((19)~~ "Retail facility" means any facility, in whole or in part, that sells organic food products directly to consumers.

~~(20))~~ (7) "Retailer" means any handler that sells organic food products directly to consumers.

~~((21))~~ (8) "Sale" means selling, offering for sale, holding for sale, preparing for sale, trading, bartering, offering a gift as an inducement for sale of, and advertising for sale in any media.

~~((22))~~ (9) "Site" means a defined field, orchard, block, pasture, paddock, garden, circle, plot or other designated area.

~~((23)~~ "Spawn" means a medium that has been colonized with the desired fungal mycelia. It is used to inoculate growing medium.

~~(24))~~ (10) "Transitional ((food)) product" means any agricultural product that (a) is marketed using the term transitional in its labeling and advertising and (b) satisfies all of the requirements of organic ((food)) except that it has had no applications of prohibited substances within one year prior to the harvest of the crop.

AMENDATORY SECTION (Amending WSR 02-10-090, filed 4/29/02, effective 5/30/02)

WAC 16-157-220 Producer fee schedule. Producers who wish to apply for the organic food certification program must apply to the department each year.

(1) The cost per application shall be based on the following fee schedule.

(a) Renewal applicants -

Application fees (~~are~~) must be based on the previous calendar year's sales of organic food. In the event that the current calendar year's sales exceed the previous year's sales, the department may bill the producer for the additional fee. In the event that the current calendar year's sales are less than the previous year's sales, the producer may request a refund for the reduced fee. In addition, renewal applications postmarked after March 1, (~~shall~~) must pay a late fee of (~~fifty~~) seventy-five dollars. Renewal applicants that are adding additional sites to their organic certification must pay a new site fee of fifty dollars for each additional site.

(b) New applicants -

Application fees (~~shall~~) must be based on an estimate of the current year's sales of organic food. In the event that the current calendar year's sales exceed the estimate, the department may bill the producer for the additional fee. In the event that the current calendar year's sales are less than the estimate, the producer may request a refund for the reduced fee. In addition, new applicants must pay a (~~seventy-five~~) one hundred dollar new applicant fee. New applicants that are seeking organic certification for more than one site must pay a site fee of fifty dollars for each additional site. The fee shall accompany the application.

| SALES | ANNUAL FEE |
|----------------------------------|------------------------------|
| \$ 0 - | (\$12,000) \$ 165 |
| \$12,001 -) \$ 15,000 | \$ 200 |
| \$ 15,001 - | \$ (220) 225 |
| \$ 20,001 - | \$ (275) 280 |
| \$ 25,001 - | \$ (330) 335 |
| \$ 30,001 - | \$ (385) 390 |
| \$ 35,001 - | \$ (465) 470 |
| \$ 42,501 - | \$ (550) 560 |
| \$ 50,001 - | \$ (660) 670 |
| \$ 65,001 - | \$ (825) 835 |
| \$ 80,001 - | \$ (990) 1,000 |
| \$100,001 - | \$ (1,100) 1,150 |
| \$125,001 - | \$ (1,150) 1,300 |
| \$150,001 - | \$ (1,320) 1,450 |
| \$175,001 - | \$ (1,375) 1,600 |
| \$200,001 - | \$ (1,540) 1,750 |
| \$240,001 - | \$ (1,595) 1,900 |
| \$280,001 - | \$ (1,650) 2,050 |
| \$325,001 - | \$ (1,720) 2,200 |
| \$375,001 - | \$ (2,200) 2,450 |

| SALES | | ANNUAL FEE |
|-----------------------|--------------------|--|
| \$425,001 - | \$500,000 |\$((2,200)) 2,700 |
| \$500,001 - | \$750,000 |\$((2,750)) 3,000 |
| (\$750,001 | and up |\$2,000 |
| | | plus 0.10% of gross organic sales)) |
| <u>\$750,001</u> - | <u>\$7,000,000</u> |\$2,200 plus 0.11% of gross organic sales |
| <u>over</u> | <u>\$7,000,000</u> |\$10,000 |

(2) Transitional acreage fee - In addition to the producer application fee, each applicant (~~shall~~) must pay a fee of five dollars per acre for the land for which they are requesting transitional certification.

AMENDATORY SECTION (Amending WSR 02-10-090, filed 4/29/02, effective 5/30/02)

WAC 16-157-230 Processor fee schedule. Processors who wish to apply for the organic food certification program must apply to the department each year. Producers that process their own organic products pay application and certification fees under WAC 16-157-220.

(1) **Application fee.**

(a) **Renewal applicants** - Application fees are (~~(one)~~) two hundred (~~(fifty)~~) dollars per facility. In addition, renewal applications postmarked after March 1, must pay a late fee of (~~(fifty)~~) seventy-five dollars.

(b) **New applicants** - Application fees are (~~(one)~~) two hundred (~~(fifty)~~) dollars per facility. In addition, new applicants must pay a (~~(seventy-five)~~) one hundred dollar new applicant fee.

(2) **Certification fee** - A certification fee based on the following fee schedule must accompany the application. Certification fees are assessments on the organic products in each category. New applicants must base certification fees on an estimate of sales in each category. Renewal applicants must base certification fees on the previous calendar year's sales in each category. Applicants may have food products in more than one category.

Category I - Organic food products: Products labeled as "organic" or "one hundred percent organic" are assessed (~~(at 0.275%)~~) 0.30% of the previous calendar year's sales for the first million dollars and (~~(0.10%)~~) 0.11% for sales above one million dollars.

Category II - Made with organic food products: Products labeled as "made with organic ingredients" are assessed (~~(0.175%)~~) 0.20% of the previous calendar year's sales for the first million dollars and (~~(0.06%)~~) 0.07% for sales above one million dollars.

Category III - Food products with organic ingredients: Products packaged for retail sales that limit their organic claims

to the information panel are assessed (~~(0.10%)~~) 0.11% of the previous calendar year's sales for the first million dollars and (~~(0.30%)~~) 0.04% for sales above one million dollars.

Category IV - Custom organic food products: Products produced by processors who charge a service fee to organic manufacturers for processing organic food are assessed at (~~(0.35%)~~) 0.40% of the previous calendar year's service fees received for processing organic food for the first million dollars and (~~(0.10%)~~) 0.11% for service fees above one million dollars.

In the event that the current calendar year's sales (or service fees) exceed the previous year's sales (or service fees) or estimate of sales, the department may bill the applicant for the additional certification fee. In the event that the current calendar year's sales (or service fees) are less than the previous year's gross sales (or service fees) or estimate of sales, the applicant may request a refund for the reduced certification fee.

AMENDATORY SECTION (Amending WSR 02-10-090, filed 4/29/02, effective 5/30/02)

WAC 16-157-240 Handler fee schedule. Handlers who wish to apply for the organic food certification program must apply to the department each year. Handlers that process organic food products must apply for organic certification under WAC 16-157-230. Retailers who wish to apply for the organic food certification program must apply for organic certification under WAC 16-157-245. Producers that handle only their own organic products do not need to obtain separate certification as handlers. All other handlers of organic food products may apply for organic certification under this section.

(1) Renewal applicants. Application fees must be based on the previous calendar year's sales of organic food. In the event that the current calendar year's sales exceed the previous year's sales, the department may bill the handler for the additional fee. In the event that the current calendar year's sales are less than the previous year's sales, the (~~(producer)~~) handler may request a refund for the reduced fee. In addition, renewal applications postmarked after March 1 must pay a late fee of (~~(fifty)~~) seventy-five dollars.

(2) New applicants. Application fees must be based on an estimate of the current year's sales of organic food. In the event that the current calendar year's sales exceed the estimate, the department may bill the handler for the additional fee. In the event that the current calendar year's sales are less than the estimate, the handler may request a refund for the reduced fee. In addition, new applicants must pay a (~~(seventy-five)~~) one hundred dollar new applicant fee.

(3) The cost per facility must be based on the following fee

schedule. The appropriate fee must accompany the application.

| ORGANIC SALES | | FEE |
|-----------------------------|-----------------------------|----------------------|
| ((Sales under | \$ 25,000 | \$ 75 |
| \$ 25,001) \$ 0 | \$ 50,000 | \$ ((150)) 200 |
| \$ 50,001 | \$ 75,000 | \$ ((225)) 250 |
| \$ 75,001 | \$ 100,000 | \$ ((300)) 330 |
| \$ 100,001 | \$ 200,000 | \$ ((400)) 440 |
| \$ 200,001 | \$ 300,000 | \$ ((500)) 550 |
| \$ 300,001 | \$ 400,000 | \$ ((600)) 660 |
| \$ 400,001 | \$ 500,000 | \$ ((700)) 770 |
| \$ 500,001 | \$ 750,000 | \$ ((900)) 990 |
| \$ 750,001 | \$ 1,000,000 | \$ ((1,000)) 1,100 |
| \$1,000,001 | \$ 1,250,000 | \$ ((1,250)) 1,375 |
| \$1,250,001 | \$ 1,500,000 | \$ ((1,500)) 1,650 |
| \$1,500,001 | \$ 2,000,000 | \$ ((2,000)) 2,200 |
| \$2,000,001 | \$ 2,500,000 | \$ ((2,500)) 2,750 |
| \$2,500,001 | \$ 3,000,000 | \$ ((3,000)) 3,300 |
| \$3,000,001 | \$ 4,000,000 | \$ ((3,500)) 3,850 |
| \$4,000,001 | \$ 5,000,000 | \$ ((4,000)) 4,400 |
| \$5,000,001 | \$ 6,000,000 | \$ ((5,000)) 5,500 |
| \$6,000,001 | \$ 7,000,000 | \$ ((6,000)) 6,600 |
| \$7,000,001 | \$ 8,000,000 | \$ ((7,000)) 7,700 |
| \$8,000,001 | \$ 9,000,000 | \$ ((8,000)) 8,800 |
| \$9,000,001 | \$10,000,000 | \$ ((9,000)) 9,900 |
| over | \$((10,000,001)) 10,000,000 | \$ ((10,000)) 11,000 |

NEW SECTION

WAC 16-157-245 Retailer fee schedule. Retailers who wish to apply for the organic food certification program must apply to the department each year.

(1) Renewal applicants. Application fees must be based on the previous calendar year's sales of organic products. In the event that the current calendar year's sales exceed the previous year's sales, the department may bill the retailer for the additional fee. In the event that the current calendar year's sales are less than the previous year's sales, the retailer may request a refund for the reduced fee. In addition, renewal applications postmarked after March 1 must pay a late fee of seventy-five dollars.

(2) New applicants. Application fees must be based on an estimate of the current year's sales of organic food. In the event that the current calendar year's sales exceed the estimate, the department may bill the retailer for the additional fee. In the event that the current calendar year's sales are less than the estimate, the retailer may request a refund for the reduced fee. In addition, new applicants must pay a one hundred dollar new applicant fee.

(3) The cost per facility must be based on the following fee

schedule. The appropriate fee must accompany the application.

| ORGANIC SALES | | FEE |
|---------------|---|-------------------|
| \$ 0 | - | \$100,000 |
| \$100,001 | - | \$500,000 |
| \$500,001 | - | \$1,000,000 |
| \$1,000,001 | - | \$2,000,000 |
| \$2,000,001 | - | \$3,000,000 |
| \$3,000,001 | - | \$4,000,000 |
| \$4,000,001 | - | \$5,000,000 |
| over | - | \$5,000,000 |

AMENDATORY SECTION (Amending WSR 02-10-090, filed 4/29/02, effective 5/30/02)

WAC 16-157-250 Inspections. The director shall make at least one inspection and any additional inspections deemed necessary to each applicant each year to determine compliance with this chapter and chapter 15.86 RCW and rules adopted pursuant to chapter 15.86 RCW. This inspection may entail a survey of required records, examination of fields, facilities and storage areas, and any other information deemed necessary by the requirements of this chapter.

~~((Two inspections))~~ The annual on-site inspection and any additional inspections conducted for collecting samples or for surveillance within the state of Washington are provided for under the application and certification fees. Additional inspections, if necessary to determine compliance or requested, will be charged to the applicant at the rate of ~~((thirty))~~ forty dollars per hour plus mileage set at the rate established by the state office of financial management. Out-of-state inspections, if necessary or requested, shall be at the rate of ~~((30))~~ \$40/hr. plus transportation costs.

AMENDATORY SECTION (Amending WSR 02-10-090, filed 4/29/02, effective 5/30/02)

WAC 16-157-255 Sampling. A representative sample of the product may be tested for pesticide or other contaminants whenever the director deems it necessary for certification or maintenance of certification. ~~((One))~~ Sample analysis is provided under the application and certification fees. ~~((Additional samples, if required for certification or maintenance of certification by the director, or requested by the applicant, will be charged to the applicant at a rate established by the laboratory services division of the department of agriculture. If an additional visit must be~~

~~arranged to obtain a sample, it will be charged at the rate of thirty dollars per hour plus mileage set at the rate established by the state office of financial management.))~~

AMENDATORY SECTION (Amending WSR 02-10-090, filed 4/29/02, effective 5/30/02)

WAC 16-157-260 Organic and transitional producer certification. (1) ~~((The conditions for obtaining organic and transitional producer certification are the following:~~

~~(a) Inspection of the applicant by the department of agriculture showed no use of prohibited materials or practices as defined in chapter 15.86 RCW or rules adopted thereunder, and~~

~~(b) Recordkeeping practices meet the requirements specified in rules adopted under chapter 15.86 RCW; and~~

~~(c) Analysis of samples taken by the department of agriculture showed no prohibited substance usage or contamination; and~~

~~(d) No application of prohibited substances, as defined in chapter 16-154 WAC, has been applied to the site being certified for.~~

~~• At least three years prior to the harvest of organic food; or~~

~~• At least one year prior to the harvest of transitional food.))~~

Organic producers certified under this chapter may use the ~~((attached))~~ organic producer logo, found in WAC 16-157-275, to identify organic ~~((food))~~ products.

Transitional producers certified under this chapter may use the ~~((attached))~~ transitional producer logo, found in WAC 16-157-275, to identify transitional ~~((food))~~ products.

(2) ~~((For each site,))~~ The director must review the application, inspection report and results of any samples collected to determine that the producer has complied with the conditions for organic or transitional ~~((food))~~ certification ~~((on that site)).~~ ~~((For each site,))~~ A certificate will be issued when the director determines that the producer has complied with the conditions for organic or transitional ~~((food))~~ producer certification ~~((on that site)).~~

~~((3) In no event shall organic food products be distributed or sold prior to the issuing of an organic food certificate by the department of agriculture for that year. New applicants and new sites must be inspected by the department before an organic food certificate is issued.~~

(4) Beginning in the year 2002, each site must meet the following conditions prior to the issuance of an organic food producer certificate for that site:

(a) The site must have been previously certified as organic; or

~~(b) The site must have been certified as second year transitional in the previous year; or~~

~~(c) The producer has documentation that verifies that the site was in pasture or not being farmed during the previous two years; or~~

~~(d) The department determines that the site was producing organic crops in the previous year and the producer was exempted from certification under RCW 15.86.090 (2) (b).~~

~~(5) Beginning in the year 2003, prior to the issuance of a second year transitional food producer certificate:~~

~~(a) The site must have been certified as first year transitional in the previous year; or~~

~~(b) The producer has documentation that verifies that the site was in pasture or not being farmed during the previous year; or~~

~~(c) The department determines that the site was producing first year transitional crops in the previous year and the producer was exempted from certification under RCW 15.86.090 (2) (b).))~~

AMENDATORY SECTION (Amending WSR 02-10-090, filed 4/29/02, effective 5/30/02)

WAC 16-157-270 Organic food processor and handler certification. (1) ~~((The conditions of organic food processor and handler certification are the following:~~

~~(a) Inspection of the processor or handler by the department of agriculture showed no use of prohibited materials or practices as defined in chapter 15.86 RCW or rules adopted thereunder; and~~

~~(b) Recordkeeping practices meet the requirements specified in rules adopted under chapter 15.86 RCW; and~~

~~(c) Analysis of samples taken by the department of agriculture showed no prohibited substance usage or contamination.~~

~~(2)) The director must review the application, inspection report and results of any samples collected to determine that the processor or handler has complied with the conditions for organic food certification. An organic food certificate will be issued when the director determines that the processor or handler has complied with the conditions for organic food certification.~~

~~((3) In no event shall organic food products be processed or handled by a facility prior to the issuing of an organic food certificate by the department of agriculture for that year. New applicants must be inspected by the department before an organic food certificate is issued.~~

~~(4)) (2) Processors certified under this chapter may use the ((attached)) organic processor logo, found in WAC 16-157-275, to identify organic ((food)) products processed by the facility.~~

~~((5)) (3) Handlers certified under this chapter may use the ((attached)) organic handler logo, found in WAC 16-157-275, to identify organic ((food)) products handled by the facility.~~

AMENDATORY SECTION (Amending WSR 02-10-090, filed 4/29/02, effective 5/30/02)

WAC 16-157-290 Export and transaction certificates. (1)

Organic export and transaction certificates are issued to verify that a specific shipment of organic food products has been produced, processed, and handled in accordance with (~~chapter 15.86 RCW and rules adopted thereunder~~) the 2001 National Organic Program, 7 CFR Part 205 or a foreign organic standard.

(2) Applications for export and transaction certificates must be submitted on forms furnished by the department. The applicant must furnish all information requested on the application. A separate application must be made for each export and transaction certificate.

(3) The fee for export and transaction certificates shall be (~~thirty~~) forty dollars per application.

REPEALER

The following sections of the Washington Administrative Code are repealed:

| | |
|----------------|--------------------------------|
| WAC 16-157-100 | Land requirements. |
| WAC 16-157-110 | Records. |
| WAC 16-157-200 | Application for certification. |
| WAC 16-157-280 | Decertification. |